

**AGENDA
CITY OF ALLEN
CITY COUNCIL WORKSHOP MEETING
AUGUST 12, 2008 – 6:00 P.M.
COUNCIL CONFERENCE ROOM
ALLEN CITY HALL
305 CENTURY PARKWAY**

Call to Order and Announce a Quorum is Present.

Questions on Current Agenda.

Items of Interest.

1. Introduction of Jane Bennett, Chair of the Allen Public Art Advisory Committee –
Peter H. Vargas, City Manager
2. Update Regarding the Arts Alliance and the Status of the Arts in Allen –
Kathy Litinas, President
3. Preview of the Online Registration System for the Parks and
Recreation Department –
Lori Smeby, Assistant Director of Parks and Recreation
Tim Dentler, Director of Parks and Recreation
4. Committee Updates from City Council Liaisons –
5. Other Items –

Adjourn to Regular Meeting.

- open to the public -

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, August 8, 2008, at 5:00 p.m.

Shelley B. George, City Secretary

Allen City Hall is wheelchair accessible. Access to the building and special parking are available at the entrance facing Century Parkway. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 214.509.4105.

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| CITY COUNCIL AGENDA COMMUNICATION |
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AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Preview of the Parks and Recreation Department's Online Registration System

STAFF RESOURCE: Lori Smeby, Assistant Director of Parks and Recreation
Tim Dentler, Director of Parks and Recreation

PREVIOUS COUNCIL ACTION: None

BACKGROUND

Several months ago, the Parks and Recreation Department entered into an agreement with Active LTD., provider of the department's class registration software, to provide off-site hosting for its online registration services. Staff has been working with consultants from Active LTD. since March to develop and implement the registration site. The Parks and Recreation Department will be launching its online registration system during registration for Fall 2008 programs. Prior to that, a soft launch with a select group of customers will be conducted. Staff will offer a preview of the online registration site to Council.

**AGENDA
CITY OF ALLEN
CITY COUNCIL REGULAR MEETING
AUGUST 12, 2008 – 7:00 P.M.
COUNCIL CHAMBERS
ALLEN CITY HALL
305 CENTURY PARKWAY**

Call to Order and Announce a Quorum is Present.

Pledge of Allegiance.

Public Recognition.

1. Citizens' Comments. *[The City Council invites citizens to speak to the Council on any topic not on the agenda or not already scheduled for Public Hearing. Prior to the meeting, please complete a "Public Meeting Appearance Card" and present it to the City Secretary. The time limit is three minutes per speaker, not to exceed a total of fifteen minutes for all speakers.]*
2. Recognition of the City of Allen Finance Department as the Recipient of the *Distinguished Budget Presentation Award* by the Government Finance Officers Association.
3. Presentation of the Annual Report of the Allen Public Art Advisory Committee.

Consent Agenda. *[Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.]*

4. Approve Minutes of the July 22, 2008, Regular Meeting.
5. Adopt an Ordinance Amending Ordinance No. 2636-6-07 to Correct a Scrivener's Error to Attach the Concept Plan.

6. Authorize the City Manager to Execute a Contract with Jim Bowman Construction Company in the Amount of \$355,853.05 for Construction Services for the Country Brook Lane Extension Project and Amend the Project Budget to \$535,000.
7. Receive the Financial Report for the Period Ending June 30, 2008.
8. Receive the Investment Report for the Period Ending June 30, 2008.

Regular Agenda.

9. Conduct a Public Hearing on the Budget as Required by Article IV, Section 4.04 of the Allen City Charter.
10. Conduct a Public Hearing Regarding the Fiscal Year 2008-2009 City Tax Rate.
11. Adopt an Ordinance Establishing the City of Allen's Water Conservation and Drought Contingency and Water Emergency Response Plan.
12. Motion to Confirm Appointments of Councilmembers as Liaisons to City Boards and Commissions, as Nominated by Mayor Terrell.
13. Motion to Confirm City Council Appointments to the Various Nominating Committees for the Appointment of Boards and Commissions for Fiscal Year 2008-09.

Other Business.

14. Calendar.
 1. August 12-15 — 11th Annual Transportation Summit/Irving
 1. October 29-31 — TML Annual Conference

Executive Session. (As needed)

Legal, Section 551.071; Property, Section 551.072; Personnel, Section 551.074.
As authorized by Section 551.071(2) of the Texas Government Code, the Workshop Meeting and/or the Regular Agenda may be Convened into Closed Executive Session for the Purpose of Seeking Confidential Legal Advice from the City Attorney on any Agenda Item Listed Herein.

(Closed to Public as Provided in the Texas Government Code.)

15. Reconvene and Consider Action on Items Discussed during Executive Session.

Adjournment.

This notice was posted at Allen City Hall, 305 Century Parkway, Allen, Texas, at a place convenient and readily accessible to the public at all times. Said notice was posted on Friday, August 8, 2008, at 5:00 p.m.

Shelley B. George, City Secretary

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| CITY COUNCIL AGENDA COMMUNICATION |
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AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Distinguished Budget Presentation Award

STAFF RESOURCE: Kevin Hammeke, Finance Director
Trish Featherston, Budget Manager

ACTION PROPOSED: Present the Award on behalf of the Finance Department

BACKGROUND

The Government Finance Officers Association (GFOA) of the United States and Canada has awarded the Finance Department of the City of Allen the Distinguished Budget Presentation Award for its Fiscal Year 2007-2008 budget document. The award reflects the commitment of the City Council and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the City had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as a policy document, a financial plan, an operations guide, and a communications device. The GFOA's Distinguished Budget Presentation Awards Program is the only national awards program in governmental budgeting.

This is the ninth consecutive year for the City of Allen to receive the GFOA Distinguished Budget Presentation Award.

CITY COUNCIL AGENDA COMMUNICATION

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Presentation of the Allen Public Art Advisory Committee's Annual Report

STAFF RESOURCE: Lori Smeby, Assistant Director of Parks and Recreation

PREVIOUS COUNCIL ACTION: None

BACKGROUND

The Allen Public Art Advisory Committee was established by ordinance in August 2005 for the purpose of advising the City on the integration of public art into the community. This will be the committee's first annual report following successful passage of the 2007 bond election which allocated up to 2% for public art projects. Jane Bennett, Advisory Committee Chair, will present an overview of the committee's activities.

ALLEN CITY COUNCIL

REGULAR MEETING

JULY 22, 2008

Present:

Stephen Terrell, Mayor

Councilmembers:

Debbie Stout, Mayor Pro Tem

Ross Obermeyer

Joey Herald (absent)

Robin L. Sedlacek

Gary L. Caplinger

Jeff McGregor (absent)

City Staff:

Peter H. Vargas, City Manager

Shelli Siemer, Assistant City Manager

Shelley B. George, City Secretary

Pete Smith, City Attorney (absent)

Joe Gorfida, Attorney

Workshop Session

With a quorum of the Councilmembers present, the Workshop Session of the Allen City Council was called to order by Mayor Terrell at 6:13 p.m. on Tuesday, July 22, 2008, in the Council Conference Room of the Allen City Hall, 305 Century Parkway, Allen, Texas. Items discussed in the workshop included:

- Update Regarding Various Construction Projects
- Briefing Regarding the Contract with Hunt Construction Group for the Construction of the Allen Event Center Project

With no further discussion, the Workshop Session of the Allen City Council was adjourned at 6:55 p.m. on Tuesday, July 22, 2008.

Call to Order and Announce a Quorum is Present

With a quorum of the Councilmembers present, the Regular Meeting of the Allen City Council was called to order by Mayor Terrell at 7:04 p.m. on Tuesday, July 22, 2008, in the Council Chambers of the Allen City Hall, 305 Century Parkway, Allen, Texas.

Pledge of Allegiance

Public Recognition

**ALLEN CITY COUNCIL
REGULAR MEETING
JULY 22, 2008**

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1. **Citizens' Comments.**
2. **Recognition of the Keep Texas Beautiful Award Winners from the City of Allen by the City Council and the Keep Allen Beautiful Board.**
 - Ed Davis Litter Law Enforcement Award, First Place – Tom Wylie, Deputy Constable, Collin County Precinct 3
 - The Sadie Ray Graff Education Leadership Award, First Place - Allen High School DECA
 - The Ebby Halliday and Maurice Acers Business/Industry Award, Second Place - Montgomery Farm
 - Civic Organization Leadership Award, Third Place - Leadership Allen, Class XVIII
 - Ruthe Jackson Youth Leadership Award, Second Place - Matt Borders, Eagle Scout
3. **Recognition of City of Allen Planning and Development Department as the Recipient of Three Awards from the South Central Arc User Group.**
 - Most Creative Poster, First Place
 - Most Informative, Second Place
 - Map Book, Third Place

Consent Agenda

MOTION: Upon a motion made by Councilmember Sedlacek and a second by Councilmember Caplinger, the Council voted five (5) for and none (0) opposed to adopt items on the Consent Agenda as follows:

4. **Approve Minutes of the July 8, 2008, Regular Meeting.**
5. **Adopt an Ordinance Amending Ordinance No. 2404-5-05, Increasing the Franchise Fee Payable by Atmos Energy Corporation, Mid-Tex Division from 4% to 5%.**

ORDINANCE NO. 2752-7-08: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 2405-5-05, THE EXISTING FRANCHISE GRANTED TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION; BY INCREASING THE FRANCHISE FEE PAYABLE BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION, FOR USE OF PUBLIC RIGHTS-OF-WAY IN THE CITY OF ALLEN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION.

6. **Adopt a Resolution to Suspend Oncor Electric Delivery Company's Requested Rate Change to Increase Electric Utility Rates.**

RESOLUTION NO. 2753-7-08(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, SUSPENDING THE AUGUST 8, 2008, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE

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MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

7. **Adopt a Resolution Authorizing the City Manager to Execute an Interlocal Agreement by and between the City of Wichita Falls, Texas, and the City of Allen for the City of Allen's Use of the City of Wichita Falls Supplier Contracts.**

RESOLUTION NO. 2754-7-09(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF ALLEN, TEXAS, AND WICHITA FALLS, TEXAS, PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES; DESIGNATING THE CITY MANAGER, OR HIS DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE; AND PROVIDING AN EFFECTIVE DATE.

8. **Motion to Authorize the City Manager to Execute Amendment Number One for AIA Contract A121 with Hunt Construction Group for an Amount of \$38,496,239 Establishing a Guaranteed Maximum Price for the Construction of the Allen Event Center Project.**
9. **Acknowledge Receipt of the Proposed 2008-2009 City Budget and the Proposed 2009-2013 Capital Improvement Program as Submitted by the City Manager in Accordance with Article IV, Section 4.02 of the City Charter.**
10. **Motion to Reappoint Ms. Maxine Sweet to Place No. 4 of the Allen Economic Development Corporation.**
11. **Receive the Capital Improvement Program Status Report.**
12. **Receive the Summary of Property Tax Collections as of June 2008.**

The motion carried.

Regular Agenda

13. **Conduct a Public Hearing and Adopt an Ordinance Granting a Zoning Amendment to Tracts J and H of PD Planned Development No. 92, Starcreek Residential Subdivision, to Amend the Lot Coverage from 35% to 45%, and Required Set-back for Garage Doors to be Equal to the Front Set-back for each Lot Plus an Additional 10 Feet.**

Mayor Terrell opened the Public Hearing and asked for anyone speaking either for or against the request to do so.

With no one speaking, Mayor Terrell closed the Public Hearing.

ORDINANCE NO. 2755-7-08: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE ALLEN LAND DEVELOPMENT CODE

**ALLEN CITY COUNCIL
REGULAR MEETING
JULY 22, 2008**

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ZONING REGULATIONS AND ZONING MAP, AS PREVIOUSLY AMENDED, BY AMENDING "PD" PLANNED DEVELOPMENT NO. 92, ORDINANCE NO. 2272-3-04, BY AMENDING THE DEVELOPMENT REGULATIONS FOR TRACT J FOR THE R-3 RESIDENTIAL LOTS BY INCREASING THE LOT COVERAGE AND AMENDING THE GARAGE DOOR SET-BACKS FOR 44.412± ACRES IN THE FRANCIS DOSSER SURVEY, ABSTRACT NO. 280, AND THE GEORGE FITZHUGH SURVEY, ABSTRACT NO. 321, CITY OF ALLEN, COLLIN COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Councilmember Sedlacek, the Council voted five (5) for and none (0) opposed to adopt Ordinance No. 2755-7-08, as previously captioned, granting a zoning amendment to Tract J of PD Planned Development No. 92, Starcreek Residential Subdivision, to amend the lot coverage from 35% to 45%, and required set-back for garage doors to be equal to the front set-back for each lot plus an additional 10 feet. The motion carried.

14. Conduct a Public Hearing and Adopt a Resolution Approving the 2008-2009 Annual Action Plan for the Community Development Block Grant Program.

Mayor Terrell opened the Public Hearing and asked for anyone speaking either for or against the request to do so.

Chris Hendricks, ACO, thanked the City for the opportunity of funding for FY 2008-09.

With no one else speaking, Mayor Terrell closed the Public Hearing.

RESOLUTION NO. 2756-7-08(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, APPROVING THE 2008-2009 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN; AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Mayor Pro Tem Stout and a second by Councilmember Obermeyer, the Council voted five (5) for and none (0) opposed to adopt Resolution No. 2756-7-08(R), as previously captioned, approving the 2008-2009 Annual Action Plan for the Community Development Block Grant (CDBG) Program. The motion carried.

15. Adopt an Ordinance Amending the Code of Ordinances by Adding a New Section Titled "Administrative Fees" to Provide for the Establishment of an Online Transaction Fee and Approve a Resolution Setting an Online Transaction Fee of \$1.00 Relating to Utility Billing and Parks and Recreation.

ORDINANCE NO. 2757-7-08: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 2 "ADMINISTRATION" BY AMENDING ARTICLE I BY ADDING A

**ALLEN CITY COUNCIL
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JULY 22, 2008**

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NEW SECTION 2-10 TITLED "ADMINISTRATIVE FEES" TO PROVIDE FOR THE ESTABLISHMENT OF AN ONLINE TRANSACTION FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Caplinger and a second by Mayor Pro Tem Stout, the Council voted five (5) for and none (0) opposed to adopt Ordinance No. 2757-7-08, as previously captioned, amending the Code of Ordinances by adding a new section titled "Administrative Fees" to provide for the establishment of an online transaction fee. The motion carried.

RESOLUTION NO. 2758-7-08(R): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING AN ADMINISTRATIVE FEE FOR ALL ONLINE TRANSACTIONS; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Councilmember Caplinger, the Council voted five (5) for and none (0) opposed to adopt Resolution No. 2758-7-08(R), as previously captioned, setting an online transaction fee of \$1.00 relating to Utility Billing and Parks and Recreation. The motion carried.

16. Set August 12, 2008, as the First Public Hearing Date and August 26, 2008, as the Second Public Hearing Date Regarding the Fiscal Year 2008-2009 City Tax Rate.

MOTION: Upon a motion made by Mayor Pro Tem Stout and a second by Councilmember Sedlacek, the Council voted five (5) for and none (0) opposed to set Tuesday, August 12, 2008, and Tuesday August 26, 2008, at 7:00 P.M. at Allen City Hall, One Allen Civic Plaza, 305 Century Parkway, Allen, Texas, as the dates, time, and place for the first and second Public Hearings on the proposed City Tax Rate of 55.7 cents per \$100 of appraised value for the Fiscal Year 2008-2009. The motion carried.

17. Set August 12, 2008, as the First Public Hearing Date and August 26, 2008, as the Second Public Hearing Date Regarding the Fiscal Year 2008-2009 City Budget.

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Mayor Pro Tem Stout, the Council voted five (5) for and none (0) opposed to set Tuesday, August 12, 2008, and Tuesday, August 26, 2008, at 7:00 P.M. at Allen City Hall, One Allen Civic Plaza, 305 Century Parkway, Allen, Texas, as the dates, time, and place for the first and second Public Hearings on the City's Proposed Fiscal Year 2008-2009 Budget in accordance with Article IV, Section 4.04 of the City Charter. The motion carried.

Other Business

18. Calendar.

- July 24 - Allen Event Center Groundbreaking/11 a.m. to 1 p.m.
- July 26 - Ribbon Cuttings at Various Neighborhood Parks

19. Items of Interest.

**ALLEN CITY COUNCIL
REGULAR MEETING
JULY 22, 2008**

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Council recognized Boy Scouts with Troops 306 and 224 for their efforts in working towards the communications and citizenship merit badges.

The Regular Session was recessed at 7:48 p.m.

Executive Session

In accordance with the Texas Government Code, the Allen City Council reconvened into Executive Session at 8:00 p.m. on Tuesday, July 22, 2008, in the Council Conference Room, 305 Century Parkway, Allen, Texas, in order to continue discussing matters pertaining to:

- 20. Personnel Pursuant to Section 551.074 of the Texas Government Code – Discuss Appointments to the Following: Allen Economic Development Corporation – This item was not discussed.**
- 21. Pursuant to Legal, Section 551.071 of the Texas Government Code – Consultation with City Attorney Regarding *Brookside v. LLG and the City of Allen*.**

The Executive Session adjourned at 8:20 p.m. on Tuesday, July 22, 2008.

22. Reconvene and Consider Action on Items Discussed during Executive Session.

The Allen City Council reconvened into Regular Session at 8:25 p.m. on Tuesday, July 22, 2008, in the Council Chambers of the Allen City Hall. The following action was taken on items discussed during Executive Session:

MOTION: Upon a motion made by Councilmember Obermeyer and a second by Councilmember Sedlacek, the Council voted five (5) for and none (0) opposed to authorize the City Manager to execute any and all documents for the execution of a quitclaim deed for a 0.773 acre tract of land, more or less, being a tract of land situated in the L.K. Pegues Survey, Abstract No. 702, Collin County, Texas, and being the same Tract A as shown on survey by Addison G. Wilson, Jr. Licensed State Land Surveyor, recorded in Volume 6, Page 8, Deed Records of Collin County, Texas, and also being a save and except tract as described in Exhibit "A" of a Special Warranty Deed to Tycher Investments, a Texas general partnership, as recorded in Volume 2149, Page 246, Deed Records of Collin County, Texas. A more specific description of the described property is on file in the City Secretary's office. The motion carried.

Adjourn

MOTION: Upon a motion made by Mayor Pro Tem Stout and a second by Councilmember Sedlacek, the Council voted five (5) for and none (0) opposed to adjourn the Regular Meeting of the Allen City Council at 8:26 p.m. on Tuesday, July 22, 2008. The motion carried.

These minutes approved on the 12th day of August, 2008.

APPROVED:

**ALLEN CITY COUNCIL
REGULAR MEETING
JULY 22, 2008**

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Stephen Terrell, MAYOR

ATTEST:

Shelley B. George, TRMC, CITY SECRETARY

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| CITY COUNCIL AGENDA COMMUNICATION |
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AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Adopt an Ordinance Amending Ordinance No. 2636-6-07 to Correct a Scrivener's Error to Attach the Concept Plan

STAFF RESOURCE: Lee Battle, AICP
Acting Director of Planning & Development

PREVIOUS COUNCIL ACTION: Council Adopted Ordinance No. 2636-6-07 on June 26, 2007

ACTION PROPOSED: Adopt an Ordinance

BACKGROUND

It has come to our attention that the ordinance adopted amending PD 58 for the La Quinta project did not include the Concept Plan. The ALDC requires a Concept Plan be adopted. A Concept Plan was submitted with the application and presented to the City Council in their agenda packet and during the presentation at the Council meeting. Staff believes it was the intent of the Council to adopt the Concept Plan even though it was not included with the final ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the ordinance.

BUDGETARY IMPACT

None

MOTION

I make a motion to adopt Ordinance No. _____ amending Ordinance No. 2636-6-07 to correct a scrivener's error to attach a Concept Plan.

ATTACHMENT

Ordinance
Concept Plan

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE NO. 2636-6-07 TO CORRECT SCRIVENER'S ERROR BY ATTACHING THE CONCEPT PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance No. 2636-6-07 on June 26, 2007, amending the Allen Land Development Code Zoning Regulations and Zoning Map by amending Planned Development No. 58, Ordinance No. 1409-3-96, as theretofore amended, to increase the maximum height for a hotel to be located on approximately 4.6 acres of land designated as Lot 5, Cornerstone/Allen Addition, City of Allen, Collin County, Texas; and,

WHEREAS, the Allen Land Development Code requires an ordinance granting planned development district to approve a concept plan for a proposed development; and,

WHEREAS, the applicant for the requested zoning amendment submitted a concept plan to the Planning and Zoning Commission and to the City Council for approval in connection with the approval of Ordinance No. 2636-6-07; and,

WHEREAS, the aforesaid concept plan was considered by both the Planning and Zoning Commission and the City Council but through a scrivener's error was not attached to and made a part of Ordinance No. 2636-6-07; and,

WHEREAS, the City Council in the adoption of Ordinance No. 2636-6-07 intended to approve a Concept Plan as a part of the adoption of Ordinance No. 2636-6-07.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. Ordinance No. 2636-6-07 be and the same is hereby amended to correct a scrivener's error to attach a Concept Plan by amending Section 2 of said Ordinance to read as follows:

“The property shall be used only in the manner and for the purposes provided for in the Allen Land Development Code. The property shall be developed and used only in accordance with the Concept Plan attached hereto as Exhibit “B,” and which is hereby approved.”

SECTION 2. All provisions of the ordinances of the City of Allen in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Allen not in conflict with the provisions of this ordinance shall remain in full force and effect; provided however, Ordinance No. 2636-6-07 shall continue in full force and effect except as heretofore amended and as amended herein.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. This Ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 12th DAY OF AUGUST, 2008..

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY

Shelley B. George, CITY SECRETARY

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| CITY COUNCIL AGENDA COMMUNICATION |
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- AGENDA DATE:** Tuesday, August 12, 2008
- SUBJECT:** Authorize the City Manager to Execute a Contract with Jim Bowman Construction Company in the Amount of \$355,853.05 for Construction Services for the Country Brook Lane Extension Project and Amend the Project Budget to \$535,000 (CIP#ST0709)
- STAFF RESOURCE:** John Baumgartner, Director of Engineering
- PREVIOUS COUNCIL ACTION:** On October 23, 2007, the City Council authorized the use of eminent domain to acquire the land necessary for the construction of Country Brook Lane.
- On May 27, 2008, the City Council adopted Resolution No. 2740-5-08(R) determining the necessity of the land acquisition for construction of Country Brook Lane and authorized the City Manager and City Attorney to file proceedings in eminent domain to acquire such property, if necessary.
- On June 24, 2008, the City Council authorized the City Manager to execute a real estate sales contract with David Hameed Majeed for the purchase of easement and right-of-way for the construction of the Country Brook Lane extension.
- ACTION PROPOSED:** Authorize the City Manager to execute a contract with Jim Bowman Construction Company for construction services

BACKGROUND

Country Brook Lane is a residential collector street constructed within the Belle Grove Phase I addition and the Stacy Ridge Estates Phase 3 addition. Currently, the roadway is disconnected with a vacant property (6.7 acres, one house and a barn) in between these neighborhoods,

which is not a part of either development. The construction of the connector portion (660 feet) of Country Brook Lane was identified in the 2007-2013 Capital Improvement Program as a first level priority project. This connection will give Allen residents who live in far northeast Allen an additional connection to the rest of the City.

On July 30, 2008, we received the following construction bids:

| Contractor | Calendar Days | Bid Amount |
|-------------------------|----------------------|-------------------|
| Jim Bowman Construction | 60 | \$355,853.05 |
| JRJ Paving | 120 | \$381,045.64 |
| Camino Construction | 120 | \$392,521.55 |

STAFF RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a contract with Jim Bowman Construction for construction services for the Country Brook Lane extension and amend the project budget.

BUDGETARY IMPACT

The total estimated project costs are as follows:

| ST0709 -- Country Brook Lane Project Cost Estimate | |
|---|---------------------|
| Description | Costs |
| Survey | \$5,500.00 |
| Engineering Design | \$29,500.00 |
| ROW Acquisition and Appraisal | \$7,150.00 |
| Land | \$65,000.00 |
| Construction* | \$401,350.00 |
| Materials Testing | \$6,500.00 |
| Landscaping | \$20,000.00 |
| TOTAL | \$535,000.00 |

*Including contingency

The project is over budget in the 2007 G.O. Bond Program. This overage is due to land acquisition costs, the addition of retrofitted median islands and landscaping to calm traffic on existing sections, and the addition of off-site drainage improvements to address some issues in the Fair Meadow neighborhood. Additional funds will be used from non-programmed funds in ST9998 and ST9999.

MOTION

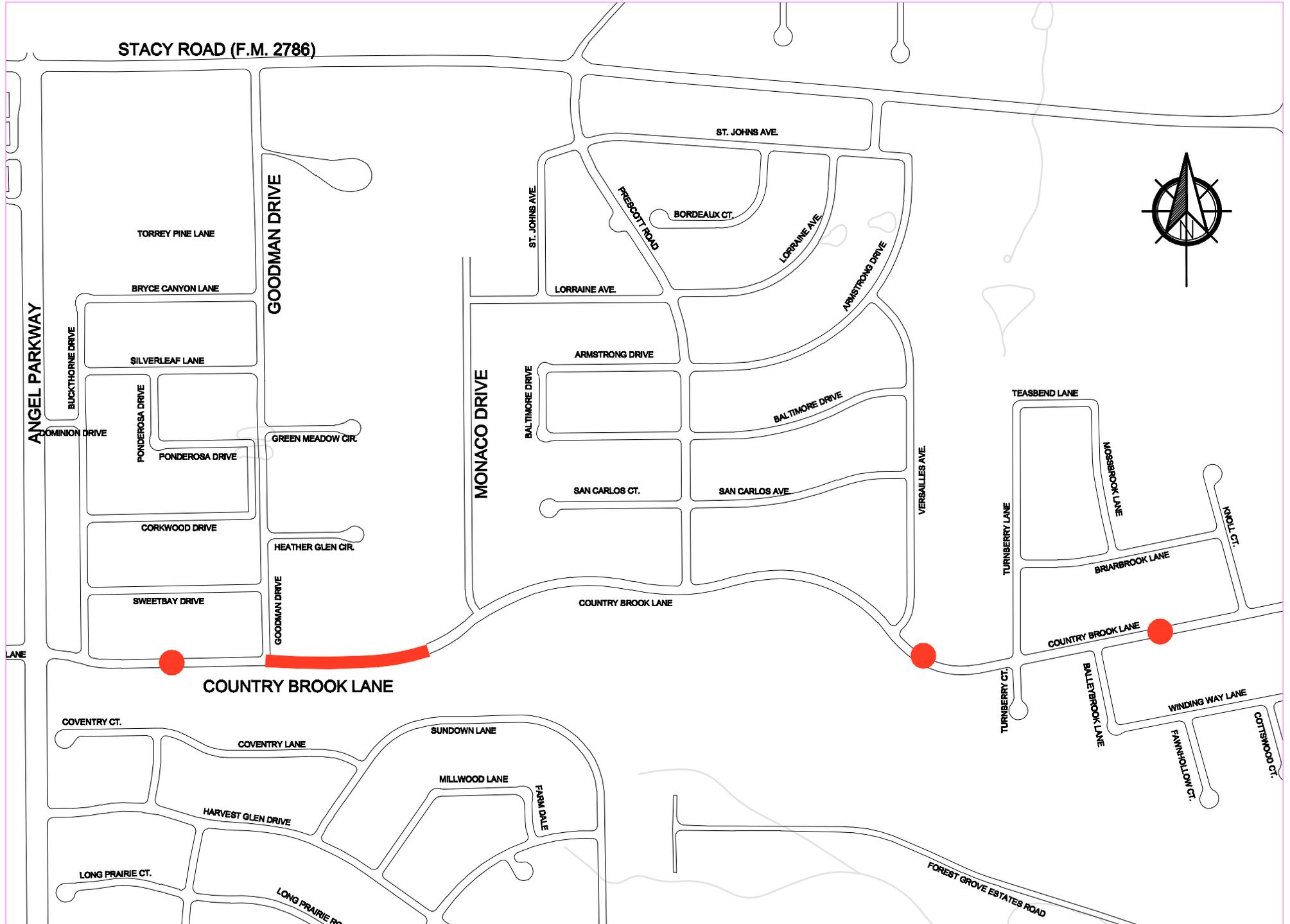
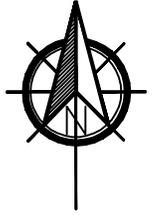
I make a motion to authorize the City Manager to execute a contract with Jim Bowman

Construction Company in the amount of \$355,853.05 for construction services for the Country Brook Lane extension project and amend the project budget to \$535,000.

ATTACHMENT

Location Map
Agreement

STACY ROAD (F.M. 2786)



ANGEL PARKWAY

TORREY PINE LANE

BRYCE CANYON LANE

SILVERLEAF LANE

BUCKTHORNE DRIVE
DOMINION DRIVE
PONDEROSA DRIVE
PONDEROSA DRIVE

CORKWOOD DRIVE

SWEETBAY DRIVE

GOODMAN DRIVE

GREEN MEADOW CIR.

HEATHER GLEN CIR.

GOODMAN DRIVE

MONACO DRIVE

BALTIMORE DRIVE

ARMSTRONG DRIVE

BALTIMORE DRIVE

SAN CARLOS CT.

SAN CARLOS AVE.

COUNTRY BROOK LANE

ST. JOHNS AVE.

ST. JOHNS AVE.

PRESBOTT ROAD

BORDEAUX CT.

LORRAINE AVE.

LORRAINE AVE.

ARMSTRONG DRIVE

TEASBEND LANE

TURNBERRY LANE

MOSSBROOK LANE

BRIARBROOK LANE

KINDL CT.

COUNTRY BROOK LANE

BALLEBROOK LANE

WINDING WAY LANE

FANNINGTON CT.

COTTSMOOR CT.

COVENTRY CT.

COVENTRY LANE

SUNDOWN LANE

MILLWOOD LANE

FARM DALE

HARVEST GLEN DRIVE

LONG PRAIRIE CT.

LONG PRAIRIE RD.

FOREST GROVE ESTATES ROAD

STANDARD FORM OF AGREEMENT

STATE OF TEXAS)
COUNTY OF COLLIN)

THIS AGREEMENT, made and entered into this _____ day of _____, 2008, by and between _____, The City of Allen, Texas, a municipal corporation, of the County of _____ Collin _____ and State of Texas, acting through _____ Its City Manager _____ thereunto duly authorized so to do, Party of the First Part, hereinafter termed OWNER, and Jim Bowman Construction Company, L.P.

_____ of the City of Plano _____, County of Collin _____ and State of Texas _____, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Party of the First Part (OWNER), and under the conditions expressed in the bond bearing even date herewith, the said Party of the Second Part (CONTRACTOR), hereby agrees with the said Party of the First Part (OWNER) to commence and complete the construction of certain improvements described as follows:

**Country Brook Lane Extension
(From Bellegrave Estates to Stacy Ridge Estates)
Bid No. 2008-5-256-B**

and all extra work in connection therewith, under the terms as stated in the General Conditions of the Agreement and at his (or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the said construction, in accordance with the conditions and prices stated in the Proposal attached hereto, and in accordance with the Notice to Contractors, General and Special Conditions of Agreement, Plans and other drawings and printed or written explanatory matter thereof, and the Specifications and addenda therefor, as prepared by BW2 Engineers, Inc., herein entitled the ENGINEER, each of which has been identified by the CONTRACTOR and the ENGINEER, together with the CONTRACTOR'S written Proposal, the General Conditions of the Agreement, and the Performance and Payment Bonds hereto attached; all of which are made a part hereof and collectively evidence and constitute the entire contract.

The CONTRACTOR hereby agrees to commence work within ten (10) days after the date written notice to do so shall have been given to him, and to substantially complete the same within 60 calendar days (~~working days~~) after the date of the written notice to commence work, subject to such extensions of time as are provided by the General and Special Conditions.

THE OWNER agrees to pay the CONTRACTOR in current funds the price or prices shown in the proposal, which forms a part of this contract. such payments to be subject to the General and Special Conditions of the contract.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in the year and day first above written.

CITY OF ALLEN, TEXAS
Party of the First Part (OWNER)

By: _____
Peter H. Vargas, City Manager

Attest: _____
Shelley George, City Secretary

Jim Bowman Const. Co. L.P.
Party of the Second Part (CONTRACTOR)

By: _____

Attest: _____
D. Castells

| |
|--|
| CITY COUNCIL AGENDA COMMUNICATION |
|--|

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Financial Report for the Period Ending June 30, 2008

STAFF RESOURCE: Kevin Hammeke, Finance Director
Joanne Stoehr, Assistant Finance Director

PREVIOUS COUNCIL ACTION: None

ACTION PROPOSED: None - this is informational only

BACKGROUND

Financial reports are prepared each quarter for the General Fund, Water & Sewer Fund and other funds for which annual budgets are prepared. Attached are copies of the reports for the period ending June 30, 2008. This report covers the third quarter of fiscal year 2007-2008. Final actual amounts for Fiscal Year (FY) 2007 have been added for comparison purposes.

General Fund

The General Fund is reflecting revenues over expenditures by \$8,034,308. Overall revenues collected were \$43,704,513 or 82% of budget and expenditures were \$35,670,205 or 67% of budget.

Property taxes received through June 30, 2008, are 101% of budget. Sales tax receipts are received two months after the month of sales. The amount in this nine month report represents October through April receipts. Sales tax collections for this period were 8.4% less than budgeted. Franchise taxes are collected monthly, quarterly, semi-annually and annually with the largest amount collected in the fourth quarter.

All departments are within an acceptable percentage range of their expenditure budget.

Debt Service Fund

Revenue for the Debt Service Fund totaled \$8,842,143 or 101% of budget. Expenditures were \$2,010,214 or 23% of budget. The remaining G.O. bond payments are approximately \$1,899,545 due August 15 and \$4,885,109 due September 1.

Water & Sewer Fund

The Water & Sewer Fund had revenues of \$13,678,702 and operating expenditures of \$13,670,435 for a net operating gain of \$8,267. Non-operating expenses include \$945,275 for debt service and \$525,000 transferred to the Non-Bond Capital Project Fund as approved by the budget. Operating transfers in include the budgeted amount of \$135,000 from the Drainage Fund to cover half the cost of the vactor truck and budgeted transfers in the amount of \$19,107 from the Solid Waste Fund. Service charges revenues were 94% of budget and mainly consist of pro rata fees and penalties. Overall water and sewer revenues are 58% of budget and expenditures are 63% of the budgeted amount. Additionally, the percentage of water and sewer revenue is largest during the last quarter of the year.

Solid Waste Fund

Solid Waste revenues were \$3,498,360 or 71% of budget and operating expenditures were \$3,540,376 or 69% of budget. Commercial garbage fees, recycling fees, and composting revenues for this period represent payments received from Community Waste Disposal for October through February. Non-operating revenues are 92% of budget, which consists of interest earnings, funding received from CWD in the amount of \$35,000 to assist in funding the Education Specialist, and compost rebates.

Drainage Utility Fund

Revenues were \$795,675 or 77% of budget. Expenditures were \$941,415 or 72% of budget. Operating expenditures include \$135,000 transferred to the Water & Sewer Fund for the purchase of a vactor truck.

Golf Course Fund

Revenues were \$1,294,507 or 63% of budget and expenditures were \$1,284,186 or 62% of budget resulting in a net gain of \$10,321. During the months of October and March, the Golf Course experienced two flooding events that resulted in the Golf Course closing for several days. However, when compared to last year, the green fee revenue has increased by 13%. The class fees are 100% of budget. Clinics have proven to be very successful. Non-operating revenues consisted of a transfer in the amount of \$262,155 from the General Fund. Operating expenses largely consist of personnel expenses, utilities, and lease expenses.

Economic Development Corporation

Revenues were \$2,882,538, which is 54% of budget. Expenditures total \$2,916,571, which is 50% of budget. Sales tax receipts are received two months after the month of sales. The amount in this nine-month report represents receipts for October through April sales. Sales tax collections for this period was 8.40% less than budgeted. This revenue source will be monitored closely.

Community Development Corporation

Revenues were \$4,705,448, which is 85% of budget. Expenditures were \$3,360,203 or 26% of budget. Sales tax receipts are received two months after the month of sales. The amount in

this nine-month report represents receipts for October through April sales. Sales tax collections for the first month were 8.4% less than budgeted. The financial report reflects revenues of \$1,615,000 and expenses of \$1,624,748 associated with the Sales Tax Revenue Refunding Bond Series 2007. This bond issue advance refunded the Sales Tax Revenue Bonds Series 1997 and 1999. Expenditures also include budgeted transfers of \$182,500 to the General Fund for administrative expenses, \$70,000 to the Park and Recreation Enterprise Fund for Allen USA, and a loan for expenditures to Global Properties incurred for the Event Center. The loan was reimbursed by bond funds when they were received.

Antenna Rental Fund

Revenues were \$242,724 or 73% of budget. Expenditures were \$197,613 or 74% of budget.

Hotel Occupancy Tax Fund

Revenues were \$474,487 or 67% of budget and expenditures were \$179,857 or 36% of budget. Hotel taxes are received one month after the month of sales. Revenues for this quarterly report represent hotel taxes remitted for October through May.

Parks and Recreation Special Revenue Fund

Revenues were \$2,017,677 or 77% of budget and expenditures were \$1,586,660 or 63% of budget resulting in a net gain of \$431,017. Revenue includes \$143,350 transferred in from the Antenna Rental Fund, \$20,000 transferred in from the Non-Bond Capital Projects Fund for arts projects, and \$70,000 transferred in from Community Development Corporation for the Allen USA Celebration. Non-operating revenues are at 104% due to donations for Allen USA being higher than expected. Summer program revenues and expenditures will continue to be recorded in the 4th quarter.

Tax Increment Financing

Revenues were \$36,282 or 14% of budget. Expenditures in the amount of \$863 consisted of legal fees.

Grants and Special Revenue Fund

Revenues were \$793,267 or 53% of budget and expenditures were \$672,831 or 46% of budget. Due to accounting requirements, Library grant revenue deferred in FY 2007 was recognized as revenue in FY 2008 to match when expenditures are incurred. At the end of the fiscal year, the amount of revenue the Library does not expend will be deferred into FY 2009.

Replacement Fund

Revenues were \$1,194,365 or 77% of budget and expenditures were \$870,652 or 31% of budget. Expenditures include \$100,000 for a fire truck purchase order which originated in fiscal year 2007 but was not completed until November 2007.

Risk Management Fund

Revenues were \$5,730,252 or 81% of budget. Expenditures were \$4,906,350 or 75% of budget. This fund reports revenues and expenditures for all insurances paid by the City. Health and dental expenditures normally require two to three months to process. This period includes claims processed through February. Workers Compensation, property and liability insurance premiums are paid at the beginning of the fiscal year (October) resulting in a higher percentage of expenditures for these items.

STAFF RECOMMENDATION

This report should be placed on the Council agenda as an information item. No action is necessary.

BUDGETARY IMPACT

None

MOTION

None - information item only

ATTACHMENT

Financial Report Period ending June 30, 2008

CITY OF ALLEN
FINANCIAL REPORT
For the Period Ending
June 30, 2008
(Unaudited)

CITY OF ALLEN
Revenues & Expenditures
For the Period Ending
June 30, 2008
(Unaudited)

| | <u>Actual at 6/30/2008</u> |
|--|--------------------------------|
| General Fund | |
| Revenues | \$ 43,704,513 |
| Expenditures | <u>35,670,205</u> |
| Revenues Over (Under) Expenditures | \$ 8,034,308 |
| Debt Service Fund | |
| Revenues | \$ 8,842,143 |
| Expenditures | <u>2,010,214</u> |
| Revenues Over (Under) Expenditures | \$ 6,831,929 |
| Water & Sewer Fund | |
| Revenues | \$ 13,678,702 |
| Expenses: Operating | <u>13,670,435</u> |
| Net Operating Gain (Loss) | \$ 8,267 |
| Expenses: Capital Projects | 525,000 |
| Debt Service | <u>945,275</u> |
| Revenues Over (Under) Expenditures | \$ (1,462,008) |
| Solid Waste | |
| Revenues | \$ 3,498,360 |
| Expenses | <u>3,540,376</u> |
| Revenues Over (Under) Expenditures | \$ (42,016) |
| Drainage Utility | |
| Revenues | \$ 795,675 |
| Expenses | <u>941,415</u> |
| Revenues Over (Under) Expenditures | \$ (145,740) |
| Golf Course | |
| Revenues | \$ 1,294,507 |
| Expenses | <u>1,284,186</u> |
| Revenues Over (Under) Expenditures | \$ 10,321 |
| Economic Development Corporation Fund | |
| Revenues | \$ 2,882,538 |
| Expenditures | <u>2,916,571</u> |
| Revenues Over (Under) Expenditures | \$ (34,033) |
| Community Development Corporation Fund | |
| Revenues | \$ 4,705,448 |
| Expenditures | <u>3,360,203</u> |
| Revenues Over (Under) Expenditures | \$ 1,345,245 |
| Antenna Rental Fund | |
| Revenues | \$ 242,724 |
| Expenditures | <u>197,613</u> |
| Revenues Over (Under) Expenditures | \$ 45,111 |

CITY OF ALLEN
Revenues & Expenditures
For the Period Ending
June 30, 2008
(Unaudited)

| | <u>Actual at 6/30/2008</u> |
|---|--------------------------------|
| Hotel Occupancy Tax Fund | |
| Revenues | \$ 474,487 |
| Expenditures | <u>179,857</u> |
| Revenues Over (Under) Expenditures | \$ 294,630 |
| Parks & Recreation Special Revenue Fund | |
| Revenues | \$ 2,017,677 |
| Expenditures | <u>1,586,660</u> |
| Revenues Over (Under) Expenditures | \$ 431,017 |
| Tax Increment Financing | |
| Revenues | \$ 36,282 |
| Expenditures | <u>\$863</u> |
| Revenues Over (Under) Expenditures | \$ 35,419 |
| Grant & Special Revenue Fund | |
| Revenues | \$ 793,267 |
| Expenditures | <u>672,831</u> |
| Revenues Over (Under) Expenditures | \$ 120,436 |
| Replacement Fund | |
| Revenues | \$ 1,194,365 |
| Expenditures | <u>870,652</u> |
| Revenues Over (Under) Expenditures | \$ 323,713 |
| Risk Management Fund | |
| Revenues | \$ 5,730,252 |
| Expenditures | <u>4,906,350</u> |
| Revenues Over (Under) Expenditures | \$ 823,902 |

CITY OF ALLEN
General Fund
For the Period Ending
June 30, 2008

| REVENUE | | | | | |
|-------------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Revenue Source | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
| Property Taxes | \$23,230,344 | \$27,836,891 | \$27,935,025 | \$28,347,826 | 101% |
| Sales Tax | 9,755,380 | 10,484,154 | 10,103,519 | 5,423,009 | 54% |
| Franchise Tax | 4,866,243 | 5,068,750 | 5,372,079 | 2,754,478 | 51% |
| Permits & Licenses | 1,637,557 | 1,605,000 | 2,200,645 | 1,382,216 | 63% |
| Charges for Services | 1,404,375 | 1,308,596 | 1,534,401 | 1,252,505 | 82% |
| Fines | 1,727,693 | 1,914,027 | 1,759,700 | 1,167,667 | 66% |
| Miscellaneous | 1,059,001 | 850,000 | 842,572 | 541,999 | 64% |
| Reimbursements | 134,359 | 131,365 | 196,906 | 106,570 | 54% |
| Other Financing Sources | 2,828,173 | 3,460,551 | 3,546,294 | 2,728,243 | 77% |
| TOTAL | \$46,643,125 | \$52,659,334 | \$53,491,141 | \$43,704,513 | 82% |

Note: Sales Tax receipts are received two months after the month of sales.
Sales Tax revenue also includes Mixed Drink Tax which is received quarterly.

| EXPENDITURES | | | | | |
|------------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Department | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
| City Secretary | \$359,157 | \$299,433 | \$317,232 | \$214,630 | 68% |
| Municipal Court | 570,901 | 604,834 | 600,648 | 419,432 | 70% |
| City Administration | 871,614 | 961,556 | 1,008,178 | 693,770 | 69% |
| Information Technology | 1,311,927 | 2,360,695 | 2,478,288 | 1,137,008 | 46% |
| Human Resources | 561,373 | 641,598 | 666,157 | 439,226 | 66% |
| Internal Services | 5,654,275 | 6,375,950 | 6,195,369 | 3,818,861 | 62% |
| Police | 11,561,086 | 12,967,756 | 13,371,989 | 9,534,696 | 71% |
| Parks & Recreation | 6,591,857 | 8,254,931 | 8,443,727 | 5,267,493 | 62% |
| Library | 2,180,642 | 2,273,127 | 2,347,615 | 1,694,009 | 72% |
| Fire | 8,264,567 | 9,580,174 | 9,744,324 | 6,860,384 | 70% |
| Building & Code Compl. | 1,111,173 | 1,358,368 | 1,372,678 | 949,623 | 69% |
| Planning | 782,057 | 980,818 | 922,227 | 624,052 | 68% |
| Community Services | 1,894,726 | 2,201,793 | 2,284,848 | 1,523,464 | 67% |
| Finance | 1,068,945 | 1,278,043 | 1,341,325 | 915,998 | 68% |
| Engineering | 2,024,021 | 2,315,738 | 2,347,164 | 1,577,559 | 67% |
| | \$44,808,321 | \$52,454,814 | \$53,441,769 | \$35,670,205 | 67% |

CITY OF ALLEN
Debt Service Fund
For the Period Ending
June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Taxes | \$9,957,899 | \$8,574,023 | \$8,616,954 | \$8,726,259 | 101% |
| Interest Earnings | 299,807 | 280,000 | 140,000 | 115,884 | 83% |
| TOTAL Revenues | \$10,257,706 | \$8,854,023 | \$8,756,954 | \$8,842,143 | 101% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Principal | \$6,325,000 | \$4,705,277 | \$4,775,000 | | |
| Interest & Fees | 3,843,462 | 4,099,731 | 4,027,714 | 2,010,214 | 50% |
| TOTAL Expenditures | \$10,168,462 | \$8,805,008 | \$8,802,714 | \$2,010,214 | 23% |

CITY OF ALLEN
 Water and Sewer Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Water Sales | \$10,992,395 | \$15,000,000 | \$14,000,000 | \$7,156,132 | 51% |
| Sewer Charges | 7,056,882 | 8,500,000 | 8,100,000 | 5,139,578 | 63% |
| Connections | 201,735 | 180,000 | 180,000 | 158,325 | 88% |
| Service Charges | 442,021 | 398,500 | 774,824 | 725,218 | 94% |
| Subtotal | \$18,693,033 | \$24,078,500 | \$23,054,824 | \$13,179,253 | 57% |
| Interest | \$546,587 | \$530,000 | \$320,000 | \$244,574 | 76% |
| Miscellaneous | 674,068 | 103,614 | 150,944 | 100,768 | 67% |
| Operating Transfer In | 22,145 | 160,477 | 160,477 | 154,107 | 96% |
| Subtotal | 1,242,800 | 794,091 | 631,421 | 499,449 | 79% |
| TOTAL Revenues | \$19,935,833 | \$24,872,591 | \$23,686,245 | \$13,678,702 | 58% |

| EXPENSES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Department | | | | | |
| Debt Service | \$2,436,340 | \$2,362,186 | \$2,774,961 | \$945,275 | 34% |
| Water & Sewer | 18,826,628 | 21,053,385 | 20,506,010 | 13,836,921 | 67% |
| Utility Collections | 535,216 | 597,386 | 600,214 | 358,514 | 60% |
| TOTAL Expenses | \$21,798,184 | \$24,012,957 | \$23,881,185 | \$15,140,710 | 63% |

CITY OF ALLEN
 Solid Waste
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Operating Revenues | | | | | |
| Garbage Fees | \$3,563,685 | \$3,650,000 | \$3,820,858 | \$2,793,580 | 73% |
| Commercial Garbage | 743,294 | 710,000 | 780,290 | 461,438 | 59% |
| Recycling Revenues | 67,664 | 51,000 | 44,100 | 18,129 | 41% |
| Household Haz Waste | 135,314 | 140,000 | 145,000 | 105,224 | 73% |
| Composting Revenue | 42,439 | 28,000 | 31,500 | 30,403 | 97% |
| Subtotal | \$4,552,396 | \$4,579,000 | \$4,821,748 | \$3,408,774 | 71% |
| Non-Operating Revenues | | | | | |
| Interest | \$80,586 | \$60,000 | \$51,000 | \$46,300 | 91% |
| Miscellaneous | 45,407 | 45,000 | 46,000 | 43,286 | 94% |
| Subtotal | \$125,993 | \$105,000 | \$97,000 | \$89,586 | 92% |
| TOTAL Revenues | \$4,678,389 | \$4,684,000 | \$4,918,748 | \$3,498,360 | 71% |

| EXPENSES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenses | \$3,976,297 | \$4,607,556 | \$5,111,231 | \$3,540,376 | 69% |

CITY OF ALLEN
 Drainage Utility
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Operating Revenues | | | | | |
| Inspection Fees | \$66,573 | \$40,000 | \$70,000 | \$56,525 | 81% |
| Drainage Fees | 909,066 | 920,742 | 920,742 | 708,061 | 77% |
| Subtotal | \$975,639 | \$960,742 | \$990,742 | \$764,586 | 77% |
| Non-Operating Revenues | | | | | |
| Interest | \$58,494 | \$60,000 | 40,000 | \$31,089 | 78% |
| Miscellaneous | | | | | |
| Subtotal | \$58,494 | \$60,000 | \$40,000 | \$31,089 | 78% |
| TOTAL Revenues | \$1,034,133 | \$1,020,742 | \$1,030,742 | \$795,675 | 77% |

| EXPENSES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenses | \$828,752 | \$1,316,770 | \$1,312,987 | \$941,415 | 72% |

CITY OF ALLEN
 Golf Course Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Operating Revenues | | | | | |
| Retail Pro Shop | \$70,431 | \$100,000 | \$84,735 | \$53,747 | 63% |
| Alcohol/Beer Sales | \$80,056 | \$115,000 | \$104,650 | \$70,033 | 67% |
| Concession Sales | \$98,593 | \$160,975 | \$122,575 | \$80,395 | 66% |
| Class Fees | \$22,876 | \$20,000 | \$17,500 | \$17,486 | 100% |
| Facility Rental | \$850 | \$26,000 | \$20,000 | \$15,936 | 80% |
| Green Fees | 1,043,348 | 1,432,374 | 1,432,374 | 789,883 | 55% |
| Subtotal | \$1,316,154 | \$1,854,349 | \$1,781,834 | \$1,027,480 | 58% |
| Non-Operating Revenues | | | | | |
| Other Reimbursements | \$235 | | | | |
| Miscellaneous | \$23,696 | \$2,200 | \$4,820 | \$4,872 | 101% |
| Operating Transfer In | 570,652 | 262,155 | 262,155 | 262,155 | 100% |
| Subtotal | \$594,583 | \$264,355 | \$266,975 | \$267,027 | 100% |
| TOTAL Revenues | \$1,910,737 | \$2,118,704 | \$2,048,809 | \$1,294,507 | 63% |

| EXPENSES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenses | \$1,754,049 | \$2,118,704 | \$2,060,484 | \$1,284,186 | 62% |

CITY OF ALLEN
 Economic Development Corporation
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Sales Tax | \$4,837,072 | \$5,198,627 | \$5,098,394 | \$2,706,972 | 53% |
| Interest on Investments | 281,110 | 251,000 | 80,000 | 56,097 | 70% |
| Miscellaneous/Donations | | | 2,000 | 2,000 | 100% |
| Other Reimbursements | 22,115 | | 87,469 | 87,469 | 100% |
| Loan Reimbursement | | | 30,000 | 30,000 | 100% |
| TOTAL Revenues | \$5,140,297 | \$5,449,627 | \$5,297,863 | \$2,882,538 | 54% |

Note: Sales Tax receipts are received two months after the month of sales.

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenditures | \$9,329,208 | \$4,604,433 | \$5,795,820 | \$2,916,571 | 50% |

CITY OF ALLEN
 Community Development Corporation Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Sales Tax | \$4,837,072 | \$5,198,627 | \$5,098,394 | \$2,706,972 | 52% |
| Interest on Investments | 424,692 | 358,000 | 350,000 | 247,446 | 69% |
| Subtotal | \$5,261,764 | \$5,556,627 | \$5,448,394 | \$2,954,418 | 53% |
| Bond Proceeds | - | | 1615000 | 1,615,000 | |
| Loan Reimbursement | | | 136,030 | 136,030 | |
| TOTAL Revenues | \$5,261,764 | \$5,556,627 | \$7,199,424 | \$4,705,448 | 85% |

Note: Sales Tax receipts are received two months after the month of sales.

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|--------------------------------|---------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Operating Expenditures | \$2,886,221 | \$6,586,467 | \$11,168,967 | 1,599,425 | 14% |
| Loan-Event Center Expenditures | | | 136,030 | 136,030 | 100% |
| Bond Refunding Expenditures | - | | 1,624,748 | 1,624,748 | 100% |
| TOTAL Expenditures | \$ 2,886,221 | \$6,586,467 | \$12,929,745 | \$3,360,203 | 26% |

CITY OF ALLEN
 Antenna Rental Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Water Tower Rental Fees | \$402,922 | \$280,350 | \$322,296 | \$233,875 | 73% |
| Interest on Investments | 12,419 | 10,000 | 10,000 | 8,849 | 88% |
| TOTAL Revenues | \$415,341 | \$290,350 | \$332,296 | \$242,724 | 73% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenditures | \$273,703 | \$264,000 | \$265,600 | \$197,613 | 74% |

CITY OF ALLEN
 Hotel Occupancy Tax Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Hotel Occupancy Tax | \$673,383 | \$602,545 | \$690,450 | \$459,400 | 67% |
| Interest on Investments | 13,662 | 13,000 | 16,000 | 15,087 | 94% |
| TOTAL Revenues | \$687,045 | \$615,545 | \$706,450 | \$474,487 | 67% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenditures | \$334,466 | \$498,515 | \$494,235 | \$179,857 | 36% |

CITY OF ALLEN
Parks and Recreation Special Revenue Fund
For the Period Ending
June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Concessions | \$91,123 | \$71,299 | \$91,299 | \$70,265 | 77% |
| Special Events | 118,342 | 217,355 | 218,555 | 74,938 | 34% |
| Ballfield Rentals | 38,903 | 42,000 | 42,000 | 30,565 | 73% |
| Athletic Programs | 269,032 | 291,842 | 291,842 | 226,537 | 78% |
| Pool/Facility Rental | 170,681 | 137,660 | 149,660 | 125,769 | 84% |
| Pool Admissions | 288,368 | 288,173 | 288,173 | 166,259 | 58% |
| Learn to Swim Fees | 213,636 | 196,020 | 196,020 | 171,356 | 87% |
| Swim Team (COAST) | 24,562 | 10,400 | 10,400 | 12,758 | 123% |
| Membership Fees | 525,995 | 468,396 | 498,396 | 404,680 | 81% |
| Retail Sales | 1,613 | 12,100 | 13,600 | 2,236 | 16% |
| Class Fees | 448,532 | 463,730 | 463,730 | 348,152 | 75% |
| Subtotal | \$2,190,787 | \$2,198,975 | \$2,263,675 | \$1,633,515 | 72% |
| Non-Operating Revenues | | | | | |
| Interest | \$19,592 | \$16,000 | \$15,000 | \$13,221 | 88% |
| Donations/Other Reimb | 122,541 | 73,166 | 73,200 | 137,591 | 188% |
| Operating Transfer In | 235,000 | 195,000 | 280,600 | 233,350 | 83% |
| Subtotal | \$377,133 | \$284,166 | \$368,800 | \$384,162 | 104% |
| TOTAL Revenues | \$2,567,920 | \$2,483,141 | \$2,632,475 | \$2,017,677 | 77% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget Expended |
|---------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------------------|
| TOTAL Expenditures | \$2,526,853 | \$2,435,988 | \$2,537,307 | \$1,586,660 | 63% |

CITY OF ALLEN
Tax Increment Financing
For the Period Ending
June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Current Taxes | \$0 | \$69,270 | \$63,967 | \$0 | 0% |
| Sales Tax | \$0 | \$18,865 | \$187,500 | \$36,166 | 19% |
| Intergovernmental Revenue | \$0 | \$0 | \$15,403 | \$0 | 0% |
| Interest on Investments | \$0 | 0 | 150 | 116 | 77% |
| TOTAL Revenues | \$0 | \$88,135 | \$267,020 | \$36,282 | 14% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenditures | \$0 | \$0 | \$0 | \$863 | 0% |

CITY OF ALLEN
 Grant & Special Revenue Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-----------------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Grant Revenue | | | | | |
| CDBG | \$207,846 | \$251,415 | \$277,219 | \$143,859 | 52% |
| Police | \$124,867 | \$187,067 | \$179,814 | \$51,577 | 29% |
| Parks | \$54,760 | \$1,138,186 | \$212,608 | \$10,707 | 5% |
| Library | \$30,385 | \$72,546 | \$40,838 | \$94,265 | 231% |
| Fire | \$213,791 | \$89,060 | \$85,334 | \$56,001 | 66% |
| Solid Waste | \$16,411 | | \$45,467 | | |
| Engineering | \$117,532 | \$65,000 | \$65,000 | \$52,004 | 80% |
| Subtotal | \$765,592 | \$1,803,274 | \$906,280 | \$408,413 | 45% |
| Special Revenue | | | | | |
| Public Ed. Gov Access | \$66,502 | \$68,000 | \$68,000 | \$34,683 | 51% |
| Court Technology | \$56,192 | \$64,494 | \$64,494 | \$44,339 | 69% |
| Court Security | \$42,137 | \$48,093 | \$48,093 | \$33,247 | 69% |
| Juvenile Case Mgr | \$67,808 | \$76,929 | \$76,929 | \$53,662 | 70% |
| Photo Red Light Enforcement | | | \$34,500 | | |
| Subtotal | \$232,639 | \$257,516 | \$292,016 | \$165,931 | 57% |
| Non-Operating Revenues | | | | | |
| Interest | \$8,353 | \$8,000 | \$9,000 | \$8,583 | 95% |
| Operating Transfer In | 195,183 | 284,504 | \$284,504 | 210,340 | 74% |
| Subtotal | \$203,536 | \$292,504 | \$293,504 | \$218,923 | 75% |
| TOTAL Revenues | \$1,201,767 | \$2,353,294 | \$1,491,800 | \$793,267 | 53% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget Expended |
|---------------------|------------------|------------------------------|-----------------------------|--------------------------------|----------------------------------|
| TOTAL Expenditures | \$1,106,808 | 2,316,911 | \$1,456,879 | \$672,831 | 46% |

CITY OF ALLEN
Replacement Fund
For the Period Ending
June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Charges for Services: | | | | | |
| General Fund | 974,550 | \$1,265,814 | \$1,168,504 | 876,375 | 75% |
| Water & Sewer Fund | 148,146 | 139,943 | 132,252 | 99,189 | 75% |
| Solid Waste Fund | 22,095 | 19,137 | 19,137 | 14,355 | 75% |
| Drainage Fund | 51,772 | 54,798 | 54,798 | 41,103 | 75% |
| Subtotal | \$1,196,563 | \$1,479,692 | \$1,374,691 | \$1,031,022 | 75% |
| Non-Operating Revenues | | | | | |
| Interest | \$264,788 | \$263,000 | \$180,000 | \$147,328 | 82% |
| Operating Transfer In | | | | 11,470 | |
| Other Reimbursements | | | | | |
| Auction Revenue | 49,706 | 50,000 | 4,545 | 4,545 | 100% |
| Subtotal | \$314,494 | \$313,000 | \$184,545 | \$163,343 | 89% |
| TOTAL Revenues | \$1,511,057 | \$1,792,692 | \$1,559,236 | \$1,194,365 | 77% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|---------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| TOTAL Expenditures | \$1,037,386 | \$1,135,430 | \$2,824,199 | \$870,652 | 31% |

Charges for Services represent the amounts transferred into the Replacement Fund from the funds shown.

CITY OF ALLEN
 Risk Management Fund
 For the Period Ending
 June 30, 2008

| REVENUE | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|-------------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Operating Revenues: | | | | | |
| Charges for: | | | | | |
| Medical & Dental | \$5,082,025 | \$5,361,437 | \$5,361,437 | \$4,074,923 | 76% |
| Workers Comp. | \$534,084 | \$394,350 | \$354,350 | \$367,846 | 104% |
| Property/Liability | \$488,442 | \$566,386 | \$446,300 | \$446,300 | 100% |
| Post Emp Funding | \$40,068 | \$40,068 | \$40,068 | \$40,068 | 100% |
| Subtotal | \$6,144,619 | \$6,362,241 | \$6,202,155 | \$4,929,137 | 79% |
| Non-Operating Revenues | | | | | |
| Interest | \$121,831 | \$100,000 | \$80,000 | \$66,870 | 84% |
| Other Reimbursements | \$67,396 | \$57,194 | \$591,561 | \$576,484 | 97% |
| Operating Transfer In | \$208,665 | \$210,338 | \$210,338 | \$157,761 | 75% |
| Subtotal | \$397,892 | \$367,532 | \$881,899 | \$801,115 | 91% |
| TOTAL Revenues | \$6,542,511 | \$6,729,773 | \$7,084,054 | \$5,730,252 | 81% |

| EXPENDITURES | FY2007 Actual | Original FY2008 Budget | Revised FY2008 Budget | YTD Actual as of 6/30/08 | Percent of Budget |
|--------------------------------|--------------------|------------------------------|-----------------------------|--------------------------------|----------------------|
| Administration | \$182,132 | \$216,293 | \$216,902 | \$140,102 | 65% |
| Medical & Dental Insurance | 5,203,151 | 5,056,607 | 5,504,185 | 4,054,099 | 74% |
| Workers Comp Insurance | 327,690 | 394,350 | 354,350 | 282,265 | 80% |
| Property & Liability Insurance | 500,696 | 566,386 | 446,294 | 429,884 | 96% |
| TOTAL Expenditures | \$6,213,669 | \$6,233,636 | \$6,521,731 | \$4,906,350 | 75% |

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| CITY COUNCIL AGENDA COMMUNICATION |
|--|

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Investment Report for the Period Ending June 30, 2008

STAFF RESOURCE: Kevin Hammeke, Finance Director
Joanne Stoehr, Assistant Finance Director

PREVIOUS COUNCIL ACTION: None

BACKGROUND

Under the Public Funds Investment Act (the Act) the investment officer of an entity must prepare and submit to the governing body a written report of investment transactions for all funds covered by this chapter for the preceding reporting period. The report must be submitted quarterly. The attached report, for the period ending June 30, 2008, meets that requirement of the Act.

The Act requires that the following information be presented in the report: beginning market value, additions and changes to the market value during the period, ending market value for the period, book value at the beginning and end of the reporting period, the fund type invested and the maturity date.

The Act also requires that the report be prepared and signed by an authorized investment officer verifying that the information presented is accurate.

The investment report summarizes all investment types and provides a summary of total investments by fund group. Government investments are listed separately and show changes in book and market value during this period. A list of definitions of terms used in the report is also included.

STAFF RECOMMENDATION

This report should be placed on the Council agenda as an information item. No action is necessary.

BUDGETARY IMPACT

None

MOTION

None

ATTACHMENT

Certify Investment Report thru June 2008
3rd Quarterly Investment Report thru June 2008

CITY OF ALLEN
Quarterly Investment Report
April 1, 2008 through June 30, 2008

We certify that the information presented in the attached quarterly investment report for the period ending June 30, 2008 is correct to the best of our knowledge. We further certify that the investments are in compliance with (a) the investment strategy contained in the City's investment policy and (b) the relevant provisions in the Public Funds Investment Act.

(signature on executed copy)
Kevin Hammeke, Finance Director

(signature on executed copy)
Joanne Stoehr, Assistant Finance Director

CITY OF ALLEN
Investment Report
April 1, 2008 through June 30, 2008

Summary of Investments by Type

| Type | Value of all Investments 03/31/08 | | Value of all Investments 06/30/08 | |
|-------------------------|--------------------------------------|-----------------------|--------------------------------------|-----------------------|
| | Book | Market | Book | Market |
| Government Agencies | \$ 9,239,939 | \$ 9,245,159 | \$ 12,334,125 | \$ 12,264,366 |
| TexPool | \$ 103,405,898 | 103,405,898 | 96,657,073 | 96,657,073 |
| Commercial Paper | \$ 10,921,088 | 10,644,044 | 1,986,363 | 1,934,739 |
| Certificates of Deposit | \$ 28,140,080 | 27,952,923 | 36,380,195 | 36,071,626 |
| TOTAL | \$ 151,707,005 | \$ 151,248,024 | \$ 147,357,755 | \$ 146,927,804 |

Summary of Total Investment Book Value by Fund Group

| | <u>3/31/08</u> | <u>6/30/08</u> |
|------------------------|------------------------------|------------------------------|
| General Fund | \$ 30,005,979 | \$ 23,901,558 |
| Enterprise Funds | \$ 22,093,414 | 19,865,831 |
| Capital Projects Funds | \$ 20,481,062 | 31,819,818 |
| Debt Service Funds | \$ 7,992,026 | 8,283,370 |
| Special Revenue Funds | \$ 59,653,006 | 52,458,943 |
| Internal Service Funds | \$ 9,126,686 | 8,854,700 |
| Trust and Agency Funds | \$ 2,354,832 | 2,173,534 |
| TOTAL | <u>\$ 151,707,005</u> | <u>\$ 147,357,755</u> |

Note: Addition differences due to rounding.

City of Allen
Government Agencies, Commercial Paper, and Certificates of Deposit

| Maturity Date | Purchase Date | Type | Broker | CUSIP | Value at 3/31/08 | | Value at 6/30/08 | |
|---------------|---------------|------------------|--------|-------------|----------------------|----------------------|----------------------|----------------------|
| | | | | | Book | Market | Book | Market |
| 4/4/08 | 9/18/07 | Commercial Paper | ZB | 98970JD47 | \$ 1,998,330 | \$ 1,944,612 | \$ - | \$ - |
| 4/4/08 | 10/6/07 | CD | VP | 61745AE54 | \$ 2,101,224 | \$ 2,052,923 | \$ - | \$ - |
| 4/15/08 | 9/7/07 | Commercial Paper | ZB | 98970JDF2 | \$ 1,496,380 | \$ 1,452,945 | \$ - | \$ - |
| 5/5/08 | 9/19/07 | Commercial Paper | CS | 61745AE54 | \$ 1,989,517 | \$ 1,935,117 | \$ - | \$ - |
| 5/16/08 | 9/19/07 | Commercial Paper | CS | 61745AEG0 | \$ 1,986,400 | \$ 1,932,000 | \$ - | \$ - |
| 6/2/08 | 9/7/07 | Commercial Paper | CS | 36959HF28 | \$ 1,486,621 | \$ 1,444,631 | \$ - | \$ - |
| 6/5/08 | 12/5/07 | CD | VP | 200555874 | \$ 5,075,722 | \$ 5,000,000 | \$ - | \$ - |
| 8/2/08 | 2/4/08 | CD | ANB | 9478272 | \$ 5,022,721 | \$ 5,000,000 | \$ 5,058,806 | \$ 5,000,000 |
| 8/6/08 | 2/6/08 | CD | VP | 200559154 | \$ 2,008,800 | \$ 2,000,000 | \$ 2,023,360 | \$ 2,000,000 |
| 8/11/08 | 12/6/07 | Commercial Paper | ZB | 98970JHB7 | \$ 982,841 | \$ 968,114 | \$ 994,238 | \$ 968,114 |
| 8/24/08 | 3/24/08 | CD | VP | 20560524 | \$ 5,003,121 | \$ 5,000,000 | \$ 5,043,333 | \$ 5,000,000 |
| 8/29/08 | 12/6/07 | Commercial Paper | ZB | 98970JHV3 | \$ 981,000 | \$ 966,625 | \$ 992,125 | \$ 966,625 |
| 11/28/08 | 3/11/04 | Fannie Mae | BC | 3136F3UN4 | \$ 2,674,899 | \$ 2,654,134 | \$ - | \$ - |
| 12/20/08 | 2/20/08 | CD | ANB | 9479759 | \$ 3,511,205 | \$ 3,500,000 | \$ 3,536,400 | \$ 3,500,000 |
| 1/4/09 | 4/4/08 | CD | VP | 200560863 | \$ - | \$ - | \$ 2,115,176 | \$ 2,052,923 |
| 1/5/09 | 6/5/08 | CD | VP | 200562367 | \$ - | \$ - | \$ 5,129,189 | \$ 5,118,703 |
| 1/20/09 | 2/20/08 | CD | ANB | 9479767 | \$ 5,417,287 | \$ 5,400,000 | \$ 5,456,160 | \$ 5,400,000 |
| 6/5/09 | 6/5/08 | CD | ANB | 9493701 | \$ - | \$ - | \$ 3,006,313 | \$ 3,000,000 |
| 7/5/09 | 6/5/08 | CD | VP | 200562372 | \$ - | \$ - | \$ 5,011,458 | \$ 5,000,000 |
| 8/5/09 | 12/6/07 | FHLB | CS | 3133XLUM3 | \$ 2,052,187 | \$ 2,075,620 | \$ 2,077,760 | \$ 2,047,500 |
| 12/11/09 | 6/11/08 | FHLB | CS | 3133XREM8 | \$ - | \$ - | \$ 706,100 | \$ 704,781 |
| 12/16/09 | 6/16/08 | FHLMC | GS | 3128X7-A9-5 | \$ - | \$ - | \$ 1,502,095 | \$ 1,501,170 |
| 2/19/10 | 2/20/08 | FHLMC | GS | 3128X6X76 | \$ 1,505,604 | \$ 1,502,265 | \$ 1,517,498 | \$ 1,501,500 |
| 3/3/10 | 3/3/08 | FHLB | CS | 3133XPXL3 | \$ 1,503,625 | \$ 1,506,570 | \$ 1,515,146 | \$ 1,500,465 |
| 3/3/10 | 3/3/08 | FHLB | WF | 3133XPXL3 | \$ 1,503,625 | \$ 1,506,570 | \$ 1,515,146 | \$ 1,500,465 |
| 6/23/10 | 6/23/08 | FHLMC | GS | 3128X7ZT4 | \$ - | \$ - | \$ 2,000,380 | \$ 2,003,580 |
| 6/30/10 | 6/30/08 | FHLMC | CS | 3128X7F33 | \$ - | \$ - | \$ 1,500,000 | \$ 1,504,905 |
| | | | | | \$ 48,301,108 | \$ 47,842,126 | \$ 50,700,682 | \$ 50,270,732 |

| | | | | |
|-------------------------|---------------|---------------|---------------|---------------|
| Commercial Paper | \$ 10,921,088 | \$ 10,644,044 | \$ 1,986,363 | \$ 1,934,739 |
| Agencies | \$ 9,239,939 | \$ 9,245,159 | \$ 12,334,125 | \$ 12,264,366 |
| Certificates of Deposit | \$ 28,140,080 | \$ 27,952,923 | \$ 36,380,195 | \$ 36,071,626 |

| | | | |
|-----|-------------------------|-----|----------------------|
| AB | American National Bank | GS | Gilford Securities |
| BC | Benchmark Securities | VP | View Point Bank |
| BOA | Bank of America | SWS | Southwest Securities |
| CS | Coastal Securities | ZB | Zions Natl Bank |
| FS | First Empire Securities | WF | Wells Fargo |
| FP | First Public | | |

Note: Addition differences due to rounding.

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| CITY COUNCIL AGENDA COMMUNICATION |
|--|

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Public Hearing on the Budget as Required by Article IV, Section 4.04 of the Allen City Charter

STAFF RESOURCE: Trish Featherston, Budget Manager
Peter H. Vargas, City Manager
Kevin Hammeke, Finance Director

PREVIOUS COUNCIL ACTION: At the July 22, 2008, City Council Meeting, Council Set Tuesday, August 12, 2008, and Tuesday, August 26, 2008, as the Public Hearing Dates Regarding the City Budget

ACTION PROPOSED: Conduct a Public Hearing

BACKGROUND

The City Charter requires that the City Council set and conduct a Public Hearing on the Budget. This year the City will hold two public hearings to coincide with the two public hearings that are required on the tax rate. August 12, 2008, and August 26, 2008, are the dates Council set for the public hearings on the budget. The Charter mandates that no other business may be conducted at these hearings. As stated in the City Charter, a Notice of Public Hearing on the Budget must be published 5-15 days prior to the hearing. The notice for the first public hearing was published on July 31st in the *Allen American* newspaper, and the notice for the second public hearing will be published on August 14th in the *Allen American* newspaper.

STAFF RECOMMENDATION

Staff recommends conducting a public hearing and announcing that the City Council will vote on the budget at the September 9, 2008, City Council meeting at 7:00 P.M. at Allen City Hall, 305 Century Parkway, Allen, Texas.

BUDGETARY IMPACT

The FY 2008-2009 Proposed Expenditure Budget totals \$135,957,156 for all funds.

The FY 2008-2009 Proposed Revenue Estimate plus beginning Fund Balance totals \$177,112,122 for all funds.

MOTION

No motion required. Announce that the City Council will vote on the budget at the September 9, 2008, City Council Meeting at 7:00 P.M. at Allen City Hall, 305 Century Parkway, Allen, Texas.

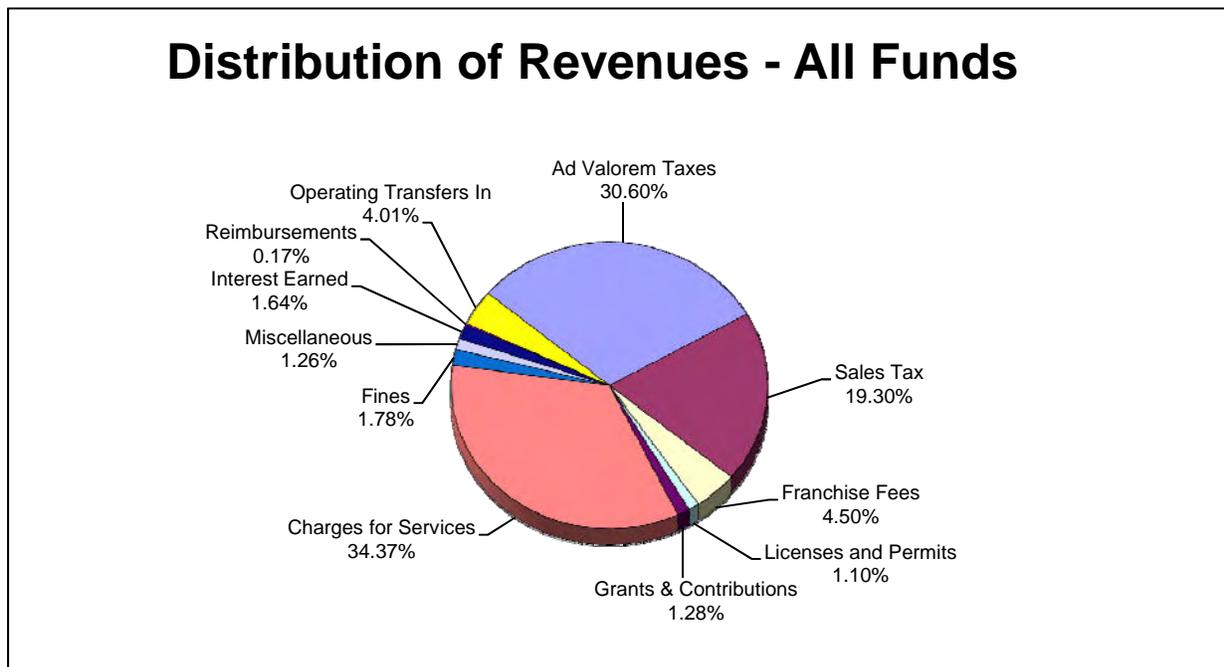
ATTACHMENT

Combined Budget Summary of Proposed Revenues and Expenditures for Fiscal Year 2008-2009

**CITY OF ALLEN
COMBINED BUDGET SUMMARY OF REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2008-2009**

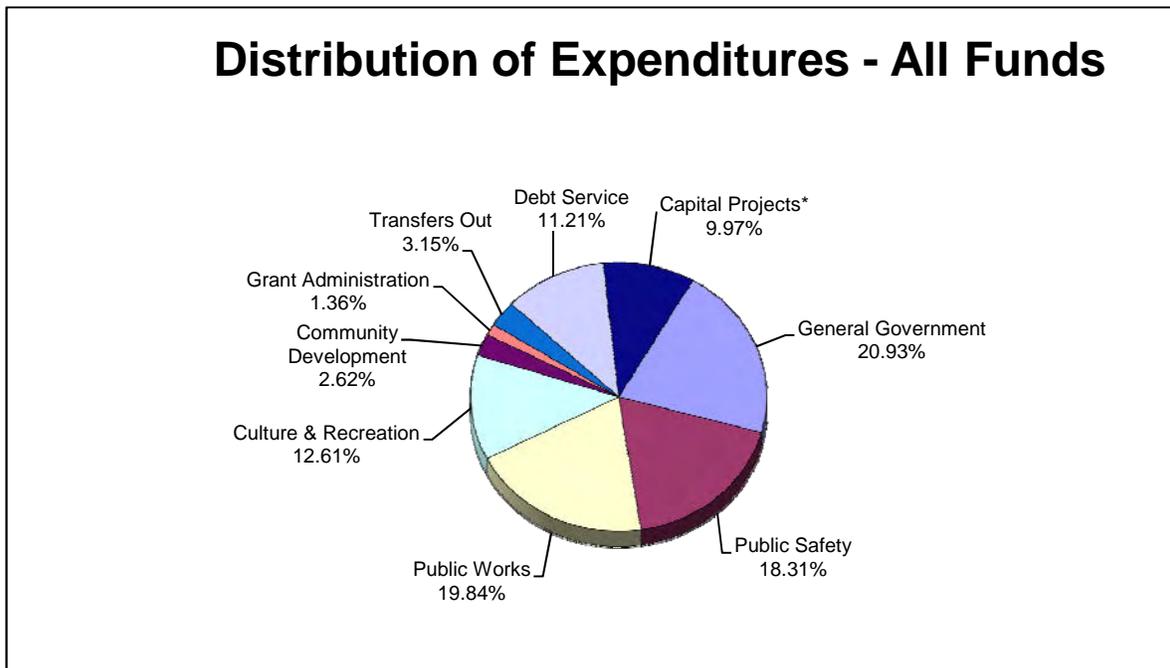
| | General Fund | Debt Service | TIF Fund | Enterprise Funds | | | |
|---------------------------|----------------------|----------------------|---------------------|----------------------|---------------------|---------------------|---------------------|
| | | | | Water & Sewer | Solid Waste | Drainage Utility | Golf Course |
| BEGINNING BALANCE | \$ 13,374,679 | \$ 1,354,225 | \$ 267,020 | 7,572,507 | \$ 2,144,464 | \$ 969,821 | \$ 56,789 |
| REVENUES | | | | | | | |
| Ad Valorem Taxes | 30,013,859 | 9,348,425 | 379,164 | - | - | - | - |
| Sales Tax | 12,207,748 | - | 379,917 | - | - | - | - |
| Franchise Fees | 5,849,411 | - | - | - | - | - | - |
| Licenses and Permits | 1,424,250 | - | - | - | - | - | - |
| Grants & Contributions | 11,500 | - | - | - | - | - | - |
| Charges for Services | 1,423,567 | - | - | 24,281,000 | 5,366,520 | 1,060,614 | 1,881,952 |
| Fines | 1,868,300 | - | - | 441,100 | - | - | - |
| Miscellaneous | 81,485 | - | - | 106,750 | 47,000 | 3,000 | - |
| Interest Earned | 800,000 | 150,000 | 500 | 325,000 | 60,000 | 50,000 | - |
| Reimbursements | 129,185 | - | - | - | - | - | - |
| Operating Transfers In | 4,009,342 | - | - | 24,126 | - | - | 399,532 |
| TOTAL REVENUES | 57,818,647 | 9,498,425 | 759,581 | 25,177,976 | 5,473,520 | 1,113,614 | 2,281,484 |
| TOTAL AVAILABLE | \$ 71,193,326 | \$ 10,852,650 | \$ 1,026,601 | \$ 32,750,483 | \$ 7,617,984 | \$ 2,083,435 | \$ 2,338,273 |
| EXPENDITURES | | | | | | | |
| General Government | 15,470,515 | - | 829,226 | 780,814 | - | - | - |
| Public Safety | 24,149,767 | - | - | - | - | - | - |
| Public Works | 3,835,945 | - | - | 17,165,415 | 5,061,976 | 860,448 | - |
| Culture & Recreation | 11,125,822 | - | - | - | - | - | 2,276,533 |
| Community Development | 2,476,866 | - | - | - | - | - | - |
| Grant Administration | - | - | - | - | - | - | - |
| Transfers Out | 720,873 | - | - | 3,021,733 | 118,762 | 234,169 | - |
| Debt Service | - | 9,561,097 | - | 1,754,212 | - | - | - |
| Capital Projects* | - | - | - | 2,190,000 | 280,000 | - | - |
| TOTAL EXPENDITURES | 57,779,788 | 9,561,097 | 829,226 | 24,912,174 | 5,460,738 | 1,094,617 | 2,276,533 |
| ENDING BALANCE | \$ 13,413,538 | \$ 1,291,553 | \$ 197,375 | \$ 7,838,309 | \$ 2,157,246 | \$ 988,818 | \$ 61,740 |

* These amounts represent cash financing to be provided in FY2009 from the funds indicated.



**CITY OF ALLEN
COMBINED BUDGET SUMMARY OF REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2008-2009**

| Special Revenue | | | | Internal Service Funds | | Component Units | | Total |
|--------------------|----------------|------------------|-----------------------|------------------------|-----------------|----------------------|-----------------------|---------------------|
| Parks & Recreation | Antenna Rental | Hotel Occup. Tax | Grants & Special Rev. | Replacement Fund | Risk Management | Economic Development | Community Development | All Funds 2008-2009 |
| \$ 479,553 | \$ 389,723 | \$ 746,513 | \$ 317,576 | \$ 4,515,425 | \$ 2,347,802 | \$ 1,496,695 | \$ 11,204,814 | \$ 47,237,606 |
| - | - | - | - | - | - | - | - | 39,741,448 |
| - | - | - | - | - | - | 6,240,633 | 6,240,633 | 25,068,931 |
| - | - | - | - | - | - | - | - | 5,849,411 |
| - | - | - | - | - | - | - | - | 1,424,250 |
| - | - | - | 1,648,400 | - | - | - | - | 1,659,900 |
| 2,296,548 | - | - | - | 1,331,997 | 6,990,815 | - | - | 44,633,013 |
| - | - | - | - | - | - | - | - | 2,309,400 |
| 91,096 | 354,152 | 947,950 | - | - | - | - | - | 1,631,433 |
| 16,000 | 12,000 | 18,000 | 9,000 | 180,000 | 85,000 | 80,000 | 342,000 | 2,127,500 |
| - | - | - | - | 28,000 | 58,275 | - | - | 215,460 |
| 274,000 | - | - | 274,013 | - | 232,757 | - | - | 5,213,770 |
| 2,677,644 | 366,152 | 965,950 | 1,931,413 | 1,539,997 | 7,366,847 | 6,320,633 | 6,582,633 | 129,874,516 |
| \$ 3,157,197 | \$ 755,875 | \$ 1,712,463 | \$ 2,248,989 | \$ 6,055,422 | \$ 9,714,649 | \$ 7,817,328 | \$ 17,787,447 | \$ 177,112,122 |
| - | - | - | - | 190,620 | 7,152,480 | 4,026,168 | - | 28,449,823 |
| - | - | - | - | 747,064 | - | - | - | 24,896,831 |
| - | - | - | - | 48,209 | - | - | - | 26,971,993 |
| 2,786,665 | 319,960 | 537,665 | - | 103,841 | - | - | - | 17,150,486 |
| - | - | - | - | - | - | - | 1,084,379 | 3,561,245 |
| - | - | - | 1,846,326 | - | - | - | - | 1,846,326 |
| - | - | - | - | - | - | - | 188,000 | 4,283,537 |
| - | - | - | - | - | - | 979,030 | 2,951,148 | 15,245,487 |
| - | - | - | - | - | - | - | 11,081,428 | 13,551,428 |
| 2,786,665 | 319,960 | 537,665 | 1,846,326 | 1,089,734 | 7,152,480 | 5,005,198 | 15,304,955 | 135,957,156 |
| \$ 370,532 | \$ 435,915 | \$ 1,174,798 | \$ 402,663 | \$ 4,965,688 | \$ 2,562,169 | \$ 2,812,130 | \$ 2,482,492 | \$ 41,154,966 |



| |
|--|
| CITY COUNCIL AGENDA COMMUNICATION |
|--|

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Public Hearing Regarding the Fiscal Year
2008-2009 City Tax Rate

STAFF RESOURCE: Trish Featherston, Budget Manager
Peter H. Vargas, City Manager
Kevin Hammeke, Finance Director

PREVIOUS COUNCIL ACTION: At the July 22, 2008, City Council Meeting,
Council Set Tuesday, August 12, 2008, and
Tuesday, August 26, 2008, as the Public
Hearing Dates Regarding the Fiscal Year
2008-2009 City Tax Rate

ACTION PROPOSED: Conduct a Public Hearing

BACKGROUND

According to the Texas Truth-in-Taxation Law, the City Council is required to set and conduct two public hearings on the Tax Rate if the City's proposed tax rate exceeds the lower of the rollback rate (\$0.580111) or the effective rate (\$0.541439). The proposed tax rate is \$0.55700. No other business may be conducted at these hearings. State law also requires that at the end of each hearing the Council announce the date, time and place of the meeting at which it will vote on the tax rate.

Since the proposed tax rate of \$0.557 exceeds the effective rate indicated above, two public hearings are mandatory. The City has historically always held public hearings on the tax rate even when the hearings are not required.

STAFF RECOMMENDATION

Staff recommends conducting a public hearing and setting the meeting date of September 9, 2008, at 7:00 P.M. at Allen City Hall, 305 Century Parkway, Allen, Texas, to vote on the tax rate.

BUDGETARY IMPACT

The City's budget for Fiscal Year 2008–2009 reflects a tax rate of \$0.557 per \$100 of appraised valuation. Due to continued growth in the City's tax base, along with increased property values, the total tax revenue generated, based on a rate of \$0.557 per \$100 of the certified appraised values, would be \$39,122,408, which is \$3,176,357 more than taxes imposed last year.

MOTION

I make a motion to set the City Council meeting date of September 9, 2008, at 7:00 P.M. at Allen City Hall, 305 Century Parkway, Allen, Texas, to vote on the proposed tax rate of 55.7 cents per \$100 of the certified appraised value for the Fiscal Year 2008-2009 budget.

| |
|--|
| CITY COUNCIL AGENDA COMMUNICATION |
|--|

AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen, Texas

STAFF RESOURCE: Steve Massey, Community Services Director
Gail Donaldson, Water Conservation Manager

PREVIOUS COUNCIL ACTION: Ordinance No. 2332-9-04, September 14, 2004, City Council established the City's Water Conservation Plan (the North Texas Municipal Water District's (NTMWD) Model Plan)

Ordinance No. 2333-9-04, September 14, 2004, City Council established the City's Drought Contingency Plan (the North Texas Municipal Water District's (NTMWD) Model Plan)

Ordinance No. 2414-6-05, June 28, 2005, City Council amended Ordinance No. 2332-9-04 by amending Section 8.4(b) of the City's Water Conservation Plan to provide for an exemption for the establishment of new grasses

Ordinance No. 2519-5-06, May 9, 2006, City Council established the City's Drought Contingency Plan (the NTMWD Model Plan). The NTMWD plan was updated in April 2006

Resolution No. 2500-5-06(R), May 9, 2006, City Council established the 25% surcharge level for water use above 10,000 gallons of consumption effective June 1, 2006, to remain in effect until further Council action

Ordinance No. 2584-1-07, January 23, 2007, City Council amended Section 3.6 of the City's Drought Contingency Plan to amend the enforcement procedures to provide for an administrative penalty applicable to non-

single family water customers

City Council Workshop presentation, May 13, 2008, Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen

ACTION PROPOSED:

Adopt an Ordinance establishing the City of Allen Water Conservation and Drought Contingency and Water Emergency Response Plan

BACKGROUND

The City of Allen (the City) adopted the current Water Conservation Plan on September 14, 2004, and the current Drought Contingency Plan on May 9, 2006. Following the termination of Stage 3 of the Drought Contingency Plan in July 2007, the North Texas Municipal Water District (NTMWD) met with Member Cities to discuss revisions to NTMWD Model Water Conservation Plan and NTMWD Model Drought Contingency and Emergency Response Plan. After making changes to both plans, the NTMWD combined the plans into one volume and on March 28, 2008, the NTMWD Board of Directors adopted the NTMWD Water Conservation and Drought Contingency/Water Emergency Response Plan for Member Cities and Customers (NTMWD Model Plan).

In the past, the City adopted the NTMWD Model Plan in its entirety and then noted any revisions or City-specific provisions in the adopting ordinance. In order to improve the readability and understandability of the new ordinance, the City Staff has taken the NTMWD Model Plan and embedded City-specific revisions directly into it and changed the title to the “Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen, Texas” (the City Plan). Several other water system member cities have taken this approach and NTMWD is supportive of this approach.

The adopting ordinance and the complete City Plan are provided as attachments to this Council form. Since the May 13, 2008, workshop presentation on this plan, Staff has included City Council recommendations into the document.

The regular session presentation on this item is not designed to review each provision of the City Plan as City Council is familiar with this particular plan. However, the presentation will focus on significant plan items and will highlight City-specific plan provisions that vary from the NTMWD Model Plan.

The following paragraphs outline where the City Plan varies from the NTMWD Model Plan.

Water Conservation Plan Variances:

- 1 The NTMWD Model Plan now specifies that lawn and landscape irrigation are limited to twice per week. The City Plan recommends, not requires, that landscape irrigation be limited to twice per week. This variance is in keeping with past Council discussions on this issue.
- 1 The NTMWD Model Plan prohibits the watering of areas that have been over seeded with cool season grasses (such as rye grass or other similar grasses), except that golf courses and public athletic fields may water as necessary. The City Plan goes one step further, prohibiting the planting of cool season grasses except at locations where the grasses can be watered by on-site untreated well water or water taken from properly permitted stream withdrawals. Winter grasses are considered desirable by many developers, office parks, retail establishments, homeowners' association, and some single family homeowners. However, this is considered an easy sacrifice that is important as it will assist the City in attaining the State water use goal of 140 gallons per capita per day (GPCD). From 2002 to 2006, the City's average GPCD was 168, so a 17 percent use reduction from all water conservation measures is needed to attain the State goal.
- 1 The NTMWD Model Plan requires that existing irrigation systems be retrofitted with rain and freeze sensors and/or ET or Smart controllers capable of multiple programming within five years. The City Plan recommends that existing irrigation systems be retrofitted, but does not require retrofit. This is because citizens can avoid violating plan provision that prohibit watering when it is raining or freezing without making retrofit mandatory. Additionally, rain and freeze sensors tend to not last long and are subject to replacement as frequently as every five years. The final consideration is the difficulty in tracking if irrigation systems have been retrofitted, if the sensors are actually in use, or if the sensors are actually functioning when violations of watering guidelines are observed. It is much more practical to continue to offer rebates for rain and freeze sensors, but in essence let the customer decide how they will keep in compliance with the City's Plan.
- 1 The NTMWD Model Plan requires that all new athletic fields be irrigated by a separate irrigation system from surrounding areas. Staff has changed the plan language to state that new athletic fields must be designed with a separate programmable irrigation "zone" rather than requiring a completely separate irrigation system.
- 1 The following additions to NTMWD Model Plan were included in the City Plan as additional water conservation measures. These two additional inclusions are reflected in the City's Strategic Planning document.
 - 1) Water will only be served in all restaurants and food service establishments upon customer request.
 - 2) Positive shut-off nozzles must be used in all restaurant and food service establishment kitchens to prevent wash and rinse water running continuously.

Drought Contingency and Emergency Response Plan Variances:

- 1 The NTMWD Model Plan allows that registered and properly functioning EvapoTranspiration (ET) and/or Smart irrigation systems and drip irrigation systems may irrigate without restrictions where twice weekly watering is in effect at Stage 2 and once weekly watering is in effect at Stage 3. These controllers have shown to reduce water consumption because they only allow irrigation when it is truly required. However, at the time when Stages 2 or 3 are declared, we are likely to be in weather situations that are extremely hot with low humidity. Under those conditions, ET and Smart controllers could irrigate very frequently, even on a daily basis. This would negate the water savings

that are desired at Stages 2 or 3 and essentially creates a “loophole” for those that wish to irrigate without restrictions. The City Plan does not provide for exemptions from twice weekly or once weekly watering restrictions because a resident has an ET or Smart irrigation controller. Also, the exemption the Model Plan provides for drip irrigation zones is reworded in the City Plan to apply only to drip irrigation zones specifically around the home foundation and on trees. The NTMWD Model Plan does not exempt ET or Smart controllers from Stage 4 use restriction that prohibits all landscape irrigation.

- 1 The NTMWD Model Plan allows that locations using “other sources” of water supply [untreated water] for irrigation may irrigate without restrictions at either Stages 3 or 4. There is a commercial interest here to be able to transport untreated water into cities at Stages 2, 3, and 4 to sell for landscape irrigation as the drought plan restricts treated water consumption. However, it is not practical for the City to consistently verify where the water from other sources is coming from or if it is actually untreated. The type trucks that can hold untreated water are typically filled with treated water from fire hydrants using fire hydrant meters at the construction water rate class. The City Plan was written to allow unrestricted irrigation at Stages 2, 3, and 4 only using on-site well water and/or on-site creek withdrawals that are made from properly permitted sources. The City Plan does not allow water to be trucked or otherwise transported into the City for irrigation purposes.
- 1 The previous NTMWD Model Plan was changed from prohibiting the establishment of new landscaping at Stage 4 to saying, “Prohibit the irrigation of new landscaping using treated water.” This change addresses business concerns expressed by commercial nursery interests as well as those interested in trucking untreated water into the City and selling it at Stages 2, 3, and 4. The logic for not allowing water to be trucked into the City is the same as previously introduced. The City Plan keeps the Stage 4 provision the same as the prior adopting ordinance and plan by prohibiting the establishment of new landscaping at Stage 4 of the Drought Plan.
- 1 The following additions to NTMWD Model Plan were included in the City Plan as additional drought water conservation measures at Stage 3 of the Drought Plan.

1) “Prohibit the operation of all spray ground water parks or other water spray recreational activities that do not treat and recirculate water.” This is important due to the growing number of child care centers and private schools that have spray ground equipment and conduct water related activities in the summer months with treated water.

2) “Prohibit the procurement of construction water (i.e. through fire hydrant meters) from the City of Allen water supply that will be used outside the corporate City limits of the City of Allen.” This provision was added as NTMWD establishes important municipal water use goals during Stages 3 and 4, and we do not wish that our allocation be used to benefit any area outside the City limits. We found this practice happening at Stage 3 during the last drought situation.

The City conducted five meetings to seek public input on the new City Plan. A summary of the key issues that were brought up at the meetings is provided below.

- 1 Several residents asked why developmental moratoriums weren’t included at Drought Contingency Stages 3 or 4. Staff explained that the implementation of developmental moratoriums is governed by State law. At the initial implementation of Stage 4, the water use restrictions are not considered severe enough for municipalities to

“automatically” include a declaration of a developmental moratorium in the plan. As the situation gets increasingly grave, the option of a development moratorium would become available for consideration.

- 1 Residents were concerned about keeping their swimming pools full at Stages 3 and 4 to prevent pool damage. The new City Plan does not restrict use of water to keep private swimming pools full. However, the revised plan does prohibit the issuance of permits to construct new swimming pools after Stage 4 of the drought plan is declared.
- 1 One resident was concerned about the release of water from Lake Lavon to return the reservoir to its conservation pool as spring and summer approaches. The Federal government through the Corps of Engineers lowers the Lake Lavon pool to its “conservation pool” to provide for flood pool storage in the event of heavy rainfall events. The lowering of the pool is part of the reservoir operations plan because the reservoir was authorized by Congress for construction as a multipurpose project for the complimentary uses of water supply, flood control, and public recreation. The resident felt that the federal reservoir management plan should be amended to allow for more water supply storage and less flood control availability as summer approaches. While most years this would be a superb idea that would benefit the NTMWD water service region, a severe hurricane that drops torrential rains on the area at a time that the flood pool is deliberately held full or partially full could exact a high price in exacerbated downstream flooding.
- 1 One resident felt that the fourth and fifth residential rate tiers discriminate against homeowners with large lots. Staff explained that those rates were specifically designed and included in the rate structure to cause conservation by price control. The current five-tier residential rate structure is:

| | |
|--------------------------|--------------------------|
| Up to 1,500 gallons | Included in minimum bill |
| 1,501 to 15,000 gallons | \$2.36/1,000 gallons |
| 15,001 to 25,000 gallons | \$2.95/1,000 gallons |
| 25,001 to 50,000 gallons | \$3.69/1,000 gallons |
| 50,001 to 75,000 gallons | \$5.54/1,000 gallons |
| Over 75,000 gallons | \$8.31/1,000 gallons |

- 1 One contractor wanted the City to allow the continuation of new landscaping at new homes through Stage 4 by allowing contractor to haul water into the City from other than treated sources. Appeals like this at the NTMWD Model Plan public input meeting is why the NTMWD Model Plan does not prohibit the establishment of new landscaping at Stage 4 and instead only prohibits the irrigation of landscaping using treated water.

The City Plan was provided to NTMWD for review and comment after the May 13, 2008, City Council Workshop presentation. NTMWD previously indicated that they would only be concerned where a City’s implementing ordinance and/or plan lowered the water conservation or drought “standard” that was set in the NTMWD Model Plan. NTMWD reviewed the plan and provided grammatical and format recommendations, but did not recommend any specific plan provisions be changed.

STAFF RECOMMENDATION

Staff recommends City Council adopt an ordinance establishing the City of Allen Water Conservation and Drought Contingency and Water Emergency Response Plan.

Staff recommends that the new ordinance become effective September 1, 2008. This allows Staff the month of August to distribute information on the new plan. The utility bill flyer that has been tentatively prepared for distribution in August is provided as an attachment. The flyer concentrates only on the Water Conservation Plan provisions so that citizens do not get the somewhat contradictory provisions of the Water Conservation and Drought Plans confused. In the event of a drought situation, Staff will prepare and distribute separate information on the Drought Plan.

MOTION

I make a motion to adopt Ordinance No. _____ establishing the City of Allen Water Conservation and Drought Contingency and Water Emergency Response Plan.

ATTACHMENT

Ordinance
Water Conservation Plan
UB Water Conservation Plan Flyer

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, REPEALING ORDINANCE NO. 2332-9-04 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 2414-6-05 IN ITS ENTIRETY; REPEALING ORDINANCE NO. 2519-5-06 IN ITS ENTIRETY; AND REPEALING ORDINANCE NO. 2584-1-07 IN ITS ENTIRETY; AMENDING THE CITY OF ALLEN CODE OF ORDINANCES BY AMENDING CHAPTER 14 “UTILITIES” BY AMENDING SECTION 14-14.1 THROUGH SECTION 14-16 TO ESTABLISH A NEW WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF ALLEN; ESTABLISHING PROCEDURES AND CRITERIA FOR DECLARING A WATER EMERGENCY AND IMPLEMENTING AND TERMINATING THE DROUGHT RESPONSE STAGES AND ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES AND PROMOTING RESPONSIBLE USE OF WATER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR OFFENSES; PROVIDING FOR AN ADMINISTRATIVE PENALTY APPLICABLE TO NON-SINGLE FAMILY WATER CUSTOMERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Allen, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and,

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and,

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “TCEQ”) require that the City adopt a Water Conservation Plan and Drought Contingency Plan; and,

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a combined Water Conservation and Drought Contingency and Water Emergency Response Plan; 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, in March 2008, the North Texas Municipal Water District (the “NTMWD”) revised their Model Water Conservation Plan and Model Drought Contingency Plan for North Texas Municipal Water District Member Cities and Customers, and combined those plans into the Model Water Conservation and Drought Contingency and Water Emergency Response Plan for North Texas Municipal Water District Member Cities and Customers; and,

WHEREAS, the City Council of the City of Allen desires to adopt the NTMWD Model Water Conservation and Drought Contingency and Water Emergency Response Plan for North Texas Municipal Water District Member Cities and Customers as official City policy for the conservation of water; and,

WHEREAS, the City Council of the City of Allen desires to adopt the NTMWD Plan as modified for the City of Allen, titled the Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen, Texas (the “City Plan”), attached hereto as Addendum A.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. Chapter 14 of the City of Allen Code of Ordinances is hereby amended by amending Sections 14-14.1 through 14-14-16 to read as follows:

“Sec. 14-14.1. NTMWD Model Water Conservation and Drought Contingency and Water Emergency Response Plan amended.

The City Council hereby approves and adopts the NTMWD Model Water Conservation and Drought Contingency and Water Emergency Response Plan as modified for the City of Allen now titled “WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF ALLEN, TEXAS” (the “City Plan”). The City commits to implement the requirements and procedures set forth in the adopted City Plan. A copy of the City Plan may be found on file in the office of the City Secretary.

Sec. 14-14.2. Criminal Penalties.

Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Sec. 14-14.3. Administrative Remedies.

The City may elect to exercise the following administrative remedies for violations of the City Plan in lieu of pursuing criminal penalties against non-single family water account holders, such as business and professional parks, homeowners’ associations, apartments, home builders, land developers, and entities other than customers residing at single family homes.

- (1) Administrative Fees. The following administrative fees that will be added to the customer’s regular monthly City utility bill shall apply:

| | |
|--------------------------------|---------|
| First Offense | \$200 |
| Second Offense | \$400 |
| Third Offense | \$600 |
| Fourth and Subsequent Offenses | \$2,000 |

- (2) Contesting Violations. A non-single family water customer as defined above may request a hearing before a hearing officer(s) appointed by the Director of Community Services within fifteen (15) business days after the date on the Notice. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) will render a decision in writing within three (3) business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the Director of Community Services within three (3) business days of the conclusion of the hearing. The decision by the Director of Community Services is final and binding.

- (3) Paying Assessed Fees. If, after the expiration of the fifteen (15) business days from the date on the Notice, the customer has not requested an administrative hearing to contest the assessment of an administrative fee or paid the administrative fee, the City shall apply and charge the assessed administrative fee to the customer's next City Utility Bill.

Unpaid assessed administrative fees related to violations of water use restrictions under the City Plan shall incur late payment penalties and may result in termination of water service.

Sec. 14-15. Enforcement.

The City Manager or designee shall be responsible for the enforcement of the provisions of this Ordinance.

Sec. 14-16. Reserved.”

SECTION 2. All Ordinances of the City of Allen, Texas, in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Allen Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 4. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

SECTION 5. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6. The City Manager or designee is hereby directed to file a copy of the City Plan and this Ordinance with the TCEQ in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

SECTION 7. This Ordinance shall take effect on September 1, 2008, in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY TEXAS, ON THIS 12TH DAY OF AUGUST, 2008.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY (29336)

Shelley B. George, CITY SECRETARY

Water Conservation and Drought Contingency
And Water Emergency Response Plan

**WATER
CONSERVATION
AND DROUGHT
CONTINGENCY
AND WATER
EMERGENCY
RESPONSE PLAN
FOR THE CITY OF
ALLEN, TEXAS**

JULY 2008

**CITY OF ALLEN
COMMUNITY SERVICES
305 CENTURY PARKWAY
ALLEN, TEXAS 75013**

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Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

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| APPENDIX B | Texas Commission on Environmental Quality Rules on Municipal Water Conservation and Drought Contingency Plans <ul style="list-style-type: none">▪ TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.1 – Definitions (Page B-1)▪ TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-4)▪ TAC Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers (Page B-7) |
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| APPENDIX G | Adoption of Water Conservation and Drought Contingency and Water Emergency Response Plan <ul style="list-style-type: none">▪ Municipal Ordinance Adopting Water Conservation and Drought Contingency and Water Emergency Response Plan▪ Municipal Utility District Order Adopting Water Conservation and Drought Contingency and Water Emergency Response Plan▪ Special Utility District Order Adopting Water Conservation and Drought Contingency and Water Emergency Response Plan▪ Water Supply Corporation Resolution Adopting Water Conservation and Drought Contingency and Water Emergency Response Plan |
| APPENDIX H | Illegal Water Connections and Theft of Water <ul style="list-style-type: none">▪ Municipal Ordinance Pertaining to Illegal Water Connections and Theft of Water▪ Municipal Utility District Order Pertaining to Illegal Water Connections and Theft of Water▪ Special Utility District Order Pertaining to Illegal Water Connections and Theft of Water▪ Water Supply Corporation Resolution Pertaining to Illegal Water Connections and Theft of Water |
| APPENDIX I | TCEQ Water Conservation Implementation Report |

Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen, Texas

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the growing population and economic development of North Central Texas has led to increasing demands for water supplies. At the same time, local and less expensive sources of water supply are largely developed. Additional supplies to meet higher demands will be expensive and difficult to develop. It is therefore important that North Texas Municipal Water District (NTMWD) and The City of Allen (City) make the most efficient use of existing supplies. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. TCEQ guidelines and requirements are included in Appendix B. The best management practices established by the Water Conservation Implementation Task Force, established pursuant to Senate Bill (SB) 1094 by the 78th Texas Legislature, were also considered in the development of the water conservation measures. The NTMWD developed a Model Water Conservation and Drought Contingency and Water Emergency Response Plan for its Member Cities and Customers (NTMWD Model Plan) following TCEQ guidelines and requirements. The current NTMWD Model Plan was developed in concert with the NTMWD's Water Conservation and Drought Contingency and Water Emergency Response Plan and replaces the NTMWD Model Plans dated August 2004 and April 2006.

The water conservation sections of the NTMWD Model Plan include measures that are intended to result in ongoing, long-term water savings. The drought contingency and water emergency response sections of the NTMWD Model Plan address strategies designed to temporarily reduce water use in response to specific conditions.

The objectives of the water conservation sections of the NTMWD Model Plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To document the level of recycling and reuse in the water supply.
- To extend the life of current water supplies by reducing the rate of growth in demand.

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The water conservation sections presented in this document were derived from a Model Water Conservation Plan intended for adoption by the NTMWD Member Cities and Customers. In order to adopt this NTMWD Model Plan, the City of Allen will need to do the following:

- Complete the water utility profile (Appendix C).
- Complete the annual water conservation implementation report (Appendix I).
- Set five-year and ten-year goals for per capita water use (Table 4.1).
- Adopt an ordinance approving the plan.

The water utility profile, goals, and ordinance(s) or regulations will be provided to NTMWD in draft form for review and comments. Final adopted versions will also be provided to NTMWD, as well as TCEQ.

This Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Allen, Texas (City Plan) applies to all users of the City of Allen water supply.

This City Plan includes all of the elements required by TCEQ. Some elements of this City Plan go beyond TCEQ requirements.

Definitions:

- *City Manager* means the City Manager of the City of Allen, Texas, or designee.
- *Director of Community Services* means the Director of Community Services of the City of Allen, Texas, or designee.
- *The Chief Building Official* means the Chief Building Official of the City of Allen, Texas, or designee.
- *Director of Planning and Development* means the Director of Planning and Development of the City of Allen, Texas, or designee.
- *Water shortage* means a condition in which existing or projected water supply or delivery available to City customers is not anticipated to meet, or cannot meet, the ordinary water requirements of these customers.
- *Wholesale customers* purchase water at a discounted rate either directly from NTMWD or from a NTMWD water system Member City. Allen is a wholesale customer of NTMWD. Allen does not have any wholesale customers on its water system.

Responsibilities:

- (a) The Director of Community Services is responsible for:

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- Advising the City Manager in issues related to water conservation and drought and water emergency issues.
- Developing and maintaining the City Plan in consonance with the most current NTMWD Model Plan and TCEQ guidelines and policies.
- Implementing programs to reduce and control water loss, calculating and reporting unaccounted for water, and keeping water loss under 12 percent. When water loss exceeds 12 percent, the City will intensify water loss control programs.
- Implementing a Landscape Water Management Program (Section 8.4 and Appendix E).
- Developing and presenting water conservation educational and informational programs.
- Developing water conservation promotional activities including a water conservation incentive (rebate) program (Section 8.5).
- Assuring that City ordinances and educational materials are maintained to continue to support future revisions to the NTMWD Model Plan, City Plan, TCEQ guidelines, and legislative mandate.
- Preparing and submitting all the required reports, water utility profiles, and tabular materials related to water conservation in the formats and media as required by the City Plan and/or NTMWD, TCEQ, and/or Texas Water Development Board (TWDB).
- Continuing the City's Water and Sewer Fund financial programming to support a residential meter replacement cycle of no more than 15 years and conducting a regular large meter testing program on no less than a 5-year cycle.
- Supporting the City's goal of reducing gallons per capita per day (gpcd) to 140 gpcd within a 10 year period.
- Assuring the City continues its program of universal metering and billing.
- Assuring that the City water billing/records management system includes water usage classes and capabilities to sort/separate differing classes and categories of water usage as required by the NTMWD Model Plan and Texas Administrative Code (TAC) Title 30, Part I, Chapter 288, Subchapter A, Rule 288.2(a)(2)(b).

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- Providing the City Plan to NTMWD for comment. Providing NTMWD and the Chair of the Region C water planning group the City's adopted ordinance.
- Tracking the submission and appropriateness of the periodic commercial irrigation audits required by the Allen Land Development Code (ALDC).
- Managing the administrative processing and follow-up associated with the requesting of variances from City customers.
- Managing the administrative processing and follow-up associated with the enforcement of all of the water conservation and drought contingency and water emergency response provisions of this Ordinance in coordination with the Director of Planning and Development.
- Managing the program that allows the pursuit of administrative remedies for violations of water conservation and drought water use restrictions by non-single family water account holders.

(b) The Chief Building Official is responsible for:

- Enforcing the requirements of the International Plumbing Code (IPC) in residential and commercial facilities.
- Enforcing the provisions of this Ordinance that are associated with environmental health as part of the regular inspection program.
- As part of the building permit and building inspection programs, enforcing requirements of the Landscape Water Management Plan (Appendix E) and the ALDC that requires landscape irrigation system design in accordance with state design and installation requirements and inclusion of freeze and rain sensors on all new irrigation systems. This requires irrigation system design submission by builders for review by the building official staff and inspection of the irrigation systems as part of the building inspection program. The ALDC also requires specific types of irrigation technology be designed and installed in new commercial and residential applications.

(c) The Director of Planning and Development is responsible for:

- Enforcing the provisions of this Ordinance through the Code Compliance Staff.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

2.1 Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.” The elements in the TCEQ water conservation rules covered in the conservation sections of the City Plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the TAC for water conservation plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 3 and Appendix C
- 288.2(a)(1)(B) – Specification of Goals – Section 4
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 4
- 288.2(a)(1)(D) – Accurate Metering – Sections 5.1 and 5.2
- 288.2(a)(1)(E) – Universal Metering – Section 5.2
- 288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 5.4
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 8.1
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 9
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 8.7 and Appendix F
- 288.2(c) – Review and Update of Plan – Section 10

Conservation Additional Requirements (Population over 5,000)

The TAC includes additional requirements for water conservation plans for Public Water Suppliers serving a population over 5,000:

- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 5.4, 5.5, and 5.6
- 288.2(a)(2)(B) – Record Management System – Section 5.3

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- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 8.6

Additional Conservation Strategies

The TCEQ requires that a water conservation implementation report be completed and submitted on an annual basis. This report is included in Appendix I.

In addition to the TCEQ required water conservation strategies, the NTMWD also requires the following strategy to be included in the Member City and Customer plans and this strategy is incorporated into the City Plan.

- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 8.4 and Appendix E

TCEQ rules also include optional, but not required, conservation strategies, which may be adopted by suppliers. The NTMWD recommends that the following strategies be included in the Member City and Customer water conservation plans:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 8.3
- 288.2(a)(3)(C) – Replacement or Retrofit of Water-Conserving Plumbing Fixtures – Section 8.5
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 8.2
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 8.5 and Appendix E
- 288.2(a)(3)(G) – Monitoring Method – Section 5.6
- 288.2(a)(3)(H) – Additional Conservation Ordinance Provisions – Section 8.5

2.2 Drought Contingency Plans

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in TAC Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency and water emergency response plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

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1 **3. WATER UTILITY PROFILE**

2 Appendix C to this City Plan is a sample water utility profile based on the format
3 recommended by the TCEQ. In adopting this City Plan, the City of Allen will provide a
4 draft water utility profile to NTMWD for review and comment. A final water utility profile
5 will also be provided to NTMWD.

4. SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, each Member City and Customer must develop 5-year and 10-year goals for per capita municipal use. These goals should be submitted to NTMWD in draft form for review. The goals for this City Plan include the following:

- Maintain the per capita municipal water use below the specified amount in gallons per capita per day in a dry year, as shown in the completed Table 4.1.
- Maintain the level of unaccounted water in the system below 12 percent annually in 2008 and subsequent years, as discussed in Section 5.4.
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 5.2.
- Increase efficient water usage through a water conservation ordinance, order or resolution as discussed in Section 8.4 and Appendix E.
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 8.4 and Appendix E.
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

**Table 4.1
Five-Year and Ten-Year Municipal Per Capita Water Use Goals (gpcd)**

| Description | Current Average (gpcd) | 5-Year Goal (gpcd) | 10-Year Goal (gpcd) |
|---|------------------------|--------------------|---------------------|
| Current 5-Year Average Per Capita Municipal Use with Credit for Reuse | 168* | 168* | 168* |
| Expected Reduction due to Low-Flow Plumbing Fixtures | 0 | 2 | 4 |
| Projected Reduction Due to Elements in this City Plan | 0 | 12 | 24 |
| Water Conservation Goals (with credit for reuse) | 168** | 154** | 140** |

* Based on 2002-2006 consumption

** Includes credit for industrial use and reuse

5. METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER, AND LEAK DETECTION AND REPAIR

One of the key elements of water conservation is tracking water use and controlling losses through illegal diversions and leaks. It is important to carefully meter water use, detect and repair leaks in the distribution system and provide regular monitoring of unaccounted water.

5.1 Accurate Metering of Treated Water Deliveries from NTMWD

Water deliveries from NTMWD are metered by NTMWD using meters with accuracy of ± 2 percent. These meters are calibrated on a monthly basis by NTMWD to maintain the required accuracy.

5.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

The provision of water to all customers, including private, public and governmental users, will continue to be metered in the City of Allen. The City of Allen will test and replace their residential customer meters on a regular basis. All residential customer meters will be budgeted to be replaced on a minimum of a 15-year cycle. Additionally, large meters will be regularly tested on no less than a 5-year interval and either maintained or replaced when their test flow is more than a 3 percent difference from actual flow.

5.3 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the City of Allen will maintain a customer billing and record management system that allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information will be included in an annual water conservation report, as described in Section 5.6. Should TCEQ, TWDB, or NTMWD require the inclusion of additional customer classes, the City will add the required classes to its billing and records management system.

5.4 Determination and Control of Unaccounted Water

Unaccounted water is the difference between water delivered to the City of Allen from NTMWD (and other supplies, if applicable) and metered water sales to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, uses associated with new construction, etc.). Unaccounted water can include several categories:

- Inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.)
- Accounts which are being used but have not yet been added to the billing system.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to fire fighting.

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- Losses due to illegal connections and theft.
- Other.

Measures to control unaccounted water will be part of the routine operations of the City of Allen. Maintenance crews and personnel will test for, observe for, and report evidence of leaks in the water distribution system. A leak detection and repair program is described in Section 5.5 below. Meter services technicians, building inspection staff, and all City crews will watch for and report signs of water loss and illegal connections, so they can be quickly addressed.

Unaccounted water should be calculated in accordance with the provisions of Appendix C. With the measures described in this City Plan, the City of Allen should maintain unaccounted water below 12 percent in 2008 and subsequent years. If unaccounted water exceeds this goal, the City of Allen will implement a more intensive audit to determine the source(s) of and reduce the unaccounted water. The annual conservation report described below is the primary tool that should be used to monitor unaccounted water.

5.5 Leak Detection and Repair

As described above, City crews, building inspectors, and personnel should look for and report evidence of leaks in the water distribution system. Areas of the water distribution system, in which numerous leaks and line breaks occur, should be targeted for replacement as funds are available.

5.6 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report

Appendix D is a form that should be used in the development of an annual water conservation report by the City of Allen. This form should be completed by March 31 of the following year and used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and unaccounted water for the current year and compares them to historical values. The annual water conservation report should be sent to NTMWD, which will monitor NTMWD Member Cities' and Customers' water conservation trends.

5.7 Water Conservation Implementation Report

Appendix I includes the TCEQ-required water conservation implementation report. The report is due to the TCEQ by May 1 of every year, starting in the year 2010. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the water conservation plan. The reporting entity must answer whether or not these goals have been met and if not, why not. The amount of water saved is also requested.

6. CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN

The continuing public education and information campaign on water conservation includes the following elements:

- Utilize the “Water IQ: Know Your Water” and other public education materials produced by the NTMWD.
- Insert water conservation information with water bills. Inserts will include material developed by the City of Allen staff and material obtained from the NTMWD, TWDB, TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that the City of Allen staff and staff of the NTMWD are available to make presentations on the importance of water conservation and ways to save water.
- Promote the *Texas Smartscape* web site (www.txsmartscape.com) and provide water conservation brochures and other water conservation materials available to the public at City Hall and other public places.
- Make information on water conservation available on its web site and include links to the “Water IQ: Know Your Water” website, *Texas Smartscape* web site and to information on water conservation on the TWDB and TCEQ web sites and other resources.
- Annually, the Director of Community Services will mail information on water conservation to each water system customer.

7. WATER RATE STRUCTURE

The City of Allen will continue to bill customers using an increasing block rate water structure that is intended to encourage water conservation and discourage excessive use and waste of water. An example water rate structure suggested by the NTMWD Model Plan is provided below. The current City of Allen rate structure surpasses the minimum requirements suggested by the NTMWD.

Residential Rates

1. Monthly minimum charge. This can (but does not have to) include up to 2,000 gallons water use with no additional charge.
2. Base charge per 1,000 gallons up to the approximate average residential use.
3. 2nd tier (from the average to 2 times the approximate average) at 1.25 to 2.0 times the base charge.
4. 3rd tier (above 2 times the approximate average) at 1.25 to 2.0 times the 2nd tier.
5. The residential rate can also include a lower tier for basic household use up to 4,000 gallons per month or a determined basic use.

Commercial/Industrial Rates

Commercial/industrial rates should include at least 2 tiers, with rates for the 2nd tier at 1.25 to 2.0 times the first tier. Higher water rates for commercial irrigation use are encouraged, but not required.

8. OTHER WATER CONSERVATION MEASURES

8.1 NTMWD System Operation Plan

Member Cities and Customers of NTMWD purchase treated water from NTMWD and do not have surface water supplies for which to implement a system operation plan. NTMWD's permits do allow some coordinated operation of its water supply sources, and NTMWD is seeking additional water rights for coordinated operation to optimize its available water supplies.

8.2 Reuse and Recycling of Wastewater

Most Member Cities and Customers do not own and operate their own wastewater treatment plants. Their wastewater is treated by NTMWD. NTMWD currently has the largest wastewater reuse program in the state. NTMWD has water rights allowing reuse of up to 71,882 acre-feet per year of this treated wastewater through Lake Lavon for municipal purposes. In addition, NTMWD has also developed the East Fork Raw Water Supply Project which can divert up to 157,393 acre-feet per year based on treated wastewater discharges by the NTMWD. When fully developed, these two reuse projects will provide up to 44 percent of the NTMWD's currently permitted water supplies. NTMWD also provides treated effluent from its wastewater treatment plants available for direct reuse for landscape irrigation and industrial use.

Although the City of Allen does not operate its own wastewater treatment plant, the NTMWD encourages those Member Cities and Customers who own and operate their own wastewater treatment plants should move toward reusing treated effluent for irrigation purposes at their plant site over the next three years. These entities should also seek other alternatives for reuse of recycled wastewater effluent.

8.3 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The state has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures. The City of Allen will continue to implement ordinances, plumbing codes, and rules on water conserving fixtures as they evolve through relevant building codes and State of Texas requirements. A rebate program to encourage water conservation through replacement of older fixtures will be offered in the City of Allen and is discussed in Section 8.5.

8.4 Landscape Water Management Measures

The following landscape water management measures are adopted for the City Plan.

- Time of day restrictions prohibiting lawn irrigation watering from 10 AM to 6 PM beginning April 1 and ending October 31 of each year.

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- Prohibition of watering of impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Prohibition of outdoor watering during precipitation or freeze events.
- Recommend, not require, lawn and landscape irrigation limited to twice per week.
- Prohibition of the use of treated water to fill or refill residential, amenity, and any other natural or manmade ponds. A pond is considered to be a still body of water with a surface area of 500 square feet or more.
- Rain and freeze sensors and/or ET or Smart controllers required on all new irrigation systems. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.
- “At home” car washing can be done only when using a hose with a shut-off nozzle.

8.5 Additional Water Conservation Measures

Appendix E is a summary of considerations for landscape water management regulations adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. Appendix E includes the required landscape water measures in 8.4. In addition, the City of Allen adopts the following as part of the City Plan:

- Recommend, not require, that all existing irrigation systems be retrofitted with rain and freeze sensors and/or ET or Smart controllers capable of multiple programming. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly. This provision does not imply that anyone is exempt from enforcement of provisions concerning over-watering, watering during rain or watering during freezing weather.
- Prohibition of use of poorly maintained irrigation systems that waste water.
- Prohibition of planting/watering cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements, with an exception allowed for golf courses and public athletic fields and/or recreational practice/playing fields and an exception for locations using on-site well water or properly permitted on-site creek withdrawals. The trucking or transporting of water from off-site is prohibited.
- Requirement that the playing surface on all new public athletic fields be irrigated by a separate programmable irrigation zone from surrounding areas.
- Water will only be served in all restaurants and food service establishments upon customer request.
- Positive shut-off nozzles must be used in all restaurant and food service establishment kitchens to prevent wash and rinse water running continuously.

The City of Allen, through the development of the ALDC (see current ALDC for details) has specific requirements pertaining to landscaping and irrigation systems that include additional water conservation measures (summarized below):

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- Restrictions of certain types of plant materials in commercial landscapes.
- New irrigation systems meeting detailed requirements of use of drip irrigation, distribution uniformity (75 percent), low-angle spray heads, designs in accordance with TCEQ rules.
- No spray heads allowed between street and sidewalk planting areas of both residential and commercial properties.
- Installation and recurring inspections for irrigation systems that include an evaluation of the system for the distribution uniformity.

In addition to the conservation measures described above, City of Allen offers rebates for purchase of water conserving devices. The items for the City's rebate program will change from time to time as the City's Water Conservation Rebate Program evolves. The items covered at the time of approval of this Ordinance include:

- Low-flow toilet replacement and rebate programs.
- Rebates for rain and freeze sensors and/or ET or Smart controllers.
- Water efficient clothes washer rebates.
- Pressure reducing valve installation rebates.
- Rain barrel rebates.

8.6 Requirement for Water Conservation Plans by Wholesale Customers

The NTMWD Model Plan requires that every contract for the wholesale sale of water by Member Cities and/or Customers that is entered into, renewed, or extended after the adoption of this water conservation plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2. The requirement will also extend to each successive wholesale customer in the resale of the water. **The City of Allen does not currently contract for the resale of water to wholesale customers.**

8.7 Coordination with Regional Water Planning Group and NTMWD

Appendix F includes a letter sent by NTMWD to the Chair of the Region C water planning group with their NTMWD Model Plan. The City of Allen will send a copy of their draft ordinance implementing the City Plan and their water utility profile to NTMWD for review and comment. The adopted ordinance and the adopted water utility profile will be sent to the Chair of the Region C Water Planning Group and to NTMWD.

9. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Appendix G contains a copy of an ordinance, order, or resolution which may be tailored to meet Member City or Customer City needs and be adopted by the City Council or governing board regarding the water conservation plan. The ordinance, order, or resolution designates responsible officials to implement and enforce the water conservation plan. Appendix E, the considerations for landscape water management regulations, also includes information about enforcement. Appendix H includes a copy of an ordinance, order, or resolution that may be adopted related to illegal connections and water theft.

The City of Allen is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines. The City of Allen will adopt an ordinance(s) implementing the City Plan, which incorporates the NTMWD Model Plan, including the determination of fines and enforcement procedures.

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10. REVIEW AND UPDATE OF WATER CONSERVATION PLAN

The City Plan will be updated based upon receipt of new or updated information, and as required by the TCEQ.

11. DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

11.1 Introduction

The purpose of the drought contingency and water emergency response sections of the City Plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The NTMWD supplies treated water to the City of Allen. The NTMWD Model Plan was developed by NTMWD in consultation with its Member Cities. The City of Allen will adopt an ordinance(s) implementing the City Plan, which incorporates the NTMWD Model Plan, including the determination of fines and enforcement procedures. The NTMWD Model Plan calls for Member Cities and Customers to adopt drought stages initiated by NTMWD during a drought or water supply emergency. Member Cities and Customers may also adopt more stringent drought or water emergency response stages than NTMWD if conditions warrant.

A drought is defined as an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources, in this case reservoirs, to be depleted. In the absence of drought response measures, water demands tend to increase during a drought due to the need for additional outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

11.2 State Requirements for Drought Contingency and Water Emergency Response Plans

This City Plan is consistent with TCEQ guidelines and requirements for the development of drought contingency plans for public water suppliers, contained in TAC Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20. This rule is contained in Appendix B.

Minimum Requirements

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 11.3

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- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 11.4
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 11.9
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 11.5
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 11.6
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 11.6
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 11.6
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 11.5
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 11.7
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 11.8
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 11.1, 11.5, and 11.6
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 11.5
- 288.20(c) – Review and Update of Plan – Section 11.10

11.3 Provisions to Inform the Public and Opportunity for Public Input

The City of Allen will provide opportunity for public input in the development of the City Plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the City’s web site.
- Making the draft City Plan available on the City’s web site, at the Allen Public Library, and at the City Secretary’s Office.
- Providing the draft City Plan to anyone requesting a copy.
- Holding a public meeting.

11.4 Provisions for Continuing Public Education and Information

The City of Allen will inform and educate the public about the City Plan by the following means:

- Preparing a bulletin describing the City Plan and making it available at City Hall and other appropriate locations.
- Making the City Plan available to the public through the City’s web site.

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- Including information about the City Plan on the City's web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations regarding the City Plan.

At any time that the drought contingency and water emergency response sections of the City Plan is activated or the drought stage or water emergency response stage changes, the City of Allen will notify local media of the issues, the drought response stage or water emergency response stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site. Utility Bill inserts and direct mail to each utility customer will also be used as appropriate.

11.5 Initiation and Termination of Drought or Water Emergency Response Stages

Initiation of a Drought or Water Emergency Response Stage

The City Manager, Mayor or official designee may order the implementation of a drought or water emergency response stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought or water emergency response stage is initiated:

- The public will be notified through local media and the City's web site as described in Section 3.2.
- The NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought/water emergency response stage.
- If any mandatory provisions of the drought contingency and water emergency response sections of the City Plan are activated, the City of Allen will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

In the event of a City-wide emergency, the order shall be made by public announcement in the City within twenty-four hours on implementation. In the event of an emergency of limited geographically extent, door-to-door notification shall be made by door hangers and/or in person, at which time the City Manager authorized state of emergency shall become immediately effective. Once an emergency has been declared, the City Manager may utilize supplemental public notifications including notices posted at City Hall, Civic Centers, libraries, fire stations, post offices, major supermarkets, schools, major corporate centers, Chamber of Commerce, direct mail, television, radio, internet website announcement, ACTV news, newspaper, and other news media to notify the public.

Drought contingency/water emergency response stages imposed by NTMWD will be initiated by the City of Allen. For trigger conditions internal to the City of Allen, the City Manager, Mayor or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought/Water Emergency Response Stage

The City Manager, Mayor or official designee may order the termination of a drought or water emergency response stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought or emergency response stage is terminated:

- The public will be notified through local media and the City’s web site as described in Section 3.2.
- The NTMWD will be notified by e-mail with a follow-up letter or fax.
- If any mandatory provisions of the drought contingency and water emergency response sections of the City Plan that have been activated are terminated, the City of Allen will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within five business days.

The City Manager, Mayor or official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

11.6 Drought Contingency and Water Emergency Response Stages and Measures

Stage 1

Initiation and Termination Conditions for Stage 1

- The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
 - Water demand is projected to approach the limit of the permitted supply.
 - The storage in Lavon Lake is less than 65 percent of the total conservation pool capacity.
 - NTMWD’s storage in Jim Chapman Lake is less than 65 percent of NTMWD’s total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 6 months.

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- NTMWD water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
- Water demand for all or part of NTMWD's delivery system approaches delivery capacity because delivery capacity is inadequate.
- NTMWD's supply source becomes contaminated.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City's water demand exceeds 90 percent of the amount that can be delivered to customers for three consecutive days.
- The City's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- The City's water supply source becomes contaminated.
- The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City is unable to recover water storage of 100 percent in all storage facilities within a twenty-four hour period.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a 2 percent reduction in the amount of water produced by NTMWD. The City Manager, Mayor or official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Request voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Review the problems that caused the initiation of Stage 1.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Notify major water users and work with them to achieve voluntary water use reductions.
- Reduce city government water use for landscape irrigation.
- Ask the public to follow voluntary landscape watering schedules.

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Stage 2

Initiation and Termination Conditions for Stage 2

- The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
 - Water demand is projected to approach the limit of the permitted supply.
 - The storage in Lavon Lake is less than 55 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 55 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 3 months.
 - NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
 - NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
- The City's water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
- The City's water supply source becomes contaminated.
- The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City is unable to recover water storage of 90 percent in all storage facilities within a twenty-four hour period.

Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

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Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a 5 percent reduction in the amount of water produced by NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, Mayor or official designee can set a goal for greater water use reduction. The City Manager, Mayor or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The supplier must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stage 1.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential City government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- The City may prohibit watering from 5 to 9 AM and from 4 to 7 PM in order to allow ground and elevated storage to be replenished.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems to no more than two days per week, as delineated by the City’s map that will be provided upon initiation of Stage 2. An exception is allowed for landscape associated with new construction. The exemption for new sodded grass areas shall not exceed 30 consecutive days from the Certificate of Occupancy date, Temporary Certificate of Occupancy date, or Certificate of Completion date for new home or building construction and shall not exceed 45 consecutive days from the time of placement of newly seeded, hydroseeded, hydromulched, or sprigged areas in open space, common areas, or right-of-ways. This exemption is based on the more frequent watering requirements needed to successfully establish new grasses in the north Texas climate. However, this exemption does not waive the requirement for compliance with other water use restrictions in the City Plan. Should an exemption need to extend past these time periods, the property owner must request a variance under Appendix E, Paragraph D of the City Plan. ET/Smart irrigation systems are not exempt from this twice weekly watering limitation.
- Locations using on-site well water or properly permitted creek withdrawals may irrigate without restrictions.
- Water may not be trucked or otherwise transported into the City for irrigation purposes.
- **Requires Notification to TCEQ** – Restrict landscape and lawn irrigation from 10 AM to 6 PM beginning April 1 through October 31 of each year.

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- **Requires Notification to TCEQ** – Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.

Stage 3

Initiation and Termination Conditions for Stage 3

- The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 45 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 45 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Moderate drought. (Measures required by SRA under a Moderate drought designation are similar to those under NTMWD's Stage 3.)
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability.
 - NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
 - NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City's water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- The City's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- The City's water supply source becomes contaminated.
- The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City is unable to recover water storage of 75 percent in all storage facilities within a twenty-four hour period.

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Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of 10 percent in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, Mayor or official designee can set a goal for a greater water use reduction.

The City Manager, Mayor or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, Mayor or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 - Prohibit washing or rinsing of vehicles by hose unless using a shut-off nozzle.
 - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. All customers, residential and commercial, will be allowed to water as delineated by the City’s map that will be provided upon initiation of Stage 3. Exceptions are as follows:
 - Foundations, shrubs, and trees within a ten foot radius of their trunk may be watered for up to two hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - Golf courses may water greens and tee boxes without restrictions.
 - Public athletic fields used for competition may be watered twice per week.
 - Locations using on-site well water or properly permitted creek withdrawals may irrigate without restrictions.
 - Water may not be trucked or otherwise transported into the City for irrigation purposes.
 - ET/Smart irrigation systems are not exempt from once every seven day watering restrictions.

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- Exception for the establishment of new sodded grasses. The exemption for new sodded grass areas shall not exceed 30 consecutive days for the Certificate of Occupancy date, Temporary Certificate of Occupancy date, or Certificate of Completion date for new home or building construction.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.
- **Requires Notification to TCEQ** – Prohibit hydroseeding, hydromulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss). Permits to construct new pools may continue to be issued and the pools may be constructed and filled with water.
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level. By Council resolution, the City will initiate a rate surcharge for all residential and irrigation-only water use over a consumption level that will be specified in the rate setting resolution.
- **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.
- **Requires Notification to TCEQ**- Prohibit the operation of all spray ground water parks or other water spray recreation activities that do not treat and recirculate water.
- **Requires Notification to TCEQ**- Prohibit the procurement of construction water (i.e. through fire hydrant meters) from the City of Allen water supply that will be used outside the corporate city limits of the City of Allen.

Stage 4

Initiation and Termination Conditions for Stage 4

- The NTMWD has initiated Stage 4, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 4.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.

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- NTMWD's storage in Jim Chapman Lake is less than 35 percent of NTMWD's total conservation pool capacity.
- The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Severe drought or Emergency.
- The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.
- NTMWD water demand exceeds the amount that can be delivered to customers.
- NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- NTMWD's supply source becomes contaminated.
- NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City's water demand exceeds the amount that can be delivered to customers.
- The City's water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- The City's water supply source becomes contaminated.
- The City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City is unable to recover water storage of 50 percent in all storage facilities within a twenty-four hour period.

Stage 4 may terminate when NTMWD terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 4

The goal for water use reduction under Stage 4 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD. If circumstances warrant or if required by NTMWD, the City Manager, Mayor or official designee can set a goal for a greater water use reduction.

- The City Manager, Mayor or official designee must implement any action(s) required by NTMWD. In addition, the City Manager, Mayor or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ and NTMWD within five business days if these measures are implemented.
- Continue or initiate any actions available under Stages 1, 2, and 3.
 - Notify wholesale customers of actions being taken and request them to implement similar procedures.

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- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Prohibit the establishment of new landscaping.
- **Requires Notification to TCEQ** - Locations using on-site well water or properly permitted creek withdrawals may be irrigated without restrictions.
- **Requires Notification to TCEQ** - Water may not be trucked or otherwise transported into the City for irrigation purposes.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees within a ten foot radius of their trunk may be watered for two hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart irrigation systems are not exempt from this requirement.
- **Requires Notification to TCEQ** – Prohibit golf course watering with treated water except for greens and tee boxes.
- **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager, Mayor or official designee.
- **Requires Notification to TCEQ** - Initiate a rate surcharge by City Council rate setting resolution for all water use over normal rates for water use.

11.7 Procedures for Granting Variances to the City Plan

The City Manager, Mayor or official designee may grant temporary variances for existing water uses otherwise prohibited under the drought contingency and water emergency response sections of the City Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with the City Plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager, Mayor or official designee. All petitions for variances should be in writing and should include the following information:

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- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

Variance requests may be delivered to City Hall or addressed to the Attention of the Director of Community Services, 305 Century Parkway, Allen Texas 75013. Variances are considered temporary and must be submitted for reconsideration should the Drought and Emergency Response Stage elevate from the stage in which the temporary variance was approved to any higher stage of response.

11.8 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 2, Stage 3 and Stage 4 drought contingency and water emergency response stages. The penalties associated with the mandatory water use restrictions will be determined by the City.

Beginning at Stage 3, the Director of Community Services, in coordination with the Director of Planning and Development, may enforce all of the water conservation and drought contingency and water emergency response provisions of the Ordinance. Prior to initiation of enforcement, the Community Services Director will designate City Staff and ensure training in proper court procedures and evidence requirements by the Allen Municipal Court. City Staff designated by the Director of Community Services will be restricted to enforce only the provisions of this Ordinance.

For enforcement purposes, if a citation is to be issued and the account holder cannot be reached to be served the citation, including the account holder's apparent refusal to accept delivery of a citation sent by certified mail, then the City may discontinue water service until such time as the registered City utility account holder presents themselves to receive their citation. After the citation is issued, no reconnection fee will be charged to the customer.

Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the City Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

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Administrative Remedies. The City may elect to exercise the following administrative remedies in lieu of pursuing criminal penalties against non-single family water account holders, such as business and professional parks, homeowners associations, apartments, home builders, land developers, and entities other than customers residing at single family homes.

- (1) Administrative Fees. The following administrative fees that will be added to the customer's regular monthly City utility bill shall apply:

| | |
|--------------------------------|---------|
| First Offense | \$200 |
| Second Offense | \$400 |
| Third Offense | \$600 |
| Fourth and Subsequent Offenses | \$2,000 |

- (2) Contesting Violations. A non-single family water customer as defined above may request a hearing before a hearing officer(s) appointed by the Director of Community Services within fifteen business days after the date on the Notice. The hearing officer(s) shall evaluate all information offered by the petitioner at the hearing. The customer shall bear the burden of proof to show why, by preponderance of the evidence, the administrative fee should not be assessed. The hearing officer(s) will render a decision in writing within three business days of the conclusion of the hearing. A customer may appeal the decision from the hearing officer(s) in writing to the Director of Community Services within three business days of the conclusion of the hearing. The decision by the Director of Community Services is final and binding.
- (3) Paying Assessed Fees. If, after the expiration of the fifteen business days from the date on the Notice, the customer has not requested an administrative hearing to contest the assessment of an administrative fee or paid the administrative fee, the City shall apply and charge the assessed administrative fee to the customer's next City Utility Bill.

Unpaid assessed administrative fees related to violations of water use restrictions under the City Plan shall incur late payment penalties and may result in termination of water service.

11.9 Coordination with the Regional Water Planning Groups

Appendix F includes a copy of a letter sent to the Chair of the Region C water planning group with the City Plan.

The City will send a draft of its ordinance(s) or other regulation(s) implementing the City Plan to NTMWD for their review and comment. The City will also send the final ordinance(s) or other regulation(s) to NTMWD.

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**11.10 Review and Update of Drought Contingency and Water Emergency Response
Plan**

As required by TCEQ rules, the City of Allen must review the City Plan every five years. The City Plan will be updated as appropriate based on new or updated information.

APPENDIX A

List of References

Appendix A
List of References

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and 288.2, downloaded from [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288), July 2007.
- (2) Water Conservation Implementation Task Force: "Texas Water Development Board Report 362, Water Conservation Best Management Practices Guide," prepared for the Texas Water Development Board, Austin, November 2004.
- (3) Freese and Nichols, Inc.: North Texas Municipal Water District Water Conservation and Drought Contingency/Water Emergency Response Plan, prepared for the North Texas Municipal Water District, Fort Worth, March 2008.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

- (4) Edward Motley, Marisa Vergara, Tom Gooch, and Stephanie Griffin: Memorandum to File on "Region C Municipal Water Use Projections Adopted on August 18, 2003," Fort Worth, August 21, 2003.
- (5) City of Austin Water Conservation Division: "City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (6) City of Austin Water Conservation Division: "City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements," Austin, August 1999.
- (7) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan," adopted by the Board of Directors, Lewisville, August 5, 1999.
- (8) Upper Trinity Regional Water District: "Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended)," adopted by the Board of Directors, Lewisville, February 2002.
- (9) *City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- (10) Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
- (11) *City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- (12) *City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.

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- (13) Updates to the City of Fort Worth water conservation plan found at <http://ci.fortworth.tx.us> in September 2003.
- (14) *City of Fort Worth: “Emergency Water Management Plan for the City of Fort Worth,” Fort Worth, August 19, 2003.
- (15) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, February 2000.
- (16) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
- (17) Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
- (18) HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, June 1998.
- (19) HDR Engineering, Inc.: “Water Conservation Plan for the City of Corpus Christi,” adopted by the City of Corpus Christi City Council, August 24, 1999.
- (20) City of Houston’s water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
- (21) City of Houston: “Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies,” Houston, August 2001.
- (22) City of Houston: “Ordinance No. 98-764, Relating to Water Conservation,” Houston, September 1998.
- (23) City of Houston: “Water Conservation Plan,” 1998.
- (24) City of Houston: “Water Emergency Response Plan,” Houston, July 15, 1998.
- (25) City of Lubbock: “Water Conservation Plan,” ordinance number 10177 adopted by the City Council in August 1999.
- (26) City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
- (27) San Antonio Water System: “Water Conservation and Reuse Plan,” San Antonio, November 1998 with June 2002 updates.
- (28) North Texas Municipal Water District: “District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan,” adopted August 1999.
- (29) GDS Associates, Inc.: “Water Conservation Study,” prepared for the Texas Water Development Board, Fort Worth, 2002.
- (30) A & N Technical Services, Inc.: “BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices,” prepared for The California Urban Water Conservation.

APPENDIX B

**Texas Commission on Environmental Quality Rules on
Municipal Water Conservation and Drought Contingency Plans**

APPENDIX B
Texas Commission on Environmental Quality Rules
on Municipal Water Conservation Plans

Texas Administrative Code

| | |
|---------------------|--|
| <u>TITLE 30</u> | ENVIRONMENTAL QUALITY |
| <u>PART 1</u> | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| <u>CHAPTER 288</u> | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS |
| <u>SUBCHAPTER A</u> | WATER CONSERVATION PLANS |
| RULE §288.1 | Definitions |

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

- (1) Agricultural or Agriculture--Any of the following activities:
 - (A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
 - (B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower;
 - (C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
 - (D) raising or keeping equine animals;
 - (E) wildlife management; and
 - (F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.
- (2) Agricultural use--Any use or activity involving agriculture, including irrigation.
- (3) 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 water supply is made available for future or alternative uses.
- (4) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within

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another water management document(s).

- (5) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.
- (6) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.
- (7) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.
- (8) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field repressuring.
- (9) Municipal per capita water use--The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.
- (10) Municipal use--The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.
- (11) Municipal use in gallons per capita per day--The total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculating gallons per capita per day for targets and goals.
- (12) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, who grows more than 50% of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

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- (13) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (14) Public water supplier--An individual or entity that supplies water to the public for human consumption.
- (15) Regional water planning group--A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, §16.053.
- (16) Retail public water supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.
- (17) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.
- (18) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).
- (19) Wholesale public water supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

Source Note: The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146, amended to be effective October 7, 2004, 29 TexReg 9384.

Texas Administrative Code

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| <u>TITLE 30</u> | ENVIRONMENTAL QUALITY |
| <u>PART 1</u> | TEXAS COMMISSION ON ENVIRONMENTAL QUALITY |
| <u>CHAPTER 288</u> | WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS |
| <u>SUBCHAPTER A</u> | WATER CONSERVATION PLANS |
| RULE §288.2 | Water Conservation Plans for Municipal Uses by Public Water Suppliers |

-
- (a) A water conservation plan for municipal water use by public water suppliers shall provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.
- (1) Minimum requirements. All water conservation plans for municipal uses by public drinking water suppliers must include the following elements:
- (A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;
 - (B) until May 1, 2005, specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;
 - (C) beginning May 1, 2005, specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use, in gallons per capita per day. The goals established by a public water supplier under this subparagraph are not enforceable;
 - (D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
 - (E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
 - (F) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);
 - (G) a program of continuing public education and information regarding water conservation;

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- (H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;
 - (I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and
 - (J) a means of implementation and enforcement which shall be evidenced by:
 - (i) a copy of the ordinance, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and
 - (ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and
 - (K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.
- (2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:
- (A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;
 - (B) a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes:
 - (i) residential;
 - (ii) commercial;
 - (iii) public and institutional; and
 - (iv) industrial;
 - (C) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.
- (3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the

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- stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:
- (A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;
 - (B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;
 - (C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;
 - (D) reuse and/or recycling of wastewater and/or graywater;
 - (E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;
 - (F) a program and/or ordinance(s) for landscape water management;
 - (G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and
 - (H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.
- (b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.
- (c) Beginning May 1, 2005, a public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384.

APPENDIX C

TCEQ Water Utility Profile

APPENDIX C
TCEQ Water Utility Profile
 (Based on November 5, 2004 TCEQ Profile)

The purpose of the Water Utility Profile is to assist an applicant with water conservation plan development and to ensure that important information and data be considered when preparing your water conservation plan and goals. You may contact the Municipal Water Conservation Unit of the TWDB at 512-936-2391 for assistance, or the Resource Protection Team at 512-239-4691 if submitted to the TCEQ. You may also contact Denise Hickey of NTMWD at 972/442-5405 or Tom Gooch of Freese and Nichols at 817/735-7300.

Name of Entity: _____
 Address & Zip: _____
 Telephone Number: _____
 Fax Number: _____
 Form Completed by: _____
 Title: _____
 Signature: _____
 Date: _____

Name and phone number of person/department responsible for implementing a water conservation program:

Name: _____
 Phone Number: _____

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Please attach a copy of your service-area map and, if applicable, a copy of your Certificate of and a service-area map.
2. Service area size (square miles): _____
3. Current population of service area: _____ as of year _____
4. Current population served by utility:
 water: _____
 wastewater: _____
5. Population served by water utility for the previous five years. (Please list by year in ascending order.):

| Year | Population |
|------|------------|
| | |
| | |
| | |
| | |
| | |

6. Projected population for service area in the following decades:

| Year | Population |
|------|------------|
| 2010 | |
| 2020 | |
| 2030 | |
| 2040 | |
| 2050 | |
| 2060 | |

7. List source/method for the calculation of current and projected population:

B. Active Connections

1. Current number of active connections.

Check whether multi-family service is counted as Residential ___ or Commercial ___.

Current year is: _____

| Treated Water Users | Metered | Non-Metered | Total |
|---------------------|---------|-------------|-------|
| Residential | | | |
| Commercial | | | |
| Industrial | | | |
| Other | | | |
| Total | | | |

2. List the net number of new connections per year for most recent three years:

| Year | | | |
|-------------|--|--|--|
| Residential | | | |
| Commercial | | | |
| Industrial | | | |
| Other | | | |
| Total | | | |

C. High Volume Customers

List annual water use for the five highest volume customers.

(Please indicate if treated or raw water delivery.):

| Customer | Use (1,000 gal/yr) | Treated or Raw Water? |
|----------|--------------------|-----------------------|
| | | |
| | | |
| | | |
| | | |

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. Amount of water use for previous five years (in 1,000 gal):

Please indicate: Diverted Water ___
 Treated Water ___

| Year | | | | | |
|--------------|--|--|--|--|--|
| January | | | | | |
| February | | | | | |
| March | | | | | |
| April | | | | | |
| May | | | | | |
| June | | | | | |
| July | | | | | |
| August | | | | | |
| September | | | | | |
| October | | | | | |
| November | | | | | |
| December | | | | | |
| Total | | | | | |

Please indicate how the above figures were determined (e.g., from a master meter located at the point of diversion, from a stream, or located at a point where raw water enters the treatment plant, or from water sales)

2. Amount of water (in 1,000 gallons) delivered (sold) as recorded by the following account types

| Year | Residential | Commercial | Industrial | Wholesale | Other | Total Sold |
|-------------|--------------------|-------------------|-------------------|------------------|--------------|-------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

3. List previous five years records for water loss (the difference between water diverted (or treated) and water delivered (sold)).

Data is calculated in Appendix D on tab "D-4". TWDB requires that the data for this entry be reported in g

| Year | Amount (gal.) | % |
|-------------|----------------------|----------|
| | | |
| | | |
| | | |
| | | |

4. Municipal water use for previous five years:

| Year | Population | Total Diverted (or Treated) (1,000 gal) |
|------|------------|---|
| | | |
| | | |
| | | |
| | | |
| | | |

B. Projected Water Demands

If applicable, attach projected water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years any additional water supply requirement from such growth.

| Year | Projected Demand (Ac-Ft) | Source of data | Additional Water Supply Requirements |
|------|-----------------------------|----------------|--------------------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

List all current water supply sources and the amounts authorized with each:

| Type | Source | Amount Available (AF/Y) |
|---------------|---|-------------------------|
| Surface Water | | |
| Groundwater | | |
| Contracts | North Texas Municipal Water District (SW) | |
| Other | | |

B. Treatment and Distribution System

1. Design daily capacity of system: _____ MGD

2. Storage capacity:
 - Elevated _____ MG
 - Ground _____ MG

3. If surface water, do you recycle filter backwash to the head of the plant?
 Yes ___ No ___. If yes, approximately ___ MGD.

4. Please attach a description of the water system. Include the number of treatment plants, wells, and tanks. If possible, include a sketch of the system layout.

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s): _____ MGD

2. Is treated effluent used for irrigation on-site ____, off-site ____, plant washdown ____, or chlorination/dechlorination ____? If yes, approximately ____ gallons per month.

3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed of. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and, if wastewater is discharged, the receiving stream. Please provide a sketch or map which located the plant(s) and di

| Treatment Plant Name | TCEQ Number | Operator | Owner | Receiving Stream |
|----------------------|-------------|----------|-------|------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

B. Wastewater Data for Service Area

1. Percent of water service area served by wastewater system: _____ %
2. Monthly wastewater volume for previous three years (in 1,000 gallons):

| Year | | | |
|-------------|--|--|--|
| January | | | |
| February | | | |
| March | | | |
| April | | | |
| May | | | |
| June | | | |
| July | | | |
| August | | | |
| September | | | |
| October | | | |
| November | | | |
| December | | | |
| Total | | | |

Appendix C1

Definitions of Commonly Used Terms

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 water supply is made available for future or alternative uses.

Industrial use - The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.

Irrigation - The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.

Municipal per capita water use - The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.

Municipal use - The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.

Municipal use in gallons per capita per day - The total average daily amount of water diverted or pumped for treatment for potable use by a public water supply system. The calculation is made by dividing the water diverted or pumped for treatment for potable use by population served. Indirect reuse volumes shall be credited against total diversion volumes for the purpose of calculating gallons per capita per day for targets and goals.

Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Public water supplier - An individual or entity that supplies water to the public for human consumption.

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Regional water planning group - A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, ' 16.053.

Retail public water supplier - An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.

Reuse - The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

Water conservation plan - A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).

Water loss - The difference between water diverted or treated and water delivered (sold). Water loss can result from:

1. inaccurate or incomplete record keeping;
2. meter error;
3. unmetered uses such as firefighting, line flushing, and water for public buildings and water treatment plants;
4. leaks; and
5. water theft and unauthorized use.

Wholesale public water supplier - An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

If you have any questions on how to fill out this form or about the _____ program, please contact us at 512/239-_____.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

APPENDIX D

**NTMWD Member City and Customer
Annual Water Conservation Report**

APPENDIX D
NTMWD MEMBER CITY AND CUSTOMER ANNUAL WATER CONSERVATION REPORT
Due: March 31 of every year

Entity Reporting: _____
Filled Out By: _____
Date Completed: _____
Year Covered: _____
of Connections _____

Recorded Deliveries and Sales by Month (in Million Gallons):

| Month | Deliveries from NTMWD | Other Supplies | Sales by Category | | | | | | |
|--------------|-----------------------|----------------|-------------------|------------|----------------------|------------|-----------|-------|-------|
| | | | Residential | Commercial | Public/Institutional | Industrial | Wholesale | Other | Total |
| January | | | | | | | | | |
| February | | | | | | | | | |
| March | | | | | | | | | |
| April | | | | | | | | | |
| May | | | | | | | | | |
| June | | | | | | | | | |
| July | | | | | | | | | |
| August | | | | | | | | | |
| September | | | | | | | | | |
| October | | | | | | | | | |
| November | | | | | | | | | |
| December | | | | | | | | | |
| TOTAL | | | | | | | | | |

Unaccounted Water (Million Gallons):

| | |
|-----------------------------|------------------------------------|
| NTMWD Deliveries | from Table above |
| Other Supplies | from Table above |
| Total Supplies | from Table above |
| Total Sales | from Table above |
| Estimated Fire Use | estimated from best available data |
| Estimated Line Flushing Use | estimated from best available data |
| Unaccounted Water | |
| % Unaccounted | |
| Goal for % Unaccounted | 12.00% |

Per Capita Municipal Use (Gallons per person per day)

Municipal Use (MG) from Table above (NTMWD deliveries+ other supplies - industrial sales - municipal sales - other sales)

Estimated Population please describe source of population estimate

Per Capita Use (gpcd)

5-year Per Capita Goal (___)

10-year Per Capita Goal (___)

Recorded Wholesale Sales by Month (in Million Gallons):

| Month | Sales to | Total Wholesale Sales |
|--------------|----------|----------|----------|----------|----------|----------|----------|-----------------------|
| January | | | | | | | | |
| February | | | | | | | | |
| March | | | | | | | | |
| April | | | | | | | | |
| May | | | | | | | | |
| June | | | | | | | | |
| July | | | | | | | | |
| August | | | | | | | | |
| September | | | | | | | | |
| October | | | | | | | | |
| November | | | | | | | | |
| December | | | | | | | | |
| TOTAL | | | | | | | | |

Information on Wholesale Customers:

| Customer | Estimated Population |
|----------|----------------------|
|----------|----------------------|

Unusual Circumstances (use additional sheets if necessary):

| |
|--|
| |
|--|

Progress in Implementation of Conservation Plan (use additional sheets if necessary):

| |
|--|
| |
|--|

Conservation measures planned for next year (use additional sheets if necessary):

| |
|--|
| |
|--|

Assistance requested from North Texas Municipal Water District (use additional sheets if necessary):

| |
|--|
| |
|--|

Other (use additional sheets if necessary):

| |
|--|
| |
|--|

Historical Water Use Data for _____

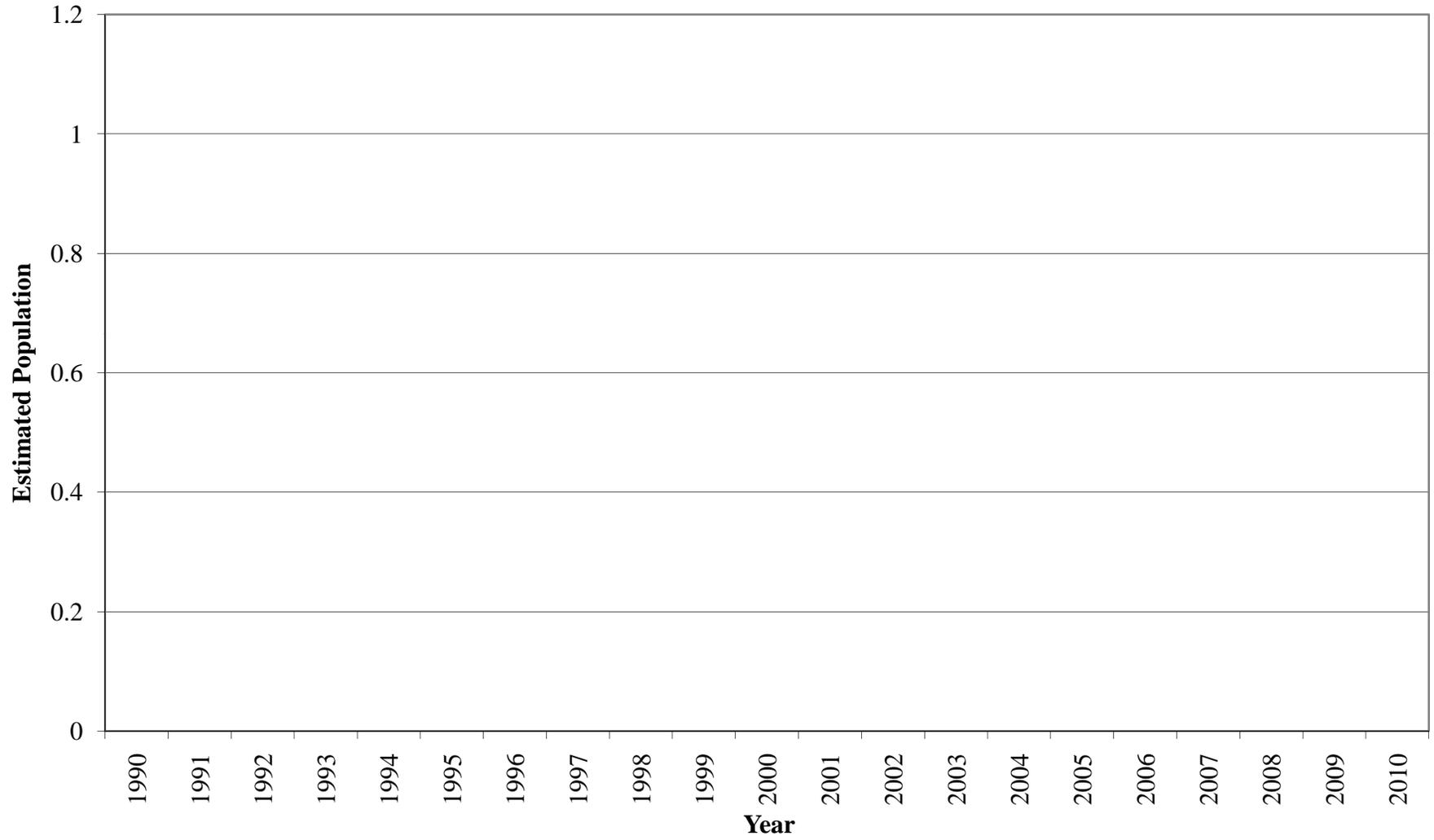
| Year | Connections | Estimated Population | Deliveries from NTMWD (MG) | Other Supplies (MG) | Metered Sales by Category (Million Gallons) | | | | | | |
|------|-------------|----------------------|----------------------------|---------------------|---|------------|-----------------------|------------|-----------|-------|-------|
| | | | | | Residential | Commercial | Public/ Institutional | Industrial | Wholesale | Other | Total |
| 1990 | | | | | | | | | | | |
| 1991 | | | | | | | | | | | |
| 1992 | | | | | | | | | | | |
| 1993 | | | | | | | | | | | |
| 1994 | | | | | | | | | | | |
| 1995 | | | | | | | | | | | |
| 1996 | | | | | | | | | | | |
| 1997 | | | | | | | | | | | |
| 1998 | | | | | | | | | | | |
| 1999 | | | | | | | | | | | |
| 2000 | | | | | | | | | | | |
| 2001 | | | | | | | | | | | |
| 2002 | | | | | | | | | | | |
| 2003 | | | | | | | | | | | |
| 2004 | | | | | | | | | | | |
| 2005 | | | | | | | | | | | |
| 2006 | | | | | | | | | | | |
| 2007 | | | | | | | | | | | |
| 2008 | | | | | | | | | | | |
| 2009 | | | | | | | | | | | |
| 2010 | | | | | | | | | | | |

Historical Per Capita Use Data and Unaccounted Water for _____

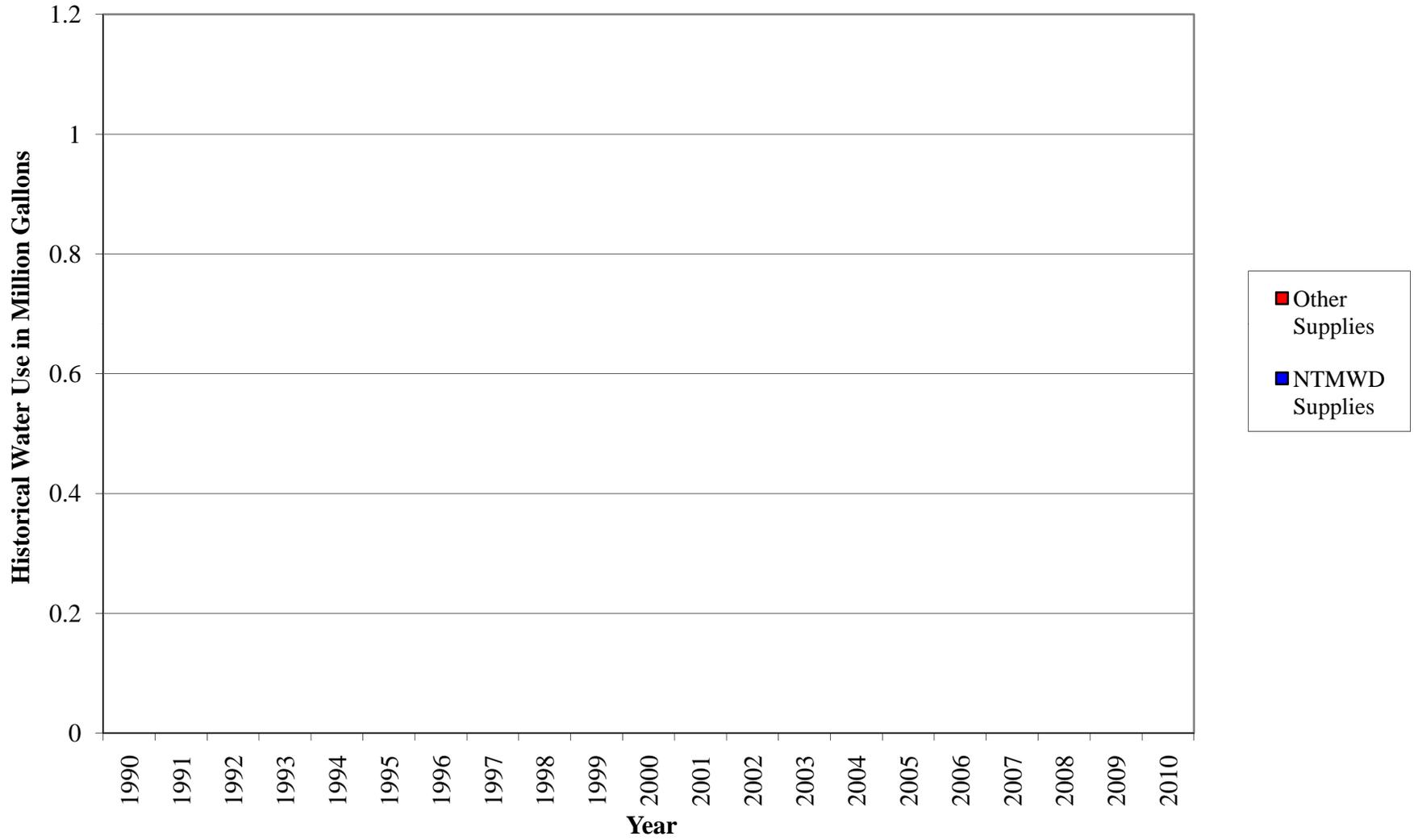
| Year | Estimated Population | In-City Municipal Use (MG) | Per Capita Municipal Use (gpcd) | Deliveries from NTMWD (MG) | Other Supplies (MG) | Total Metered Sales (MG) | Estimated Fire Use (MG) | Estimated Line Flushing (MG) | Unaccounted Water (MG) | % Unaccounted |
|-------------|-----------------------------|-----------------------------------|--|-----------------------------------|----------------------------|---------------------------------|--------------------------------|-------------------------------------|-------------------------------|----------------------|
| 1990 | | | | | | | | | | |
| 1991 | | | | | | | | | | |
| 1992 | | | | | | | | | | |
| 1993 | | | | | | | | | | |
| 1994 | | | | | | | | | | |
| 1995 | | | | | | | | | | |
| 1996 | | | | | | | | | | |
| 1997 | | | | | | | | | | |
| 1998 | | | | | | | | | | |
| 1999 | | | | | | | | | | |
| 2000 | | | | | | | | | | |
| 2001 | | | | | | | | | | |
| 2002 | | | | | | | | | | |
| 2003 | | | | | | | | | | |
| 2004 | | | | | | | | | | |
| 2005 | | | | | | | | | | |
| 2006 | | | | | | | | | | |
| 2007 | | | | | | | | | | |
| 2008 | | | | | | | | | | |
| 2009 | | | | | | | | | | |
| 2010 | | | | | | | | | | |

Note: In-city municipal use = total water supplied less sales to industry, wholesale sales and other sales.

Estimated Historical Population



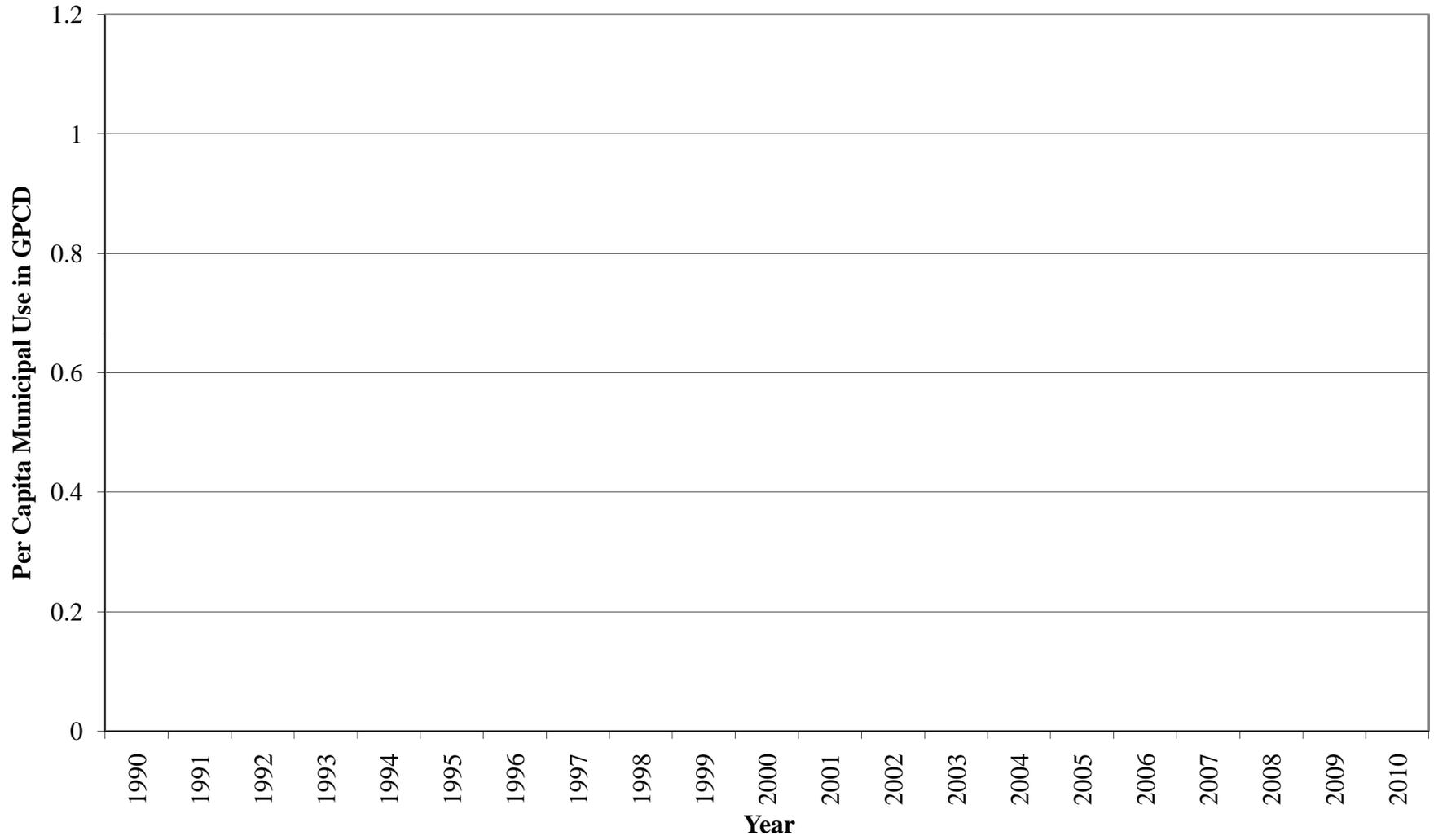
Historical Water Use



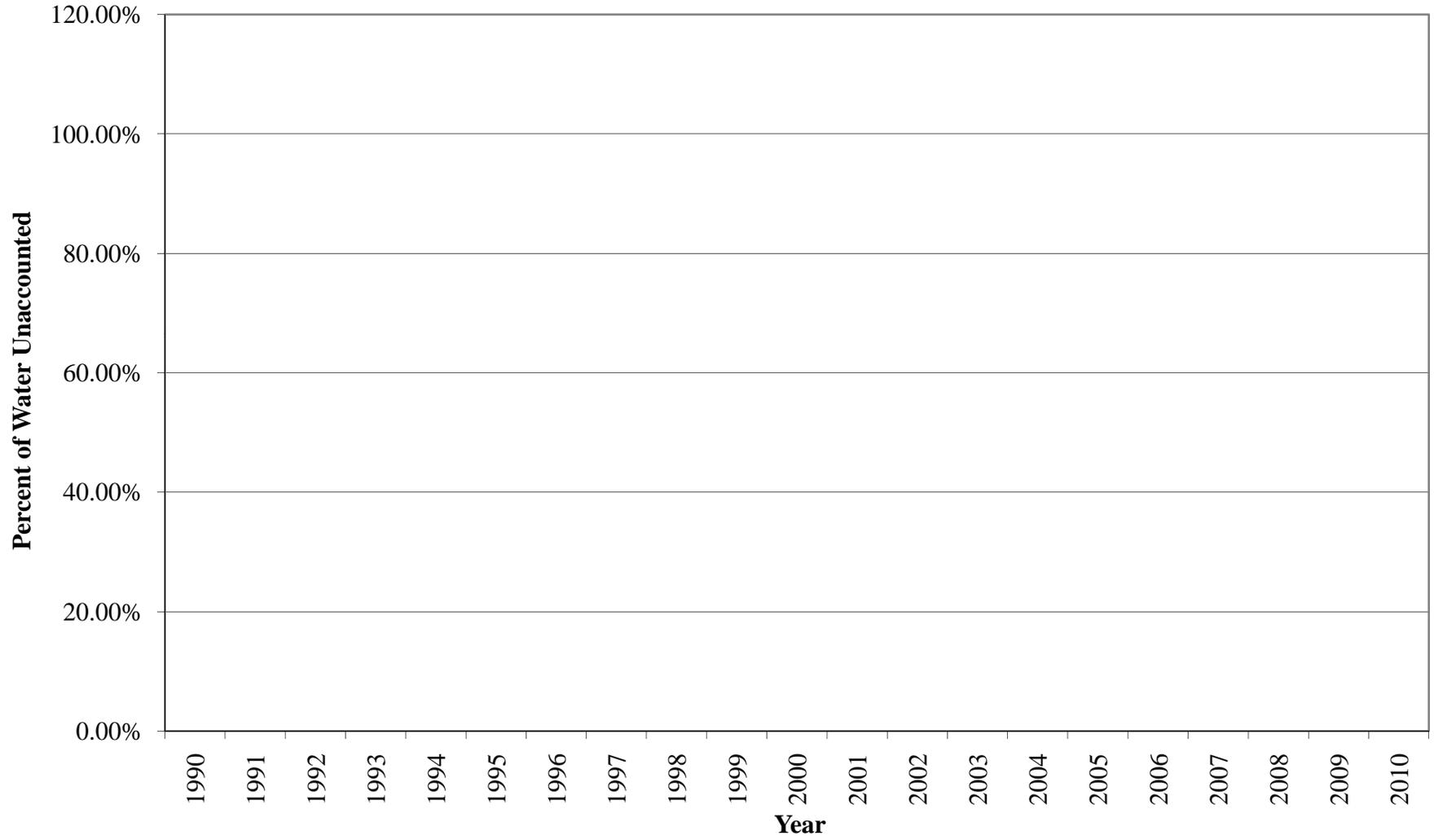
Historical Water Sales by Classification



Historical Per Capita Municipal Use



Historical Percent Unaccounted Water



APPENDIX E

Considerations for Landscape Water Management Regulations

APPENDIX E
Considerations for Landscape Water Management Regulations

A. Purpose

The purpose of these landscape water management regulations is to provide a consistent mechanism for preventing the waste of water resources.

B. Required Measures

The following landscape water conservation measures are required to be included in the landscape management regulations adopted and enforced in this plan.

1. Lawn and Landscape Irrigation Restrictions

- a. A person commits an offense if the person irrigates, waters, or knowingly or recklessly causes or allows the irrigation or watering of any lawn or landscape located on any property owned, leased, or managed by the person between the hours of 10 AM and 6 PM from April 1 through October 31 of any year.
- b. A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or allows the irrigation or watering of lawn or landscape located on any property owned, leased, or managed by that person in such a manner that causes:
 - i. over-watering lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - ii. irrigating lawn or landscape during any form of precipitation or freezing conditions. This restriction applies to all forms of irrigation, including automatic sprinkler systems; or
 - iii. the irrigation of impervious surfaces or other non-irrigated areas, wind driven water drift taken into consideration.

2. Rain and Freeze Sensors and/or ET or Smart Controllers

- a. Any new irrigation system installed on or after November 1, 2004 must be equipped with rain and freeze sensing devices and/or ET or Smart controllers in compliance with state design and installation regulations.
- b. A person commits an offense on property owned, leased or managed if the person:
 - i. knowingly or recklessly installs or allows the installation of new irrigation systems in violation of Subsection B.2.a; or
 - ii. knowingly or recklessly operates or allows the operation of an irrigation system that does not comply with Subsection B.2.a.

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And Water Emergency Response Plan

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3. Filling or Refilling of Ponds
 - a. A person commits an offense if the person knowingly or recklessly fills or refills any natural or manmade pond located on any property owned, leased, or managed by the person by introducing any treated water to fill or refill the pond. This does not restrict the filling or maintenance of pond levels by the effect of natural water runoff or the introduction of well water into the pond. A pond is considered to be a still body of water with a surface area of 500 square feet or more.
 4. Washing of Vehicles
 - a. A person commits an offense if the person knowingly or recklessly washes a vehicle without using a hose with a shut-off nozzle on any property owned, leased, or managed by the person.
- C. Landscape Water Management Measures
1. Lawn and Landscape Irrigation Restrictions
 - a. A person commits an offense if the person knowingly or recklessly operates a lawn or irrigation system or device on property that the person owns, leases, or manages that:
 - i. has broken or missing sprinkler head(s); or
 - ii. has not been properly maintained to prevent the waste of water.
 - b. All new athletic fields must have separate irrigation systems or separately programmable irrigation system zones that are capable of irrigating the playing fields independently from other open spaces.
 2. Rain and Freeze Sensors
 - a. Existing irrigation systems (installed prior to November 1, 2004) recommended to be retrofitted with rain and freeze sensors or ET/Smart Controllers capable of multiprogramming.
- D. Variances
1. In special cases, variances may be granted to persons demonstrating extreme hardship or need. Variances may be granted under the following circumstances:
 - a. the applicant must sign a compliance agreement agreeing to irrigate or water the lawn and/or landscape only in the amount and manner permitted by the variance; and
 - b. the variance must not cause an immediate significant reduction to the water supply; and
 - c. the extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person making the request; and

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- d. the health, safety, and welfare of the public and the person making the request must not be adversely affected by the requested variance.
2. A variance will be revoked upon a finding that:
 - a. the applicant can no longer demonstrate extreme hardship or need; or
 - b. the terms of the compliance agreement are violated; or
 - c. the health, safety, or welfare of the public or other persons requires revocation; or
 - d. the drought stage is elevated to a higher level than that in effect when the variance was requested.

APPENDIX F

Letters to Region C and Region D Water Planning Groups

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

Appendix F
Letter to Region C Planning Group

Date

Region C Water Planning Group
c/o North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

Dear Mr. Parks:

Enclosed please find a copy of the updated Model Drought Contingency and Water Emergency Response Plan for Member Cities and Customers of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on _____, __ 2008.

Sincerely,

James M. Parks, Executive Director
North Texas Municipal Water District

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

Appendix F
Letter to Region D Planning Group

Date

Mr. Jim Thompson
Chair, Region D Water Planning Group
P.O. Box 1107
Atlanta, TX 75551

Dear Mr. Thompson:

Enclosed please find a copy of the recently updated Model Drought Contingency and Water Emergency Response Plan for Member Cities and Customers of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on _____, __ 2008.

Sincerely,

James M. Parks, Executive Director
North Texas Municipal Water District

APPENDIX G

**Adoption of Water Conservation and Drought Contingency
and Water Emergency Response Plan**

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

APPENDIX G
Adoption of Drought Contingency and Water Emergency Response Plan

Municipal Ordinance
Adopting Drought Contingency and Water Emergency Response Plan

Ordinance No. _____

AN ORDINANCE ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF _____ TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

WHEREAS, the City of _____, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; 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 of the City of _____ desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official City policy for the conservation of water.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____ THAT:

Section 1. The City Council hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Water Conservation and Drought Contingency
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City of Allen

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. {If Applicable} Ordinance No. _____, adopted on _____, is hereby repealed.

Passed by the City Council on this ____ day of _____, ____.

Mayor

Attest:

City Secretary

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

**Municipal Utility District Order
Adopting Drought Contingency and Water Emergency Response Plan**

Order No. _____

AN ORDER ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE _____ MUNICIPAL UTILITY DISTRICT TO PROMOTE THE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

WHEREAS, the _____ Municipal Utility District (the “District”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the District recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the District cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the District adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the District has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 49 of the Water Code, the District is authorized to adopt such policies necessary to accomplish the purposes for which it was created, including but not limited to the preservation and conservation of water resources; and

WHEREAS, the Board of Directors of the District desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official District policy for the conservation of water.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE _____ MUNICIPAL UTILITY DISTRICT THAT:

Section 1. The Board of Directors hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The District commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a monetary fine as allowed by law, and/or discontinuance of water service by the District. Proof of a culpable mental

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The District's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Order was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Order and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. The General Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Order be declared unconstitutional or invalid for any reason, the remainder of this Order shall not be affected.

Section 6. {If Applicable} Order No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the Board of Directors on this ____ day of _____, ____.

President, Board of Directors

Attest:

Secretary

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

**Special Utility District Order
Adopting Drought Contingency and Water Emergency Response Plan**

Order No. _____

AN ORDER ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE _____ SPECIAL UTILITY DISTRICT TO PROMOTE THE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

WHEREAS, the _____ Special Utility District (the “District”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the District recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the District cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the District adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the District has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 65 of the Water Code, the District is authorized to adopt such policies necessary to accomplish the purposes for which it was created, including but not limited to the preservation and conservation of water resources; and

WHEREAS, the Board of Directors of the District desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official District policy for the conservation of water.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE _____ SPECIAL UTILITY DISTRICT THAT:

Section 1. The Board of Directors hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The District commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a monetary fine as allowed by law, and/or discontinuance of water service by the District. Proof of a culpable mental

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The District's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Order was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Order and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. The General Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Order be declared unconstitutional or invalid for any reason, the remainder of this Order shall not be affected.

Section 6. {If Applicable} Order No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the Board of Directors on this ____ day of _____, ____.

President, Board of Directors

Attest:

Secretary

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

**Water Supply Corporation Resolution
Adopting Drought Contingency and Water Emergency Response Plan**

Resolution No. _____

A RESOLUTION ADOPTING A DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE _____ WATER SUPPLY CORPORATION TO PROMOTE THE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

WHEREAS, the _____ Water Supply Corporation (the “WSC”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the WSC recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the WSC cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the WSC adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the WSC has determined an urgent need in the best interest of the public to adopt a Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 67 of the Water Code, the WSC is authorized to adopt such policies necessary to preserve and conserve its water resources; and

WHEREAS, the Board of Directors of the WSC desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Drought Contingency and Water Emergency Response Plan as official WSC policy for the conservation of water.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE _____ WATER SUPPLY CORPORATION THAT:

Section 1. The Board of Directors hereby approves and adopts the NTMWD Model Drought Contingency and Water Emergency Response Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The WSC commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a monetary fine as allowed by law, and/or discontinuance of water service by the WSC. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

customer fails to comply with the Plan is a separate violation. The WSC's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Resolution was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. The General Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code. Further, the Board of Directors hereby authorizes the General Manager or his designee to file an amendment to the WSC's tariff to incorporate the Plan therein.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this Resolution shall not be affected.

Section 6. {If Applicable} Resolution No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the _____ on this ____ day of _____, _____.

President, Board of Directors

Attest:

Secretary

APPENDIX H

Illegal Water Connections and Theft of Water

APPENDIX H
Illegal Water Connections and Theft of Water
Municipal Ordinance
Pertaining to Illegal Water Connections and Theft of Water

ORDINANCE NO. _____

AN ORDINANCE PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE CITY OF _____.

WHEREAS, the City of ____, Texas (the “City”) recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the City seeks to adopt an ordinance pertaining to illegal water connections and theft of water.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____ THAT:

Section 1. The City Council hereby approves and adopts this Ordinance as described herein.

Section 2. A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the City’s water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.
- (b) If, without the written consent of the City Manager or the City Manager’s designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

- (c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

Section 3. An offense under this Ordinance is a Class C misdemeanor punishable by a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City.

Section 4. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting considering this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance, and the subject matter thereof, has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. {If Applicable} Ordinance No. _____, adopted on _____, is hereby repealed.

Passed by the City Council on this ____ day of _____, _____.

Mayor

Attest:

City Secretary

**Municipal Utility District Order
Pertaining to Illegal Water Connections and Theft of Water**

ORDER NO. _____

AN ORDER PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE
THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE
_____ MUNICIPAL UTILITY DISTRICT.

WHEREAS, the _____ Municipal Utility District (the “District”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 49 of the Water Code, the District is authorized to adopt such policies necessary to accomplish the purposes for which it was created, including but not limited to the preservation and conservation of available water supplies; and

WHEREAS, the District seeks to adopt an order pertaining to illegal water connections and theft of water.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE
_____ MUNICIPAL UTILITY DISTRICT THAT:

Section 1. The Board of Directors hereby approves and adopts this Order as described herein.

Section 2. A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the District’s water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the District.
- (b) If, without the written consent of the District, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).
- (c) A person may not knowingly make or cause a false report to be made to the District of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

Water Conservation and Drought Contingency
And Water Emergency Response Plan

City of Allen

Section 3. An offense under this Order is punishable in accordance with the District's rules and policies regarding rates and may result in disconnection of service.

Section 4. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting considering this Order was posted at a designated place convenient to the public for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Order, and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Order be declared unconstitutional or invalid for any reason, the remainder of this Order shall not be affected.

Section 6. {If Applicable} Order No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the Board of Directors on this ___ day of _____, ____.

President, Board of Directors

Attest:

Secretary

**Special Utility District Order
Pertaining to Illegal Water Connections and Theft of Water**

ORDER NO. _____

AN ORDER PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE
THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE
_____ SPECIAL UTILITY DISTRICT.

WHEREAS, the _____ Special Utility District (the “District”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 65 of the Water Code, the District is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the District seeks to adopt an order pertaining to illegal water connections and theft of water.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE
_____ SPECIAL UTILITY DISTRICT THAT:

Section 1. The Board of Directors hereby approves and adopts this Order as described herein.

Section 2. A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the District’s water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the District.
- (b) If, without the written consent of the District, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).
- (c) A person may not knowingly make or cause a false report to be made to the District of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

Section 3. An offense under this Order is punishable in accordance with the District’s rules and policies regarding rates and may result in disconnection of service.

Water Conservation and Drought Contingency
And Water Emergency Response Plan

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Section 4. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting considering this Order was posted at a designated place convenient to the public for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Order, and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Order be declared unconstitutional or invalid for any reason, the remainder of this Order shall not be affected.

Section 6. {If Applicable} Order No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the Board of Directors on this ___ day of _____, ____.

President, Board of Directors

Attest:

Secretary

**Water Supply Corporation Resolution
Pertaining to Illegal Water Connections and Theft of Water**

RESOLUTION NO. _____

A RESOLUTION PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR
THE THEFT OF WATER RELATED TO THE WATER SUPPLY FOR THE
_____ WATER SUPPLY CORPORATION.

WHEREAS, the _____ Water Supply Corporation (the “WSC”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 67 of the Water Code, the WSC is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the WSC seeks to adopt an order pertaining to illegal water connections and theft of water.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE
_____ WATER SUPPLY CORPORATION THAT:

Section 1. The Board of Directors hereby approves and adopts this Resolution as described herein.

Section 2. A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the WSC’s water system including valves, meters, meter boxes, lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the WSC.
- (b) If, without the written consent of the WSC, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of service(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of service(s).
- (c) A person may not knowingly make or cause a false report to be made to the WSC of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

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Section 3. An offense under this Resolution is punishable in accordance with the WSC's rules and policies regarding rates, including its approved tariff, and may result in disconnection of service.

Section 4. The Board of Directors does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting considering this Resolution was posted at a designated place convenient to the public for the time required by law preceding this meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Resolution, and the subject matter thereof has been discussed, considered and formally acted upon. The Board of Directors further ratifies, approves and confirms such written notice and the posting thereof.

Section 5. Should any paragraph, sentence, clause, phrase or word of this Resolution be declared unconstitutional or invalid for any reason, the remainder of this Resolution shall not be affected.

Section 6. {If Applicable} Resolution No. _____, adopted on _____, is hereby repealed.

Approved and adopted by the Board of Directors on this ___ day of _____, _____.

President, Board of Directors

Attest:

Secretary

APPENDIX I

TCEQ Water Conservation Implementation Report

APPENDIX I
TCEQ Water Conservation Implementation Report



Texas Commission on Environmental Quality
Water Conservation Implementation Report

This report must be completed by entities that are required to submit a water conservation plan to the TCEQ in accordance with Title 30 Texas Administrative Code, Chapter 288. Please complete this report and submit it to the TCEQ. If you need assistance in completing this form, please contact the Resource Protection Team in the Water Supply Division at (512) 239-4691.

Name: _____

Address: _____

Telephone Number: () _____ Fax: () _____

Form Completed By: _____ Title: _____

Signature: _____ Date: _____

I. WATER USES

Indicate the type(s) of water uses (example: municipal, industrial, or agricultural).

- _____ Use
- _____ Use
- _____ Use

II. WATER CONSERVATION MEASURES IMPLEMENTED

Provide the water conservation measures and the dates the measures were implemented.

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Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

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And Water Emergency Response Plan

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Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

Date Implemented: _____

Description of Water Conservation Measure:

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Date Implemented: _____

III. TARGETS

- A. Provide the specific and quantified five and ten-year targets as listed in water conservation plan for previous planning period.

5-Year Specific/Quantified Target: _____

Date to achieve target: _____

10-Year Specific/Quantified Target: _____

Date to achieve target: _____

- B. State if these targets in the water conservation plan are being met.

- C. List the actual amount of water saved.

- D. If the targets are not being met, provide an explanation as to why, including any progress on the targets.

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If you have any questions on how to fill out this form or about the Water Conservation program, please contact the Texas Commission on Environmental Quality at (512) 239-4691.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

IMPORTANT INFORMATION

ATTENTION WATER CUSTOMERS!



Water Conservation Plan



The City of Allen has passed a new water conservation ordinance on July 22, 2008 and the following landscape water management measures are in effect beginning September 1, 2008:

- There are time of day restrictions prohibiting lawn and landscape irrigation watering from 10 AM to 6 PM beginning April 1 and ending October 31 of each year.
- Customers are prohibited from directing water on to impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Customers are prohibited from outdoor watering during precipitation or freeze events.
- The new ordinance recommends lawn and landscape irrigation be limited to twice per week.
- Customers are prohibited from using treated water to fill or refill residential, amenity, and any other natural or manmade ponds. A pond is considered to be a still body of water with a surface area of 500 square feet or more.
- Rain and freeze sensors and/or ET or Smart controllers are now required on all new irrigation systems. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.
- “At home” car washing can be done only when using a hose with a shut-off nozzle.
- The City recommends that all existing irrigation systems be retrofitted with rain and freeze sensors and/or ET or Smart controllers capable of multiple programming. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly. This provision does not imply that anyone who has special irrigation controllers are exempt from enforcement of rules concerning over-watering, watering during rain, or watering during freezing weather.
- Customers are prohibited from using poorly maintained irrigation systems that waste water.
- All customers are now prohibited from planting/watering cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements. The only exception to this are granted for golf courses and public athletic fields and/or recreational practice/playing fields and for locations using on-site well water or properly permitted on-site creek withdrawals. The trucking or transporting of water from off-site for landscape irrigation purposes is prohibited.
- The City now requires the playing surface on all new public athletic fields be irrigated by a separate programmable irrigation zone from surrounding areas.
- Water will only be served in all restaurants and food service establishments upon customer request.
- Positive shut-off nozzles must be used in all restaurant and food service establishment kitchens to prevent wash and rinse water running continuously.

The complete plan as well as information on the Water Conservation H2Ome Improvement Rebate program is available on our website: www.cityofallen.org or call Community Services: 214-509-4500.



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| CITY COUNCIL AGENDA COMMUNICATION |
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AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Motion to Confirm Appointments of Councilmembers as Liaisons to City Boards and Commissions, as Nominated by Mayor Terrell

STAFF RESOURCE: Shelley B. George, City Secretary

ACTION PROPOSED: Confirm Appointments of Councilmembers as Board Liaisons

BACKGROUND

Section 1.3 of the *City Council Rules of Order and Procedure* states:

“At the commencement of the City Council year in June, the Mayor nominates and the City Council confirms Councilmember appointments to outside agencies, committees, task forces, boards and commissions, and liaison appointments. Councilmembers provide a link for representing the values, beliefs and position of the City Council to these entities. The representative will periodically report to the City Council on the activities of these organizations.”

Councilmembers serving as liaisons for FY 2007-08 were:

Mayor Pro Tem Stout - Public Art Committee (Advisory); Allen Community Development Corporation (Corporation); Arts of Collin County Commission (Corporation)

Councilmember Obermeyer - Library Board (Advisory); Parks and Recreation Board (Advisory)

Councilmember Pacheco - Allen Economic Development Corporation (Corporation); North Texas Municipal Water District

Councilmember Sedlacek - Planning & Zoning Commission (Quasi-Judicial)

Councilmember Caplinger - Board of Adjustment (Quasi-Judicial); Building & Standards Commission (Quasi-Judicial); Sign Control Board (Advisory)

Councilmember McGregor - Animal Shelter Advisory Committee (Advisory); Keep Allen Beautiful (Advisory)

MOTION

I make a motion to confirm the appointments of Councilmembers as Board Liaisons to City Boards and Commissions, as nominated by Mayor Terrell.

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| CITY COUNCIL AGENDA COMMUNICATION |
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AGENDA DATE: Tuesday, August 12, 2008

SUBJECT: Motion to Confirm City Council Appointments to the Various Nominating Committees for the Appointment of Boards and Commissions for Fiscal Year 2008-09

STAFF RESOURCE: Shelley B. George, City Secretary

ACTION PROPOSED: Confirm City Council Appointments to the Various Nominating Committees

BACKGROUND

Section 1.2 of the *City Council Rules of Order and Procedure* states:

“...ad hoc committees, each to consist of up to three Councilmembers, shall be recommended by the Mayor with concurrence through a motion of the full City Council. Ad hoc committees are formed on an *as needed* basis with a clearly defined purpose and term, as well as reporting requirements.”

The Appointment Procedure Policy for Boards and Commissions provides for the appointment of Council Nominating Committees to bring forth recommendations to the entire Council for consideration of appointment. A description of each of the Council Nominating Committees is provided below:

- 1 **Advisory:** A two-member nominating committee to review applications for the advisory boards. In the selection process, preference might be given to Councilmembers who have interest in the board and/or experience with it. These members may be selected specifically for this committee, or may also serve on the nominating committee for the quasi-judicial boards as well.
- 1 **Quasi-Judicial:** A two-member nominating committee to review applications for quasi-judicial boards. In the selection process, preference might be given to Councilmembers who have interest in the board and/or experience with it. These members may be selected specifically for this committee, or may serve on the advisory boards’ nominating committee as well.
- 1 **Corporations:** The full Council may choose to take an active role in selecting members for the EDC and CDC. Before the regular process of screening, interviews, and the final recommendation, an initial screening process might be used that involves only two Councilmembers. The members performing the initial selection would be the Council liaisons to the EDC and CDC. The screening committee’s role would be to recommend

three to five individuals per position to be interviewed by the full Council, if desired.

Councilmembers serving on the Nominating Committees during FY 2007-08 were:

- 1 Advisory and Quasi-Judicial – Councilmembers Obermeyer, Sedlacek and Caplinger
- 1 Corporations – all members of the City Council

STAFF RECOMMENDATION

Staff recommends the Mayor recommend members of the Council to serve on the various Council Nominating Committees with Council's concurrence made through a motion.

MOTION

I make a motion to confirm the appointments of _____ to the Advisory Boards' Nominating Committee, the appointments of _____ to the Quasi-Judicial Boards' Nominating Committee, and the appointments of _____ to the Corporation Boards' Nominating Committee, as recommended by Mayor Terrell.