

**WORK SESSION AGENDA OF THE CITY COUNCIL OF
HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
FIRST FLOOR CONFERENCE ROOM
TUESDAY, APRIL 23, 2024 – 4:30 P.M.**

I. Call to Order

II. Informational Items

- **Update and discussion of upcoming Calendar Items**
- **Update and discussion of 2024 Aquatics Program**

III. Update and discussion of Regular Agenda Items

IV. Discussion of Agenda Item(s) 4

Consider Ordinance 2570, first reading, amending Chapter 24, Traffic by adding a new Article X, Pedestrians and a new Section 24-207, Standing and Walking in certain areas prohibited

V. Discussion of Agenda Item(s) 5

Consider Resolution 1854 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements to the City's streets and drainage system

VI. Discussion of Agenda Item(s) 6

Consider authorizing the purchase of new furniture in the public spaces at the Hurst Conference Center

VII. Discussion of Agenda Item(s) 7

Consider authorizing the city manager to enter into a contract with Axis Contracting, Inc. for 2023 Miscellaneous Street Bond Improvements

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, authorized by Tex. Government Code Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and to reconvene in Open Session at the conclusion of the Executive Session

VIII. ADJOURNMENT

Posted by: _____

This the 19th day of April 2024, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 561.087 of the Texas Government Code.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (817) 788-7041 or FAX (817) 788-7054, or call TDD 1-800-RELAY-TX (1-800-735-2989) for information or assistance.

**REGULAR MEETING AGENDA OF THE CITY COUNCIL OF HURST, TEXAS
CITY HALL, 1505 PRECINCT LINE ROAD
TUESDAY, APRIL 23, 2024**

AGENDA:

4:30 p.m. - Work Session (City Hall, First Floor Conference Room)

6:30 p.m. - City Council Meeting (City Hall, Council Chamber)

CALL TO ORDER

INVOCATION (Councilmember Jimmy Meeks)

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

1. Consider approval of the minutes for the April 9, 2024 City Council meetings
2. Consider Ordinance 2568, second reading, amending Section 26-36 – Drought Contingency and Emergency Water Management Plan of the Code of Ordinances
3. Consider Ordinance 2569, second reading, amending Section 26-49 – Water Conservation Plan of the Code of Ordinances

ORDINANCE(S)

4. Consider Ordinance 2570, first reading, amending Chapter 24, Traffic by adding a new Article X, Pedestrians and a new Section 24-207, Standing and Walking in certain areas prohibited

RESOLUTION(S)

5. Consider Resolution 1854 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements to the City's streets and drainage system

OTHER BUSINESS

6. Consider authorizing the purchase of new furniture in the public spaces at the Hurst Conference Center

7. Consider authorizing the city manager to enter into a contract with Axis Contracting, Inc. for 2023 Miscellaneous Street Bond Improvements
8. Review of upcoming calendar items
9. City Council Reports - Items of Community Interest

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED. CITIZEN COMMENTS ARE LIMITED TO A MAXIMUM OF 3 MINUTES PER SPEAKER

EXECUTIVE SESSION in Compliance with the Provisions of the Texas Open Meetings Law, authorized by Tex. Government Code Section 551.087 deliberation and conducting of economic development negotiations regarding financial information relative to prospective business expansion in the City and to reconvene in Open Session at the conclusion of the Executive Session

10. Take any and all action necessary ensuing from Executive Session

ADJOURNMENT

Posted by: _____

This 19th day of April 2024, by 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

Any item on this posted agenda could be discussed in executive session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and section 561.087 of the Texas Government Code.

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Minutes
Hurst City Council
Work Session
Tuesday, April 9, 2024

On the 9th day of April 2024, at 5:30 p.m., the City Council of the City of Hurst, Texas, convened in Work Session at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Gary N. Waldron	)	Mayor Pro Tem
Cindy Shepard	)	Councilmembers
Cathy Brotherton)	
Jon McKenzie)	
John Miller)	
Jimmy Meeks)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Chris Connolly	)	Executive Director of Economic Development
Greg Dickens	)	Executive Director of Public Works
Kyle Gordon	)	Executive Director of Community Services
Steve Niekamp	)	Police Chief

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

I. Call to Order - The meeting was called to order at 5:30 p.m.

II. Informational Items

- **Update and discussion of upcoming Calendar Items** – City Manager Clay Caruthers noted the upcoming Volunteers in Action celebration, Wednesday, March 17 and Mayor Wilson also reminded everyone to complete their cybersecurity training.
- **Update and discussion of regulations pertaining to public solicitation** – City Manager Clay Caruthers briefed Council on possible signage regarding public solicitation in the right-of-way and measures available to help. Staff advised of the City of Arlington’s efforts and website to help educate the public on available resources. City Attorney Matthew Boyle also noted recent case law and Council’s ability to consider a pedestrian safety traffic ordinance.

The work session items were discussed in the following order: V, VIII, XII and XI. The remaining items were not discussed.

III. Update and discussion of Regular Agenda Items

IV. Discussion of Agenda Item(s) 4

Consider authorizing the city manager to proceed with the Precinct Line Median Landscape Repair project

V. Discussion of Agenda Item(s) 5

Consider Ordinance 2567, second reading, Z-2024-00005 Gibson RV Parking, a zoning change to Interim Zoning with a site plan on Lot 1, Block 1 Central Park Northeast Addition, being 5.08 acres located at 1425 W. Hurst Boulevard

City Manager Clay Caruthers briefed Council on the amendments to the proposed ordinance, on second reading, noting City Attorney Matthew Boyle added additional language to clarify no overnight stays were allowed.

VI. Discussion of Agenda Item(s) 6

Consider authorizing the Mayor to renew an Interlocal Agreement with Tarrant County for funding of the Brown Trail Street Reconstruction Project from Queens Way to North City Limits

VII. Discussion of Agenda Item(s) 7

Consider authorizing the Mayor to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road, Phase 4 Street Reconstruction Project from Harrison Lane to Brown Trail

VIII. Discussion of Agenda Item(s) 8

Conduct a public hearing and consider Ordinance 2561, first reading, SITE-2023-00012 Mobile C-Store and Liquor, a site plan revision and Special Use Permit for Packaged Alcohol Sales on Lot 1, Block 1 Hunters Glen Addition, being .99 acre located at 1635 Precinct Line Road (Continued from the February 27, 2024 City Council meeting)

Executive Director of Planning and Development Michelle Lazo briefed Council on the proposed site plan revision noting the Planning and Zoning Commission recommended denial by a vote of 5 to 1. She stated no reason was given. She noted she believes the applicant thought it was due to traffic due to traffic questions during the Planning and Zoning meeting. City Manager Caruthers also advised Council the applicant will have representation this evening. Ms. Lazo stated the applicant is asking to expand the foot print south 1852 square feet to add a packaged liquor store. The new expansion will have walls separating the tenants and access is only from the exterior. She stated they meet the parking requirements and reviewed the building layout. She reviewed landscaping, elevations and signage for both stores, including a new multi-tenant sign on the south corner. Council discussed traffic and cross traffic with the shared carwash drive.

IX. Discussion of Agenda Item(s) 9

Consider Ordinance 2568, first reading, amending Section 26-36 – Drought Contingency and Emergency Water Management Plan of the Code of Ordinances

X. Discussion of Agenda Items(s) 10

Consider Ordinance 2569, first reading, amending Section 26-49 – Water Conservation Plan of the Code of Ordinances

XI. Discussion of Agenda Items(s) 11

Consider Resolution 1853 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements to the City’s waterworks system

XII. Discussion of Agenda Items(s) 12

Consider authorizing the city manager to enter into a contract with Landmark Structures I, LP for Mary Drive 0.75 MG Elevated Storage Tank Improvements

City Manager Clay Caruthers stated work session items XI and XII are for consideration of award of bid for the Mary Drive Elevated Storage Tank and consideration of a reimbursement resolution due to plans to issue Certificates of Obligation. He stated the tower is necessary to help the community. Mr. Caruthers noted the price is high, but staff believes it is the market. Executive Director of Public Works Greg Dickens reviewed the bids noting the multi-leg steel tank versus the composite pedestal price difference of \$250,000.00.

XIII. ADJOURNMENT –The Work Session adjourned at 6:19 p.m.

APPROVED this the 23rd of April 2024.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor

City Council Minutes
Tuesday, April 9, 2024

On the 9th day of April 2024, at 6:30 p.m., the City Council of the City of Hurst, Texas, convened in a Regular Meeting at City Hall, 1505 Precinct Line Road, Hurst, Texas, with the following members present:

Henry Wilson	)	Mayor
Gary N. Waldron	)	Mayor Pro Tem
Cindy Shepard	)	Councilmembers
Cathy Brotherton)	
Jon McKenzie)	
John Miller)	
Jimmy Meeks)	
Clay Caruthers	)	City Manager
Matthew Boyle	)	City Attorney
Clayton Fulton	)	Assistant City Manager
Malaika Marion Farmer	)	Assistant City Manager
Rita Frick	)	City Secretary
Chris Connolly	)	Executive Director of Economic Development
Greg Dickens	)	Executive Director of Public Works
Steve Niekamp	)	Police Chief

With the following Councilmembers absent: none, constituting a quorum; at which time, the following business was transacted:

The meeting was called to order at 6:30 p.m. and Councilmember John Miller gave the Invocation.

The Pledge of Allegiance and Texas Pledge were given.

PROCLAMATION(S)

1. Proclamation recognizing Child Abuse Prevention Month

Councilmember Miller read and presented the proclamation recognizing Child Abuse Prevention Month to Alliance for Children representative Virginia Davison. Police Chief Steve Niekamp noted the great partnership they have with Alliance for Children and reviewed several of their services.

2. Proclamation recognizing VIA and Blue Jacket Ceremony

Mayor Pro Tem Gary Waldron read and presented the proclamation recognizing Volunteer Appreciation Week to Volunteer Coordinator Hannah Ditgen. Mayor Wilson noted these volunteers have reached the 200-hour service mark. The following volunteers were recognized and provided a Blue Jacket by the Mayor and Council: Lisa Baxley, Diana

Conway, Paula Layton, Teresina Pedrero and William Strait. Mayor Wilson expressed gratitude, on behalf of the Mayor and Council, for the generous contribution of time connecting to the community.

CONSENT AGENDA

3. Consider approval of the minutes for the March 22 and 26, 2024 City Council meetings
4. Consider authorizing the city manager to proceed with the Precinct Line Median Landscape Repair project
5. Consider Ordinance 2567, second reading, Z-2024-00005 Gibson RV Parking, a zoning change to Interim Zoning with a site plan on Lot 1, Block 1 Central Park Northeast Addition, being 5.08 acres located at 1425 W. Hurst Boulevard
6. Consider authorizing the Mayor to renew an Interlocal Agreement with Tarrant County for funding of the Brown Trail Street Reconstruction Project from Queens Way to North City Limits
7. Consider authorizing the Mayor to renew an Interlocal Agreement with Tarrant County for funding of the Pipeline Road, Phase 4 Street Reconstruction Project from Harrison Lane to Brown Trail

Councilmember Waldron moved to approve the consent agenda. Motion seconded by Councilmember Meeks. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, Brotherton, McKenzie, Miller, Waldron and Meeks
No: None

PUBLIC HEARING(S) AND RELATED ITEM(S)

8. Conduct a public hearing and consider Ordinance 2561, first reading, SITE-2023-00012 Mobile C-Store and Liquor, a site plan revision and Special Use Permit for Packaged Alcohol Sales on Lot 1, Block 1 Hunters Glen Addition, being .99 acre located at 1635 Precinct Line Road (Continued from the February 27, 2024 City Council meeting)

Mayor Wilson announced the public hearing to consider Ordinance 2561, first reading, SITE-2023-00012 Mobile C-Store and Liquor, a site plan revision and Special Use Permit for Packaged Alcohol Sales on Lot 1, Block 1 Hunters Glen Addition, being .99 acre located at 1635 Precinct Line Road and recognized Executive Director of Planning and Development Michelle Lazo who reviewed the proposed case noting the applicant is asking to expand the foot print south by 1852 square feet to add a packaged liquor store. She stated parking will be added to meet the required number and that the liquor store will be separate from the convenience store with separate entrances. Ms. Lazo reviewed the building elevations and proposed signage noting the applicant is requesting two building signs, to keep the existing

gas station sign and add an additional multi-tenant monument sign on the southeast corner of the property.

Mayor Wilson recognized the following individuals who spoke in favor of the case:

Ray Oujesky, Kelly Hart & Hallman Firm, 201 Main Street, Suite 2500, Fort Worth, Texas, representing the property owner. He stated the applicant is Houshang Jahvani and reviewed the proposed case. He noted ownership, length of ownership, and improvements made since purchase in 2022. Also noted were two access driveways with one being shared with the adjacent carwash; a similar combined convenience and package store in the City of Colleyville and traffic estimates prepared utilizing the same type use. Mr. Oujesky reviewed a traffic study prepared by Kimerly-Horn and Associates noting peak hour estimates and total daily trips of an estimated 193, over a 24-hour period. He advised the owner desires the package store to compete with the close by QT and Murphy stores to provide a product the other stores do not sell. Mr. Oujesky stated the traffic engineers also conducted an actual onsite count at the convenience store, it was not available tonight, but indicated it could be provided at a second reading.

Property owner Rajib Rajbhat, 4901 Rockrimmon Court, Colleyville, Texas expressed his desire to protect his small business and that his brother-in-law, a former US Airforce member, will join him as a joint venture. He stated he believed this is an opportunity for them and the City of Hurst.

Amol Advacarie, 9717 Birdville Way, who noted he recently moved from San Antonio and served in the US Airforce for 8 years. He stated he recently had a baby and his sister presented the idea of the liquor store as a possible tenant. He expressed his excitement to do something coming out of the military. He explained his father would help run the liquor store and that he will make sure fellow veterans have equal opportunity to have an income in that he plans on four full time positions.

Mayor Wilson recognized the following individual who spoke against the case:

Georgina Butcher, 109 Charlene Drive, Hurst, who stated she supports small business, but as a resident she opposes for two reasons. That they are close to more liquor stores than residents and the area is inadequate for today's traffic, any increase is unacceptable and dangerous to drive even in the middle of the day.

There being no one else to speak, Mayor Wilson closed the public hearing.

In response to Councilmember questions, Ms. Lazo stated she did not have traffic counts related to the shared driveway to the carwash.

Councilmember McKenzie moved to deny Ordinance 2561, a site plan revision and Special Use Permit for Mobile C-Store and Liquor. Motion seconded by Councilmember Brotherton. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, Brotherton, McKenzie, Miller, Waldron and Meeks
No: None

ORDINANCE(S)

9. Consider Ordinance 2568, first reading, amending Section 26-36 – Drought Contingency and Emergency Water Management Plan of the Code of Ordinances

Executive Director of Public Works Greg Dickens reviewed the proposed ordinance noting the Drought Contingency & Emergency Water Management Plan was originally adopted in 1999 as required by the state. He stated, by law, as a wholesale customer of Fort Worth the City must adopt their plan along with several conditions that are unique to the City of Hurst's water system. He stated there are no significant changes to the plan and that the rules require the plan be updated every five years.

Councilmember Miller moved to approve Ordinance 2568, first reading, amending Section 26-36 by adopting a revised Exhibit A – City of Hurst Drought Contingency & Emergency Water Management Plan of the Code of Ordinances. Motion seconded by Councilmember Shepard. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, Brotherton, McKenzie, Miller, Waldron and Meeks

No: None

10. Consider Ordinance 2569, first reading, amending Section 26-49 – Water Conservation Plan of the Code of Ordinances

Executive Director of Public Works Greg Dickens reviewed the proposed ordinance noting this plan is similar to the Drought Contingency Plan. That state law dictates every city have a plan and certain items that must be in the plan. He stated a few items have been added by the Texas Commission on Environmental Quality (TCEQ) but there are not significant funding impacts, and again, this plan must be updated every five years.

Councilmember Brotherton left the meeting at 7:20 p.m.

Councilmember Waldron moved to approve Ordinance 2569, first reading, amending Section 26-49 by adopting a revised Exhibit A – City of Hurst Water Conservation Plan of the Code of Ordinances. Motion seconded by Councilmember Meeks. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, McKenzie, Miller, Waldron and Meeks

No: None

Mayor Wilson next moved to Agenda Item 12.

RESOLUTION(S)

11. Consider Resolution 1853 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements to the City's waterworks system

Assistant City Manager Clayton Fulton reviewed the proposed resolution stating it will allow the City to be reimbursed from project expenditures incurred for up to 18 months prior to the issuance of bonds for this specific project. He stated even with inflationary pressures, it is important to note 2/3 of the funding for the water tower project will be funded through reserves and impact fees, then bonds. He stated the City is in a favorable debt position.

Councilmember Miller moved to approve Resolution 1853 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements of the City's waterworks system. Motion seconded by Councilmember Waldron. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, Brotherton, McKenzie, Miller, Waldron and Meeks

No: None

OTHER BUSINESS

12. Consider authorizing the city manager to enter into a contract with Landmark Structures I, LP for Mary Drive 0.75 MG Elevated Storage Tank Improvements

Councilmember Brotherton returned to the meeting at 7:23 p.m.

Executive Director of Public Works Greg Dickens reviewed the bids received for the proposed elevated storage tank to add an additional tank in the south plain. He explained the need for the additional tank, including back up when the current tank is drained for repairs and for a period of little rain and high usage. Mr. Dickens noted the bid was styled for either a multi-leg steel tank or a composite tank so the Council could award the bid that was deemed to provide the best value to the City, not necessarily the low bid. He stated staff is recommending the composite base bid by Landmark Structures I, LP as the best bid for the value and location. City Manager Clay Caruthers noted although the additional \$250,000 in bid price seems high, long term, it will save on maintenance cost and having a separate equipment house and its maintenance costs. In addition, staff believes for redevelopment efforts in the area, the composite is more aesthetically pleasing. He stated staff requested the Mayor switch this order of Agenda Items 11 and 12, in that if this item is not approved there is no need to consider the reimbursement resolution.

In response to Council questions, Staff stated the actual bid is drastically higher than the original \$4 million estimate by the consulting engineer, but believe it is mainly due to the economy. Labor and material are much higher and a sign of the times. Also noted was the similarity to housing and inflation over the years. Staff stated as far as inflationary pressures on the budget, the City is in build-out mode and all costs are increasing.

Councilmember Meeks moved to authorize the city manager to enter into a contract with Landmark Structures I, LP, for Mary Drive 0.75 MG Elevated Storage Tank Project, in the amount of \$6,331,000.00 with a contingency of \$169,000.00, for a total amount of \$6,500,000.00 and a construction contract duration of 510 calendar days. Motion seconded by Councilmember Miller. Motion prevailed by the following vote:

Ayes: Councilmembers Shepard, Brotherton, McKenzie, Miller, Waldron and Meeks
No: None

Mayor Wilson moved back to Agenda Item 11.

- 13. Review of upcoming calendar items – City Manager Clay Caruthers reviewed the future events calendar in the packet.
- 14. City Council Reports - Items of Community Interest

Councilmember Miller gave accommodations to Executive Director of Community Services Kyle Gordon and the Community Services Department for the recent Pups and Pints event, and Mayor Wilson also included the Eclipse Watch Party. Mr. Gordon stated the Pups and Pints and Eclipse Watch Party events were well attended.

PUBLIC INVITED TO BE HEARD – A REQUEST TO APPEAR CARD MUST BE COMPLETED AND RETURNED TO THE CITY SECRETARY TO BE RECOGNIZED. CITIZEN COMMENTS ARE LIMITED TO A MAXIMUM OF 3 MINUTES PER SPEAKER

Mayor Wilson recognized Leadership HEB attendees and TCC Students present at the meeting.

ADJOURNMENT

The meeting was adjourned at 7:39 p.m.

APPROVED this the 23rd day of April 2024.

ATTEST:

APPROVED:

Rita Frick, City Secretary

Henry Wilson, Mayor



City Council Staff Report

SUBJECT: Consider Ordinance 2568, second reading, amending Section 26-36 - Drought Contingency & Emergency Water Management Plan of the Code of Ordinances

Supporting Documents:

Ordinance 2568
Exhibit A

Meeting Date: 4/23/2024

Department: Public Works

Reviewed by: Greg Dickens

City Manager Review:

Background/Budget Analysis:

In August 1999 the City adopted a Drought Contingency & Emergency Water Management Plan as required by the state. The Texas Commission on Environmental Quality (TCEQ) then adopted rules requiring wholesale and retail water suppliers and irrigation districts to develop drought contingency/emergency water management plans that would be implemented during periods of water shortages or supply systems emergencies. The plan is to be updated every five years per state requirements. The current five-year update is due May 1, 2024 to the TCEQ office.

The attached Drought Contingency & Emergency Water Management Plan is a composite of the City of Fort Worth’s plan along with several conditions that are unique to the City of Hurst’s water system. As a wholesale customer of the City of Fort Worth, Hurst is required by contract to follow their plan.

Sufficient funding is available in the current Public Works Budget to fund any requirement of the plan.

Hurst Way/Strategic Priorities:

This ordinance is directly representative of the City of Hurst’s Strategic Priorities of **Financial Sustainability** and **Public Safety**.

Recommendation:

Staff recommends City Council **approve Ordinance 2568, second reading, amending Section 26-36 by adopting a revised Exhibit A - City of Hurst Drought Contingency & Emergency Water Management Plan of the Code of Ordinances.**

ORDINANCE 2568

AN ORDINANCE AMENDING THE CITY OF HURST CODE OF ORDINANCES, CHAPTER 26 –UTILITIES, ARTICLE II. - WATER AND SANITARY SEWERS, DIVISION 2. – WATER GENERALLY, BY DELETING SECTION 26-36.-DROUGHT CONTINGENCY PLAN ADOPTED, IN ITS ENTIRETY AND ADOPTING A NEW SECTION 26-36. – DROUGHT CONTINGENCY PLAN ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds that drought contingency planning and the protection of water supplies are in the best interest of its citizens; and

WHEREAS, the City is required every 5th year to update and amend the drought contingency & emergency water management plan by the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board. This update is due to be submitted by May 1, 2024 in accordance with Title 30 of the Texas Administration Code, Chapter 288; and

WHEREAS, the City of Hurst, by contract, must adopt no less than the same restrictions and requirements of the City of Fort Worth when it comes to the Drought Contingency & Emergency Water Management 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 has determined an urgent need in the best interest of the public to adopt a new Drought Contingency & Emergency Water Management Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

Section 1. **THAT** the statements contained in the preamble to this Ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

Section 2. **THAT** the City of Hurst Code of Ordinances Chapter 26 is hereby amended by deleting Section 26-36 and adding a new Section 26-

36 to read as follows:

"Sec. 26-36. Drought contingency plan

The City of Hurst hereby adopts the Drought Contingency & Emergency Water Management Plan attached as Exhibit "A" to Ordinance 2568."

Section 5. **THAT** all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 7. **THAT** if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. **THAT** this ordinance will take effect immediately from and after its passage.

AND IT IS SO ORDERED.

Passed on the first reading on the 9th day of April 2024 by a vote of 6 to 0.

Approved on the second reading on the 23rd day of April 2024 by a vote of _ to _.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney

City of Hurst
1505 Precinct Line Road
Hurst, Texas 76054
PWS # 2200054
www.hursttx.gov

EXHIBIT A

Drought Contingency & Emergency Water Management Plan

for Retail Water Customers

May 2024

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**EXHIBIT A
CITY OF HURST
DROUGHT CONTINGENCY & EMERGENCY WATER MANAGEMENT PLAN**

MAY 1, 2019

1. INTRODUCTION AND OBJECTIVES

The purpose of this Drought Contingency Plan (subsequently referred to as the 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 shortages.
- To minimize the adverse impacts of emergency water supply conditions.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) RULES

TCEQ Rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 (4) defines a drought contingency plan as “a strategy or combination strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”

TCEQ rules governing development of and minimum requirements for drought contingency plans for municipal water suppliers and wholesale water suppliers are contained in Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 and Rule 288.22, respectively.

3. WATER SYSTEM PROFILE

The City of Hurst purchases water from the City of Fort Worth and supplements that supply with six Water Wells tapped into the Trinity Aquifer.

The City is separated into two pressure planes (North and South). The dividing line between the pressure planes is approximately Airport Freeway (SH 183 &121).

The South Pressure Plane is supplied by purchase water from the City of Fort Worth through meter Vault # 2 located at 405 W. Hurst Blvd. along with five water wells. All

City of Hurst, Texas

supplies are stabilized by one (1.0 mg) elevated water tank, (Valentine) The total design capacity in the South Plane is seven million gallons per day (mg/d) and the reliable delivery capacity is six mg/d.

The North Pressure Plane is supplied by water purchased from the City of Fort Worth through meter Vault # 1 located at 951 W. Hurst Blvd. along with one water well. Both supply's flow into Pump Station # 5 located at 2400 Norwood and pumped into two elevated water tanks, Tarrant County College, (TCC) and North Precinct, (NP). Total design capacity in the North Plane is eight million gallons per day (mg/d) and the reliable delivery capacity is 7.5 mg/d.

System capacity with regards to the defined triggers in all three stages is the total reliable delivery capacity found in Appendix A. Therefore, the system capacity baseline for all triggers is the reliable capacity of 13.5 mg/d.

In accordance with Section 2.3 of the wholesale water contract, wholesale customers like the City of Hurst are required to institute and apply the same rationing, conservation measures or restrictions to the use of water by their customers as long as any part of their total water supply is being furnished by the City of Fort Worth.

The water supply triggers defined in all three stages is in accordance with the City of Fort Worth Drought Contingency/Emergency Water Management Plan.

4. DROUGHT CONTINGENCY & EMERGENCY WATER MANAGEMENT PLAN

4.1 Public Education/Involvement

The City of Hurst will inform and educate the public about the Drought Contingency/Emergency Water Management Plan and provide opportunity for the public to provide input into the preparation of the Plan by the following means:

- Preparing fact sheets describing the plan and making these available online and at various city sites, and at various public events,
- Posting a copy of the Plan on the City's Web site,
- Scheduling and providing public notice of public meeting to accept input on the Plan.
- Posting drought condition signs on poles at heavily traveled intersections throughout the city,
- Notifying local organizations, schools, and civic groups that staff is available to present information about the plan, and
- Delivering educational information via door hangers to citizens, as needed.

City of Hurst, Texas

At any time that the Drought Contingency/Emergency Management Plan is activated or the stage changes, staff will notify the local media of the issues, the current response stage, and the specific actions required of the public. The information will also be publicized on the city's Web site. Bill inserts will be used as needed.

4.2 Initiation & Termination of Drought & Emergency Response Stages

The provisions of this plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Hurst. The term "person" and "customer" as used in the plan include individuals, corporations, partnerships, associations, and all other legal entities. The plan does not apply to persons or organizations using treated wastewater effluent or private wells.

The plan may be applied to the entire city or geographic portions of the city as necessary. If the plan is applied only to a limited sector, the boundaries will be defined in terms of roadways, creeks and other easily distinguishable features, such as city limits.

A.) Initiation of a Drought Response & Emergency Water Management Stage

The City Manager, or his/her designee, may order the implementation of a drought response or water emergency stage when one or more of the trigger conditions for that stage is met. The following actions will occur when a drought stage is initiated.

- The public will be notified through local media and the City of Hurst web site, as described in section 4.1.
- The City of Hurst Water Utilities will notify the Executive Director of the TCEQ within 5 business days when mandatory provisions of the plan are activated.

Stages imposed by the City of Fort Worth must be initiated by the City of Hurst.

For other trigger conditions initiated by the City of Hurst, the City manager or his/her official designee may decide not to order the implementation of the drought response or water emergency stage even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but not limited to, the time of 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.

B.) Termination of a Drought Response Stage

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

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- The public will be notified through local media and the City of Hurst Web site as described in Section 4.1.
- If any mandatory provisions of the drought contingency & emergency water management plan that have been activated are terminated, water utilities staff will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or his/her official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. The City Manager or his/her designee may choose to implement a phased out approach when exiting various stages to protect the integrity of the system. Factors which could influence such a decision include, but are not limited to, the time of year, weather conditions, or the anticipation of potential changes in conditions that warrant the continuation of the drought stage. The reason for the decision should be documented.

4.3 Drought and Emergency Response Stages

Stage 1 - Water Watch

Triggering Conditions for Stage 1

- ◆ When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 1 of the Drought Plan.
- ◆ Water demands reach or exceed 90% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- ◆ Hurst's water distribution system becomes contaminated.
- ◆ Hurst's water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- ◆ Hurst's water supply system is unable to deliver water due to the failure or damage of major water system components, or due to other criteria, such as power outages or restrictions.

Terminating Conditions for Stage 1

Stage 1 may be terminated when the City of Fort Worth terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer exist and/or the total combined raw water supply in the TRWD western and eastern division reservoirs exceeds 85% (15% depleted) of conservation storage capacity and remains above 85% for 90 consecutive days, whichever occurs first.

Goal for Use Reduction for Stage 1

The goal for water use reduction under Stage 1, Water Watch, is five percent (5%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available for Stage 1

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to the TCEQ. The City Manager or his/her official designee must notify the TCEQ within five business days if any mandatory measures are implemented.

All Water Users

Initiate mandatory restrictions to prohibit non-essential water use as follows

- Discourage hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard. This may include premises with raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments including restaurants and grocery stores may be washed to the extent necessary for sanitary purposes. These areas may also include:
 - Trash and dumpster areas
 - Areas around fuel pumps
 - Store front cleaning of areas with accumulated bird droppings, feathers and debris
 - Localized spot cleaning of parking areas to remove oil, grease buildup that may pose a health and safety issue.
- Discourage hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting.
- Prohibit using water in such a manner as to allow runoff or other waste, including:
 - Failure to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet;
 - Operating a permanently installed irrigation system with: (a) a broken head; (b) a head that is out of adjustment and the arc of the spray head is over a street or parking lot; or (c) a head that is misting because of high water pressure; or

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- during irrigation, allowing water to (a) to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or (b) to pond in the street or parking lot to a depth greater than one-quarter of an inch.
 - Allowing or causing an irrigation system or other lawn watering device to operate during any form of precipitation or when temperatures are below 32 degrees Fahrenheit.
- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
 - Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week schedule as outlined below. This includes landscape watering of parks, golf courses, and sport fields. Wholesale customers may use a different watering schedule than the one below as long as it limits each service address to a twice per week schedule. However, use of the same schedule would simplify the message conveyed to customers through the news media.
 - Maximum twice per week watering for hose-end sprinklers and automatic irrigation systems based on odd/even addresses and days of week schedules.

Stage 1, Water Watch, Outdoor Watering Schedule		
Monday	No Outdoor Watering	Water System Recovery Day
Tuesday and Friday	Non-Residential Sites	Apartments, Parks, Medians, Businesses, Industries etc.
Wednesday and Saturday	Residential Addresses Ending in Even Numbers	0,2,4,6,8
Thursday and Sunday	Residential Addresses Ending in Odd Numbers	1,3,5,7,9

Exceptions:

- Lawn and landscaping may be watered on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler.
- Water use necessary for the repair of an irrigation system, plumbing line, foundation, etc. in the presence of the person making the repair.
- Outdoor watering at service addresses with large multi-station irrigation system may take place in accordance with a variance granted by the Executive Director of Public Works, if the Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and

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that the property should be divided into sections to be irrigated on different days. If approved, no station will be watered more than twice per week.

- Establishing new turf is discouraged. If hydro-mulch, grass sod, or grass seed is installed for the purpose of establishing a new lawn, daily watering is allowed for the first 30 days as long as it is performed before 10 a.m. and after 6 p.m. while it is being established. After that, all watering restrictions set forth in this stage apply. (This does not include over seeding with rye since turf already exists.)
- Non-grass areas of sports fields may be watered as needed for dust control.
- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events.
- Public areas with frequent use may be allowed additional watering, with a variance granted by the Executive Director of Public Works, if it is deemed to be beneficial to serve and protect the community. Examples may include but are not limited to: outdoor amphitheaters, demonstration gardens, public art exhibitions, outdoor learning areas, arboretums, etc.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- All users are encouraged to use native and adapted drought tolerant plants in landscaping.
- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive-pressure shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Companies with an automated on-site vehicle washing facility may wash it's vehicles at any time. Further, such washing may be exempt from these requirements if the health and safety, and welfare of the public are contingent upon frequent vehicle cleaning, such as garbage trucks and vehicles used to transport food and perishables.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.

City and Local Governments

In addition to the actions listed above:

- Review conditions and problems that caused Stage 1, then take corrective action,
- Increase public education efforts to reduce water use,
- Increase enforcement efforts to notify violators,
- Intensify leak detection and repair efforts,
- Audit all city and local government irrigation systems to ensure proper condition, settings, and operation,
- Identify and encourage voluntary reduction measures by high volume water users through water use audits.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- City of Fort Worth Water Director or his/her designee will notify the City of Hurst of their restrictive actions being taken and require Hurst to implement the same stage and measures. Such action is in accordance with section 2.3 of the uniform wholesale contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions as long as any part of their total water supply is being furnished by Fort Worth.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users,
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions, but water conservation is encouraged,
- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels,
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently, and
- All commercial and industrial customers are encouraged to audit irrigation systems.

Stage 2 – Water Warning

Triggering Conditions for Stage 2

- When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 2 of the Drought Contingency Plan.
- Water demand reaches or exceeds 95% of reliable delivery capacity for three consecutive days. The delivery capacity could be city wide or in a specified portion of the system.

- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.

Terminating Conditions for Stage 2

Stage 2 may be terminated when the City of Fort Worth terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

Goal for Use Reduction for Stage 2

The goal for water use reduction under Stage 2, Water Warning is to decrease use by ten percent (10%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available for Stage 2

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the City of Fort Worth, in accordance with Section 2.3 of the uniform wholesale water contract.

- Continue or initiate any actions under Stage 1.

All Water Users

- Limit landscape watering with sprinklers or irrigation systems to a once per week schedule at each service address as determined by the Executive Director of Public Works. This includes landscape watering at parks, golf courses and sports fields. Use of the same schedule used by the City of Fort Worth, simplify the messages passed to customers through the news media.

Exceptions:

- Lawn and landscaping may be watered on any day, at any time, by handheld hose, drip irrigation, a soaker hose or tree bubbler (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
- Outdoor watering at service addresses with large multi-station irrigation systems may take place in accordance with a variance granted by the Executive Director of Public Works, if the Director determines that a property cannot be completely irrigated with an average of three-quarters of an inch of water in a single day, and that the property

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should be divided into sections to be irrigated on different days. **If approved, no station will be watered than once per week.**

- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Conservation is encouraged.
- All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping and turf. Variances granted for establishing new turf grass or landscaping will be for a maximum of 30 days from the date of approval. After that, the watering restrictions set forth in this stage apply. **(This does not include over seeding with rye since turf already exists.)**
- Discourage the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with recirculation system.
- Discourage the filling, draining, or refilling of swimming pools, wading pools, hot tubs and Jacuzzi type pools except to maintain adequate water levels for structural integrity, proper operation and maintenance, and/or to alleviate an issue that poses a public safety risk.
- Encourage the use of covers for all types of pools, hot tubs, and Jacuzzi type pools when not in use.

City and Local Governments

In addition to the actions listed above:

- Review conditions or problem that caused Stage 2. Take corrective action,
- Increase frequency of media releases on water supply conditions,
- Further accelerate public education efforts on ways to reduce water use,
- Eliminate no-essential water use. As used herein, non-essential water use are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.
- City of Fort Worth Water Director or his/her designee will notify the City of Hurst, their wholesale customer of actions being taken and require us to implement the same stage and measures. Such action is in accordance with section 2.3 of the uniform wholesale contract. Per the contract, wholesale customers are required to institute and apply the same rationing, conservation measures or restrictions to use of their customers for so long as any part of their total water supply is being furnished by Fort Worth.

Commercial or Industrial

All actions listed above for all water users apply to commercial and industrial users.

Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Executive Director of Public Works. Fire hydrant use may be limited to only designated hydrants. Upon declaration of this drought stage, all holders or applicants of a Water Fire Hydrant Agreement are required to apply for a variance as set forth in this plan. If conditions allow, as determined by the Executive Director of Public Works, the use of water from hydrants may continue until the Executive Director or his/her designee issues a determination on the petition for variance. If conditions do not allow, the Executive Director may require all fire hydrant meters be immediately returned from the field, pending determination of each petition for variance.

Stage 3 – Emergency Water Use

Triggering Conditions for Stage 3

- When, pursuant to requirements specified in the City of Hurst wholesale water purchase contract with the City of Fort Worth, notification is received requesting initiation of Stage 3 of the Drought Plan.
- Water demand has reached or exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be citywide or in a specified portion of the system.
- Contamination of the water supply source(s) or water supply system.
- Demand for all or part of the water system exceeds delivery capacity because delivery capacity is inadequate.
- Water supply system is unable to deliver water due to the failure or damage of major water system components
- TRWD has initiated Stage 3 – Emergency Water Use, which may also be initiated by one or more of the following:
 - Total raw water supply in TRWD western and eastern division’s reservoirs drops below 45% (55% depleted) of conservation storage.
 - Water demand for all or part of the TRWD delivery system exceeds delivery capacity because delivery capacity is inadequate.
 - Water demand is projected to approach or exceed the limit of TRWD’s permitted supply.
 - TRWD’s supply source becomes contaminated.
 - TRWD’s water supply system is unable to deliver water due to failure or damage of major water system components.
 - The TRWD General Manager, with the concurrence of the TRWD Board of Directors, finds that conditions warrant the declaration of a Stage 3 Drought.

Terminating Conditions for Stage 3

Stage 3 will be terminated when the City of Fort Worth terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

Goal for Use Reduction for Stage 3

The goal for water use reduction under Stage 3, Emergency Water Use, is to decrease use by twenty percent (20%). If circumstances warrant or if required by the City of Fort Worth, the City Manager or his/her official designee can set a goal for greater water use reduction.

Actions Available for Stage 3

The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. The City Manager or his/her official designee must implement any action(s) required by the City of Fort Worth, in accordance with Section 2.3 of the uniform wholesale water contract.

- Continue or initiate any actions available under Stage 1 and 2.

All Water Users

- Prohibit landscape watering, including at parks, golf courses, and sports fields

Exceptions:

- Watering with hand-held hose, soaker hose or drip irrigation systems may occur and day and any time. (The intent of this measure is to allow for the protection of structural foundations, trees, and other high value landscape materials).
- Watering of athletic fields (fields only, does not include surrounding landscaped areas) used for organizing sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events may be allowed to water by variance. A water management plan must be submitted to the Executive Director of Public Works detailing how each area will comply with stage 3 drought measures.
- Prohibit establishment of new landscaping. Variances may be granted for those landscape projects started prior to the initiation of stage 3 drought restrictions.
- Vehicle washing restricted to commercial car wash, commercial service station or a private on-site vehicle washing facility and can only be done as necessary for health, sanitation, or safety reasons, including but not limited to the washing of garbage

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trucks and vehicles used to transport food and other perishables. All other vehicle washing is prohibited.

- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life.
- Prohibit the draining, filling of swimming pools, wading pools and Jacuzzi type pools. Existing private and public pools may add water to maintain pool levels; however they may not be refilled using automatic fill valves.
- Prohibit hosing of buildings or other structures for purposes other than fire protection or surface preparation prior to painting with high-pressure equipment. Must be performed by a professional power washing service utilizing high efficiency equipment and a vacuum recovery system where possible.

City and Local Governments

In addition to actions listed above:

- Continue or initiate any actions available under Stage1 and 2.
- Review conditions or problems that caused Stage3. Take corrective action.
- Implement viable alternative water supply strategies.
- Increase frequency of media releases explaining emergency situation.
- Reduce city and local government water use to maximum extent possible.
- Prohibit the permitting of new swimming pools, Jacuzzi type pools, spas, ornamental ponds and fountain construction. Pools already permitted and under construction may be completely filled with water.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Hotels, restaurants, and bars required to serve drinking water to patrons as requested.
- Hotels are required to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- Stock at commercial plant nursery may be watered only with handheld hose, handheld watering can, or drip irrigation system.
- Commercial and industrial water users required to reduce water use by a set percentage determined by the Executive Director of Public Works.

Use of water from fire hydrants for any purpose other than firefighting related activities or other activities necessary to maintain public health, safety and welfare requires a special permit issued by the Executive Director of Public Works. Fire hydrant use may be limited to only designated hydrants.

4.4 Procedures for Granting Variances to the Plan

The Executive Director of Public Works or his/her official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency 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 requesting the variance.
- Compliance with this 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 Executive Director of Public Works or his/her official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioner(s)
- 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
- Detailed schedule of irrigation that shows a reduction in use over the 30 day period for new lawns and landscapes. Schedule should be designed so that at the end of the 30 day period, lawn and landscape areas can adhere to the twice per week schedule defined in stage 1.
- Alternative measures that will be taken to reduce water use
- Other pertinent information required by the Public Works Department.

4.5 Procedures for Enforcing Mandatory Water Use Measures

Mandatory water use restrictions may be imposed in Stage 1, 2, and 3. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance,
- After three violations have occurred, the utility may cut off water service to the customer.

4.6 Coordination with Regional Planning Groups

The service area of the City of Hurst is located within the Region C Planning Group and the City has provided a copy of tis plan to the Region C Planning Group.

4.7 Review and Update of Drought Contingency Plan

As required by TCEQ rules, Hurst will review this drought contingency plan in 2029 and at least every five years thereafter. The plan will be updated as appropriate based on new or updated information.

5.0 Drought Contingency Plan Definitions

Term	Definition
Aesthetic water use	Water use for ornamental or decorative features such as fountains, reflecting pools and water gardens.
Alternative Water Source	Means water produced by a source other than a water treatment plant and is not considered potable. These sources can include, but are not limited to: reclaimed/recycled water, collected rain water, collected grey water, private well water.
Athletic Field	Means a sport playing field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports, or sanctioned league play.
Automatic Irrigation System	Means a site specific system of delivering water generally for landscaping via a system of pipes or other conduits installed below ground that automatically cycles water use through water emitters to a preset program, whether on a designated timer or manual through manual operation.
Aquatic Life	Means a vertebrate organism dependent upon an aquatic environment to sustain its life.
Conservation	Those practices, techniques, and technologies that reduce water consumption; reduce the loss or waste of water; improve the efficiency in water use; and increase the recycling and reuse of water so that supply is conserved and made available for other or future use.
Customer	Any person, company, or organization using water supplied by the TRWD or through an entity supplied by the TRWD.
Drip Irrigation	An irrigation system (drip, porous pipe, etc.) that applies water at a predetermined controlled low-flow levels directly to the roots of a plant.
Drought Contingency Plan	Means a strategy or combination of strategies for temporary supply management and demand management responses temporary or

	potentially recurring water supply shortages and other water supply emergencies.
Fountain	An artificially created jet, stream or flow of water, a structure, often decorative, from which a jet, stream or flow of water issues.
Golf Course	Means an irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for playing of golf.
Hand-Held Hose	Means a hose physically held by one person, fitted with a manual or automatic shutoff nozzle.
Hand Watering	Means the application of water for irrigation purposes through and hand-held watering hose, watering can, or bucket.
Hose-end Sprinkler	Means a devise through which water flows from a hose to a sprinkler to water any lawn or landscape.
Hosing	Means to spray, water, or wash with a water hose.
Industrial Water Use	Means the use of water for or in connection with commercial or industrial activities, including but not limited to, manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for tourism, entertainment, and hotel or motel lodging, generation of power other than hydroelectric and other business activities.
Irrigation System	Means a system of fixed pipes and water emitters that apply water to a landscape plants or turf grass, including, but not limited to, in-ground and permanent irrigation systems.
Lake, Lagoon or Pond	Means an artificially created body of fresh or salt water.
Landscape Irrigation Use	Water used for the irrigation and maintenance of landscape areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, right-of-ways, medians and entry ways.
“New Landscape” means	<ul style="list-style-type: none"> a. Installed during construction of a new house, multi-family dwelling, or commercial building; b. Installed as a part of a government entity’s capital improvement project; or c. Alters more than one-half the area of an existing landscape.
Non-Essential Water Use	<p>Water uses that are not required for the protection of public health, safety and welfare, such as;</p> <ul style="list-style-type: none"> a. Irrigating landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this plan; b. Washing any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas; except to alleviate a public health and safety issue; c. Washing any automobile, motorbike, boat (and/or trailer), airplane, or other vehicle except where required by law for safety and sanitary purposes.

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	<ul style="list-style-type: none"> d. Washing buildings or structures for the purpose other than immediate fire protection, or other uses provided under this plan; e. Filling, refilling, or adding to any swimming pools or Jacuzzi-type pools, except to maintain safe operating levels; f. Filling or operation of a fountain or pond for aesthetic or scenic purposes except when necessary to support aquatic life;
	<ul style="list-style-type: none"> g. Failure to repair a controllable leak within a reasonable time period after being directed to do so by formal notice; and h. Drawing from hydrants for construction purposes or any other purpose other than firefighting or protection of public drinking water supplies.
Park	Means a non-residential or multifamily tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or public recreation and available for use to the general public.
Power/Pressure Washer	Means a machine that uses water or a water-based product applied at high pressure to clean impervious surfaces.
Pressure Washer (High Efficiency)	Means a machine that uses water or a water-based product applied at 1500 pounds per square inch (psi) or greater.
Reclaimed Water	Municipal wastewater effluent that is given additional treatment and distributed for reuse in certain applications. Also referred to as recycled water.
Soaker Hose	Means a flexible hose that is designed to slowly emit water across the entire length and connect directly to a flexible hose to spigot. Does not include hose that be design or use sends a fine spray in the air. It is not considered drip irrigation.
Splash Pad/Spray Park	Means an area for water play that has no standing water. Typically, they utilize various spray nozzles which spray water in multiple directions.
Swimming Pool	Means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.
Vegetable Garden	Means and noncommercial vegetable garden planted primarily for household use; “noncommercial” includes incidental direct selling of produce from such a vegetable garden to the public.
Well Water	Means water that has been, or is, obtained from the ground by digging, boring, or drilling to access an underground aquifer.

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City Council Staff Report

SUBJECT: Consider Ordinance 2569, second reading, amending Section 26-49 – Water Conservation Plan of the Code of Ordinances	
Supporting Documents:	
Ordinance 2569 Exhibit A	Meeting Date: 4/23/2024 Department: Public Works Reviewed by: Greg Dickens City Manager Review:
Background/Budget Analysis:	
<p>In 2004 the Texas Commission on Environmental Quality (TCEQ) adopted provisions to Title 30, Texas Administrative Code Chapter 288, requiring retail public water suppliers, providing water services to 3,300 or more connections, to submit revised Water Conservation Plans that include specific, quantified targets for water use reductions to be achieved during periods of water shortages and drought. In the same provision, all public water suppliers are required to review and update their plans every five years. The last update was March of 2019. The current five-year update is due May 1, 2024 to the TCEQ office.</p> <p>Sufficient funding is available in our current Public Works budget to fund any requirement of the proposed plan.</p>	
Hurst Way/Strategic Priorities:	
Conserving potable water is directly representative of the City of Hurst’s Strategic Priorities of Financial Sustainability and Public Safety .	
Recommendation:	
Staff recommends City Council approve Ordinance 2569, second reading, amending Section 26-49 by adopting a revised Exhibit A – City of Hurst Water Conservation Plan of the Code of Ordinances.	

ORDINANCE 2569

AN ORDINANCE AMENDING THE CITY OF HURST CODE OF ORDINANCES, CHAPTER 26 – UTILITIES, ARTICLE II – WATER AND SANITARY SEWERS, DIVISION 2 – WATER GENERALLY, BY DELETING SECTION 26-49. WATER CONSERVATION PLAN, IN IT’S ENTIRETY AND ADOPTING A NEW SECTION 26-49 - WATER CONSERVATION PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council finds that conservation of water and the protection of water supplies are in the best interest of its citizens; and

WHEREAS, the City is required every 5th year to update and amend the water conservation plan by the Texas Commission on Environmental Quality (TCEQ) and the Texas Water Development Board. This update is due to be submitted by May 1, 2024 in accordance with Title 30 of the Texas Administration Code, Chapter 288; and

WHEREAS, staff recommends the City Council adopt the amended Water Conservation Plan referenced in Section 26-49 of the City Code; and

WHEREAS, the Water Conservation Plan proposes a goal of reducing the rolling five-year average water consumption to a level of 129 gallons per capita day by 2029- and 124-gallons per capita day by 2034; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a new Water Conservation 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, securing future water supplies will require proving to state permitting agencies that existing water supplies are being used efficiently.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

Section 1. **THAT** the statements contained in the preamble to this Ordinance

are hereby adopted as findings of fact and as part of the operative provisions hereof.

Section 2. **THAT** the City of Hurst Code of Ordinances Chapter 26 is hereby amended by deleting Section 26-49 and adding a new Section 26-49 to read as follows:

**“Sec. 26-49. Water Conservation Plan
The City of Hurst hereby adopts the Water Conservation Plan attached as Exhibit “A” to Ordinance 2569”**

Section 3. **THAT** all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 4. **THAT** if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

AND IT IS SO ORDERED.

Passed on the first reading on the 9th day of April 2024 by a vote of 5 to 0.

Approved on the second reading on the 23rd day of April 2024 by a vote of _ to _.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney

EXHIBIT A

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APPENDICIES

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APPENDIX B Texas Commission on Environmental Rules on Water Conservation Plans for Municipal and Wholesale Water Providers

- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1 – Definitions (Page B-1)
- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-5)

APPENDIX C City of Hurst Utility Profile

APPENDIX D Letters to Region C Water Planning Group

APPENDIX E Adoption of the Water Conservation Plan

APPENDIX F Tarrant Regional Water District (TRWD) Water Conservation and Drought Contingency Plan

1.0 INTRODUCTION AND OBJECTIVE

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 plans. The City of Hurst has developed this water conservation plan in accordance with TCEQ guidelines and requirements. To develop a regional approach, Tarrant Regional Water District's Water Conservation and Drought Contingency Plan were included. This plan replaces the previous plan dated April 2019. The City of Hurst also recognizes that in order to achieve its goals of maximizing water conservation and efficiency, it is necessary to develop and implement a water conservation plan that meets compliance with TCEQ guidelines and requirements.

This document outlines the City of Hurst Water Conservation Plan, and the Emergency Water Demand Management Drought Contingency Plan. The Emergency Water Demand Management Drought Contingency Plan provides procedures for voluntary and mandatory actions to be implemented to temporarily reduce the demand placed upon the City's water supply system during a water shortage emergency. Emergency Water Demand Management procedures include conservation, but may also include prohibition of certain uses. Both programs are tools that the City of Hurst will have available to operate effectively in all situations.

The objective of this Water Conservation Plan is to reduce the per capita consumption of water, a finite resource. Many communities throughout the United States have used conservation measures to successfully cope with various water and wastewater problems. Reductions in water use of as much as 25 percent have been achieved, but the normal range is from 5 to 15 percent. As a result of reduced water use, wastewater flows have also been reduced by 5 to 10 percent. It is anticipated that continued implementation of this Plan will result in a reduction in per capita water

consumption. The City of Hurst goal is to reduce per capita water consumption each year with an ultimate goal of 124 gallons per capita per day by 2034.

2.0 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

2.1 TCEQ RULES GOVERNING CONSERVATION PLANS

The TCEQ rules governing development of water conservation plans for public water supplies are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, 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 this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report below.

- 288.2(a)(1)(A) – Utility Profiles – Section 3.0 and Appendix C
- 288.2(a)(1)(B) – Record Management System – Section 5.2
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 4.0
- 288.2(a)(1)(D) – Accurate Metering – Section 5.2
- 288.2(a)(1)(E) – Universal Metering – Section 5.2
- 288.2(a)(1)(F) – Determination and Control of Water Loss – Section 5.2 and 5.3
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6.1
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 6.2
- 288.2(a)(1)(I) – Means of Implementation and Enforcement – Section 6.4
- 288.2(a)(1)(J) – Coordination with Regional Water Planning Groups – Section 6.6 & App D
- 288.2(c) – Review and Update of Plan – Section 8.0

Conservation Coordinator

The City of Hurst’s Director of Utilities will serve as the Water Conservation Coordinator. The conservation coordinator will liaise between regional water planning groups and regulatory entities to ensure implementation of the Water Conservation Plan.

Additional Conservation Strategies

The Texas Administrative Code lists additional conservation strategies, which may be adopted by suppliers but are not required. Additional strategies adopted by the City of Hurst include the following:

288.2(a)(3)(A) – Consideration for Landscape Water Management Regulations – Section 7.3

2.2 GUIDANCE AND METHODOLOGY FOR REPORTING ON WATER CONSERVATION AND WATER USE

In addition to TCEQ rules regarding water conservation, this plan also incorporates elements of the Guidance and Methodology for Reporting on Water Conservation and Water Use Developed by TWDB and TCEQ, in consultation with the Water Conservation Advisory Council (the “Guidance”). The Guidance was developed in response to a charge by the 82nd Texas Legislature to develop water use and calculation methodology and guidance for preparation of water use reports and water conservation plans in accordance with TCEQ rules. The City of Hurst has considered elements of this guidance in preparation of this plan.

3.0 DESCRIPTION OF SERVICE AREA AND UTILITY PROFILE

As of January 2024, the City of Hurst provides retail water and sewer service to approximately 40,452 residents. The City’s service area is the total area within the city limits of Hurst, which is approximately 10 square miles.

3.1 UTILITY PROFILE

The City of Hurst as shown in Figure 3-1 has a current population of 40,452. The water supply is distributed through approximately 204 miles of water mains, ranging from 4” to 30” in diameter. The supply to the City is divided into two pressure Planes, South and North. The dividing line is predominately at State Highway.183 with the North Plane extending South into neighborhoods on each side of Precinct Line Road down to Pipeline Road.

The South Pressure Plane is supplied by purchased water from the City of Fort Worth through Metered Vault # 2 located at 405 West Hurst Boulevard along with five water wells. All supplies

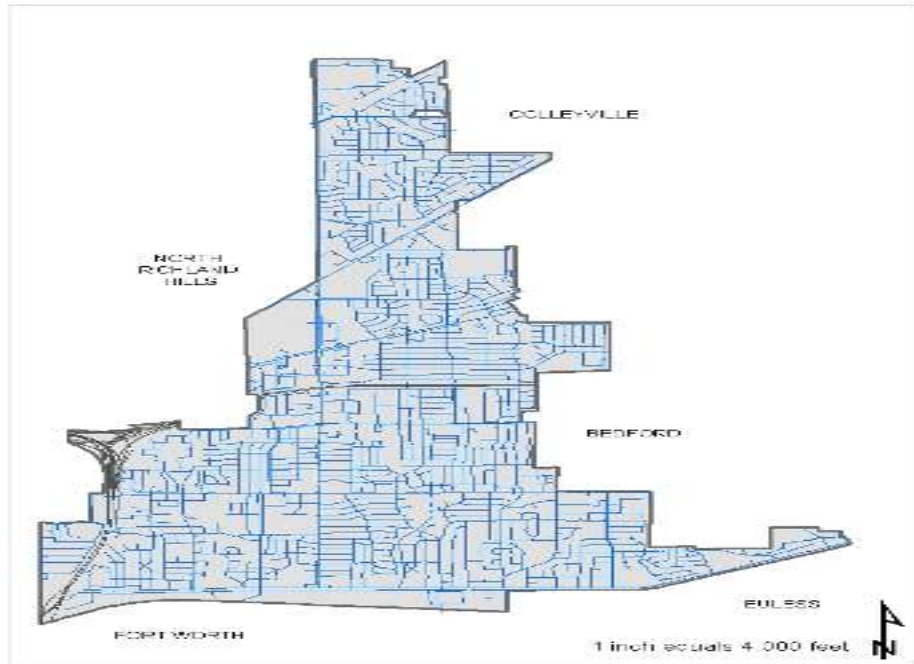
are stabilized by one (1.0 mg) elevated water tank, Valentine tank. The total designed delivery capacity in the South Plane is seven million gallons per day (mg/d) and the reliable delivery capacity is six million gallons per day (mg/d).

The North Pressure Plane is supplied by water purchased from the City of Fort Worth through Metered Vault # 1 located at 951 West Hurst Boulevard in conjunction with one water well. Both water supplies flow into three ground storage tanks at Pump Station # 5 located at 2400 Norwood Drive and is pumped into two elevated water tanks, Tarrant County College tank or TCC tank and North Precinct Line tank. Total designed delivery capacity in the North Plane is 8 million gallons per day (mg/d) and the reliable delivery capacity is 7.5 million gallons per day (mg/d.). The combined reliable capacity is 13.5 million gallons per day (mg/d) as shown in Table 3-1 below

Table 3-1: 2019 City of Hurst Water System Delivery Capacity

Water Supply	Design Capacity(mgd)	Reliable Delivery Capacity (mgd)
Hurst South Pressure Plane	7.0	6.0
Hurst North Pressure Plane	8.0	7.5
Total	15	13.5

Figure 3-1



4.0 SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. The goals for the water conservation plan include the following.

- Maintain the 5-year moving average total per capita water use below specified amount in the Table 4-1.
- Maintain the level of water loss in the system below the specified amount in Table 4-2.
- Increase efficient water usage and decrease waste in lawn irrigation by enforcement of landscape water management regulations as described in Section 7.3.

In the previous (2019) plan, total per capita use goals were 137 GPCD by 2019 and 132 GPCD by 2024 as outlined in table 4.1 below. As of 2024, the City of Hurst’s five-year average per capita use is 131 GPCD. This illustrates achieved conservation savings ahead of the 2024 goal of 132 GPCD.

Table 4-1: PREVIOUS PLAN GPCD GOALS (2019)

Description	Units	2019	2024	2029
Total GPCD	GPCD	137	132	127
Residential GPCD	GPCD	101	96	91

A. Total GPCD = (Total Gallons in System / Permanent Population) / 365

B. Residential GPCD = (Gallons Used for Residential Use / Residential Population) / 365

The City of Hurst has developed goals based on the recommendations of the Texas Water Conservation Implementation Task Force, which suggests a 1% reduction in gallons per capita per day per year. The current specific goals are outlined in Table 4-2. These goals were developed using the City of Hurst current five year average per capita, and therefore some (dry) years will see higher per capita usage than these five-year average goals. A series of dry years may lead to an average exceeding the goal.

Table 4-2: GPCD GOALS (2024)

Description	Units	2024	2029	2034
Total GPCD	GPCD	134	129	124
Residential GPCD	GPCD	96	91	86

C. Total GPCD = (Total Gallons in System / Permanent Population) / 365

D. Residential GPCD = (Gallons Used for Residential Use / Residential Population) / 365

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

One of the key elements in water conservation is careful tracking of water use and control of losses. Programs for universal metering, meter testing, meter repair, and periodic meter replacement have been developed using the American Water Works Association (AWWA) standards and are important elements in the City of Hurst’s program to control losses.

5.1 MONITORING AND RECORD MANAGEMENT PROGRAM FOR DETERMINING DELIVERIES

The City of Hurst has an effective record management system in place. The record management system allows for the separation of water sales and use into Residential Single and Multi-Family, commercial, institutional and industrial categories. This information is included in the TCEQ required Water Conservation Implementation Report.

The City of Hurst meters all of the connections in the Distribution System. Meters range in size from ¾” to 16”. The meter size distribution is included in Table 5-1 below. All meters met AWWA accuracy standards when installed. As of December 31, 2023, there were a total of 17,843 active retail meters in the City.

Table 5-1: METER SIZE DISTRIBUTION

Meter Size	Total Number
5/8” x .75”	10,233
1”	1,989
1.5”	329
2”	293
3”	38
4”	23
6”	6
8”	1
16”	2

5.2 METER CALIBRATION AND REPLACEMENT

The City of Hurst currently has an implemented program for meter replacement based on each meter and transponder at least every ten (10) years. In addition to age replacement, the City of Hurst by an annual contract performs accuracy testing on approximately one hundred twenty five (125) two (2) inch and larger commercial meters. Meters found outside compliance with the AWWA standard are repaired or replaced. Meters reading unusually high or low, erratically or not reading any flow are investigated in a similar way each billing cycle. Accuracy testing and the repair or replacement helps the City of Hurst monitor and reduce unaccounted for water. In addition, all City owned facilities are metered to insure accuracy when comparing wholesale purchases versus water distributed and sold.

5.3 LEAK DETECTION, REPAIR AND WATER LOSS ACCOUNTING

The system water audit is used annually to monitor the total level of non-revenue water. There are many variables which influence the revenue and non-revenue components of the City’s water system including meter inaccuracy, data discrepancies, unauthorized consumption, reported breaks and leaks and unreported losses.

The City of Hurst’s Water Loss is expressed in GPCD, its preferred water loss metric as it is less variable than other metrics to climate conditions. Table 5-2.

Table 5-2: PREVIOUS WATER LOSS GPCD

Description	Units	2021	2022	2023
Water Loss	GPCD	5	8	10

The Texas Water Development Board has also asked that cities begin to include their water loss in gallons per capita day and as a percentage of the total water use in the system as seen in Table 5-3. These are additional performance indicators that can be used to determine the effectiveness of the water. The City will continue to reduce water losses throughout the system by analyzing and updating the targets and goals of this section annually in conjunction with the water audit.

Table 5-3: WATER LOSS GOALS (2024)

Description	Historic 5-Year Average	Baseline	5-yr Goal 2029	10-yr Goal 2034
Total GPCD (a)	131	130	127	125
Residential GPCD(b)	88	89	88	87
Water Loss GPCD(c)	7	8	7	6
Water Loss Percentage(d)	5%	6%	6%	5%

- A. Total GPCD = (Total Gallons in System ÷ Permanent Population) ÷ 365
- B. Residential GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
- C. Water Loss GPCD = (Gallons Used for Residential Use ÷ Residential Population) ÷ 365
- D. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

Total GPCD, Residential GPCD and Water Loss GPCD are metrics used to determine Water Loss Percentage. Water Loss is determined annually and used to provide important information for future water conservation measures and goals.

The City will continue to reduce leaks in the system through thorough monitoring and attempt to target and locate all suspected leaks. Its leak detection program includes continuously monitoring almost 1,077,120 linear feet of pipe annually. In addition, the City will continue to encourage customers and field operators to report visual leakage.

6.0 PUBLIC EDUCATION AND INFORMATION

The City of Hurst currently provides water conservation tips through the City’s monthly “Where We Live” newsletter distributed within customer water bills as well as on the City’s web page, social media, and through information provided at the initiation of service.

The City of Hurst also provides notification to schools districts, home owners associations, and social groups that the water utility staff is available to make presentations on the importance of water conservation and ways to save water. The City of Hurst will continue to work closely in the future with wholesale water providers and other regional agencies to develop cost-effective public education programs.

6.1 WATER RATE STRUCTURE

As of October 1, 2018, the City of Hurst continues to utilizes a flat rate structure for all classes as shown in Table 6-1 below:

Table 6-1: Rate Structure (FY23-24)

Water Rates	\$18.78 First 2,000 gallons, \$7.54 per 1,000 gallons after.
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As indicated in Table 6-1, this is a basic non-promotional rate plan and does not encourage excessive water use with reduced rates. The City of Hurst will continue consideration of various rate plans to insure cost-effectiveness and compliance with State regulations.

In addition, the City of Hurst charges a monthly meter charge to commercial accounts as is shown in Table 6-2 below:

Table 6-2: MONTHLY METER CHARGES

Meter Size	Service Charge
1” and Smaller	\$4.00
1.5” and Larger	\$12.00

6.2 RESERVOIR SYSTEM OPERATIONS

This requirement is not applicable to the City of Hurst.

6.3 IMPLEMENTATION AND ENFORCEMENT

The City of Hurst completes the water conservation report annually while updating the utility profile and water conservation plan every 5 years. These reports include various water conservation strategies that have been implemented, including the date of implementation. Additionally, reports include progress made on the five and ten year per capita water use goals from this plan.

The City of Hurst has existing ordinances in place which prohibit the wasting of water such as year round no watering restrictions between the hours of 10am to 6pm, rain and freeze sensors, and the disallowance of water to fall upon impervious surfaces. In 2014, the City of Hurst approved an Ordinance regulating the design and installation of new irrigation systems and approved an Ordinance amendment in June of 2014 that established mandatory, year round 2 day per week watering restrictions.

The City of Hurst Drought Contingency/Emergency Management Plan that was approved by council in 2019 was designed to match the City of Fort Worth’s Plan which provides for escalated enforcement for each drought stage.

6.4 COORDINATION WITH REGIONAL WATER PLANNING GROUPS

As a wholesale customer of Fort Worth, the City of Hurst participates in each entity’s short term and long term planning. In addition, the City of Hurst consistently participates in Texas Water Development Board (TWDB) and Regional Water Planning Group (Region C) inquiries and reporting. In addition, a copy of the City of Hurst Water Conservation Plan has been submitted to the Wholesale provider.

7.0 ADDITIONAL CONSERVATION EFFORTS

7.1 WATER-CONSERVING PLUMBING FIXTURES

The City of Hurst complies with the U.S. Energy Policy Act of 1992 (Public Law 102-846,106 Stat. 2776, 102D Congress, Oct. 24, 1992) which includes requirements for maximum water use allowed for toilets, urinals, showerheads and faucets.

The City of Hurst currently adheres to the 2009 International Plumbing Code (IPC) Section 604.4, Max Flow and Water Consumption and adopts table 604.4 which lists Water Closet Max Flow Rate at 1.6 gallons per flush cycle. The City routinely inspects new construction, remodeling, additions, etc., through building permits to ensure installation of fixtures adheres to the current codes and ordinances in place.

7.2 LANDSCAPE WATER MANAGEMENT

The City of Hurst in conjunction with the City of Fort Worth have amended the ordinance to reflect the mandatory, year round twice per week watering schedule effective June 24, 2014 similar to Stage 1 of its drought plan. The schedule is included in Table 7-1 seen below:

Table 7-1: TWICE PER WEEK WATERING SCHEDULE

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
No outdoor watering	Non-residential	Residential addresses ending in (0,2,4,6,8)	Residential addresses ending in (1,3,5,7,9)	Non-Residential	Residential addresses ending in (0,2,4,6,8)	Residential addresses ending in (1,3,5,7,9)

In addition, the Irrigation Installation Ordinance adopted in January 2009 requires that only licensed irrigators alter existing or install new irrigation systems within the City of Hurst and require all existing commercial systems to retrofit rain and freeze sensors. The City of Hurst will continue to actively promote the use of native vegetation for landscaping for both public and private areas consistent with the Texas Smartscape Program.

8.0 ADOPTION OF WATER CONSERVATION PLAN; PERIODIC REVIEW AND UPDATE OF PLAN

TCEQ requires that water conservation plans be reviewed and updated every five years to coincide with the regional water planning process. This Water Conservation Plan will be updated as required by TCEQ and, in addition, will be continually reassessed for opportunities to improve water efficiency and conservation based on new or updated information.

8.1 COORDINATION WITH THE CITY OF FORT WORTH AND REGULATORY AGENCIES

Appendix D is a copy of the letters sent to the chair persons of the Region C Water Planning Group, City of Fort Worth Water Department, Tarrant Regional Water District and the Texas Commission on Environmental Quality. Appendix E is a copy of Ordinance No. **2111** amending Chapter 26 by adopting a new Water Conservation Plan.

APPENDIX A
LIST OF REFERENCES

APPENDIX A
LIST OF REFERENCES

1. Tarrant Regional Water District, “Water Conservation and Drought Contingency Plan”, prepared by the Tarrant Regional Water District, April 2009.
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. Water Conservation Advisory Council: Guidance and Methodology for Reporting on Water Conservation and Water Use, December 2012.
4. Texas Commission on Environmental Quality Annual Report.
[http://www.tceq.texas.gov/permitting/water rights/conserved.html#imple](http://www.tceq.texas.gov/permitting/water%20rights/conserved.html#imple)

APPENDIX B

**TEXAS COMMISSION OF ENVIRONMENTAL QUALITY RULES ON MUNICIPAL
WATER CONSERVATION PLANS**

APPENDIX B

**TEXAS COMMISSION OF ENVIRONMENTAL QUALITY RULES ON MUNICIPAL
WATER CONSERVATION PLANS**

TITLE 30 ENVIRONMENTAL QUALITY

PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288 WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

SUBCHAPTER A 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 and 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) Best management practices—Voluntary efficiency measures that save a quantifiable amount of water, either directly or indirectly, and that can be implemented within a specific time frame.

(4) 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.

(5) Commercial use—The use of water by a place of business, such as a hotel, restaurant, or office building. This does not include multi-family residence or agricultural, industrial, or institutional users.

- (6) 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 another water management document(s).
- (7) 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, and the development of power by means other than hydroelectric, but does not include agricultural use.
- (8) Institutional use—The use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.
- (9) 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 from a public water supply.
- (10) 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.
- (11) Mining use—The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field re-pressuring.
- (12) Municipal use—The use of potable water provided by a public water supplier as well as the use of sewage effluent for residential, commercial, industrial, agricultural, institutional and wholesale users.
- (13) 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 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 the 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 seeding.
- (14) 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 of the public enjoyment of the water for any lawful or reasonable purpose.

- (15) Public water supplier—An individual or entity that supplies water to the public for human consumption.
- (16) Residential use—The use of water that is billed to single and multi-family residence, which applies to indoor and outdoor use.
- (17) Residential gallons per capita day—The total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.
- (18) 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.
- (19) Retail public water supply—An individual or entity the for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to it or its employees or tenants when the water is not resold to or used by others.
- (20) 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 water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake or other body of state –owned water.
- (21) Total use—The volume of raw or potable water provided by a public water supplier to billed customer sectors or nonrevenue uses and the volume lost during conveyance, treatment, or transmission of that water.
- (22) Total gallons per capita day (GPCD)—The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in this chapter shall be credited against total diversion volumes for the purpose of calculating GPCD for targets and goals.
- (23) Water conservation plan—A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing 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).

- (24) Wholesale public water supplier—An individual or entity that for the 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 employees 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.
- (25) Wholesale use—Water sold from one entity or public water supplier to other retail water purveyors for resale to individual customers.
-

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; amended to be effective January 10, 2008, 33 TexReg 193; amended to be effective December 6, 2012, 37 TexReg 9515.

<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 must 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 water suppliers must include the following elements:

- A. A utility profile in accordance with the Texas Water Use Methodology, including, but not limited to, information regarding population and customer data, water use data (including total gallons per capita day (GPCD) and residential GPCD), water supply system data, and wastewater system data.
- B. A record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses (i) – (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) – (vi) of this subparagraph:
 - (i) Residential;
 - (I) Single family;
 - (II) Multi-family;
 - (ii) Commercial;
 - (iii) Institutional;
 - (iv) Industrial;
 - (v) Agricultural; and,
 - (vi) Wholesale.
- C. Specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD. The goals established by a public water supplier under this subparagraph are not enforceable;
- D. Metering device(s), within and 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 water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandon services; etc.);

- G. A program of continuing education and information regarding water conservation;
 - 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 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 region water planning groups for the service are 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;
 - B. 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, 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 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 necessary to achieve the goals of the water conservation plan:
 - A. Conservation-orientated water rates and water rate structures such as uniform 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 fixture 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 and 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) 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 every five years to coincide with the regional water planning group.

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; amended to be effective January 10, 2008, 33 TexReg 193; amended to be effective December 6, 2012, 37 TexReg 9515.

APPENDIX C
CITY OF HURST UTILITY PROFILE BASED ON TCEQ FORMAT

APPENDIX D
LETTERS TO REGION C WATER PLANNING GROUP

APPENDIX E
ADOPTION OF WATER CONSERVATION PLAN

APPENDIX F
TARRANT REGIONAL WATER DISTRICT (TRWD)
WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN



City Council Staff Report

SUBJECT: Consider Ordinance 2570, first reading, amending Chapter 24, Traffic by adding a new Article X, Pedestrians and a new Section 24-207, Standing and Walking in certain areas prohibited

Supporting Documents:	
Ordinance 2570	Meeting Date: 4/23/2024 Department: Administration Reviewed by: Clay Caruthers City Manager Review:

Background/Budget Analysis:

To address citizen and staff concerns regarding pedestrians standing in city medians and rights-of-way, the City Attorney recently brought forward the proposed ordinance to address safety concerns and provide necessary enforcement tools for public safety officers. Although the ordinance does not eliminate these activities in all roadways in the city, it does provide additional tools to address traffic and pedestrian safety to help alleviate accidents that may occur on busy roads.

Staff and Council will provide additional details regarding specific regulations and enforcement ability during the meeting.

Hurst Way/Strategic Priorities:

This ordinance is directly representative of the City of Hurst’s Strategic Priorities of **Public Safety**.

Recommendation:

Staff recommends City Council **approve Ordinance 2570, first reading, amending Chapter 24, Traffic by adding a new Article X, Pedestrians and a new Section 24-207, Standing and Walking in certain areas prohibited.**

ORDINANCE 2570

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS AMENDING THE CITY OF HURST CODE OF ORDINANCES, CHAPTER 24, TRAFFIC, BY ADDING A NEW ARTICLE X, PEDESTRIANS, AND BY ADDING A NEW SECTION 24-207, STANDING AND WALKING IN CERTAIN AREAS PROHIBITED; PROVIDING FOR DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), during the five-year period from 2017 to 2021, pedestrian fatalities in the United States averaged 6,502 per year; and

WHEREAS, according to the Insurance Institute for Highway Safety, pedestrian deaths increased 80% between 2009 and 2021 and account for 18% of all traffic fatalities; and

WHEREAS, according to the Texas Department of Transportation, pedestrian traffic fatalities increased 30 percent in Texas from 2018 through 2022 and now account for one in five of all roadway deaths; and

WHEREAS, in 2022 according to the Texas Department of Transportation data there were 5,751 accidents involving pedestrians in Texas, resulting in 823 deaths and 3,669 injuries; and

WHEREAS, traffic studies have found that medians under six feet in width, areas with no medians, or areas designated as clear zones are not safe pedestrian refuges; and

WHEREAS, the U.S. Department of Transportation, American Association of State Highway Transportation Officials, National Association of City Transportation Officials, and the Texas Department of Transportation 2022 Roadway Design Manual recommends a minimum median width of six feet for a median to be used as a pedestrian refuge; and

WHEREAS, Chapter 2 of the Texas Department of Transportation 2022 Roadway Design Manual recommends an area of four feet from the face of the curb for curbed roadways, or 10 feet from the edge of a travel lane for non-curbed roadways, to be free from obstructions to provide a way for recovery of errant vehicles;

Chapter 28 (standing and walking on medians) (alternate); and

WHEREAS, Roads are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way pedestrians; and

WHEREAS, prohibiting pedestrians from standing in a roadway median, on a divided roadway where no median exists, or in a clear zone will protect the health and safety of both pedestrians and motorists; and

WHEREAS, Texas Transportation Code Section 552.005 prohibits pedestrians from entering a roadway outside of a cross-walk or interfering with traffic by standing in a roadway or area of travel; and

WHEREAS, Pedestrians who approach motorists and passengers while the motor vehicle is engaged in travel on roads are particularly susceptible to serious bodily injury or death due to the speed and number of motorists who operate vehicles on busy roads in the City; and

WHEREAS, pursuant to the Texas Department of Transportation data distracted driving contributes to one out of every six vehicle accidents; and

WHEREAS, pursuant to 2022 Texas Department of Transportation distracted driving contributed to 95,765 accidents throughout the state resulting in 484 fatalities; and

WHEREAS, intersections controlled by traffic signals have higher volumes of traffic and therefore present even greater chances of pedestrian related traffic accidents; and

WHEREAS, pedestrians that approach a vehicle while the vehicle occupies a lane of traffic distracts motorists and interferes with the safe movement and normal flow of traffic increasing the chance of accidents and fatalities; and

WHEREAS, it is the intention of the City Council to use the least restrictive means to advance the significant governmental interests of traffic safety and public safety; and

WHEREAS, it is the finding of the City Council that other alternative, and safer, channels of communication for pedestrians exist, such as,

but by no means limited to sidewalks (outside of a safety zone), mail solicitation, or delivery of literature, distribution of literature or solicitation for donations at other locations (such as homes, places of worship, businesses, shopping areas, news and magazine racks, special events, and any other place not prohibited by law); the distribution or sale of newspapers or other literature through the use of home or business delivery, vending machines, and retail stores; and the sale of goods and services at retail stores, through the internet, and from vending machines; and

WHEREAS, the City Council has reviewed the proposed regulations and finds that such regulations accomplish the intended purposes while utilizing the least restrictive means possible; and

WHEREAS, the City Council finds that it is in the best interest of the public health and safety to prohibit pedestrians from interfering with the travel of motor vehicles in a safety zone, standing in a roadway median, where no median exists, or in a clear zone, subject to certain exceptions; and

WHEREAS, the City Council now finds that data stated herein and such recommendation balances the need for safe and efficient traffic movement on the streets as well as protecting the public health and safety of pedestrians; and

WHEREAS, the City Council finds that there is a public necessity for the enactment of this ordinance and that its adoption is in the best interests of the health, safety, and welfare of the public; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS:

SECTION 1. That City Council incorporates all the findings as stated above as if specifically described herein.

SECTION 2. That Chapter 24, will shall have a new Article X which shall read as follows:

ARTICLE X. PEDESTRIANS

Sec. 24-207. STANDING AND WALKING IN CERTAIN AREAS PROHIBITED.

(a) Within this section the following definitions shall apply:

(1) CLEAR ZONE means the unobstructed, traversable area provided beyond the edge of the roadway for the recovery of errant vehicles. On a curbed roadway, the clear zone is the area four feet from the face of the curb. On an uncurbed roadway, the clear zone is 10 feet from the edge of the travel lane. A clear zone includes shoulders, bicycle lanes, and auxiliary lanes, except auxiliary lanes that function like through lanes. However, a clear zone does not include areas adjacent to the back of the curb where a paved sidewalk or disabled access ramp exists.

(2) MEDIAN means the intervening space, physical barrier, or clearly indicated dividing section between the two roadways of opposing traffic on a public divided roadway.

(3) RAISED SPLITTER ISLAND (also known as separator islands) means a median that slows, directs, and separates conflicting traffic and may provide refuge for pedestrians who are crossing a road.

(4) ROADWAY means streets classified in the City's Master Thoroughfare Plan as major/principal or minor arterials, frontage roads or parkways along controlled access freeways and tollways, non-controlled access state roadway facilities and associated intersections with City's major or minor arterials.

(5). SAFETY ZONE means all areas within an intersection controlled by a traffic signal and the area 100 hundred feet from the exterior of any intersection controlled by a traffic signal.

(b) Standing and walking in certain areas prohibited. It shall be unlawful and a person commits an offense if the person stands or walks on a median that measures six feet or less in width, in areas where no median exists for roadways designated as divided roadways, in an area designated as a clear zone, or interferes with the normal travel of a motor vehicle on roadway in a safety zone.

(c) This section does not apply if the person:

(1) is actively crossing a divided roadway in the most direct route possible inclusive of roadways that have provisions for dedicated bicycle lane facilities or curb bump outs;

(2) is the victim of or rendering aid in an emergency situation or in compliance with the directions of a peace officer;

(3) is performing work in the right-of-way in accordance with a permit issued in accordance with City Code;

(4) is erecting or dismantling a barricade in the right-of-way in accordance with a permit issued per City code;

(5) has prior authorization from the City or is otherwise in compliance with applicable laws and regulations; or

(6) is standing in a raised splitter island that is not less than four feet in width while attempting to cross a divided roadway in the most direct route possible.

(d) In a prosecution for an offense under Subsection (a), there shall be a rebuttable presumption that a person interferes with the normal travel of a motor vehicle if it is shown at the trial of the offense that the person approached a motor vehicle while the motor vehicle was engaged in travel on a roadway in a safety zone.

SECTION 3. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be 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 thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the City of Hurst as a whole.

SECTION 4. That the fact that the present ordinances and regulations of the City of Hurst, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Hurst, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

SECTION 5. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-5 of the Hurst Municipal Code of Ordinances.

Passed on the first reading on the 23rd day of April 2024 by a vote of _ to _.

Approved on the second reading on the 14th day of May 2024 by a vote of _ to _.

ATTEST:

CITY OF HURST

Rita Frick, City Secretary

Henry Wilson, Mayor

Approved as to form and legality:

City Attorney



City Council Staff Report

SUBJECT: Consider Resolution 1854 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements of the City’s streets & drainage system	
Supporting Documents:	
Resolution 1854	Meeting Date: 4/23/2024 Department: Fiscal Service Reviewed by: Clayton Fulton City Manager Review:
Background/Budget Analysis:	
<p>During the Council’s strategic retreat, we discussed various capital needs, including the need for streets and drainage projects. Staff have been working with engineers to establish designs and prepare bid specifications for select streets improvements throughout the City.</p> <p>Staff recently accepted bids for miscellaneous street improvements expected to be funded with the 2022 CO issued for streets. The bid documents included a base bid of four streets and an alternate bid which included seven additional streets. In order to fund all twelve streets, the City would need approximately \$1 million in additional funding. With recent cost increases and the results of the current bid, staff has recommended approving all twelve streets that were recently bid.</p> <p>The existing debt profile and associated annual debt service that is fully supported by property Enterprise Fund continues to decrease year over year. The FY 25 budget will see a decrease in annual debt service of approximately \$180,000. The projected annual debt service for a \$2.1 million bond is approximately \$155,000. The attached resolution is for up to \$2.1 million as staff anticipates additional street and drainage needs that are not included in this most recent bid.</p> <p>If approved, the attached reimbursement resolution will allow the City to be reimbursed from project expenditures incurred for up to 18 months prior to the issuance of bonds for this specific project and is broad enough to allow additional waterworks system improvements. Staff will continue to evaluate the bond market with our financial advisors to time the proposed bonds and take advantage of market conditions.</p>	

We anticipate issuing Certificates of Obligation (CO) bonds that are supported through property tax revenue. Staff anticipates this will have a minimal impact upon the debt service portion of the tax rate as long as values do not decrease. In concert with our financial advisors and bond counsel, staff will present consideration of issuing the CO bonds for consideration at a future City Council meeting.

Hurst Way/Strategic Priorities:

This project is consistent with the Council’s strategic priorities of **Infrastructure**, and **Community and Economic Vitality** while also contributing to overall **Public Safety** through adequate water storage.

Recommendation:

Staff recommends City Council **approve Resolution 1854 declaring expectation to reimburse expenditures with proceeds of future debt related to improvements of the City’s street and drainage system.**

RESOLUTION 1854

A RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT

WHEREAS, the City of Hurst, Texas (the “Issuer”) intends to issue debt for constructing and improving streets and for constructing and improving the storm drainage system (the “Project”) and further intends to make certain capital expenditures with respect to the Project and currently desires and expects to reimburse the capital expenditures with proceeds of such debt;

WHEREAS, under Treas. Reg. § 1.150-2 (the “Regulation”), to fund such reimbursement with proceeds of tax-exempt obligations, the Issuer must declare its expectation to make such reimbursement; and

WHEREAS, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of tax-exempt obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS THAT the Issuer reasonably expects to reimburse capital expenditures with respect to the Project with proceeds of debt hereafter to be incurred by the Issuer, and that this resolution shall constitute a declaration of official intent under the Regulation. The maximum principal amount of obligations expected to be issued for the Project is \$2,100,000.

AND IT IS SO RESOLVED.

PASSED, APPROVED AND EFFECTIVE this the ___ day of April, 2024.

CITY OF HURST, TEXAS

Mayor

ATTEST:

City Secretary



City Council Staff Report

SUBJECT: Consider authorizing the purchase of new furniture in the public spaces at the Hurst Conference Center

Supporting Documents:

Meeting Date: 4/23/2024

Department: Hurst Conference Center

Reviewed by: Kristen Goodman

City Manager Review:

Background/Budget Analysis:

The HCC has utilized the same furniture since opening in 2010. While these pieces have held up well, they are now showing significant signs of wear and tear after almost 15 years of use. The rentable public spaces, which include the Boardroom, Gallery, and Mezzanine areas need to maintain the aesthetic of the facility by replacing broken and worn pieces.

Since opening, the HCC has received over \$350,000 in rent from these three spaces. By updating the furniture in the Gallery, Mezzanine, and Boardroom, these areas will remain desirable spaces to rent.

After receiving bids from multiple companies, HCC Staff is recommending Thiel and Team, who is a full-service interior design firm. By using their services, the HCC can ensure that the pieces and fabrics selected are commercially rated and are specific for high traffic hospitality settings, which will ultimately prolong the life of the new furniture.

Funds are available from FY 23 revenues. This will be funded from HCC operational revenues and has no impact upon the City's General Fund, sales, or property tax.

Hurst Way/Strategic Priorities:

Staff believes this purchase focuses on the **Financial Sustainability, Innovation,** and **Customer Service** aspects of the **Hurst Way**.

Recommendation:

Staff recommends City Council **authorize the purchase of the new furniture using the services of Thiel & Team Design Firm for the Hurst Conference Center for an amount of \$140,492.**



City Council Staff Report

SUBJECT: Consider authorizing the city manager to enter into a contract with Axis Contracting, Inc. for 2023 Miscellaneous Street Bond Improvements

Supporting Documents:	
Location Map Bid Summary Engineers Recommendation Letter	Meeting Date: 4/23/2024 Department: Public Works Reviewed by: Greg Dickens City Manager Review:

Background/Budget Analysis:

This project was advertised with a base bid of four separate streets to be reconstructed with stabilized base and 6-inch thick asphalt overlay, except for Redbud Drive which was to be stabilized base with 6-inch thick reinforced concrete pavement. The additive alternate bids were for seven more streets to be reconstructed with asphalt. Driveway approaches are being replaced on all streets where the existing approaches are substantially damaged. Similarly, segments of curb and gutter are being replaced where they are broken and out of alignment.

Bids were received and opened on April 3, 2024. Two (2) bids were received with Axis Contracting, Inc., submitting the lowest base bid of \$1,187,389 and the lowest additive alternate bid of \$2,104,673. The total bid for both the base bid and the additive alternates is \$3,292,062. A contingency of \$107,938 is not included in the bid amount, but is recommended to be approved as part of this action item. The total amount with contingency is \$3,400,000. Total bid time for construction is 360 calendar days. The consulting engineer’s recommendation letter is attached for your information.

Funding is available from a combination of 2022 street and drainage Certificates of Obligation, future proceeds from sales of Certificates of Obligation for street and drainage infrastructure, and special projects reserves.

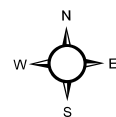
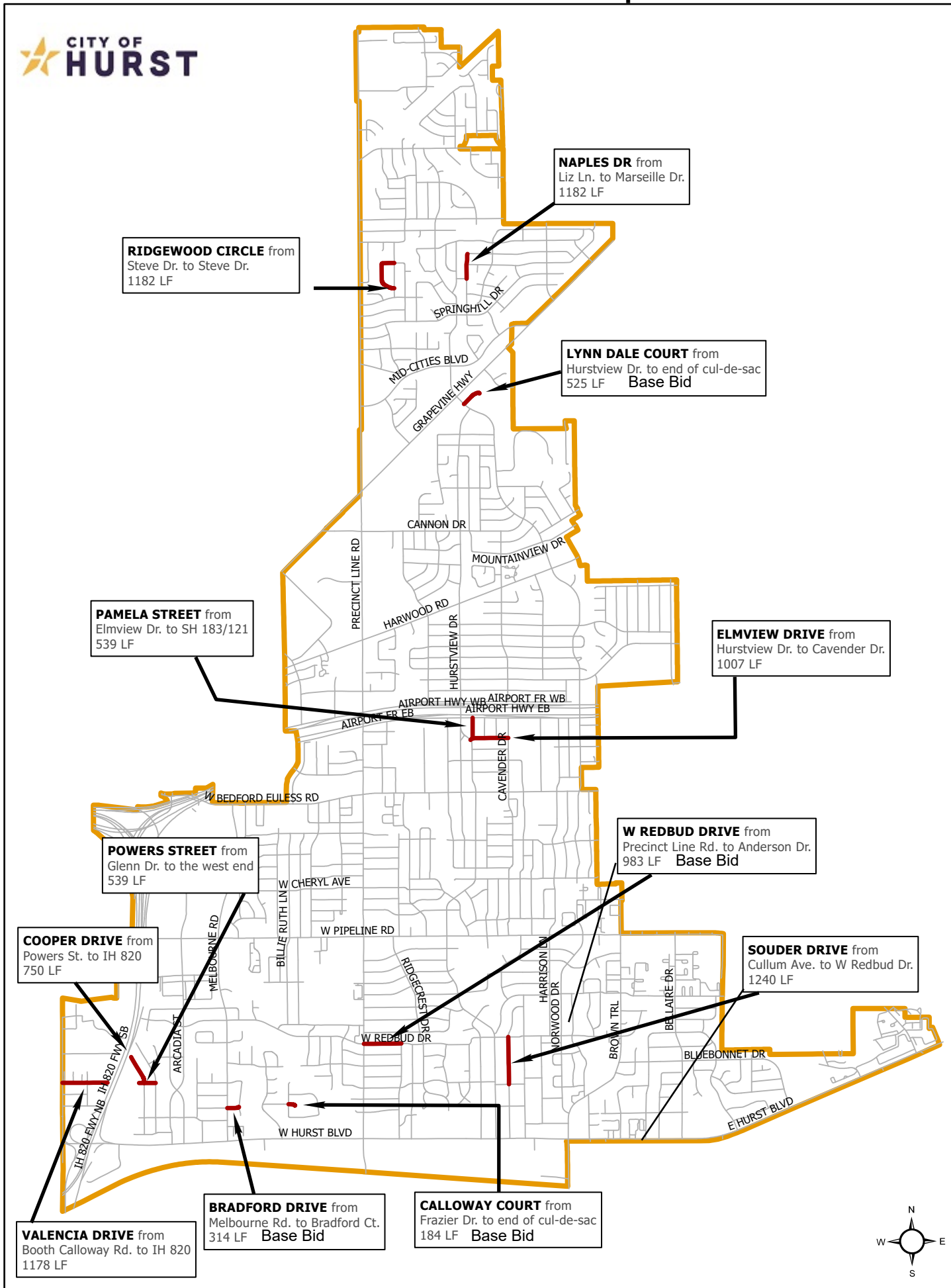
Hurst Way/Strategic Priorities:

This 2023 Miscellaneous Street Bond Improvements project meets Council’s priorities and goals of **Public Safety, Infrastructure, and Financial Sustainability.**

Recommendation:

Staff recommends City Council **authorize the city manager to enter into a contract with Axis Contacting, Inc., for 2023 Miscellaneous Street Bond Improvements Project, in the amount of \$3,292,062, with a contingency of \$107,938, for a total amount of \$3,400,000 and a construction contract duration of 360 calendar days.**

2023 Miscellaneous Street Bond Improvements



	CITY OF HURST, TEXAS					
	2023 MISCELLANEOUS STREET BOND IMPROVEMENTS					
	PROJECT NO.: 6823-103					
	BID DATE: 2:00 P.M., WEDNESDAY, April 4, 2024					
	BID TIME: 150 Calendar Days /Base Bid 210 Calendar Days / Additive Alternate Bids					
	Bidders		Base Bid		Alternate Bid	Total Base + Alternate Bid
1.	Axis Contracting Inc.		\$1,187,389.00		\$2,104,673.00	\$3,292,062.00
2.	JR West Texas Concrete, LLC		\$1,270,860.29		\$2,335,238.59	\$3,606,098.88

BURGESS & NIPLE

12750 Merit Drive | Park Central 7 | Suite 425 | Dallas TX 75251 | 972.620.1255

April 4, 2024

Gregory Dickens, P.E.
Exec. Director of Public Works
City of Hurst, Texas
1505 Precinct Line Rd.
Hurst, TX 76054

Re: 2023 Miscellaneous Street Bond Improvements
Project No.: 6423-102 Bid No.: 24-005

Dear Mr. Dickens:

The following bids were received for the above referenced project on April 3, 2024:

BID TABULATION SUMMARY	ENGINEERS ESTIMATE	AXIS CONTRACTING, INC.	JR WEST TEXAS CONCRETE, LLC
CITY OF HURST, TEXAS			
2023 MISCELLANEOUS STREET BOND IMPROVEMENTS			
DATE OF BID: 04/03/2024			
	TOTAL COST	TOTAL COST	TOTAL COST
BASE BID - REDBUD DRIVE	\$ 633,292.00	\$ 636,722.00	\$ 706,325.00
BASE BID - BRADFORD DRIVE	\$ 159,290.00	\$ 161,366.00	\$ 155,970.86
BASE BID LYNN DALE COURT	\$ 257,180.00	\$ 243,550.00	\$ 271,915.13
BASE BID - CALLOWAY COURT	\$ 138,205.00	\$ 145,751.00	\$ 136,649.30
TOTAL BASE BID:	\$ 1,187,967.00	\$ 1,187,389.00	\$ 1,270,860.29
ALT#1 SOUDER DRIVE	\$ 453,555.00	\$ 394,699.00	\$ 457,751.38
ALT#2 RIDGEWOOD CIRCLE	\$ 413,135.00	\$ 368,829.00	\$ 409,437.40
ALT#3 NAPLES DRIVE	\$ 318,420.00	\$ 291,584.00	\$ 319,715.72
ALT#4 ELMVIEW DRIVE	\$ 343,530.00	\$ 309,992.00	\$ 354,148.54
ALT#5 POWERS STREET	\$ 118,140.00	\$ 131,487.00	\$ 128,883.60
ALT#6 COOPER DRIVE	\$ 264,375.00	\$ 245,477.00	\$ 274,695.95
ALT#7 VALENCIA DRIVE	\$ 401,615.00	\$ 362,605.00	\$ 390,606.00
TOTAL BID ALTERNATES:	\$ 2,312,770.00	\$ 2,104,673.00	\$ 2,335,238.59

The Dallas office of Burgess & Niple, Inc. has no past experience with the low bidder Axis Contracting, Inc.. The City of Hurst is currently working with Axis Contracting, Inc. on a project which they are satisfied with their work.

BURGESS & NIPLE

12750 Merit Drive | Park Central 7 | Suite 425 | Dallas TX 75251 | 972.620.1255

Therefore, we recommend that Axis Contracting, Inc. be awarded this project.

If you have any questions concerning the construction award recommendation, please call.

Sincerely,

Burgess & Niple, Inc.



Lowell D. DeGroot, P.E., Senior Project Manager
Enclosure: Bid Tab

Future Events Calendar

April 23, 2024

Regular City Council meetings are held on the second and fourth Tuesday of each month. Following are additional meetings, canceled meetings and public event dates.

<u>DATE AND TIME</u>	<u>ACTIVITY</u>
Monday, May 27, 2024	City Hall Offices closed in observance of the Memorial Day Holiday