

AGENDA

Regular Meeting of the Bedford City Council
Tuesday, April 12, 2016
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021

Council Chamber Work Session 5:30 p.m.
Council Chamber Regular Session 6:30 p.m.

COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW
ONLINE AT <http://www.bedfordtx.gov>

COUNCIL CHAMBER WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Presentation regarding Community Affairs Commission proposed recognition program.

EXECUTIVE SESSION

To convene in the conference room, if time permits, in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard."
- d) Pursuant to Section 551.074, personnel matters – appointment of the Municipal Court Judge.
- e) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Municipal Setting Designations Law.

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Minister Tim Ayers, Bedford Church of Christ)

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS/UPCOMING EVENTS

OPEN FORUM

(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum a person must first sign in with the City Secretary prior to the Regular Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Regular Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation declaring the month of April 2016 as Child Abuse Prevention Month in the City of Bedford.
2. Proclamation recognizing the week of April 10-16, 2016 as National Crime Victims' Rights Week.
3. Proclamation recognizing the week of April 10-16, 2016 as National Public Safety Telecommunicators Week.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:
 - a) March 22, 2016 regular session

PERSONS TO BE HEARD

5. The following individual has requested to speak to the Council tonight under Persons to be Heard:
 - a) Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas 76022 – Request to speak to Council regarding social injustices, Bedford's Municipal Codes and Ordinances pertaining to drilling.

NEW BUSINESS

6. Consider an ordinance amending Chapter 118 "Utilities" of the City of Bedford Code of Ordinances by repealing Article VI "Cross Connection Control Program" and replacing it with a new Article VI "Cross Connection Control Program;" providing a penalty clause; providing a severability clause; providing a repealing clause; and providing an effective date.
7. Consider an ordinance of the City Council of the City of Bedford, Texas, appointing Tim Murphy as Municipal Court Judge for the Bedford Municipal Court.
8. Consider an ordinance to rename Shoalmont Road to Texas Harley Way; describing such street; repealing all ordinances in conflict herewith; providing a severability clause and declaring an effective date.
9. Consider a resolution authorizing the City Manager to enter into a contractual agreement with Strategic Government Resources (SGR) to conduct an executive search for the position of Fire Chief in an amount not to exceed \$25,000.
10. Consider a resolution authorizing the City Manager to cancel the July 12, July 26, November 22 and December 20 regular Council meetings.
11. Discussion on the Boys Ranch Park Lake. **Item requested by Councilmember Fisher.
12. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Shelter Advisory Board - Councilmember Fisher
 - ✓ Beautification Commission - Councilmember Turner
 - ✓ Community Affairs Commission - Councilmember Farco
 - ✓ Cultural Commission - Councilmember Champney
 - ✓ Library Advisory Board - Councilmember Farco
 - ✓ Parks and Recreation Board - Councilmember Sartor
 - ✓ Teen Court Advisory Board - Councilmember Gebhart
 - ✓ Senior Citizen Liaison - Councilmember Turner
13. Council member Reports

14. City Manager/Staff Reports

EXECUTIVE SESSION

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- e) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Municipal Setting Designations Law.

15. Take any action necessary as a result of the Executive Session.

(Any item on this posted agenda may be discussed in executive session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.)

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, April 8, 2016 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to mwells@bedfordtx.gov. Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



Council Agenda Background

PRESENTER: Sal Caruso, Community Affairs Commission **DATE:** 04/12/16

Work Session

ITEM:

Presentation regarding Community Affairs Commission proposed recognition program.

City Manager Review: N/A

DISCUSSION:

Sal Caruso will present information on an awards program that the Community Affairs Commission would like to begin.

ATTACHMENTS:

PowerPoint
CAC Proposal

Community Affairs
Commission Awards
Program Proposal

April 12, 2016

Purpose

- Provide recognition for Bedford Residents & Businesses that are supportive of the community.
- Additional recognition opportunity, separate from Chamber of Commerce and Beautification Commission.
- Annual awards presented at City Council Meetings & Residential/Business Meetings

Business Award

- Any size business
- Demonstrate outstanding involvement in the Bedford community
- Example involvement:
 - CAC Event participation
 - Block Party sponsorships
 - City Event sponsorships

Resident Award

- Volunteer work within City and City departments
- Involvement in neighborhood or Homeowner Association
- Current City board and commission members are ineligible

Nominations

- City Council
- Community Affairs Commission
- City Staff – Including all departments
- Other Board & Commission members

Vision

- Deadline determined upon approval – Fall award desired
- Notification of eligible nominators to seek submissions.
- Nominations reviewed by committee of 3 CAC members to narrow field to 3 finalists.
- Finalists reviewed by full Community Affairs Commission.
- Selected winners submitted to City Council for final approval.

Questions?

Community Affairs Commission Proposal

Title: Business of the Year

Goal: Recognize outstanding community involvement by a business

Frequency: Annually

Criteria: Business must show outstanding involvement with the Bedford community

Criteria cannot include "Overall Appearance, Best Improved, or Superior Landscaping" categories as those are covered by a Beautification Commission award

Examples might include:

- Remodels or redevelopment
- Reputation for good corporate citizen
- Participation in ShopBedfordFirst
- Sponsoring Block Parties
- CPR participation that benefits Bedford
- Other community development/involvement

Prerequisites: The business must be established in Bedford for at least 2 years.
The business must be in total compliance with all city codes and ordinances.

Who can nominate?

Bedford City Council
Bedford Community Affairs Commission
Bedford City Staff
Bedford Police Department
Bedford Fire Department
All members of other Bedford Boards and Commissions

Decision made by:

3 members of CAC to review the nominations and narrow down to a maximum of 3.
CAC to vote for the winner and present to the City Council for approval

Award: A plaque with value to be from \$50 to \$100

Community Affairs Commission Proposal

Title: Resident of the Year

Goal: Recognize outstanding community involvement by a resident

Frequency: Annually

Criteria: Resident must show outstanding involvement with the Bedford community

Examples might include:

- Work with the City Police or Fire Departments
- Volunteer work within the City
- CPR participation that benefits Bedford
- HOA/Neighborhood involvement
- Other community development/involvement

Prerequisites: The resident must have lived in Bedford for at least 1 year and have a clean background check. Additionally current Boards or Commissions members are not eligible, but their accomplishments while serving may be considered once they are no longer members.

Who can nominate?

Bedford City Council
Bedford Community Affairs Commission
Bedford City Staff
Bedford Police Department
Bedford Fire Department
All members of other Bedford Boards and Commissions

Decision made by:

3 members of CAC to review the nominations and narrow down to a maximum of 3.
CAC to vote for the winner and present to the City Council for approval

Award: A plaque with value to be from \$50 to \$100



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/12/16

Council Recognition

ITEM:

Proclamation declaring the month of April 2016 as Child Abuse Prevention Month in the City of Bedford.

City Manager Review: _____

DISCUSSION:

Shellie McMillion with Alliance for Children will receive the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, 176,868 investigations regarding reports of child abuse or neglect were reported in Texas in 2015; and

WHEREAS, 6,213 cases of child abuse and neglect were confirmed in Tarrant County in 2015; and

WHEREAS, 16 child deaths were attributed to abuse or neglect in 2015; and

WHEREAS, Alliance For Children provided child-focused services to 1,899 children in 2015; which included 376 in the Northeast community; and

WHEREAS, Alliance For Children provided prevention education to over 40,000 adults and children in Tarrant County in 2015; and

WHEREAS, these prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement, parents and the business community; and

WHEREAS, everyone in the community should become more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of April 2016 as:

Child Abuse Prevention Month

in the City of Bedford and urge all citizens to work together to help reduce child abuse and neglect significantly in the years to come.

*In witness whereof, I have hereunto set my hand and
caused the seal of the City of Bedford to be affixed this
12th day of April, 2016.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/12/16

Council Recognition

ITEM:

Proclamation recognizing the week of April 10-16, 2016 as National Crime Victims' Rights Week.

City Manager Review: _____

DISCUSSION:

National Crime Victims' Rights Week was proclaimed by President Ronald Reagan in April 1981 and is sponsored through the Office for Victims of Crime. For almost 35 years, National Crime Victims' Rights Week has been observed annually to successfully promote awareness of victims' rights and services.

During the week of April 10-16, 2016, crime victims and victim advocates will be honored with rallies, candlelight vigils, and commemorative events across the country, to include an awards ceremony held in Washington, D.C., at which individuals will be recognized for their involvement and contributions in supporting crime victims and victim services. This year's theme, "*Serving Victims. Building Trust. Restoring Hope.*" underscores the importance of early intervention and victim services in establishing trust with victims, which in turn begins to restore their hope for healing and recovery.

Police Chief Jeff Gibson and Courtney Janes, Crime Victims/Domestic Violence Coordinator, will be accepting this proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, since 1981, citizens across our state and nation have observed National Crime Victims' Rights Week to focus attention on the plight of crime victims; and

WHEREAS, almost 20 million Americans are victims of crime each year and may experience physical, emotional, psychological, and financial harm as a result of such crime; and

WHEREAS, the continued commitment by concerned citizens and leaders in Texas, in both the public and private sectors, is needed to provide, expand, and coordinate quality services for crime victims and their families; and

WHEREAS, today, thousands of victim assistance programs nationwide provide help and support to child victims of violence and sexual abuse, stalking victims, survivors of homicide victims, victims of drunk-driving crashes, victims of domestic violence, sexual violence, and other crimes; and

WHEREAS, the nation has made significant progress in affirming and strengthening victims' rights and services. However, challenges remain to ensure that crime victims and survivors are treated with dignity and respect; and

WHEREAS, National Crime Victims' Rights Week provides an opportunity to renew our nation's commitment to serving all victims of crime in the United States – to help ensure their access to the help they deserve and the rights they are promised.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the week of April 10-16, 2016, as:

National Crime Victims' Rights Week

and reaffirm the City of Bedford's commitment to respect and enforce crime victims' rights and address their needs during Crime Victims' Rights Week and throughout the year; and express our appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
12th day of April, 2016.*

JIM GRIFFIN, MAYOR



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/12/16

Council Recognition

ITEM:

Proclamation recognizing the week of April 10-16, 2016 as National Public Safety Telecommunicators Week.

City Manager Review: _____

DISCUSSION:

Each year, the second full week of April is dedicated to the men and women who serve as public safety telecommunicators (dispatchers). The observance was first introduced by the Contra Costa County California Sheriff's Office in 1981. By the mid-1980s, members of the Virginia and North Carolina chapters of the Association of Public Safety Communications Officials (APCO) began participating in the observance. In 1991, the national APCO organization convinced Congress of the need of a formal proclamation.

When originally introduced in Congress, the official name of the week was titled "National Public Safety Telecommunicators Week." In the intervening years, it has become known by several other names, including "National Public Safety Telecommunications Week" and "International Public Safety Telecommunicators Week."

Police Chief Jeff Gibson and Amy James, Communications Supervisor over the Dispatch Division, will be accepting the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, each day, millions of Americans dial 9-1-1 for help in emergencies ranging from house fires and automobile accidents to heart attacks, burglaries and missing children. The men and women who answer these calls for help, gathering essential information and dispatching the appropriate response, can make the difference between life and death and property loss for persons in need. The City of Bedford dispatchers are among the more than 500,000 telecommunications specialists nationwide who work daily to protect and to promote public safety; and

WHEREAS, public safety telecommunicators are more than a calm and reassuring voice on the other end of the phone – they are knowledgeable and highly trained individuals who work closely with police, fire and medical personnel. They coordinate and manage the vital communications in areas that affect the health and safety of our citizens. Because emergencies occur around the clock, we rely on the vigilance and the preparedness of these individuals 24-hours a day, 365 days a year; and

WHEREAS, National Public Safety Telecommunicator's Week allows us an opportunity to raise awareness about the important role telecommunicators play in protecting lives and property.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the week of April 10-16, 2016, as:

National Public Safety Telecommunicator's Week

in honor and recognition of our municipality's Telecommunicators and the vital contributions they make to the safety and well being of our citizens.

*In witness whereof, I have hereunto set my hand and
caused the seal of the City of Bedford to be affixed this
12th day of April, 2016.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 04/12/16

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) March 22, 2016 regular meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

March 22, 2016 regular meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 22nd day of March, 2016 with the following members present:

Jim Griffin	Mayor
Ray Champney	Council Members
Steve Farco	
Roger Fisher	
Dave Gebhart	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Meg Jakubik	Strategic Services Manager
Chuck Carlisle	Fleet and Facility Services Manager
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Russell Hines	Building Official
Margaret Kiss	Community Services Admin. Assistant
Kenny Overstreet	Interim Public Works Director
Maria Redburn	Library Director
Bobby Sewell	Interim Fire Chief
Bill Syblon	Development Director

COUNCIL CHAMBER WORK SESSION

Mayor Griffin called the Work Session to order at 5:30 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 3, 4, 5, 7, 8, 9, 10, 11 and 12.

Building Official Russell Hines presented information regarding Item #4, which covers the rules and regulations associated with the Building and Standards Commission, the abatement of dangerous buildings, and the minimum housing ordinance. These ordinances have not been updated in several years and are outdated. The updated abatement ordinance gives the City the ability to take appropriate measures and actions, and send items to the Building and Standards Commission. All three sections have been updated so the Building Official, the Fire Marshal, and a Code Compliance official can take cases to the Commission as necessary, as they all do assessments on the conditions of buildings. The minimum housing code covers both single family and multifamily dwellings. Portions of the code strictly address the apartment inspection program, which is a new addition and is on a tier-graded basis. A tier is established on the initial rating inspection and there are two mandatory inspections annually, being the rating inspection and a secondary inspection. Each time an inspection is performed, the property is graded, and inspectors look for deficiencies and items that were not repaired in the prior inspection. If a property is graded at a lower tier and they grade higher later on in the inspection process, they have the

ability to have additional tier inspections eliminated, which will save them money and make the apartment community safer. In answer to questions from Council, Mr. Hines stated that every complex will be mandated to have two inspections annually at \$10.00 per unit, per inspection. There was discussion on incentives, including not charging for the second inspection on tier one complexes; recovering incurred costs for inspections; improving properties so they can have fewer inspections; finding a gap when looking at what goes into inspecting complexes and enforcement; and working with the Apartment Association and local complexes to come up with a plan. In answer to questions from Council, Mr. Hines stated that for abatement of dangerous buildings, any determination by the Building and Standards Commission can be appealed to the Council; that if a multifamily complex feels their score rating is unfair or there are discrepancies, they have the ability to appeal to the City Manager and then to the Commission; that for multifamily grading, a spreadsheet with a template of items has been set up so complexes are graded on the same things every time; that complexes are not scored for each building and there is a one point deduction for deficiencies; that he has seen scenarios where violations are not remedied and a citation is issued, which is then paid through the court and the situation continues; that this program would subject a complex to being unable to rent out units that are not in compliance or being subject to additional inspections; and that the tiered-inspection program is based on those of neighboring cities. Council was of consensus to hold the item over for the regular meeting.

Strategic Services Manager Meg Jakubik presented information regarding Item #5, which are amendments to the Fee Ordinance to coincide with changes to the Building Ordinance creating a tier structure with applicable tier fees. The license fee is reduced to \$1.10 per unit, per month for base overhead cost of services provided strictly to apartment complexes. She stated a note can be added that the fee for the second inspection is waived for tier one properties. In answer to a question from Council, City Attorney Stan Lowry stated that the language for the tier one inspection fee waiver needed to be added to Item #5 only. Council held this item over to the regular meeting.

Interim Public Works Director Kenny Overstreet presented information regarding Item #7, which is to add "no parking" signs on the 2200 block of Reliance Parkway where it backs up to the Villages of Oak Park subdivision. Right across the street is Polycoat Products that brings in a lot of trucks that park along the curb late in the evening, and which idle all night. Staff has received numerous complaints from the subdivision because of the noise. Several options were looked at and in meeting with Polycoat, it was determined that the best solution is to put in "no parking" signs from 10:00 p.m. to 6:00 a.m. Trucks can still park further down Reliance Parkway closer to the Public Works Service Center and the industrial area.

Mr. Overstreet presented information regarding Item #8, which is to contract with C. Green Scaping in the amount of \$119,018 for retaining walls. The first wall is at Central Drive, which is a stacked block wall that was constructed in 2000. Areas of the wall are over eight feet tall, and are beginning to shift and are in danger of collapsing. The second wall is behind the Public Works Service Center, is constructed of railroad ties and is 20 years old. It is rotted out and has started caving in. The wall on Central Drive would be paid through 4B funds, while the one behind the Service Center would be paid from the Engineering budget. The proposed contract came in over budget by \$6,518. The overage for the wall at the Service Center in the amount of \$2,121 would be paid through a fund set aside for GIS work, while the overage for the Central Drive wall in the amount of \$4,396 would be paid through a contingency fund in 4B.

Mr. Overstreet presented information regarding Item #9. Staff sent out for bids on concrete panels, sidewalks, accessibility ramps, curbs and gutters. There is \$450,000 budgeted though 4B for this project, much of which will be spent on Wade Drive where there are major failures along the ditch line for the existing sanitary sewer line. All of the panels will be replaced, which will get rid of the asphalt patching and humps. Of the remainder, \$70,000 would be spent on sidewalks and updating handicap ramps, and \$200,000 will be used for various panel replacements in the City. The contract came in at \$473,650 and the budgeted amount is \$520,000. The variance will be used to replace more panels, curbs and gutters. There was discussion that there is a list of 412 sidewalk repair requests and how repairs are categorized. In answer to questions from Council, he stated that the concrete panels are nine by twelve; that as Public Works crews dig, they may discover failure under an adjoining panel, which may require replacement of that panel as well; that for sidewalk repairs, they usually replace a 12 to 16 feet section at one time to make it smooth and level; that the street supervisor keeps track of linear feet and square footage of concrete being used; that the contractor does knock on residents' doors to let them know work is going

to be happening; and that the item is only for sidewalk repairs, not new sidewalks. There was discussion on finding an intermediary means for repairing sidewalks that are not a significant tripping hazard.

Mr. Overstreet presented information regarding Item #10, which is an agreement with Tarrant County for liquid asphalt. An agreement was previously approved by Council and sent to the County; however, the County wanted to proceed in a different way. This item is to repeal the previous resolution and adopt a new contract. The contract does not expire and it can be cancelled with 30 days' notice. In answer to a question from Council, Mr. Overstreet stated that the contract is at the current rate and the County would send the City a letter 60 days prior if there is a new fee, allowing time for the City to cancel the contract and seek something else.

Fleet and Facility Services Manager Chuck Carlisle presented information regarding Item #11, which is a proposal to replace the carpet in the Law Enforcement Center. The current carpet is 17 years old and it is proposed to replace the carpet in all of the hallways through the Criminal Investigation Division, the main area, and the Administration area. The current carpet is becoming frayed and is a trip hazard. Funding would come from the 2011 bonds. In answer to a question from Council, Mr. Carlisle stated that if the carpet is not in stock, it would take four to six weeks to come in; and that the Police Department wants painting done and the carpet installed before their open house.

Development Director Bill Syblon presented information regarding Item #12, which is to approve an agreement with Pyro Shows, on behalf of Adam Smith's Texas Harley-Davidson, to access the City-owned piece of property where FourthFest was held to stage and execute a fireworks show for their grand opening on April 30. There was discussion on ensuring that the process of fixing any damage to buildings caused by the fireworks is expedited; and taking extra precautions so there are not the same issues as during FourthFest. Mr. Syblon stated that the same company that did FourthFest is doing this fireworks show and has come up with solutions to mitigate any issues, including going to three inch shells; that this agreement authorizes access to City-owned property and indemnifies the City; and that the event still has to go through the special event permitting process, which is funneled through the Fire and Police Department to ensure they are good with the event.

- **Report on the Library Satisfaction Survey results.**

Library Director Maria Redburn presented a report on the Library Satisfaction Survey results. She stated the survey was first done in 2007 and presented to Council comparisons of results from 2009 through 2016. The purpose of the Library is to enrich, empower and transform lives. She stated that 96 percent of respondents agreed the Library did a good job of meeting their needs, with 74 percent stating they strongly agreed. The survey is done each year to ensure the Library is spending their dollars on what people want. In regards to the overall grade of the Library, 80 percent of respondents gave it an 'A', 12 percent a 'B', with 4.5 percent giving it a 'C'. The previous year, there were 554 respondents with the survey running for eight weeks, compared to 421 respondents this year and the survey running for six weeks. Regarding enriching people's lives, respondents indicated that 247 saved money, 239 read for pleasure, 118 had a place to study, 82 made friends, 90 parents read to their child, and 74 enjoyed an educational program. Staff received an excellent rating for customer service, including 81 percent for the ability to assist quickly, 79 percent for friendliness, and 76 percent for staff knowledge. For library hours, 89 percent rated them good or excellent, with 61 percent being excellent. In regards to empowering patrons, the survey indicated that 48 people created a resume, 54 passed a test, 54 made better grades, 78 completed homework, 113 learned something new, and 156 had access to internet and printing. In terms of what respondents rated very important, 86 percent said checking out materials, 78 percent said getting information, 67 percent said free WiFi, 66 percent said using a computer, 66 percent said children's classes/events, 60 percent said printer/scanner/fax machine, 53 percent said adult classes/events, 52 percent said teen classes/events, and 44 percent said using e-books and digital magazines. She stated that library buildings are getting bigger because of the programming and space requirements that the community wants, and that libraries are switching to being technological and learning hubs for the community. In terms of transforming lives, 25 people responded that they learned to read, 36 got a job, 22 got a better job or salary, 32 planned or expanded a business, 100 improved their health and well-being, and 156 had access to the internet and printing. Respondents indicated that their favorite things about the Library included the building, the collection, programs, services and the staff. In regards to Library user requests, they indicated that they want more print materials, media, e-content, hours, programs and bandwidth. They also requested lower fees, including eliminating the inter-

library loan fee, reducing the fees for late items, copiers, and printers, as well as charging homeowners' associations like non-profits for room rentals. Action items for 2016 include adding computers to the study rooms, directional lobby signage, increasing adult programs, more Science, Technology, Engineering, Art and Mathematics (STEAM) classes, replacing the children's computer chairs, and upgrading to thin clients. There was discussion on how many hours the Library is open compared to those of other cities, including that the 59 hours of staff time is spaced so they are there seven days a week. In answer to questions from Council, Ms. Redburn stated that the fax fee is a pass-through and the Library gets a percentage; that copier fees and printed cartridges are a pass-through as well; and that fees were increased to offset the costs of the new Library building. There was discussion on how much poorer the City would be by not having the Library; creating a sense of community; the diversity of people who use the Library; citizens being highly educated and appreciating the Library, and it not shining without their input; the citizens wanting a state of the art and sustainable building; and Council increasing the money on the construction of the Library, as well as the City receiving grants in the amount of \$2.1M.

- **Presentation of the 2015 Annual Report on the Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative Program.**

Interim Public Works Director Kenny Overstreet made a presentation on the 2015 Annual Report on the Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative (SSOI) Program. Every year, staff presents a report to Council, based on an agreement with the State, about what the Public Works Department has done the past year. There was an unauthorized discharge in 2007 in the 19.1W drainage basin and through a joint effort with the Texas Commission on Environmental Quality (TCEQ), the City chose to do the SSOI program, whereby it would agree to do certain items and so much work per year on the sewer system in that drainage basin to correct overflows. In January of 2008, the City entered into five year agreement with TCEQ, which was extended in February 2014 for two more years, as there was more work to be done in the basin. The current agreement will expire in December of this year. In the past year, staff worked with engineering firms to evaluate sewer systems in the basin and design \$1M in renewals. Work is in progress on the 19.1 W outfall sewer on Spring Valley Drive, cleaning sewer mains in the Harwood Terrace, Bell Manor and Rollingwood subdivisions, and completing the design of the 19.1W outfall sewer at Kelmont Park. In addition, 32 percent of the system was cleaned, in excess of the 20 percent required; 38 percent of manholes were inspected, in excess of the 20 percent required; and 32,521 feet of system lines were video inspected, in excess of the 14,000 feet required. Several issues were found and were repaired in-house. Staff was also tasked with spreading the word about the Fats, Oil and Grease (FOG) program, including articles in the Bedford Connection, collecting used cooking oils at the Public Works Service Center, providing apartment complexes with pamphlets on the FOG program and funnels, and passing out information at City events. In answer to questions from Council, Mr. Overstreet confirmed that that the City will complete the requirements with TCEQ in December and stated that the City can volunteer to go back on the SSOI program; that the contract could be amended so that sewer funds could be spent around City as opposed to just the 19.1W drainage basin; that the cleaning of sewer lines will stay in effect; that it has to be reported to the TCEQ how much of the sewer lines are video inspected and cleaned, and where the renewals are located; and that every time there is an accidental overflow, it has to be reported to the local TCEQ office in Fort Worth within 24 hours and a written report detailing how the City is going to mitigate the overflow and prevent it from happening again has to be submitted. Mr. Overstreet confirmed that the program is not a major expense and stated that with the new equipment, the cleaning was done in approximately six months.

Mayor Griffin adjourned the Work Session at 6:42 p.m.

EXECUTIVE SESSION

To convene in the conference room, if time permits, in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard."**

d) Pursuant to Section 551.074, personnel matters – appointment of the Municipal Court Judge.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park; Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons; Section 551.087, deliberation regarding economic development negotiations relative to “Project Orchard”; and Section 551.074, personnel matters – appointment of the Municipal Court Judge, at 6:44 p.m.

Council reconvened from Executive Session at 7:12 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session of the Bedford City Council Meeting.

REGULAR SESSION

The Regular Session began at 7:18 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Senior Pastor Nosa Onaiwu, Arise and Shine Church)

Senior Pastor Nosa Onaiwu of Arise and Shine Church gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the flags of the United States and Texas were given.

ANNOUNCEMENTS/UPCOMING EVENTS

Public Information Officer Natalie Foster reported that a police motorcycle skills competition will be held on April 1 and 2 at Adam Smith’s Harley-Davidson. The event will feature kids’ activities, raffles, vendor booths and a silent auction. Process will be used to support first responders and their families during difficult times. Clean Up Bedford Day and Chunk Your Junk Day will be held Saturday, April 9. Chunk Your Junk will be from 9:00 a.m. to 12:00 p.m. at Meadow Park and residents can bring in unwanted household items with the exception of hazardous waste. Volunteers for Clean Up Bedford Day will meet at 8:00 a.m. at Meadow Park and will be given cleaning supplies and an area to clear. On March 26, the Library will be holding its annual Healthy Living Fair from 12:00 p.m. to 4:00 p.m. and will highlight the best in healthy eating the community has to offer. Vendors include Texas Health Resources, Back in Motion and Jenny Craig. Ms. Foster reminded everybody to post their “healthy selfies” to the itstimetexas.org website. The City entered the challenge to help kick off a healthier living initiative and the completion ends on March 31. She encouraged people to see the video on the website of the Mayor, Councilmembers and staff taking the pledge to challenge themselves.

Ms. Foster gave an update on the Boys Ranch construction. The disc golf course is open to the public and the only thing left to do is to put up the markers. Construction crews are doing some final site cleanup and the lake is currently 80 percent full. The plan is to have the Texas Parks and Wildlife Department stock the lake with forage fish in May.

Mayor Griffin announced that it was City Manager Roger Gibson’s birthday.

OPEN FORUM

Ian Mattingly, President of LumaCorp, owner in partnership of Copper Hill Apartments at 3000 Bedford Road, Bedford, Texas – Mr. Mattingly signed up to speak on Item #4. He expressed his gratitude to Mr. Gibson and staff for the cooperative and proactive nature of their dealings. He requested a delay in a

vote on this item until they had the proper opportunity to review the ordinance, specifically any scoring models that have been developed to apply a tier method, which is a new innovation they only heard about 11 days prior. He stated he only had an opportunity to review the draft ordinance 36 hours prior to the meeting. It is a huge expense as a property owner and a significant part of their budget, and on behalf of fellow members of the Apartment Association of Tarrant County, he asked Council to consider a delay. He asked Council to consider that multi-family property owners have a vested interest in the success and prosperity of the community. He stated the current multi-family licensing fee works out to \$18.00 per unit per year, and is the highest fee in the Metroplex. They have not fought this and have worked proactively with staff to try and ensure revenue shortfalls, and issues regarding crime and code enforcement, be addressed. They do not believe the proposed ordinance is the right way to go until there is further clarification on the tiered system scoring model. There are no new services being offered; however, there is an increase of \$20.00 on average for tier two properties per unit over the course of a year. This reduces property values for income-producing properties, which are assessed on their ability to generate income to investors. The fee reduces the market value of a 250 unit complex by nearly \$85,000, which then reduces property taxes by approximately \$2,000 per community. Multiplied over the 35 multi-family properties in Bedford would result in a \$75,000 reduction in property tax income, which would reduce the impact of the revenue generation of the fee increase. He stated apartment dwellers are typically lower income members of the community. The City's housing stock is 30 years old on average and is less valuable on a per unit basis than the average single family home, which results in lower property taxes per unit. He stated he has been told by staff that apartment dwellers do not pay their fair share of costs to operate the City on a per person basis, but due to the ad valorem nature of property taxes, they are not designed to be applied on a per person basis but on the basis of real estate value. In answer to a question from Council, Mr. Mattingly stated that multi-family properties are taxed based both on their value and the income they can bring in. He stated that it is their standpoint the \$20.00 increase on a per unit basis fee is a regressive, backdoor tax and will impact the owners of multifamily properties in the short term, and make apartment living less affordable for those least able to afford these kind of increases in the long term. He asked that Council keep in mind that one third of the City's population reside in multi-family dwellings when they vote on this matter.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 3, 7, 8, 9, 10, 11 and 12.

Motion approved 7-0-0. Mayor Griffin declared the motion carried.

COUNCIL RECOGNITION

1. Employee Service Recognition

The following employees received recognition for dedicated service and commitment to the City of Bedford:

Matthew Wagner, Fire Department - 5 years of service
Bobby LaPenna - Police Department -15 Years of service

2. Recognition of Parks Crew Leader, Jeff Scott for the City Manager's Service Award.

Human Resources Director Jill McAdams stated that the employee recognition program was redesigned by the first Emerging Leaders class as their capstone project. They came up with two awards, the City Manager's Service Award and the Exemplary Employee Award. Both awards are focused on the City's PRIDE values, namely Passion, Respect, Innovation, Dependability, and Ethics. An employee can be nominated by another employee or citizen for these awards. Community Services Administrative Assistant Margaret Kiss nominated Jeff Scott for the award for his exemplary work at the Boys Ranch with the turtles and the ducks. Ms. Kiss stated that Mr. Scott was new to the job and getting his bearings being a supervisor, and had to take over when the Department was short-handed. Whenever they received calls about the lake being drained, he helped field calls, answer questions and explain to citizens what was going on. He would meet with the people and was always on duty 24/7. He was always aware on what

was going on, made safety the first issue, and was supportive of his workers. She stated that she is proud to be associated with Mr. Scott.

APPROVAL OF THE MINUTES

- 3. Consider approval of the following City Council minutes:
a) March 8, 2016 regular session**

This item was approved by consent.

NEW BUSINESS

- 4. Consider an ordinance amending Chapter 22, “Buildings and Building Regulations,” of the Code of Ordinances of the City of Bedford, Texas, by repealing Article II “Buildings and Standards Commission,” Article IX “Dangerous and Substandard Buildings,” Article X “Minimum Housing Code” of Chapter 22 “Buildings and Building Regulations,” and replacing it with a new Article II “Buildings and Standards Commission,” Article IX “Abatement of Dangerous Buildings,” Article X “Minimum Housing Code;” making amendments to each of the Articles; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a savings clause and an effective date.**

Motioned by Councilmember Champney, seconded by Councilmember Farco, to approve ordinance amending Chapter 22, “Buildings and Building Regulations,” of the Code of Ordinances of the City of Bedford, Texas, by repealing Article II “Buildings and Standards Commission,” Article IX “Dangerous and Substandard Buildings,” Article X “Minimum Housing Code” of Chapter 22 “Buildings and Building Regulations,” and replacing it with a new Article II “Buildings and Standards Commission,” Article IX “Abatement of Dangerous Buildings,” Article X “Minimum Housing Code;” making amendments to each of the Articles; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a savings clause and an effective date.

Motion approved 7-0-0. Mayor Griffin declared the motion carried.

- 5. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

Motioned by Councilmember Farco to approve an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, with one change that under the first tier system that the second fee for the inspection would be removed; updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

The motion failed for lack of a second.

Motioned by Councilmember Fisher, seconded by Councilmember Turner, to approve an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

Motion approved 7-0-0. Mayor Griffin declared the motion carried.

- 6. Consider an ordinance establishing the appointment of a municipal judge for a term to be determined by City Council in accordance with State law; providing that this ordinance shall be cumulative; providing a severability clause; and providing an effective date.**

Councilmember Gebhart stated that he previously indicated that he was amenable to the appointment based on the concern that the Municipal Court would have continuity and not understanding the climate of the willingness of eligible to citizens to run for office. Doing an inquiry, he found a worthy candidate for the office who would be willing to run. He recognized he is in the minority, but his preference is for an

election determined by the people. He stated he will vote no, not based on the current person in the job, but because of his own personal philosophy.

Motioned by Councilmember Fisher, seconded by Councilmember Champney, to approve an ordinance establishing the appointment of a municipal judge for a term to be determined by City Council in accordance with State law; providing that this ordinance shall be cumulative; providing a severability clause; and providing an effective date.

Motion approved 6-1-0. Mayor Griffin declared the motion carried.

Voting in favor the motion: Mayor Griffin, Councilmember Sartor, Councilmember Champney, Councilmember Farco, Councilmember Turner and Councilmember Fisher.

Voting in opposition to the motion: Councilmember Gebhart

- 7. Consider an ordinance amending the City of Bedford Code of Ordinances, Chapter 114, Article V, Section 114-136 “Presumption that owner of vehicle illegally parked same” to include the specific locations where drivers of vehicles shall not park in areas marked with “No Parking” signs; providing for a severability clause; providing for a penalty clause; and declaring an effective date.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into a contract with C. Green Scaping, L.P. in the amount of \$119,018 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central/Ridgewood Drive Project.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a contract with Cam-Crete Contracting Inc. in the amount of \$473,650 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project.**

This item was approved by consent.

- 10. Consider a resolution repealing Resolution No. 16-8 and authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to enter into a contract with Corporate Floors, Inc. to replace existing flooring and vinyl cove base at the Law Enforcement Center in the amount of \$26,140.05.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into an agreement with Pyro Shows Incorporated and Adam Smith’s Texas Harley-Davidson providing access to Block 2, Lot 1, Texas American Bankshares Addition, in order to stage and execute an outdoor aerial fireworks display.**

This item was approved by consent.

- 13. Report on most recent meeting of the following Boards and Commissions:
✓ Animal Shelter Advisory Board - Councilmember Fisher**

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission met the previous night, and it was a very active meeting. Clean Up Bedford Day is on April 9 and there is a need for volunteers. Chunk Your Junk Day will be from 9:00 a.m. to 12:00 p.m. on April 9 and people will have the opportunity to get rid of household items. Residents will have the opportunity to get rid of hazardous waste like paints and oils at the Boys Ranch on April 30.

✓ **Community Affairs Commission - Councilmember Farco**

Councilmember Farco reported that the Commission will next meet on March 31. There is a block party scheduled for April 15 and a business roundtable scheduled for May 12.

✓ **Cultural Commission - Councilmember Champney**

Councilmember Champney reported that the Commission met and will be presenting a proposal to Council for a summer series of concerts primarily at the Old Bedford School featuring some well-known artists that have a good following in the area. The Masterworks Series provided by Arts Council Northeast will have its first performance at ArtsFest on April 2, and then will have concerts every Thursday from April 14 through May 19 outside of the Old Bedford School.

✓ **Library Advisory Board - Councilmember Farco**

No report was given.

✓ **Parks and Recreation Board - Councilmember Sartor**

Councilmember Sartor reported that the Board will next meet on April 7 at the Old Bedford School.

✓ **Teen Court Advisory Board - Councilmember Gebhart**

No report was given.

✓ **Senior Citizen Liaison - Councilmember Turner**

No report was given.

14. Council member Reports

No other reports were given.

15. City Manager/Staff Reports

City Manager Roger Gibson thanked Bobby Sewell for serving as Fire Chief in an interim capacity. He stated it is a stressful time and he is appreciative of Mr. Sewell for his efforts.

16. Take any action necessary as a result of the Executive Session.

Councilmember Fisher stated that Tim Murphy has served as the Judge for 12 years, has run four times, and has run without an opponent the previous two elections. He has served the City with honor and distinction, and has been a steadfast leader. He stated the Municipal Court needs steady hand.

Motioned by Councilmember Fisher, seconded by Councilmember Champney, to appoint Judge Tim Murphy to be the appointed Municipal Court Judge for the City of Bedford, and further direct the City Secretary and City Attorney to prepare the appropriate ordinance or resolution as required by law.

Voting in favor the motion: Mayor Griffin, Councilmember Sartor, Councilmember Champney, Councilmember Farco, Councilmember Turner and Councilmember Fisher.

Voting in opposition to the motion: Councilmember Gebhart

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:57p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: See below

DATE: 04/12/16

Persons to be Heard

ITEM:

- a) Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas 76022 – Request to speak to Council regarding social injustices and Bedford’s Municipal Codes and Ordinances pertaining to drilling.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letter of Request

Bedford City Council meeting,
Persons to Be Heard on April 12, 2016,
requested by

Joyce Johnson
1701 Brookhaven Circle
Bedford TX 76022
817-808-9826.

Topics:

Social injustices re: loss of freedom, ^{perceived} ~~opposition~~,
potential and actual harm experienced
via likely ^{to} disposal of used fracking fluid;
~~reckless~~
and Bedford's Municipal Codes and
Ordinances pertaining to drilling ~~for gas~~
practices.

Joyce Johnson
April 4, 2016



Council Agenda Background

PRESENTER: Kenny Overstreet
Interim Public Works Director

DATE: 04/12/16

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider an ordinance amending Chapter 118 “Utilities” of the City of Bedford Code of Ordinances by repealing Article VI “Cross Connection Control Program” and replacing it with a new Article VI “Cross Connection Control Program;” providing a penalty clause; providing a severability clause; providing a repealing clause; and providing an effective date.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

The purpose of this ordinance is to update current City regulations regarding backflow prevention assemblies in order to stay current with today’s water issues, as well as to remain compliant with State and Federal regulations. Backflow prevention devices prevent potential contamination to the City water supply by preventing the backflow of non-potable water into the distribution system due to back-siphonage or loss of pressure. Such conditions can occur during water main breaks. The City of Bedford is responsible for protecting drinking water quality per State regulations.

The Texas Commission on Environmental Quality (TCEQ) performed an inspection of the City of Bedford’s Backflow Prevention/Cross Connection program in August of 2015. During this inspection, it was found that the City’s Backflow Prevention/Cross Connection program was not in compliance with TCEQ regulation requirements. Items to be addressed were definitions such as “Health Hazards” versus “High Hazards” within the public water distribution system, terminology adjustments such as changes to read “Director of Public Works” instead of “Director of Water Utilities” and an explanation of the Registration of Certified Backflow Prevention Assembly Testers, Section 118-190.16 Responsibilities (d) pertaining to annual Backflow Registration expiration dates with the City.

The following items are highlights of the submitted amendments:

Fire Suppression Systems, 118-190.6 (3), regarding the installation of detector check guidelines, were updated to identify the proper location of installation.

Fire Suppression Systems, Section 118-190.6 (5), was added: “All existing Fire backflow prevention on the fire system must be inspected and tested annually. Installation or retro-fitting of a new device must be tested and, in addition, must be inspected on an annual basis.”

Fire Suppression Systems, Section 118-190.6 (6) was added: “The Director of Public Works is responsible for ensuring that the above mentioned requirements are met (30TAC, Sections 290.46(i)) by using an approved fire line system contractor. Backflow prevention assembly testers may test and repair assemblies on fire lines only if they are permanently employed by an approved fire line contractor. The State Fire Marshal’s Office requires that any person performing maintenance on fire lines shall be employed by an approved fire line contractor.”

Customer Service Inspection, Section 118-190.1 (d) was added to address that the customer service inspection must certify that:

- (1) No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

- (2) No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

Public Works staff reviewed and updated the Article with the corrections identified in TCEQ's inspection report dated October 1, 2015. The amendments were sent to TCEQ, who reviewed and approved them, acknowledging compliance with TCEQ regulation requirements. In addition to the amendments, Backflow Prevention report forms have been updated per TCEQ's recommendation of identified deficiencies within the report form layout and Cross Connection inspections will be performed by City personnel on an annual basis.

RECOMMENDATION:

Staff recommends the following motion:

Approval an ordinance amending Chapter 118 "Utilities" of the City of Bedford Code of Ordinances by repealing Article VI "Cross Connection Control Program" and replacing it with a new Article VI "Cross Connection Control Program;" providing a penalty clause; providing a severability clause; providing a repealing clause; and providing an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Red-Line Ordinance
PowerPoint Presentation

ORDINANCE NO. 16-

AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES" OF THE CITY OF BEDFORD CODE OF ORDINANCES BY REPEALING ARTICLE VI "CROSS CONNECTION CONTROL PROGRAM" AND REPLACING IT WITH A NEW ARTICLE VI "CROSS CONNECTION CONTROL PROGRAM;" PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the responsibility of the City to protect the public potable water supply of the City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system; and,

WHEREAS, it is the responsibility of the City to promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping systems in conjunction with the current adopted Plumbing Code; and,

WHEREAS, it is the responsibility of the City to provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of any City potable water by requiring the certification and operational testing of all testable backflow prevention assemblies located on a premises and requiring the installation of approved backflow prevention assemblies; and,

WHEREAS, the City is required to comply with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (30 TAC §§ 290.38 through 290.49).

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

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference.

SECTION 2. That Chapter 118 "Utilities" of the City of Bedford Code of Ordinances is amended by repealing Article VI "Cross Connection Control Program" and replacing it with a new Article VI "Cross Connection Control Program" to read in its entirety as follows:

Article VI. Cross Connection Control Program

Sec. 118-181. Cross-connection standards.

Every source of contamination or possible contamination from any contaminant which originates from, or is located at a residential or commercial establishment, which is connected to any public water supply or which provides water to the public, shall be equipped with the protection required under the provisions of this article.

Sec. 118-182. Definitions.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition or other technical terms used, shall have the meanings or definitions listed in the most recent adopted edition of the City Plumbing Code and/or the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California. A copy shall be kept on file in the Office of the City Secretary. The following definitions shall apply to this article:

ORDINANCE NO. 16-

Air gap shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device and in no case, less than one inch and shall comply with the Plumbing Code.

Appeal Officer shall mean the City Manager designee that presides over appeals of the Director, Authority or Regulatory Authority actions or decisions.

Approved Backflow Prevention Assembly or Backflow Assembly or Assembly shall mean an assembly to counteract backpressure or prevent back-siphonage that meets the standards contained in the Plumbing Code.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB shall mean a device used to prevent back-siphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Authority shall mean the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

Auxiliary supply shall mean any water source or system other than the public water system that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

Backflow prevention assembly or assembly shall mean an assembly to counteract back pressure or prevent back-siphonage.

Backflow shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the City's water.

Backflow Protection shall mean a means of protections backflow that shall be provided in accordance with the International Plumbing Code.

Backpressure shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Back-siphonage shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by a sudden reduction of pressure in the potable water supply system.

Boresight or Boresight to daylight shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

City or the City shall mean the City of Bedford or its' representative.

Commercial establishment shall mean property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce, or any property or location which is used primarily for the provision of any service.

Commission shall mean the Texas Commission on Environmental Quality (TCEQ).

ORDINANCE NO. 16-

Contaminants shall mean any foreign material, solid or liquid, not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

Contamination means the admission of contaminants into the potable water supply system.

Cross-connection shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any non-potable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross-connection control device shall mean any nationally approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent non-potable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer service inspection shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and/or the lead action level in solder or flux, pipe or pipe fittings exceeds acceptable State levels.

Degree of hazard shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.

(1) **Health hazard** means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

(2) **High hazard** means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death, to backflow into the potable water supply.

(3) **Low hazard** means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

(4) **Plumbing hazard** means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollution or a contamination-type hazard.

(5) **Pollution hazard** means an actual or potential threat to the physical properties of the water system, or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances.

(6) **System hazard** means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply, or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director shall mean the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

Double check detector backflow prevention assembly or double check detector or DCDA shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

ORDINANCE NO. 16-

Double check valve backflow prevention assembly or double check assembly or double check or DC shall mean an assembly which consists of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

Fire line tester shall mean a tester who is employed by a state approved fire line contractor and is qualified to test backflow prevention assemblies on fire lines only.

General tester shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service; except fire lines.

Mobile unit shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to: carpet cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations, and pest-control vehicles.

Nonresidential use shall mean water used by any person other than a residential customer of the water supply, and include all uses not specifically included in "residential uses".

Person shall mean any individual, partnership, associations, corporations, firms, clubs, trustees, receivers, and bodies politic or corporate.

Plumbing Code shall mean the City of Bedford ordinances governing plumbing in the City of Bedford, Texas, as amended.

Point-of-use isolation shall mean the appropriate backflow prevention within the consumers water system at the point at which the actual or potential cross-connection exists.

Potable water supply shall mean any water supply intended or used for human consumption or other domestic use.

Publicly Owned Treatment Works (POTW) shall mean a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the City of Bedford and/or the Control Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's sewer collection system.

Premises shall mean any piece of property to which water is provided; including all improvements, mobile structures, and structures located on it.

Premises isolation shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVB shall mean an assembly which provides protection against back-siphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB, and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allow the full testing of the assembly.

Public water system or system shall mean any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities,

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and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RPZ assembly or RPZ shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Regulatory authority shall mean any municipal officer or department of the City, appointed by the City manager to administer this article.

Representative of the water system shall mean a person designated by the City to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

Residential use shall mean water used by any residential customer of the water supply and include single family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection shall mean the point of delivery which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or SVB shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the City and the TCEQ.

Thermal expansion shall mean heated water that does not have the space to expand.

TCEQ shall mean the Texas Commission on Environmental Quality.

Used water shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey shall mean a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

Sec. 118-183. Right-of-way encroachment.

No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided in this section.

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- (1) A backflow prevention assembly required by the Chapter may be installed upon or within any City right-of-way only when the City determines that there is no other feasible location for installing the assembly, installing it in the right-of-way will not interfere with traffic, utilities, and there is application and approval by the City of its Easement Use Agreement. The City retains the right to approve the location, height, depth, enclosure, installation, and other requisites of the assembly prior to its installation and the City shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.**
- (2) Double check valve assemblies installed in the right-of-way shall be installed below or flush with the surrounding grade except when the City determines that it is not practicable to install it in this manner.**
- (3) All permits, approvals and inspections required by applicable City Code of Ordinances and other law to perform work in the right-of-way shall be obtained.**
- (4) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly which extends aboveground shall be located no closer than 18 inches to the face of the curb.**
- (5) A property owner shall, at the request of the City and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for the City's reconstruction, widening, or straightening of streets; placement or installation of traffic signals, traffic signs and street lights; or construction of any other City public improvement project.**
- (6) A property owner shall, at the request of the City and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction, or repairs for purposes of public safety.**
- (7) A person commits an offense if he/she fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the regulatory authority.**

Sec. 118-184. Multiple connections.

Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow prevention assembly required will be commensurate with the degree of potential hazard as determined by the Regulatory Authority in order to protect the water supply of the City from contamination or pollution.

Sec. 118-185. Backflow prevention assembly requirement.

(a) The backflow prevention assembly protection which is required under this ordinance shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in a State of Texas approved Plumbing Code, or as determined by the regulatory authority. Each backflow prevention assembly must have been approved by the regulatory authority prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of a backflow assembly to be installed within the area served by the City. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:

- (1) The nature and extent of any activity of the premises, or the materials used in connection**

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with any activity of the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.

(2) Premises having one or more cross-connections.

(3) Internal cross-connections are present that are not correctable.

(4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.

(5) When a premises has a repeated history of cross-connections being established or re-established.

(6) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.

(7) When materials are being used such that if a backflow should occur, a health hazard could result.

(8) When installation of an approved backflow prevention assembly is deemed by the Regulatory Authority to be necessary to protect the water supply of the City from contamination or pollution.

(9) When an appropriate cross-connection survey report form has not been filed with the Regulatory Authority.

(10) A fire suppression system that is connected to the City's water system.

(11) In all new non-residential construction there shall be installed an approved backflow prevention assembly at the service connection. The type of backflow prevention assembly required will be commensurate with the degree of hazard as determined by the Regulatory Authority in order to protect the water supply of the City from contamination or pollution.

(12) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

(13) When a premises is required to have backflow prevention assemblies, but water cannot be turned off during the testing of such assemblies, the premises shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair and maintenance can be performed.

(14) Any used water return system.

(15) In the event a point-of-use assembly has not had the testing or repair done as required by this article, a premises isolation assembly will be required.

(16) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required. When the Regulatory Authority determines that additions or alterations have been made to the plumbing system without the proper permits as required by the Plumbing Code, premises isolation shall be required.

(17) All multistory non-residential buildings or any building with a booster pump, or elevated storage tank.

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(18) Retrofitting will be required on all high hazard connections and wherever else the City deems necessary to retrofit. Retrofitting shall be required on all high hazard connections and on all other connections where the Regulatory Authority deems it necessary to retrofit in order to protect the water supply of the City from contamination or pollution.

(19) When reclaimed water is supplied to the site, an RPZ shall be installed on the potable water supply just inside the property line and before any branch connections and a double check backflow device shall be installed on the reclaimed water supply just inside the property line and before any branch connections.

(b) All backflow prevention assemblies installed after the effective date of this article shall be installed in a manner designed to facilitate ease of inspection by the regulatory authority of the City or his chosen representative. Any currently installed backflow prevention assemblies which are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to approved locations following current national guideline standards.

(c) A person commits an offense if the person owns or is in control of any premises and fails to install and maintain backflow prevention assemblies on said premises as required by this section.

(d) A person commits an offense if the person owns, operates or manages any premises and backflow from the premises enters the public water supply system.

Sec. 118-186. Testing of assemblies.

(a) The regulatory authority shall inspect and test, or cause to be inspected and tested, all backflow prevention assemblies in each of the following circumstances:

- (1) Immediately after installation;**
- (2) Whenever the assembly is moved;**
- (3) A minimum of once a year for all backflow prevention assemblies at commercial facilities;**
- (4) A minimum of once a year for all assemblies providing protection against health hazards;**
- (5) Premises that have been vacated and unoccupied for one year, prior to re-occupancy; or**
- (6) Immediately after repairs.**

(b) All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the regulatory authority.

(c) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article. Persons and occupants of premises which are provided water service by the City, either directly or indirectly, shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(d) The City is not liable for damage to a backflow prevention assembly which may occur during

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testing.

(e) The regulatory authority may cause a water use survey to be conducted at any establishment located in the City which is served by a public water supply or which provides water to the public. Upon determination by the regulatory authority that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.

(f) Backflow prevention assemblies may be required to be tested more frequently if the Regulatory Authority deems it necessary to protect the water supply of the City from contamination or pollution.

(g) All results from backflow prevention assembly testing by a certified backflow prevention assembly test shall be placed on a form that shall be obtained by the tester from the City.

(h) A person commits an offense if the person owns or is in control of any premises and fails or refuses to have the backflow prevention assemblies installed on said premises, inspected or tested as required by this section.

Sec. 118-187. Thermal expansion.

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly. The City shall not accept any liability resulting from thermal expansion at the customer's property.

Sec. 118-188. Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.

Sec. 118-189. Residential service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross connection or have an approved backflow assembly installed in accordance with this article.

Sec. 118-190. Rental properties.

Any person who owns or controls property is responsible for the installation, testing and repair of all backflow assemblies on their property.

Sec. 118-190.1. Customer service inspection.

(a) Pursuant to TCEQ water system regulations, a customer service inspection for cross connection control shall be completed by the regulatory authority prior to providing continuous water service in each of the following circumstances:

(1) Water service to a newly constructed facility or previously nonexistent premises.

(2) After any material improvement to building(s) or premises.

(3) Any correction or addition to the plumbing of any facility or premises. Any correction or addition to the plumbing of any facility or premises served by the City; or,

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- (4) The regulatory authority deems it necessary to protect the water supply of the City from contamination or pollution.**
- (5) Please see the “Schedule of fees” for State Mandated Annual Customer Service Inspections regarding hospitals, apartments, nursing and long-term care homes, daycares, dental offices, convenience stores with fountain drink stations, car washes, animal care centers, etc.**
- (b) Permanent water service shall not be supplied to a new construction facility(s) until after the customer service inspection is completed by the regulatory authority or representative.**
- (c) Temporary water services which possess a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.**
- (d) The Customer Service Inspection must certify that:**
 - (1) No pipe or pipe fitting which contains more than .25% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.**
 - (2) No solder or flux which contains more than .2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.**

Section 118-190.2. Access to Premises.

- (a) Every person provided water service by the City directly or indirectly shall permit the Regulatory Authority to enter their premises and buildings for the purpose of inspecting pipes and fixtures and the manner in which water is used to determine compliance with this Chapter. The Regulatory Authority’s right of entry is a condition of the person’s water service or connection to the City’s public water system.**
- (b) The person shall promptly remove, at the person’s sole expense, a security barrier or other obstacle to access by the Regulatory Authority to the person’s premises.**
- (c) In connection with action by the Regulatory Authority under this Chapter, a person with water service provided by the City commits an offense if the person:**
 - (1) Fails to remove a barrier or obstacle to access by the Regulatory Authority; or,**
 - (2) Unreasonable delays access by the Regulatory Authority.**
- (d) The Regulatory Authority may apply to the municipal court or other court of competent jurisdiction for a search warrant if:**
 - (1) A person denies the Regulatory Authority access to a building, structure, property, or a public or private potable system connected to the City’s public water system; or**
 - (2) The Regulatory Authority has probable cause to believe there is:**
 - (a) A violation of this article or other enforcement order;**
 - (b) A need to conduct a cross-connection inspection or cross-connection survey; or,**
 - (c) A threat to public health or safety.**

Section 118-190.3 Enforcement.

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- (a) The Regulatory Authority shall have the authority and responsibility to enforce the provisions of this article and the state statutes regarding cross-connections, when applicable.**
- (b) The Regulatory Authority shall inspect or cause to be inspected all backflow prevention assemblies installed pursuant to the requirements of this article.**
- (c) For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational.**
- (d) Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the Regulatory Authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational.**
- (e) The Regulatory Authority may, without prior notice, suspend water service to any premises when the Regulatory Authority finds such suspension is necessary to prevent or stop an actual or threatened backflow which presents, or may present imminent and substantial danger to the environment, the public water supply, or the health and welfare of any person.**

As soon as practicable after the suspension of service, the Regulatory Authority shall notify the owner or person in charge of the premises of the suspension in person or by certified mail, return receipt requested. When time permits, the Regulatory Authority may notify the owner or person in charge prior to suspending water service. Notice shall provide the date that service will be or was discontinued without further notice, the reason for discontinuance, within fifteen (15) days from the date of notice. Services are not reinstated upon request for an administrative review. The Regulatory Authority may not reinstate suspended services until:

- (1) The person presents proof, satisfactory to the Regulatory Authority, that the actual or threatened backflow has been eliminated and its cause determined and corrected;**
 - (2) The person pays the City for all costs the City incurred in responding to the actual or threatened backflow; and**
 - (3) The person pays the City for all costs the City will incur in reinstating service.**
- (f) A person commits an offense if the person reinstates water service to any premises for which the Regulatory Authority has suspended water service in order to prevent or stop an actual or threatened backflow which presents, or may present imminent and substantial danger to the environment, the public water supply, or the health and welfare of any person, except as directed by the Regulatory Authority.**

Sec. 118-190.4. Installation guidelines, requirements, standards, and specifications.

- (a) General to ensure proper operation and accessibility of all backflow prevention assemblies, the following national guideline requirements shall apply to the installation of these assemblies.**

Backflow prevention assemblies shall be installed in accordance with the Plumbing Code, Commission rules, this article, and other relevant law. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the Regulatory Authority.

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(1) When the Regulatory Authority requires a backflow prevention assembly to be installed at the point of delivery of both potable and reclaimed water supplies, such installation of the assembly shall be before any branch in the line and on private property located just inside the boundary between the City right-of-way and the landowner's property. Other areas of installation of a backflow prevention assembly may be required when the Regulatory Authority deems it necessary in order to protect the water supply of the City from contamination or pollution.

(2) The assembly must be protected from freezing and other severe weather conditions.

(3) All backflow prevention assemblies shall be of a type and model approved by the regulatory authority.

(4) Vertical installations of backflow assemblies shall be approved in writing by the Regulatory Authority prior to installation.

(5) Backflow prevention assemblies that are larger than four (4) inches and are installed more than five (5) feet or higher above the floor level shall be equipped with a rigidly and permanently installed scaffolding acceptable to the Regulatory Authority.

(6) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.

(7) Premises that require backflow prevention assemblies, where an uninterrupted, continuous water supply is critical shall be provided with two (2) assemblies installed in parallel for testing, maintenance, or repair. They should be sized in such a manner that either assembly will provide the maximum flow required or desired.

(8) Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.

(9) All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair, and maintenance can be performed.

(10) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.

(11) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report. Upon completion of installation, the Regulatory Authority shall be notified and all backflow prevention assemblies shall be inspected and tested. The original test report shall be: signed and dated by the tester; contain test gauge make, model, serial number, and calibration date; name of tester; state certification number of tester; facility name, address and telephone number; and, submitted to the Regulatory Authority.

(12) A person commits an offense if the person installs a backflow prevention assembly in violation of this article.

(13) A person commits an offense if the person fails to notify the Regulatory Authority of installation, to inspect and test, or to report the test report in compliance with this article.

(b) Reduced pressure principle backflow prevention assembly (RPZ) may be utilized at premises where a substance is handled that would be hazardous to health if introduced into

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the potable water system. The RPZ is normally used in locations where an air gap is impractical. The RPZ is effective against both back-siphonage and backpressure.

(1) RPZs must be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.

(2) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RPZ assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain, and in no case less than one (1) inch. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly; this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

(3) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPZs are typically installed above grade in well drained areas, but may be installed below grade (ground level) if a bore sight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.

(4) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.

(5) Assemblies two inches and smaller shall have at least six-inch clearance on both sides and on top of the assembly, and 12 inches below and behind the assembly. All assemblies larger than two inches shall have a minimum of 12 inches on the back side, 24 inches on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet zero inches is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids.

(6) All RPZ assemblies must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the Regulatory Authority upon installation of any backflow prevention assembly.

(7) Variances from these specifications will be evaluated on a case-by-case basis. Any deviation shall be prohibited without prior written approval of the Regulatory Authority.

(c) Reduced pressure principle detector backflow prevention assembly (RPDA) may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

(1) RPDA's shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RPZ).

(2) The line-size RPZ assembly and the bypass RPZ assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(d) Double check valve backflow prevention assembly (DC) may be utilized at premises where a

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substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

(1) DCs must be sized to provide an adequate supply of water and pressure for premises being served. Consult manufacturer's specifications for specific performance data.

(2) Premises, where an uninterrupted water supply is critical, should be provided with two assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(3) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

(4) Assemblies two inches and smaller shall have at least six-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of six feet zero inches is required in vaults without a fully removable top. A minimum access opening of 36 inches is required on all vault lids. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.

(5) Vertical installations of DCs are allowed only on sizes up to and including four inches that meet the following requirements:

- a. Internally spring-loaded check valves;
- b. Flow is upward through assembly;
- c. Manufacturer and University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research states the assembly can be used in a vertical position; and
- d. Approved by the Regulatory Authority

(6) All DCs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the Regulatory Authority upon installation of any backflow prevention assembly.

(7) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations shall be prohibited without prior written approval of the Regulatory Authority.

(e) Double check detector backflow prevention assembly (DCDA) may be utilized in all installations requiring a double check valve assembly and detector metering.

(1) DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DCs).

(2) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(f) Pressure vacuum breaker backflow prevention assembly (PVB) may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against back-siphonage only and shall not be installed where there is potential for backpressure.

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- (1) Assembly shall be installed a minimum of 12 inches above highest downstream piping.**
- (2) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.**
- (3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly.**
- (4) All PVBs must be tested in compliance with this article. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.**
- (5) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations shall be prohibited without prior written approval of the Regulatory Authority.**
- (g) Spill resistant pressure vacuum breaker backflow prevention assembly (SVB) may be utilized in all installations requiring a pressure vacuum breaker.**
- (1) SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.**
- (h) Atmospheric vacuum breakers (AVB) provide minimal protection and are approved for very low hazard application only. AVBs protect against back-siphonage only and are prohibited where there is potential for backpressure.**
- (1) The assembly shall be installed a minimum of six inches above the highest use outlet or overflow level downstream from assembly.**
- (2) Shut-off valves downstream from the assembly are prohibited.**
- (3) AVBs are allowed for only those applications where there is less than 12 hours per day of continuous use.**
- (4) AVBs cannot be installed below grade.**
- (5) AVBs cannot be used around toxic or poisonous fumes.**
- (6) AVBs shall not be installed in an area subject to flooding or where damage may occur from water discharge.**
- (7) AVBs are allowed for point-of-use protection only.**

Sec. 118-190.5. Air gap separation.

Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

- (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch. If splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.**
- (2) Air gap separations shall not be altered in any way without prior approval from the**

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regulatory authority and must be available for inspection at all reasonable times.

(3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening at a distance greater than three times the diameter of the effective opening for a single wall, or at a distance greater than four times the effective opening for two intersecting walls.

Sec. 118-190.6. Fire suppression systems.

All new installations of a fire suppression system, which utilize the City's potable water supply, shall have installed an approved backflow prevention device according to the degree of hazard.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24-hour period; unless a variance has been issued in writing from the regulatory authority. A RPDA must be installed if any solution other than the potable water can be introduced into the sprinkler system.

A double check valve assembly (DCVA) approved by the Regulatory Authority shall be the minimum protection required for fire sprinkler systems using piping material that is not approved for potable water use and/or that do not provide for periodic flow-through during each 24 hour period, unless a variance has been issued in writing from the Regulatory Authority. A reduced pressure principle assembly (RPZ) shall be installed when any solution other than potable water can be introduced into the sprinkler system, unless an air gap is used to protect a tank supplying the system.

(1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this article and the purchase, installation, testing and repair of a DCDA or RPDA is the responsibility of the property owner and persons in charge of any premises.

(2) Upon the approved installation of the DCDA or RPDA, a cross-connection test report completed by a licensed fire line tester must be sent to the attention of the regulatory authority or his representative and include the information required by this article. Upon the approved installation of the DCVA, RPZ, or approved backflow prevention assembly, a licensed fire line tester shall complete a backflow test report and submit the completed report to the Regulatory Authority as required by this article.

(3) A single detector check is required to be installed at the City right-of-way on all fire systems over 80 feet in length if the double check assembly is installed in the building and is connected to the water system. Vaults are required to be used for installation of backflow valves on fire suppression systems. All backflow valves/vaults used on fire suppression systems shall be located as close to the right-of-way as possible, but shall be located no further than 80 feet from the riser room. If the backflow valve can be installed inside the building, and remain within 80 feet from the riser room, the valves may be installed inside the building. Only the Director of Public Works shall, by written approval, grant a variance to the distance requirement.

(4) All fire line equipment, including installed backflow prevention assemblies, piping and valves shall be installed by an approved fire line contractor as per the Texas Department of Insurance's State Fire Marshal's Office.

(5) All existing fire backflow prevention on the fire system must be inspected and tested annually. Installation or retro-fitting of a new device must be tested and, in addition, must be inspected on an annual basis.

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(6) The Director of Public Works is responsible for ensuring that the above mentioned requirements are met (30TAC, §290.46 (i)) by using an approved fire line system contractor. Backflow prevention assembly testers may test and repair assemblies on fire lines only if they are permanently employed by an approved fire line contractor. The State Fire Marshal's Office requires that any person performing maintenance on fire lines shall be employed by an approved fire line contractor.

Sec. 118-190.7. Fire hydrant protection.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply. A RPDA must be installed if any solution other than the potable water can be introduced into the public water system. Reduced pressure principle assemblies (RPZ) that have been approved by the Regulatory Authority shall be required protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply. An RPZ is required if any solution other than the potable water can be introduced into the system.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the utility customer service division.

(2) Only City fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the City limits.

(3) A deposit is required to ensure the return of all water meter and backflow assemblies to the utility customer billing division. Failure to return the assemblies can result in the forfeiture of deposit and/or enforcement action being taken against the responsible party, as allowed for in the penalty section of this article (see Schedule of Fees).

(4) All non-approved fire hydrant meters which are found to be in use in the City will be confiscated and enforcement action taken against the responsible party, as allowed for in the enforcement section in this article.

Sec. 118-190.8. Compliance for lawn irrigation.

All lawn irrigation systems shall obtain a permit issued by the Building Inspection Department for installation and shall be installed in compliance with the Plumbing Code, the Irrigation article and this article. Interconnections of the potable water supply with an alternate water source are prohibited. When an irrigation system is connected to a reclaimed water supply, a double check backflow prevention assembly shall be installed immediately past the City meter just outside City right-of-way (ROW) before any branch connections and the potable water supply to this site is required to have an RPZ backflow device.

Sec. 118-190.9. Mobile units.

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connecting to any potable water system. A person commits an offense if the person operates or causes to be operated a mobile unit in violation of this section.

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Sec. 118-190.10. Responsibilities.

(a) Property owner. It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this article and to comply with the following:

- (1) Payment of all costs associated with this article and the purchase, installation, testing and repair of backflow prevention assemblies.**
- (2) To have installed and maintain all backflow prevention assemblies in accordance with this article and acceptable industry practice.**
- (3) All commercial establishments shall cause to have all backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified cross connection tester who is registered with the City.**
- (4) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.**
- (5) Maintain all backflow prevention assemblies in a manner which allows them to be tested by a method that has been approved by the regulatory authority.**
- (6) All records related to backflow prevention assembly installation, testing and repair shall be maintained on the premises for a minimum of three years.**
- (7) A person commits an offense if a person fails to maintain backflow prevention assemblies in compliance with this section.**
- (8) A person commits an offense if the person fails to comply with a repair order issued by the Regulatory Authority.**

(b) No certified backflow assembly tester shall operate within the City without first registering with the Regulatory Authority. The Regulatory Authority shall determine whether an applicant is eligible for registration. Certified backflow prevention assembly tester shall comply with the following requirements:

- (1) Annually register with the regulatory authority and pay the required fee (see Schedule of Fees).**
- (2) Maintain testing equipment in proper working condition calibration.**
- (3) Maintain the design or operation characteristics of an assembly.**
- (4) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.**
- (5) Enter required testing data, including test gauge serial numbers, on cross-connection test forms obtained from the regulatory authority.**
- (6) Report test results to the regulatory authority within 30 days of testing.**
- (7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.**
- (8) Maintain testing and/or repair records for a minimum of three years.**
- (9) File the serial number of each of his/her test kits with the Regulatory Authority.**

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- (10) Annually have each recorded test kit tested for accuracy and calibrated to maintain a two (2) percent accuracy factor; testing is required annually and calibrations are required when out of specification. Calibrations are on an as needed basis.**
- (11) Perform competent and accurate certifications on each backflow prevention assembly tested and shall submit complete original, signed and dated reports on the City approved forms;**
- (12) Shall not commingle backflow test gauges used on the reclaimed water system or other non-potable water system.**

(c) Regulatory authority. The regulatory authority shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this article. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The City shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(d) Registration shall begin January 1 – December 31 of each year. All backflow registrations expire December 31 of the year in which the certified backflow assembly tester registered with the City.

Sec. 118-190.11. Backflow prevention assembly tester certification registration required.

Only approved TCEQ licensed backflow prevention assembly testers can test in the City. Testers must register annually with the regulatory authority, provide proof of TCEQ certification, provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy and pay an annual, nonrefundable, tester registration fee (see Schedule of Fees).

(a) After notice and hearing, the Regulatory Authority may revoke a registration if the Regulatory Authority determines that the tester:

- (1) Has falsely, incompletely, or inaccurately reported assembly reports;**
- (2) Has used inaccurate gauges;**
- (3) Has used improper testing procedures;**
- (4) Has expired insurance;**
- (5) Is not in compliance with safety regulations;**
- (6) Has failed to register the serial number of his/her test kits or failed to calibrate gauges annually as required by this article.**
- (7) Has on three or more times in a calendar year failed to return completed test forms to the Regulatory Authority within the time period required by this article; or**
- (8) Has violated any other provision of this section.**

(b) The Regulatory Authority will maintain a current list of registered certified testers.

(c) A person commits an offense if the person tests a backflow prevention assembly within the City without being certified by the Commission.

(d) A person commits an offense if the person operates as a backflow prevention assembly tester within the City without registering with the Regulatory Authority.

Sec. 118-190.12. Cross-connection control and prevention fees.

Certified backflow prevention assembly tester registration fee. Annual registration fee for

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approved testers shall be a nonrefundable fee (see Contractor fee on Schedule of Fees).

Sec. 118-190.13. Enforcement.

(a) Violations

- (1) A person commits an offense if he fails to maintain backflow prevention assemblies in compliance with this section.**
- (2) A person commits an offense if he fails to comply with a repair order issued by the regulatory authority.**
- (3) A person commits an offense if backflow from premises he owns, operates or manages enters the public water supply system.**
- (4) A person commits an offense if he fails to pay any fees required by this article.**
- (5) A person commits an offense if he violates any section of this article.**
- (6) A person commits an offense if he reinstates water service to a premises discontinued or disconnected under this article, except as directed by the regulatory authority.**
- (7) A person in charge of any facility commits an offense if he allows an unregistered tester to perform testing work at their establishment.**
- (8) A person commits an offense if he tests a backflow prevention assembly within the City without being registered with the regulatory authority.**
- (9) A person commits an offense if he tests a backflow prevention assembly within the City without being certified by the TCEQ.**

(b) Penalties.

- (1) Criminal penalty. A person who violates any provision of this chapter is violating a City ordinance that governs health and sanitation and shall be guilty of a misdemeanor for each day or portion thereof during which the violation is continued. Each such offense is punishable by a fine not to exceed \$500.**
- (2) Civil actions. The director is hereby authorized to enforce this chapter by civil court actions in accordance with the procedures therefore provided by state or federal law, including, without limitation, actions for injunction, damages, declaratory relief or other remedies that the director shall deem appropriate to pursue.**
- (3) Civil penalties. Notwithstanding any other provisions of this chapter, if:**
 - (a) A person has received actual notice of the provisions of this chapter; and**
 - (b) After the person received notice of the provisions of this article, such person committed or continued acts in violation of this article or failed to take action necessary for compliance with this article, the City attorney may initiate a suit against the owner, occupant, or manager of premises that are in violation of this chapter, to recover a civil penalty not to exceed \$1,000 per day for each such violation. Each day or fractional part thereof that such noncompliance continues shall constitute a separate violation for which civil penalties shall accrue under this chapter. Water service may be discontinued if violations are not corrected within**

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five days of notification by the director.

A suit for civil penalties hereunder shall not prevent nor be a prerequisite for taking any other action against a person in violation of this article. Such suit may also include therein a request for such other and further relief as the City attorney shall deem advisable including, without limitation, an action for injunction or claim for damages to recover for expenses, loss, or damage to City property occasioned by reason of such violation.

(4) Remedies cumulative. All remedies authorized under this article are cumulative of all others unless otherwise expressly provided. Accordingly, the filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this article nor shall the filing of a civil action preclude the pursuit of any other action or remedy, administrative or criminal.

(5) Persons responsible. A person is responsible for a violation of this article if:

(a) The person commits or assists in the commission of a violation; or

(b) The person is the owner, occupant, or manager of the property or facility is determined to be the source of a violation of this article.

(6) Tenant responsibility. Where an owner of property leases or rents the same to any person as tenant or lessee, the owner or tenant or both may be held responsible by the director for noncompliance with the provisions of this article.

(7) Expenses, loss or damage. Any person violating the provisions of this article shall be liable to the City for all expenses, loss, or damage incurred by the City by reason of such violation.

(8) Failure to annually test. If the responsible party fails to have annual testing performed as required by this ordinance, the director may contract with a registered certified backflow prevention assembly technician to perform annual testing requirements and charge the customer for said expense(s) included with the monthly water bill. Nonpayment of this special billing shall be grounds for termination of service in accordance with this Code. The customer shall complete repairs and a re-certification of said assembly(s) within five days of a failed annual "test." Failure to repair defective backflow prevention assembly(s) within the appropriate time will result in notification to remove said service connection.

(9) Water service. The director may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required under this chapter.

(10) Certificate of occupancy. The director may require submittal of complete test and maintenance reports to the utility of any testable backflow prevention device installed prior to final release of water or wastewater inspections. Failure to secure final release of water or wastewater connections shall result in placement of a hold on the issuance of the certificate of occupancy from the department of planning and development.

(c) Sanction for failure to pay inspection fees in addition to sanctions provided for by this article. The City is entitled to exercise sanctions provided for by other ordinances of the City.

(d) A certified tester's registration may be reviewed and revoked by the City if the regulatory authority determines that the tester:

(1) Has falsely, incompletely, or inaccurately reported assembly reports;

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- (2) Has used inaccurate gauges;
- (3) Has used improper testing procedures; or
- (4) Has created a threat to public health or the environment.

Section 118-190.14. Appeal.

A person may appeal the decision of the Director or Regulatory Authority by making a written request for appeal to the Appeals Officer within seven (7) business days of the adverse decision or action. Appeal Officer means the City Manager designee that presides over appeals of the Director or Regulatory Authority actions or decisions. The appeal hearing shall be conducted no later than seven (7) business days following receipt of the notice of appeal unless the parties agree to a later date. The appeal shall be conducted by the Appeal Officer. The decision to the Appeal Officer shall be final.

SECTION 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$500. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 4. 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; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED on this 12th day of April 2016, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

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ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

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AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES" OF THE CITY OF BEDFORD CODE OF ORDINANCES BY REPEALING ARTICLE VI "CROSS CONNECTION CONTROL PROGRAM" AND REPLACING IT WITH A NEW ARTICLE VI "CROSS CONNECTION CONTROL PROGRAM;" PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the responsibility of the City to protect the public potable water supply of the City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system; and,

WHEREAS, it is the responsibility of the City to promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems in conjunction with the current adopted Plumbing Code; and,

WHEREAS, it is the responsibility of the City to provide for the maintenance of a continuing program of cross connection control that will systematically and effectively prevent the contamination or pollution of any City potable water by requiring the certification and operational testing of all testable backflow prevention assemblies located on a premises and requiring the installation of approved backflow prevention assemblies; and,

WHEREAS, the City is required to comply with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (30 TAC §§ 290.38 through 290.49).

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

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference.

SECTION 2. That Chapter 118 "Utilities" of the City of Bedford Code of Ordinances is amended by repealing Article VI "Cross Connection Control Program" and replacing it with a new Article VI "Cross Connection Control Program" to read in its entirety as follows:

Article VI. Cross Connection Control Program

Sec. 118-181. Cross-connection standards.

Every source of contamination or possible contamination from any contaminant which originates from, or is located at a residential or commercial establishment, which is connected to any public water supply or which provides water to the public, shall be equipped with the protection required under the provisions of this article.

Sec. 118-182. Definitions.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition or other technical terms used, shall have the meanings or definitions listed in the most recent adopted edition of the City Plumbing Code and/or the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California. A copy shall be kept on file with the City Secretary.

The following definitions shall apply to this article:

Air gap shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or nonpressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device and in no case, less than one inch.

Appeal Officer shall mean the City Manager designee that presides over appeals of the Director, Authority or Regulatory Authority actions or decisions.

Approved Backflow Prevention Assembly or Backflow Assembly or Assembly shall mean an assembly to counteract backpressure or prevent back-siphonage that meets the standards contained in the Plumbing Code.

Atmospheric vacuum breaker backflow prevention device or atmospheric vacuum breaker or AVB shall mean a device used to prevent back-siphonage in non-health hazard conditions. This device cannot be tested and cannot prevent backpressure backflow.

Authority shall mean the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

Auxiliary supply shall mean any water source or system other than the public water system that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.

Backflow prevention assembly or assembly shall mean an assembly to counteract back pressure or prevent back-siphonage.

Backflow shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the City's water.

Backflow Protection shall mean a means of protections backflow that shall be provided in accordance with the International Plumbing Code.

Backpressure shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.

Backsiphonage shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source, caused by a sudden reduction of pressure in the potable water supply system.

Boresight or Boresight to daylight shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

City or the City shall mean the City of Bedford or its' representative.

Commercial establishment shall mean property or location which is used primarily for manufacture, production, storage, wholesaling or retailing of services which is or may be placed in the flow of commerce, or any property or location which is used primarily for the provision of any service.

Commission shall mean the Texas Commission on Environmental Quality (TCEQ).

Contaminants shall mean any foreign material, solid or liquid, not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

Contamination means the admission of contaminants into the potable water supply system.

Cross-connection shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any nonpotable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.

Cross-connection control device shall mean any nationally approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.

Customer service inspection shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and/or the lead action level in solder or flux, pipe or pipe fittings exceeds acceptable State levels.

Degree of hazard shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.

(1) **Health hazard** means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

(2) **High hazard** means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death, to backflow into the potable water supply.

(3) **Low hazard** means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

(4) **Plumbing hazard** means an internal or plumbing-type cross-connection in a consumer's potable water system that may be either a pollution or a contamination-type hazard.

(4)(5) **Pollution hazard** means an actual or potential threat to the physical properties of the water system, or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances.

(5)(6) **System hazard** means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water supply, or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director shall mean the Public Works Director or their designee who is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the

~~enforcement of the provisions of this article.~~ Director shall mean the City Manager appointed Department Ordinance Administrator or their designees charged with the administration and enforcement of this Chapter.

Double check detector backflow prevention assembly or double check detector or DCDA shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.

Double check valve backflow prevention assembly or double check assembly or double check or DC shall mean an assembly which consists of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

Fire line tester shall mean a tester who is employed by a state approved fire line contractor and is qualified to test backflow prevention assemblies on fire lines only.

General tester shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service; except fire lines.

Mobile unit shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to: carpet cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations, and pest-control vehicles.

Nonresidential use shall mean water used by any person other than a residential customer of the water supply, and include all uses not specifically included in "residential uses".

Person shall mean any individual, partnership, associations, corporations, firms, clubs, trustees, receivers, and bodies politic or corporate.

Plumbing Code shall mean the City of Bedford ordinances governing plumbing in the City of Bedford, Texas, as amended.

Point-of-use isolation shall mean the appropriate backflow prevention within the consumers water system at the point at which the actual or potential cross-connection exists.

Potable water supply shall mean any water supply intended or used for human consumption or other domestic use.

Publicly Owned Treatment Works (POTW) shall mean a "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the City of Bedford and/or the Control Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For purposes of this Chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's sewer collection system.

Premises shall mean any piece of property to which water is provided; including all improvements, mobile structures, and structures located on it.

Premises isolation shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.

Pressure vacuum breaker backflow prevention assembly or pressure vacuum breaker or PVB shall mean an assembly which provides protection against back-siphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB, and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allow the full testing of the assembly.

Public water system or system shall mean any public or privately owned water system which supplies water for public domestic use. The system will include all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.

Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly or RPZ assembly or RPZ shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly.

Reduced pressure principle detector backflow prevention assembly or reduced pressure detector or RPDA shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.

Regulatory authority shall mean any municipal officer or department of the City, appointed by the City manager to administer this article.

Representative of the water system shall mean a person designated by the City to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

Residential use shall mean water used by any residential customer of the water supply and include single family dwellings, duplexes, multiplexes, housing and apartments where the individual units are each on a separate meter; or, in cases where two or more units are served by one meter, the units are full-time dwellings.

Service connection shall mean the point of delivery which the water purveyor loses control of the water.

Spill-resistant pressure vacuum breaker or SVB shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.

Tester shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the City and the TCEQ.

Thermal expansion shall mean heated water that does not have the space to expand.

TCEQ shall mean the Texas Commission on Environmental Quality.

Used water shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.

Water use survey shall mean a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

Sec. 118-183. Right-of-way encroachment.

No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided in this section.

~~(1) A backflow prevention assembly required by the City may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.~~
A backflow prevention assembly required by the Chapter may be installed upon or within any City right-of-way only when the City determines that there is no other feasible location for installing the assembly, installing it in the right-of-way will not interfere with traffic, utilities, and there is application and approval by the City of its Easement Use Agreement. The City retains the right to approve the location, height, depth, enclosure, installation, and other requisites of the assembly prior to its installation and the City shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.

~~(1) —~~

(2) Double check valve assemblies installed in the right-of-way shall be installed below or flush with the surrounding grade except when the City determines that it is not practicable to install it in this manner.

~~(3) All permits and inspections required by this Code to perform work in the right-of-way shall be obtained.~~
All permits, approvals and inspections required by applicable City Code of Ordinances and other law to perform work in the right-of-way shall be obtained.

~~(2)~~

~~(3)~~(4) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly which extends aboveground shall be located no closer than 18 inches to the face of the curb.

~~(4)~~(5) The City shall not be liable for any damage done to or caused by an assembly installed in

~~a right-of-way~~ A property owner shall, at the request of the City and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for the City's reconstruction, widening, or straightening of streets; placement or installation of traffic signals, traffic signs and street lights; or construction of any other City public improvement project.

~~(5)~~(6) A property owner shall, at the request of the City and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction, or repairs for purposes of public safety.

~~(6)~~(7) A person commits an offense if he/she fails to relocate a backflow prevention assembly located in or upon any City right-of-way after receiving a written order from the regulatory authority.

Sec. 118-184. Multiple connections.

~~Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the additional service lines to the~~

~~premises. The type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the buildings on the premises.~~ Any premises requiring multiple service connections for adequacy of supply and/or fire protection shall have a backflow prevention assembly required will be commensurate with the degree of potential hazard as determined by the Regulatory Authority in order to protect the water supply of the City from contamination or pollution.

Sec. 118-185. Backflow prevention assembly requirement.

(a) The backflow prevention assembly protection which is required under this ordinance shall be any of the duly nationally recognized and authorized backflow prevention assemblies listed in a State of Texas approved Plumbing Code, or as determined by the regulatory authority. Each backflow prevention assembly must have been approved by the regulatory authority prior to installation. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the regulatory authority. The regulatory authority shall determine the type and location of a backflow assembly to be installed within the area served by the City. The assembly will be required in each of the following circumstances, but the representative is in no way limited to the following circumstances:

(1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the potable water supply.

(2) Premises having one or more cross-connections.

(3) Internal cross-connections are present that are not correctable.

(4) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.

(5) When a premises has a repeated history of cross-connections being established or re-established.

~~(4)~~

~~(5)~~(6) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.

(7) When materials are being used such that if a backflow should occur, a health hazard could result.

~~(8) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the City.~~When installation of an approved backflow prevention assembly is deemed by the Regulatory Authority to be necessary to protect the water supply of the City from contamination or pollution.

~~(6)~~

~~(9) An appropriate cross-connection survey report form has not been filed with the public works/water utilities department of the City upon request of the City.~~When an appropriate cross-connection survey report form has not been filed with the Regulatory Authority.

~~(7)~~

~~(8)~~(10) A fire suppression system that is connected to the City's water system.

~~(9)~~(11) A new construction, if deemed necessary in the customer service inspection. The type of assembly required will be determined by the degree of hazard. In all new non-residential construction there shall be installed an approved backflow prevention assembly at the service connection. The type of backflow prevention assembly required will be commensurate with the degree of hazard as determined by the Regulatory Authority in order to protect the water supply of the City from contamination or pollution.

~~(12) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.~~When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.

~~(10)~~

(13) When a premises is required to have backflow prevention assemblies, but water cannot be turned off during the testing of such assemblies, the premises shall be equipped with dual backflow prevention assemblies of the same type so that testing, repair and maintenance can be performed.

~~(11)~~(14) Any used water return system.

~~(12)~~(15) In the event a point-of-use assembly has not had the testing or repair done as required by this article, a premises isolation assembly will be required.

~~(16) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.~~If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required. When the Regulatory Authority determines that additions or alterations have been made to the plumbing system without the proper permits as required by the Plumbing Code, premises isolation shall be required.

~~(13)~~

~~(14)~~(17) All multistory non-residential buildings or any building with a booster pump, or elevated

storage tank.

~~(18) Retrofitting will be required on all high hazard connections and wherever else the City deems necessary to retrofit.~~ Retrofitting will be required on all high hazard connections and wherever else the City deems necessary to retrofit. Retrofitting shall be required on all high hazard connections and on all other connections where the Regulatory Authority deems it necessary to retrofit in order to protect the water supply of the City from contamination or pollution.

~~(15)~~

(19) When reclaimed water is supplied to the site, an RPZ shall be installed on the potable water supply just inside the property line and before any branch connections and a double check backflow device shall be installed on the reclaimed water supply just inside the property line and before any branch connections.

(b) All backflow prevention assemblies installed after the effective date of this article shall be installed in a manner designed to facilitate ease of inspection by the regulatory authority of the City or his chosen representative. Any currently installed backflow prevention assemblies which are located in inaccessible locations, or where the tester is subject to physical danger, shall be relocated to approved locations following current national guideline standards.

(c) A person commits an offense if the person owns or is in control of any premises and fails to install and maintain backflow prevention assemblies on said premises as required by this section.

(d) A person commits an offense if the person owns, operates or manages any premises and backflow from the premises enters the public water supply system.

Sec. 118-186. Testing of assemblies.

(a) The regulatory authority shall inspect and test, or cause to be inspected and tested, all backflow prevention assemblies in each of the following circumstances:

(1) Immediately after installation;

(2) Whenever the assembly is moved;

(3) A minimum of once a year for all backflow prevention assemblies at commercial facilities;

~~(4) A minimum of once a year for all high hazard backflow prevention assemblies;~~ A minimum of once a year for all assemblies providing protection against health hazards;
(4)

(5) Premises that have been vacated and unoccupied for one year, prior to re-occupancy; or

(6) Immediately after repairs.

(b) All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the regulatory authority.

(c) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article. Persons and occupants of premises which are provided water service by the City,

either directly or indirectly, shall allow the City or their representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(d) The City is not liable for damage to a backflow prevention assembly which may occur during testing.

(e) The regulatory authority may cause a water use survey to be conducted at any establishment located in the City which is served by a public water supply or which provides water to the public. Upon determination by the regulatory authority that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, the regulatory authority shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.

~~(f) It is the responsibility of any person who owns or controls property to have all assemblies tested in accordance with this article. Assemblies may be required to be tested more frequently if the regulatory authority deems necessary.~~

(f) Backflow prevention assemblies may be required to be tested more frequently if the Regulatory Authority deems it necessary to protect the water supply of the City from contamination or pollution.

~~(g) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a form that is provided by the City.~~ All results from backflow prevention assembly testing by a certified backflow prevention assembly test shall be placed on a form that shall be obtained by the tester from the City.

~~(g)(h) A person commits an offense if the person owns or is in control of any premises and fails or refuses to have the backflow prevention assemblies installed on said premises, inspected or tested as required by this section.~~

Sec. 118-187. Thermal expansion.

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion, if a closed system has been created by the installation of a backflow assembly. The City shall not accept any liability resulting from thermal expansion at the customer's property.

Sec. 118-188. Pressure loss.

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.

Sec. 118-189. Residential service connections.

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross connection or have an approved backflow assembly installed in accordance with this article.

Sec. 118-190. Rental properties.

Any person who owns or controls property is responsible for the installation, testing and repair of all backflow assemblies on their property.

Sec. 118-191. Customer service inspection.

(a) Pursuant to TCEQ water system regulations, a customer service inspection for cross connection control shall be completed by the regulatory authority prior to providing continuous water service in each of the following circumstances:

- (1) Water service to a newly constructed facility or previously nonexistent premises.
- (2) After any material improvement to building(s) or premises.
- (3) Any correction or addition to the plumbing of any facility or premises. Any correction or addition to the plumbing of any facility or premises served by the City; or,
- ~~(4) The regulatory authority deems it necessary.~~ The regulatory authority deems it necessary to protect the water supply of the City from contamination or pollution.
(4)
- (5) Please see the "Schedule of fees" for State Mandated Annual Customer Service Inspections regarding hospitals, apartments, nursing and long-term care homes, daycares, dental offices, convenience stores with fountain drink stations, car washes, animal care centers, etc.

(b) Permanent water service shall not be supplied to a new construction facility(s) until after the

customer service inspection is completed by the regulatory authority or representative.

(c) Temporary water services which possess a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.

(d) The Customer Service Inspection must certify that:

1. No pipe or pipe fitting which contains more than .25% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
2. No solder or flux which contains more than .2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

Section 118-192. Access to Premises.

(a) Every person provided water service by the City directly or indirectly shall permit the Regulatory Authority to enter their premises and buildings for the purpose of inspecting pipes and fixtures and the manner in which water is used to determine compliance with this Chapter. The Regulatory Authority's right of entry is a condition of the person's water service or connection to the City's public water system.

(b) The person shall promptly remove, at the person's sole expense, a security barrier or other obstacle to access by the Regulatory Authority to the person's premises.

(c) In connection with action by the Regulatory Authority under this Chapter, a person with water service provided by the City commits an offense if the person:

1. Fails to remove a barrier or obstacle to access by the Regulatory Authority; or,
2. Unreasonable delays access by the Regulatory Authority.

(d) The Regulatory Authority may apply to the municipal court or other court of competent jurisdiction for a search warrant if:

1. A person denies the Regulatory Authority access to a building, structure, property, or a public or private potable system connected to the City's public water system; or
2. The Regulatory Authority has probable cause to believe there is:
 - (a) A violation of this article or other enforcement order;
 - (b) A need to conduct a cross-connection inspection or cross-connection survey; or,
 - (c) A threat to public health or safety.

Section 118-193 Enforcement.

(a) The Regulatory Authority shall have the authority and responsibility to enforce the provisions of this article and the state statutes regarding cross-connections, when applicable.

(b) The Regulatory Authority shall inspect or cause to be inspected all backflow prevention assemblies installed pursuant to the requirements of this article.

(c) For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational.

(d) Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the Regulatory Authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational.

(e) The Regulatory Authority may, without prior notice, suspend water service to any premises when the Regulatory Authority finds such suspension is necessary to prevent or stop an actual or threatened backflow which presents, or may present imminent and substantial danger to the environment, the public water supply, or the health and welfare of any person.

As soon as practicable after the suspension of service, the Regulatory Authority shall notify the owner or person in charge of the premises of the suspension in person or by certified mail, return receipt requested. When time permits, the Regulatory Authority may notify the owner or person in charge prior to suspending water service. Notice shall provide the date that service will be or was discontinued without further notice, the reason for discontinuance, within fifteen (15) days from the date of notice. Services are not reinstated upon request for an administrative review. The Regulatory Authority may not reinstate suspended services until:

1. The person presents proof, satisfactory to the Regulatory Authority, that the actual or threatened backflow has been eliminated and its cause determined and corrected;
2. The person pays the City for all costs the City incurred in responding to the actual or threatened backflow; and
3. The person pays the City for all costs the City will incur in reinstating service.

(f) A person commits an offense if the person reinstates water service to any premises for which the Regulatory Authority has suspended water service in order to prevent or stop an actual or threatened backflow which presents, or may present imminent and substantial danger to the environment, the public water supply, or the health and welfare of any person, except as directed by the Regulatory Authority.

Sec. 118-~~192~~194. Installation guidelines, requirements, standards, and specifications.

(a) General to ensure proper operation and accessibility of all backflow prevention assemblies, the following national guideline requirements shall apply to the installation of these assemblies.

~~(1) Backflow prevention assemblies shall be installed in accordance with the current TCEQ Rules and Regulations. The assembly installer must obtain the required plumbing permits and have the installation inspected by a representative of the regulatory authority.~~
Backflow prevention assemblies shall be installed in accordance with the Plumbing Code, Commission rules, this article, and other relevant law. The assembly installer shall obtain the required plumbing permits prior to installation and shall have the assembly inspected by the Regulatory Authority.

~~(1)~~ At those facilities where the regulatory authority requires a backflow prevention assembly to be installed at the point of delivery of the water supply, such installation of the assembly must be before any branch in the line and on private property located just inside the boundary between the City right of way and the landowner's property. The regulatory authority may specify other areas for installation of the assembly. Assemblies that must be installed or are located on City rights-of-way are the responsibilities of the business or entity that the water line is serving. When the Regulatory Authority requires a backflow prevention assembly to be installed at the point of delivery of both potable and reclaimed water supplies, such installation of the assembly shall be before any branch in the line and on private property located just inside the boundary between the City right-of-way and the landowner's property. Other areas of installation of a backflow prevention assembly may be required when the Regulatory Authority deems it necessary in order to protect the water supply of the City from contamination or pollution.

~~(2)~~

~~(3)~~**(2)** The assembly must be protected from freezing and other severe weather conditions.

~~(4)~~**(3)** All backflow prevention assemblies shall be of a type and model approved by the regulatory authority.

~~(4)~~ All vertical installations of backflow assemblies must have prior approval by the regulatory authority. Vertical installations of backflow assemblies shall be approved in writing by the Regulatory Authority prior to installation.

~~(5)~~

~~(5)~~ Assemblies installed more than five feet above floor level must have a suitable platform for use by testing or maintenance personnel. Backflow prevention assemblies that are larger than four (4) inches and are installed more than five (5) feet or higher above the floor level shall be equipped with a rigidly and permanently installed scaffolding acceptable to the Regulatory Authority.

~~(6)~~

~~(7)~~**(6)** Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed.

~~(7)~~ Premises, where an uninterrupted water supply is critical, should be provided with two assemblies installed in parallel. They should be sized in such a manner that either assembly will provide the maximum flow required. Premises that require backflow prevention assemblies, where an uninterrupted, continuous water supply is critical shall be provided with two (2) assemblies installed in parallel for testing, maintenance, or repair. They should be sized in such a manner that either assembly will provide the maximum flow required or desired.

~~(8)~~

~~(9)~~**(8)** Lines should be thoroughly flushed prior to installation. A strainer with blowout tapping may be required ahead of the assembly.

~~(10)~~**(9)** All facilities that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair, and maintenance can be performed.

~~(11)~~**(10)** The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.

~~(11) Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report.~~ Upon completion of installation, the regulatory authority shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the regulatory authority and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, and initial test report. Upon completion of installation, the Regulatory Authority shall be notified and all backflow prevention assemblies shall be inspected and tested. The original test report shall be: signed and dated by the tester; contain test gauge make, model, serial number, and calibration date; name of tester; state certification number of tester; facility name, address and telephone number; and, submitted to the Regulatory Authority.

~~(12)~~

~~(12) A person commits an offense if the person installs a backflow prevention assembly in violation of this article.~~

~~(13) A person commits an offense if the person fails to notify the Regulatory Authority of installation, to inspect and test, or to report the test report in compliance with this article.~~

(b) Reduced pressure principle backflow prevention assembly (RPZ) may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RPZ is normally used in locations where an air gap is impractical. The RPZ is effective against both backsiphonage and backpressure.

(1) RPZs must be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. Consult manufacturer's specifications for specific performance data.

~~(2) The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RP assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies.~~ The assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishing would not occur from relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from an RPZ assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain, and in no case less than one (1) inch. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly; this assembly will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.

~~(2)~~

~~(3)~~(2) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPZs are typically installed above grade in well drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.

~~(4)~~(3) Enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.

~~(5)~~(4) Assemblies two inches and smaller shall have at least six-inch clearance on both sides

and on top of the assembly, and 12 inches below and behind the assembly. All assemblies larger than two inches shall have a minimum of 12 inches on the back side, 24 inches on the test cock side, and the relief valve opening shall be at least 12 inches plus nominal size of assembly above the floor or highest possible water level. Headroom of six feet zero inches is required in vaults without a fully removable top. A minimum access opening of ~~30~~36 inches is required on all vault lids.

~~(6)~~(5) All RPZ assemblies must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the ~~R~~egulatory ~~A~~uthority upon installation of any backflow prevention assembly.

(3) Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval by regulatory authority. Any deviation shall be prohibited without prior written approval of the Regulatory Authority.

~~(7)~~(6)

(c) Reduced pressure principle detector backflow prevention assembly (RPDA) may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

(1) RPDA's shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RPZ).

(2) The line-size RP assembly and the bypass RPZ assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(d) Double check valve backflow prevention assembly (DC) may be utilized at premises where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system.

(1) DCs must be sized to provide an adequate supply of water and pressure for premises being served. Consult manufacturer's specifications for specific performance data.

(2) Premises, where an uninterrupted water supply is critical, should be provided with two assemblies installed in parallel. Assemblies should be sized in such a manner that either assembly will provide the minimum water requirements while the two together will provide the maximum flow required.

(3) The assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass pipe plugs. All vaults shall be well drained, constructed of suitable materials, and sized to allow for the minimum clearances established below.

(4) Assemblies two inches and smaller shall have at least six-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall be not more than 24 inches below grade. All assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, and 12 inches below the assembly. Headroom of six feet zero inches is required in vaults without a fully removable top. A minimum access opening of ~~30~~36 inches is required on all vault lids. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes.

(5) Vertical installations of DCs are allowed only on sizes up to and including four inches that meet the following requirements:

- a. Internally spring-loaded check valves;
- b. Flow is upward through assembly;
- c. ~~Manufacturer states their assembly can be used in a vertical position; and~~ Manufacturer and University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research states the assembly can be used in a vertical position; and
- ~~c.~~
- d. ~~Approved by director.~~ Approved by the Regulatory Authority
- ~~d.~~

(6) All DCs must be tested in accordance with this article. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.

(7) Variances from these specifications will be evaluated on a case-by-case basis. ~~Any deviations must have prior written approval by the regulatory authority.~~ Any deviations shall be prohibited without prior written approval of the Regulatory Authority.

(e) Double check detector backflow prevention assembly (DCDA) may be utilized in all installations requiring a double check valve assembly and detector metering.

(1) DCDA's shall comply with the installation requirements applicable for double check valve assemblies (DCs).

(2) The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

(f) Pressure vacuum breaker backflow prevention assembly (PVB) may be utilized at point-of-use protection only and where a substance is handled that would be objectionable but not hazardous to health if introduced into the potable water system. PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

(1) Assembly shall be installed a minimum of 12 inches above highest downstream piping.

(2) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.

(3) The assembly shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly.

(4) All PVBs must be tested in compliance with this article. Tests are the responsibility of the assembly owner. The owner must notify the regulatory authority upon installation of any backflow prevention assembly.

(5) Variances from these specifications will be evaluated on a case by case basis. ~~Any deviations must have prior written approval of the regulatory authority.~~ Any deviations shall be prohibited without prior written approval of the Regulatory Authority.

(g) Spill resistant pressure vacuum breaker backflow prevention assembly (SVB) may be utilized in all installations requiring a pressure vacuum breaker.

(1) SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

(h) Atmospheric vacuum breakers (AVB) provide minimal protection and are approved for very low hazard application only. AVBs protect against backsiphonage only and are prohibited where there is potential for backpressure.

(1) The assembly shall be installed a minimum of six inches above the highest use outlet or overflow level downstream from assembly.

(2) Shut-off valves downstream from the assembly are prohibited.

(3) AVBs are allowed for only those applications where there is less than 12 hours per day of continuous use.

(4) AVBs cannot be installed below grade.

(5) AVBs cannot be used around toxic or poisonous fumes.

(6) AVBs shall not be installed in an area subject to flooding or where damage may occur from water discharge.

(7) AVBs are allowed for point-of-use protection only.

(7) Sec. 118-~~193~~195. Air gap separation.

Air gaps provide maximum protection from backflow hazards and should be utilized at all locations where "high" hazardous substances are at risk of entering the potable water system. Air gap separations provide maximum protection from backflow hazards and may be utilized at premises where a substance is handled that would be hazardous to health if introduced into the potable water system.

(1) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch. If splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45° angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.

(2) Air gap separations shall not be altered in any way without prior approval from the regulatory authority and must be available for inspection at all reasonable times.

(3) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening at a distance greater than three times the diameter of the effective opening for a single wall, or at a distance greater than four times the effective opening for two intersecting walls.

Sec. 118-~~194~~196. Fire suppression systems.

All new installations of a fire suppression system, which utilize the City's potable water supply, shall have installed an approved backflow prevention device according to the degree of hazard.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each 24-hour period; unless a variance has been issued in writing from the regulatory authority. A RPDA must be installed if any solution other than the potable water can be introduced into the sprinkler system.

A double check valve assembly (DCVA) approved by the Regulatory Authority shall be the minimum protection required for fire sprinkler systems using piping material that is not approved for potable water use and/or that do not provide for periodic flow-through during each 24 hour period, unless a variance has been issued in writing from the Regulatory Authority. A reduced pressure principle assembly (RPZ) shall be installed when any solution other than potable water can be introduced into the sprinkler system, unless an air gap is used to protect a tank supplying the system.

(1) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners to notify the regulatory authority. All costs associated with this article and the purchase, installation, testing and repair of a DCDA or RPDA is the responsibility of the property owner and persons in charge of any premises.

(2) Upon the approved installation of the DCDA or RPDA, a cross-connection test report completed by a licensed fire line tester must be sent to the attention of the regulatory authority or his representative and include the information required by this article. Upon the approved installation of the DCVA, RPZ, or approved backflow prevention assembly, a licensed fire line tester shall complete a backflow test report and submit the completed report to the Regulatory Authority as required by this article.

(2)

(3) A single detector check is required to be installed at the City right-of-way on all fire systems over 80 feet in length if the double check assembly is installed in the building and is connected to the water system. Vaults are required to be used for installation of backflow valves on fire suppression systems. All backflow valves/vaults used on fire suppression systems shall be located as close to the right-of-way as possible, but shall be located no further than 80 feet from the riser room. If the backflow valve can be installed inside the building, and remain within 80 feet from the riser room, the valves may be installed inside the building. Only the Director of Public Works shall, by written approval, grant a variance to the distance requirement.

(4) All fire line equipment, including installed backflow prevention assemblies, piping and valves shall be installed by an approved fire line contractor as per the Texas Department of Insurance's State Fire Marshal's Office.

(5) All existing fire backflow prevention on the fire system must be inspected and tested annually. Installation or retro-fitting of a new device must be tested and, in addition, must be inspected on an annual basis.

(6) The Director of Public Works is responsible for ensuring that the above mentioned requirements are met (30TAC, §290.46 (i)) by using an approved fire line system contractor. Backflow prevention assembly testers may test and repair assemblies on fire lines only if they are permanently employed by an approved fire line contractor. The State Fire Marshal's Office requires that any person performing maintenance on fire lines shall be employed by an approved fire line contractor.

Sec. 118-~~195~~197. Fire hydrant protection.

An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assemblies (RPDA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply. A RPDA must be installed if any solution other than the potable water can be introduced into the public water system. Reduced pressure principle assemblies (RPZ) that have been approved by the Regulatory Authority shall be required protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other uses which would pose a potential hazard to the public water supply. An RPZ

is required if any solution other than the potable water can be introduced into the system.

(1) It is the responsibility of all persons engaging in the use and rental of a fire hydrant water meter to abide by the conditions of this article. All fire hydrant water meter rentals shall meet the current requirements as provided for by the utility customer service division.

(2) Only City fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the City limits.

(3) A deposit is required to ensure the return of all water meter and backflow assemblies to the utility customer billing division. Failure to return the assemblies can result in the forfeiture of deposit and/or enforcement action being taken against the responsible party, as allowed for in the penalty section of this article (see Schedule of Fees).

(4) All nonapproved fire hydrant meters which are found to be in use in the City will be confiscated and enforcement action taken against the responsible party, as allowed for in the enforcement section in this article.

Sec. 118-~~196~~198. Compliance for lawn irrigation.

All lawn irrigation system installations shall obtain a permit issued by the building inspection department for such installations. Installation requirements must comply with the current City plumbing code and or guidelines for the appropriate device found in this article. Interconnections of the potable water supply with an alternate water source is prohibited unless appropriate backflow protection is installed. High hazard backflow protection devices must be installed if any mechanical injection stations are used with the irrigation system. All lawn irrigation systems shall obtain a permit issued by the Building Inspection Department for installation and shall be installed in compliance with the Plumbing Code, the Irrigation article and this article. Interconnections of the potable water supply with an alternate water source are prohibited. When an irrigation system is connected to a reclaimed water supply, a double check backflow prevention assembly shall be installed immediately past the City meter just outside City right-of-way (ROW) before any branch connections and the potable water supply to this site is required to have an RPZ backflow device.

Sec. 118-~~197~~199. Mobile units.

The connection of a mobile unit to any potable water system is prohibited unless such connection is protected by an air gap or an approved backflow prevention assembly. Prior approval and annual device testing of any backflow prevention assembly must be received from the regulatory authority before connecting to any potable water system. A person commits an offense if the person operates or causes to be operated a mobile unit in violation of this section.

Sec. 118-~~198~~200. Responsibilities.

(a) Property owner. It is the responsibility of all property owners and/or persons in charge of any premises to abide by the conditions of this article and to comply with the following:

(1) Payment of all costs associated with this article and the purchase, installation, testing and repair of backflow prevention assemblies.

(2) To have installed and maintain all backflow prevention assemblies in accordance with this article and acceptable industry practice.

(3) All commercial establishments shall cause to have all backflow prevention assemblies on

their premises tested annually. Such testing must be conducted by a certified cross connection tester who is registered with the City.

(4) Maintain all backflow prevention assemblies in proper working order at all times, including repair as required.

(5) Maintain all backflow prevention assemblies in a manner which allows them to be tested by a method that has been approved by the regulatory authority.

(6) All records related to backflow prevention assembly installation, testing and repair shall be maintained on the premises for a minimum of three years.

(7) A person commits an offense if a person fails to maintain backflow prevention assemblies in compliance with this section.

(8) A person commits an offense if the person fails to comply with a repair order issued by the Regulatory Authority.

(b) No certified backflow assembly tester shall operate within the City without first registering with the Regulatory Authority. The Regulatory Authority shall determine whether an applicant is eligible for registration. Certified backflow prevention assembly tester shall comply with the following requirements:

(1) Annually register with the regulatory authority and pay the required fee (see Schedule of Fees).

(2) Maintain testing equipment in proper working condition calibration.

(3) Maintain the design or operation characteristics of an assembly.

(4) Ensure that devices are tested according to accepted industry practice and TCEQ regulations.

(5) Enter required testing data, including test gauge serial numbers, on cross-connection test forms obtained from the regulatory authority.

(6) Report test results to the regulatory authority within 30 days of testing.

(7) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.

(8) Maintain testing and/or repair records for a minimum of three years.

(9) File the serial number of each of his/her test kits with the Regulatory Authority.

(10) Annually have each recorded test kit tested for accuracy and calibrated to maintain a two (2) percent accuracy factor; testing is required annually and calibrations are required when out of specification. Calibrations are on an as needed basis.

(11) Perform competent and accurate certifications on each backflow prevention assembly tested and shall submit complete original, signed and dated reports on the City approved forms;

(12) Shall not commingle backflow test gauges used on the reclaimed water system or other non-potable water system.

(c) Regulatory authority. The regulatory authority shall inspect and initially test, or cause to be tested, all backflow prevention assemblies installed pursuant to the requirements of this article. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the regulatory authority shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The City shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

(d) Registration shall begin January 1 – December 31 of each year. All backflow registrations expire December 31 of the year in which the certified backflow assembly tester registered with the City.

Sec. 118-~~199~~201. Backflow prevention assembly tester certification registration required.

Only approved TCEQ licensed backflow prevention assembly testers can test in the City. Testers must register annually with the regulatory authority, provide proof of TCEQ certification, provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy and pay an annual, nonrefundable, tester registration fee (see Schedule of Fees).

(a) After notice and hearing, the Regulatory Authority may revoke a registration if the Regulatory Authority determines that the tester:

(1) Has falsely, incompletely, or inaccurately reported assembly reports;

(2) Has used inaccurate gauges;

(3) Has used improper testing procedures;

(4) Has expired insurance;

(5) Is not in compliance with safety regulations;

(6) Has failed to register the serial number of his/her test kits or failed to calibrate gauges annually as required by this article.

(7) Has on three or more times in a calendar year failed to return completed test forms to the Regulatory Authority within the time period required by this article; or

(8) Has violated any other provision of this section.

(b) The Regulatory Authority will maintain a current list of registered certified testers.

(c) A person commits an offense if the person tests a backflow prevention assembly within the City without being certified by the Commission.

(d) A person commits an offense if the person operates as a backflow prevention assembly tester within the City without registering with the Regulatory Authority.

Sec. 118-~~200~~202. Cross-connection control and prevention fees.

Certified backflow prevention assembly tester registration fee. Annual registration fee for approved testers shall be a nonrefundable fee (see Contractor fee on Schedule of Fees).

Sec. 118-~~201~~203. Enforcement.

(a) Violations

(1) A person commits an offense if he fails to maintain backflow prevention assemblies in compliance with this section.

(2) A person commits an offense if he fails to comply with a repair order issued by the

regulatory authority.

(3) A person commits an offense if backflow from premises he owns, operates or manages enters the public water supply system.

(4) A person commits an offense if he fails to pay any fees required by this article.

(5) A person commits an offense if he violates any section of this article.

(6) A person commits an offense if he reinstates water service to a premises discontinued or disconnected under this article, except as directed by the regulatory authority.

(7) A person in charge of any facility commits an offense if he allows an unregistered tester to perform testing work at their establishment.

(8) A person commits an offense if he tests a backflow prevention assembly within the City without being registered with the regulatory authority.

(9) A person commits an offense if he tests a backflow prevention assembly within the City without being certified by the TCEQ.

(b) Penalties.

(1) **Criminal penalty.** A person who violates any provision of this chapter is violating a City ordinance that governs health and sanitation and shall be guilty of a misdemeanor for each day or portion thereof during which the violation is continued. Each such offense is punishable by a fine not to exceed \$500.

(2) **Civil actions.** The director is hereby authorized to enforce this chapter by civil court actions in accordance with the procedures therefore provided by state or federal law, including, without limitation, actions for injunction, damages, declaratory relief or other remedies that the director shall deem appropriate to pursue.

(3) **Civil penalties.** Notwithstanding any other provisions of this chapter, if:

(a) A person has received actual notice of the provisions of this chapter; and

(b) After the person received notice of the provisions of this article, such person committed or continued acts in violation of this article or failed to take action necessary for compliance with this article, the City attorney may initiate a suit against the owner, occupant, or manager of premises that are in violation of this chapter, to recover a civil penalty not to exceed \$1,000 per day for each such violation. Each day or fractional part thereof that such noncompliance continues shall constitute a separate violation for which civil penalties shall accrue under this chapter. Water service may be discontinued if violations are not corrected within five days of notification by the director.

A suit for civil penalties hereunder shall not prevent nor be a prerequisite for taking any other action against a person in violation of this article. Such suit may also include therein a request for such other and further relief as the City attorney shall deem advisable including, without limitation, an action for injunction or claim for damages to recover for expenses, loss, or damage to City property occasioned by reason of such violation.

(4) **Remedies cumulative.** All remedies authorized under this article are cumulative of all others

unless otherwise expressly provided. Accordingly, the filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this article nor shall the filing of a civil action preclude the pursuit of any other action or remedy, administrative or criminal.

(5) **Persons responsible.** A person is responsible for a violation of this article if:

(a) The person commits or assists in the commission of a violation; or

(b) The person is the owner, occupant, or manager of the property or facility is determined to be the source of a violation of this article.

(6) **Tenant responsibility.** Where an owner of property leases or rents the same to any person as tenant or lessee, the owner or tenant or both may be held responsible by the director for noncompliance with the provisions of this article.

(7) **Expenses, loss or damage.** Any person violating the provisions of this article shall be liable to the City for all expenses, loss, or damage incurred by the City by reason of such violation.

(8) **Failure to annually test.** If the responsible party fails to have annual testing performed as required by this ordinance, the director may contract with a registered certified backflow prevention assembly technician to perform annual testing requirements and charge the customer for said expense(s) included with the monthly water bill. Nonpayment of this special billing shall be grounds for termination of service in accordance with this Code. The customer shall complete repairs and a re-certification of said assembly(s) within five days of a failed annual "test." Failure to repair defective backflow prevention assembly(s) within the appropriate time will result in notification to remove said service connection.

(9) **Water service.** The director may refuse or discontinue water service if a backflow prevention assembly is not installed, certified for operation, repaired or replaced as required under this chapter.

(10) **Certificate of occupancy.** The director may require submittal of complete test and maintenance reports to the utility of any testable backflow prevention device installed prior to final release of water or wastewater inspections. Failure to secure final release of water or wastewater connections shall result in placement of a hold on the issuance of the certificate of occupancy from the department of planning and development.

(c) **Sanction for failure to pay inspection fees in addition to sanctions provided for by this article.** The City is entitled to exercise sanctions provided for by other ordinances of the City.

(d) **A certified tester's registration may be reviewed and revoked by the City if the regulatory authority determines that the tester:**

(1) Has falsely, incompletely, or inaccurately reported assembly reports;

(2) Has used inaccurate gauges;

(3) Has used improper testing procedures; or

(4) Has created a threat to public health or the environment.

[Section 118-204. Appeal.](#)

A person may appeal the decision of the Director or Regulatory Authority by making a written request for appeal to the Appeals Officer within seven (7) business days of the adverse decision or action. Appeal Officer means the City Manager designee that presides over appeals of the Director or Regulatory Authority actions or decisions. The appeal hearing shall be conducted no later than seven (7) business days following receipt of the notice of appeal unless the parties agree to a later date. The appeal shall be conducted by the Appeal Officer. The decision to the Appeal Officer shall be final.

SECTION 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined \$500. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 4. 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; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED on this 12th day of April 2016, by a vote of ___ ayes, ___nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Backflow/Cross Connection Ordinance

Bedford City Council
Tuesday, April 12, 2016

Texas Commission on Environmental Quality

- The Texas Commission on Environmental Quality (TCEQ) conducted an inspection of the City of Bedford's Backflow Prevention and Cross Connection program.
- Program was found to be out of compliance with TCEQ requirements.



**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

Items Addressed

- Definitions such as “Health Hazards” vs “High Hazards” within the public water distribution system.
- Terminology adjustments such as “Director of Public Works” instead of “Director of Water Utilities.”
- Explanation of the Registration of Certified Backflow Prevention Assembly Testers.
 - Section 118-190.10(d) pertaining to annual Backflow Registration expiration dates with the City of Bedford.

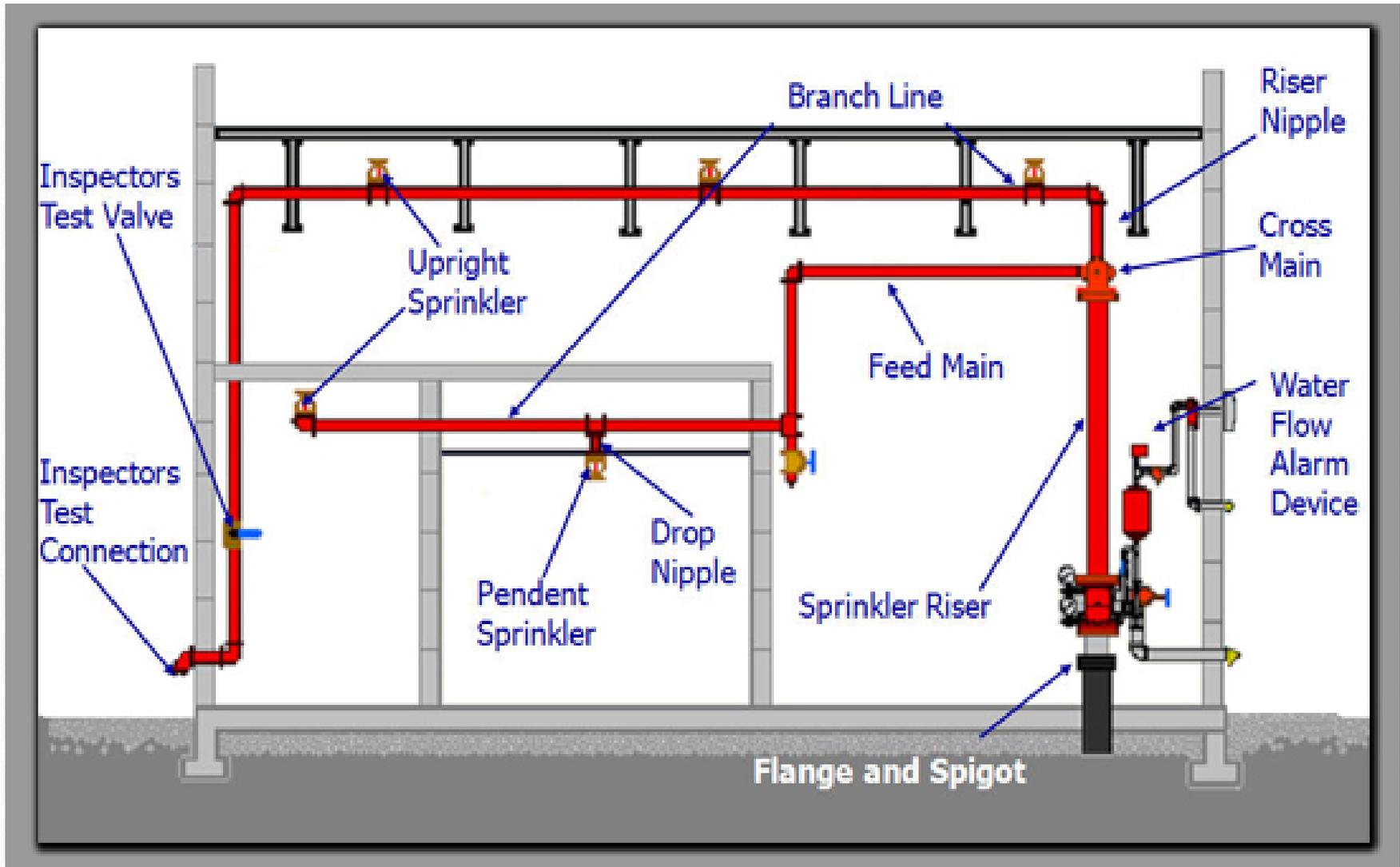
Amendments

- Fire Protection Systems:
 - Section 118-190.6(3), regarding the installation of detector check guidelines were updated to identify the proper location of installation.
 - Section 118-190.6(5) was added to address “All existing Fire backflow prevention on the fire system must be inspected and tested annually. Installation or retro-fitting of a new device must be tested and, in addition, must be inspected on an annual basis.”

Amendments continued

- Section 118-196(6) was added to address “The Director of Public Works is responsible for ensuring that the above mentioned requirements are met (30TAC, Sections 290.46(i)) by using an approved fire line system contractor. Backflow prevention assembly testers may test and repair assemblies on fire lines only if they are permanently employed by an approved fire line contractor. The State Fire Marshal’s Office requires that any person performing maintenance on fire lines shall be employed by an approved fire line contractor.”

Example: Fire Line System

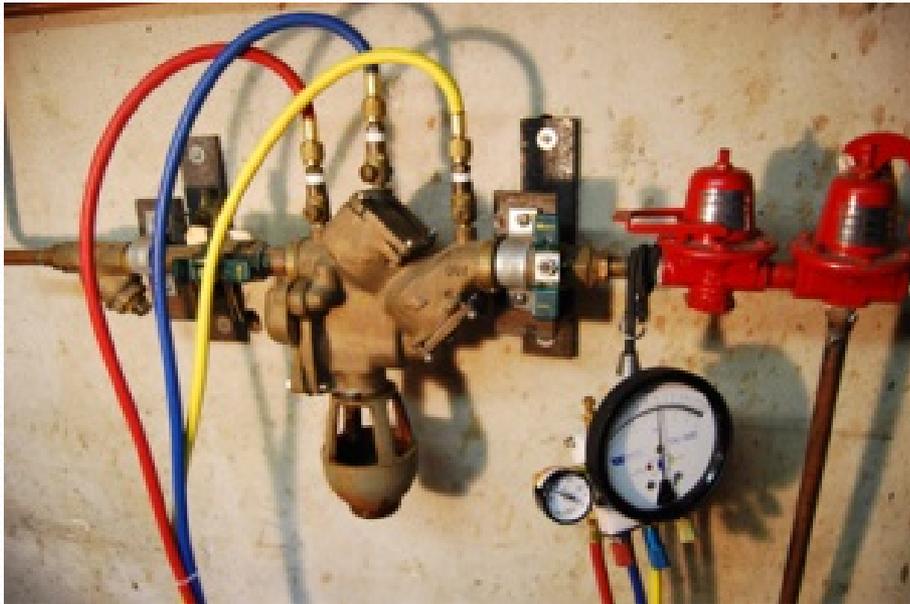


Amendments continued

- Customer Service Inspection:
 - Section 118-190.1(d) was added to address that the customer service inspection must certify that:
 - 1) No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
 - 2) No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

Corrections

- Public Works staff reviewed and updated the Backflow Prevention/Cross Connection Program with the corrections identified in the TCEQ inspection report dated October 1, 2015. The amendments were sent to TCEQ for approval and acknowledged compliance with TCEQ regulation requirements.
- In addition to the amendments, the Backflow Prevention Test Reports were updated per TCEQ's recommendation. Reports forms were printed in triplicate to fulfill requirements in which the original is turned into Public Works, and copies are provided to businesses and residents.





Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 04/12/16

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider an ordinance of the City Council of the City of Bedford, Texas appointing Tim Murphy as Municipal Court Judge for the Bedford Municipal Court.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

At the March 22, 2016 Council meeting, Council voted to appoint Tim Murphy as the Municipal Court Judge out of Executive Session. This item is the ordinance formally making that appointment for a term of three years and further setting the salary for the position. The salary amount portion of that section of the ordinance is blank to allow Council the opportunity to make changes to the Judge's salary. The Judge's current salary is \$60,000 annually and was first established by ordinance in 2002.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance of the City Council of the City of Bedford, Texas appointing Tim Murphy as Municipal Court Judge for the Bedford Municipal Court.

FISCAL IMPACT:

The fiscal impact will depend on if the Council makes any changes to the judge's salary.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 16-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, APPOINTING TIM MURPHY AS MUNICIPAL COURT JUDGE FOR THE BEDFORD MUNICIPAL COURT.

WHEREAS, the City Council desires to appoint Tim Murphy as Municipal Court Judge; and,

WHEREAS, it is in the best interest of the citizens of Bedford to provide for uniformity in the administration of justice in the Municipal Court; and,

WHEREAS, such uniformity will be best achieved through the appointment of the Bedford Municipal Judge; and,

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; 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; and,

WHEREAS, the purposes of this ordinance include protecting and promoting the public health, safety, and general welfare of the citizens of the City of Bedford.

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

SECTION 1. That, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

SECTION 2. That, the City Council of the City of Bedford, Texas hereby appointments Tim Murphy as Municipal Court Judge for the City of Bedford Municipal Court of Record to serve for a term of three years as provided by Texas Government Code Section 30.01882, beginning on May 17, 2016 and ending after three years unless re-appointed or held over.

SECTION 3. That the salary for the Judge of the Municipal Court of Record shall be \$_____ annually, (or \$_____ per pay period, annualized to \$_____), paid in accordance with normal payroll practices.

SECTION 4. That, this ordinance shall take effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PRESENTED AND PASSED this 12th day of April 2016, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: William Syblon, Development Director

DATE: 04/12/16

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider an ordinance to rename Shoalmont Road to Texas Harley Way; describing such street; repealing all ordinances in conflict herewith; providing a severability clause and declaring an effective date.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Adam Smith’s Texas Harley Davidson (ASTHD) recently completed the construction of their new 70,000 square foot dealership located along Shoalmont Road. This new dealership is an expansion of a long time existing business and valued community partner.

ASTHD has requested that the name of Shoalmont Road be changed to “Texas Harley Way.” The change can fairly easily be accommodated due to fact that the new dealership is the only property with an address on Shoalmont Road. If approved, staff would change the street name in the City’s geographic information system, and notify the relevant outside entities of the change (post office, 911, etc.)

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance to rename Shoalmont Road to Texas Harley Way; describing such street; repealing all ordinances in conflict herewith; providing a severability clause and declaring an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Exhibit A

ORDINANCE NO. 16-

AN ORDINANCE TO RENAME SHOALMONT ROAD TO TEXAS HARLEY WAY; DESCRIBING SUCH STREET; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Adam Smith's Texas Harley-Davidson (ASTHD) is the only property that has an address on Shoalmont Road; and,

WHEREAS, ASTHD is a long time existing business and valued community partner; and,

WHEREAS, ASTHD has requested that Shoalmont Road be renamed Texas Harley Way.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the street currently named as "Shoalmont Road" to be renamed "Texas Harley Way." A map illustrating the indicated street name is attached as Exhibit A.

SECTION 3. That all ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of any conflict.

SECTION 4. That it is hereby declared the intention of the City Council of the City of Bedford, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Bedford and the laws of the State of Texas.

PRESENTED AND PASSED this 12th day of April 2016, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

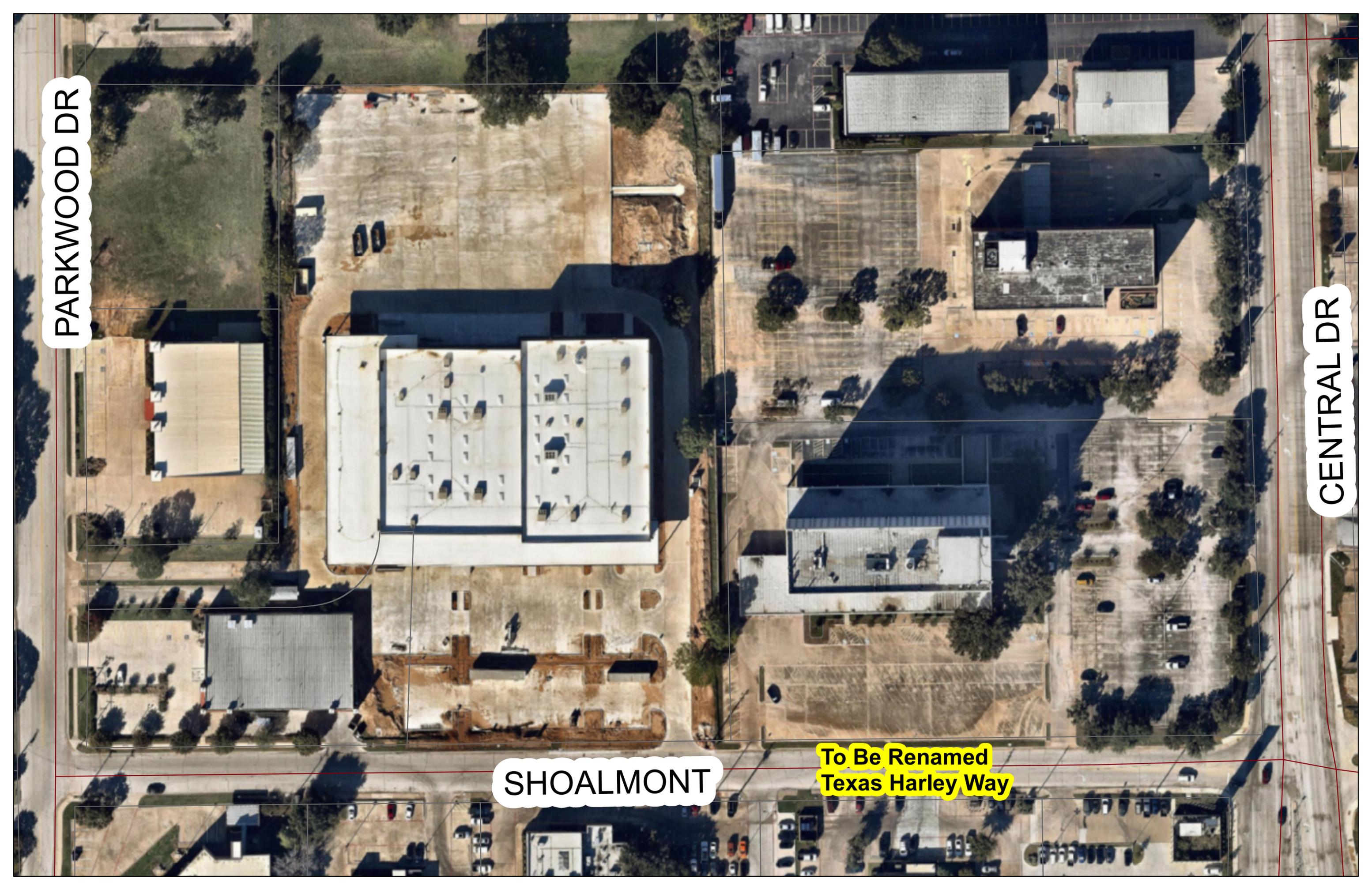
Stan Lowry, City Attorney

PARKWOOD DR

CENTRAL DR

SHOALMONT

To Be Renamed
Texas Harley Way





Council Agenda Background

PRESENTER: Jill McAdams, *SPHR*
Human Resources Director

DATE: 04/12/16

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution authorizing the City Manager to enter into a contractual agreement with Strategic Government Resources (SGR) to conduct an executive search for the position of Fire Chief in an amount not to exceed \$25,000.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

With the retirement of the former Fire Chief, there is now a vacancy in that position in the Fire Department.

Staff would like to enter into a contractual agreement with SGR to conduct the search for this position. SGR is one of the top three local government executive search firms in the nation and is well qualified to conduct this search. The professional services fee for this service is \$18,500 and the expenses associated with the search are not to exceed \$6,500; therefore the cost of all services for this search will not exceed \$25,000.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contractual agreement with Strategic Government Resources (SGR) to conduct an executive search for the position of Fire Chief in an amount not to exceed \$25,000.

FISCAL IMPACT:

Funding, in an amount not to exceed \$25,000, will come from salary savings in the General Fund.

ATTACHMENTS:

Resolution Proposal for Executive Search Services (separate attachment)

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH STRATEGIC GOVERNMENT RESOURCES (SGR) TO CONDUCT AN EXECUTIVE SEARCH FOR THE POSITION OF FIRE CHIEF IN AN AMOUNT NOT TO EXCEED \$25,000.

WHEREAS, the City of Bedford has a vacancy for a Fire Chief; and,

WHEREAS, SGR is one of the top three local government executive search firms in the nation to conduct an executive search for a Fire Chief; and,

WHEREAS, SGR submitted a Proposal for Executive Search Services for an amount not to exceed \$25,000 that was reviewed by Staff and the City Attorney.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein

SECTION 2. That the City Council hereby authorizes the City Manager to enter into a contractual agreement for an amount not to exceed \$25,000 to conduct an executive search for the position of Fire Chief.

PRESENTED AND PASSED on this 12th day of April 2016, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

<u>PRESENTER:</u> Roger Gibson, City Manager		<u>DATE:</u> 04/12/16
Council Mission Area: Encourage citizen involvement.		
<u>ITEM:</u> Consider a resolution authorizing the City Manager to cancel the July 12, July 26, November 22 and December 20 regular Council meetings. City Attorney Review: N/A City Manager Review: _____		
<u>DISCUSSION:</u> Staff proposes cancelling the July 12 and July 26 Council meetings in order to assist staff with the budget process. Further proposals included cancelling the November 22 meeting due to the Thanksgiving holiday, and cancelling the December 20 meeting due to the Christmas holiday.		
<u>RECOMMENDATION:</u> Staff recommends the following motion: Approval of a resolution authorizing the Interim City Manager to cancel the July 12, July 26, November 22 and December 20 regular Council meetings.		
<u>FISCAL IMPACT:</u> N/A	<u>ATTACHMENTS:</u> Resolution	

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CANCEL THE JULY 12, JULY 26, NOVEMBER 22 AND DECEMBER 20 REGULAR COUNCIL MEETINGS.

WHEREAS, a 2014 Charter Amendment removed the provision that required the City Council of Bedford, Texas to meet at least twice a month; and,

WHEREAS, staff proposes that the City Council of Bedford, Texas consider cancelling Council meetings in July to assist staff with the budget process; and,

WHEREAS, staff proposes that the City Council of Bedford, Texas consider cancelling Council meetings in November and December, due to the Thanksgiving and Christmas holidays.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Manager is hereby authorized to cancel the July 12 and July 26, 2016 Council meetings.

SECTION 3. That the City Manager is hereby authorized to cancel the November 22, 2016 Council meeting.

SECTION 4. That the City Manager is hereby authorized to cancel the December 20, 2016 Council meeting.

PRESENTED AND PASSED this 12th day of April, 2016 by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Councilmember Roger Fisher

DATE: 04/12/16

Council Request

ITEM:

Discussion on the Boys Ranch Park Lake.

City Manager Review: N/A

DISCUSSION:

Councilmember Fisher requested that this item be placed on the agenda for discussion.

ATTACHMENTS:

Letter of Request

From: [Wells, Michael](#)
To: [Jacobs, Amanda](#)
Subject: FW: Boy's Ranch Lake
Date: Thursday, April 07, 2016 3:45:44 PM

--

Michael Wells
Office: 817-952-2104

From: Fisher, Roger
Sent: Wednesday, April 06, 2016 12:46 PM
To: Wells, Michael <Michael.Wells@bedfordtx.gov>
Cc: Gibson, Roger <Roger.Gibson@bedfordtx.gov>; Agan, Kelli <Kelli.Agan@bedfordtx.gov>
Subject: Re: Boy's Ranch Lake

Can we make this a discussion item at the meeting. The boys ranch park.

Sent from my iPhone please excuse any typographical errors.

On Apr 6, 2016, at 12:12 PM, Wells, Michael <Michael.Wells@bedfordtx.gov> wrote:

Good afternoon,

Our code may already cover the ramps. This is under the chapter on Parks and Recreation.

Erection of structures.

1. No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands.

Sec. 86-4. - Sanitation.

- (1) *Pollution of waters.* No person shall throw, discharge to, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park, or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.

Sent from my Sprint Samsung Galaxy® Note 4.

----- Original message -----

From: "Fisher, Roger" <Roger.Fisher@bedfordtx.gov>

Date: 4/6/16 11:54 AM (GMT-06:00)

To: "Gibson, Roger" <Roger.Gibson@bedfordtx.gov>, "Agan, Kelli" <Kelli.Agan@bedfordtx.gov>, "Wells, Michael" <Michael.Wells@bedfordtx.gov>

Subject: Re: Boy's Ranch Lake

The solutions put forth although valiant, they are not visually appealing and most importantly put the city at great risk for a person to get injured.

I would suggest setting the stone at the water level under the piers or perhaps building the ramps under the piers. This would be much more attractive, would allow the ducks and turtles a way out of the water and would prevent humans from using the ramps as an effort to enter the lake.

I would also like to see an ordinance written that would make it a crime to build your own ramp or lean-to. These home made devices are dangerous. They are not built to any particular specification (which can be dangerous for people and the wildlife) and we as a city are ultimately responsible for. I think this would qualify as an emergency item to be placed on our next meeting agenda for discussion/action. I would also like to see the wildfire camera system expanded to this area.

All the best

Roger

A permanent solution for a Heathy lake would be to come up with some thing under the piers.

Sent from my iPhone please excuse any typographical errors.

On Apr 6, 2016, at 8:52 AM, Gibson, Roger <Roger.Gibson@bedfordtx.gov> wrote:

Good Morning Mayor and Council:

Kelli and I have a favor to ask. If you have an opportunity to get by the Lake today, we are looking for some input.

If you park on Lakeview along the west side of the Lake, you will see staff has added two duck/turtle ramps on the southwest and southeast corners. There is also ONE stone placed several feet out in the water in the southwest area. The purpose for this single stone is to provide a resting spot for the ducklings and turtles. The Lake is still 5 inches low, so when it reaches its maximum height, the stone "should" sit just barely below the surface of the water. We have more of these we could place -

if you like this. If you don't, we can take the one "demo" stone back out.

With the two added stone ramps, we now have a total of three stone ramps (the third is located in the northeast portion of the Lake).

Staff receives a LOT of contacts from a select group that is really advocating these along with artificial islands, more ramps, etc.

For Kelli and I, here are our thoughts:

- With the three ramps, there is sufficient opportunities for the ducklings and turtles to enter/exit the water
- The demo stone doesn't look that appealing to us. Maybe it will be better when it is slightly submerged... not sure
- Every time we add something, the Lake loses a little of its visual appeal.

We have asked staff to hold off doing any more work on this project pending getting some input from Council.

We also directed staff to begin removing the temporary ramps placed in the Lake by park visitors. That may lead to some calls or emails. We also removed a large Styrofoam ice chest lid that was placed in the Lake with a brick to give it ballast... There is still one more out there staff needs to get to.

Just some of the stuff staff are dealing with.

Regards,

Roger