



City of Round Rock

City Council - Packet Briefing

Meeting Agenda - Final

Alan McGraw, Mayor
George White, Mayor Pro-Tem, Place 2
Craig Morgan, Place 1
Frank Leffingwell, Place 3
Will Peckham, Place 4
John Moman, Place 5
Kris Whitfield, Place 6

Tuesday, April 21, 2015

7:30 AM

City Council Chambers, 221 East Main St.

Work Session

- A. CALL WORK SESSION TO ORDER - 7:30 A.M.
- B. ROLL CALL
- C. STAFF BRIEFING
 - C1. Consider staff briefings and Councilmember discussion and/or questions regarding items on the agenda for the April 23, 2015 City Council meeting.
- D. PRESENTATIONS/DISCUSSIONS:
 - D1. Consider an update from the Round Rock Chamber of Commerce.
- E. ADJOURNMENT

POSTING CERTIFICATION

I certify that this notice of the Round Rock City Council Meeting was posted on this 17th day of April 2015 at 5:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.

*/ORIGINAL SIGNED/
Meagan Spinks, Deputy City Clerk*



City of Round Rock

City Council

Meeting Agenda - Final

Alan McGraw, Mayor
George White, Mayor Pro-Tem, Place 2
Craig Morgan, Place 1
Frank Leffingwell, Place 3
Will Peckham, Place 4
John Moman, Place 5
Kris Whitfield, Place 6

Thursday, April 23, 2015

7:00 PM

City Council Chambers, 221 East Main St.

A. CALL REGULAR SESSION TO ORDER – 7:00 P.M.

B. ROLL CALL

C. PLEDGES OF ALLEGIANCE

D. CITIZEN COMMUNICATION

Any citizen wishing to speak during citizen communication regarding an item on or off the agenda may do so after completing the required registration card. All comments must be no more than 3 minutes in length. Any comments regarding items not on the posted agenda may not be discussed or responded to by the City Council. The Mayor may deny any presenter the opportunity to address the City Council if the presentation or comments offered is substantially repetitive of those previous made, per §2-26(b)(d), of the Round Rock Code of Ordinances, 2010 Edition.

E. PROCLAMATIONS:

- E.1 [2015-2427](#) [Consider proclaiming April as "Fair Housing Month" in the City of Round Rock.](#)
- E.2 [2015-2425](#) [Consider proclaiming April 25, 2015 as "Arbor Day" in the City of Round Rock.](#)
- E.3 [2015-2345](#) [Consider proclaiming May 10-16, 2015 as "Round Rock Police Week" and May 15, 2015 as "Peace Officers Memorial Day" in the City of Round Rock.](#)

F. CONSENT AGENDA:

All items listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered separately.

- F.1 [2015-2348](#) [Consider approval of the minutes for the April 9, 2015 City Council meeting.](#)

- F.2 [2015-2374](#) [Consider an ordinance amending Chapter 42, Section 42-128, Code of Ordinances \(2010 Edition\), by amending a school speed zone on a portion of Wyoming Springs Drive. \(Second Reading\)](#)
- F.3 [2015-2383](#) [Consider an ordinance amending Chapter 44, Article VIII, Code of Ordinances \(2010 Edition\), regarding Drought Contingency and Peak Day Water Use Management. \(Second Reading\)](#)
- F.4 [2015-2384](#) [Consider an ordinance amending Chapter 44, Sections 44-32 and 44-34, Code of Ordinances \(2010 Edition\), regarding water and sewer service rates for wholesale customers. \(Second Reading\)](#)

H. RESOLUTIONS:

- H.1 [2015-2421](#) [Consider a resolution approving the action of the Round Rock Transportation and Economic Development Corporation in Authorizing the Issuance of Senior Lien Sales Tax Revenue Refunding Bonds, Series 2015; Approving Documents Related to the Sale of the Bonds and Other Matters Related Thereto.](#)
- H.2 [2015-2426](#) [Consider a resolution authorizing the Mayor to execute an Engagement Letter with Brockway, Gersbach, Franklin & Niemeier, P.C. for the 2015 financial and compliance audit.](#)
- H.3 [2015-2397](#) [Consider a resolution determining that "Competitive Sealed Proposal" is the delivery method which provides the best value for the construction of a new Fire Station at Lisa Rae Drive.](#)
- H.4 [2015-2398](#) [Consider a resolution determining that "Competitive Sealed Proposal" is the delivery method which provides the best value for the City Hall Third Floor Remodel Project.](#)
- H.5 [2015-2409](#) [Consider a resolution determining that CHASCO Constructors, Ltd., LLP provides the best value for the City for the Rock 'N River Family Aquatic Center Expansion Project, and authorizing the Mayor to execute a Standard Form of Agreement and a Post-Proposal Negotiated Amendment.](#)

I. ORDINANCES:

- I.1 [2015-2423](#) [Consider an ordinance amending Chapter 44, Article VII, Code of Ordinances \(2010 Edition\), regarding Cross Connection Control and Prevention. \(First Reading\)\(Requires Two Readings\)](#)

J. APPOINTMENTS

- J.1 [2015-2445](#) [Consider the appointment of Lorie Lankford as the Round Rock representative to the Williamson County Regional Animal Shelter Board of Directors.](#)

K. COUNCIL COMMENTS REGARDING ITEMS OF COMMUNITY INTEREST**L. ADJOURNMENT**

**Pursuant to the terms of Section 3.13 of the Round Rock Home Rule Charter, the second reading of this ordinance may be dispensed with by an affirmative vote of all the City Council members present.*

In addition to any executive session already listed above, the City Council for the City of Round Rock reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code for the following purposes:

§551.071 Consultation with Attorney

§551.072 Deliberations regarding Real Property

§551.073 Deliberations regarding Gifts and Donations

§551.074 Personnel Matters

§551.076 Deliberations regarding Security Devices

§551.087 Deliberations regarding Economic Development Negotiations

POSTING CERTIFICATION

I certify that this notice of the Round Rock City Council Meeting was posted on this 17th day of April 2015 at 5:00 p.m. as required by law in accordance with Section 551.043 of the Texas Government Code.

/ORIGINAL SIGNED/

Meagan Spinks, Deputy City Clerk



City of Round Rock

Agenda Item Summary

Agenda Number: E.1

Title: Consider proclaiming April as "Fair Housing Month" in the City of Round Rock.

Type: Proclamation

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Sara L. White, City Clerk

Cost:

Indexes:

Attachments:

Department: City Clerk's Office

Text of Legislative File 2015-2427

WHEREAS, the U.S. Department of Housing and Urban Development implemented the Community Development Block Grant program in 1974 for the purpose of providing local governments with the financial resources to assist low- and moderate-income persons; and

WHEREAS, the City of Round Rock has utilized nonprofit and neighborhood-based organizations to address neighborhood and human needs; and

WHEREAS, the CDBG program has made a significant impact on our community through the creation of skill training programs, new home construction, parks and recreational activities, and water, sewer and drainage improvements; and

WHEREAS, the City of Round Rock and other local governments have clearly demonstrated the capacity to administer the CDBG program to identify, prioritize and resolve pressing local problems; and

WHEREAS, the City of Round Rock adheres to policies set forth in civil rights legislation, known as the Federal Fair Housing Act, regarding fair housing practices; and

WHEREAS, said legislation was signed in April 1968 by President Lyndon B. Johnson prohibiting discrimination in housing practices based on race, color, religion, age, national origin, sex, handicap or familial status;

NOW, THEREFORE, I, Alan McGraw, Mayor of the Round Rock City Council, hereby proclaim the month of April 2015 as:

"FAIR HOUSING MONTH"

And urge all citizens to join us in recognizing the Community Development Block Grant program and the important role it plays in our community.

PROCLAIMED this 23rd day of April 2015.

ALAN MCGRAW, Mayor
City of Round Rock



City of Round Rock

Agenda Item Summary

Agenda Number: E.2

Title: Consider proclaiming April 25, 2015 as "Arbor Day" in the City of Round Rock.

Type: Proclamation

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Sara White, City Clerk

Cost:

Indexes:

Attachments:

Department: City Clerk's Office

Text of Legislative File 2015-2425

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, wherever they are planted, are a source of joy and spiritual renewal;

NOW, THEREFORE, I, ALAN McGRAW, Mayor of the City of Round Rock, do hereby proclaim April 25, 2015 as

"ARBOR DAY"

in the City of Round Rock and urge all citizens to support efforts to protect our trees and woodlands

and ask them to join the Parks and Recreation Department's Forestry Division in planting 30 trees at Lake Creek Park on Saturday, April 25th at 9:00 a.m.

PROCLAIMED this 23rd day of April 2015.

ALAN MCGRAW, Mayor
City of Round Rock



City of Round Rock

Agenda Item Summary

Agenda Number: E.3

Title: Consider proclaiming May 10-16, 2015 as "Round Rock Police Week" and May 15, 2015 as "Peace Officers Memorial Day" in the City of Round Rock.

Type: Proclamation

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Sara White, City Clerk

Cost:

Indexes:

Attachments:

Department: City Clerk's Office

Text of Legislative File 2015-2345

WHEREAS, Peace Officers Memorial Day is held annually in the United States on May 15 and the week in which it falls is observed in conjunction as National Police Week; and

WHEREAS, members of the Round Rock Police Department play an essential role in safeguarding the rights and freedoms of Round Rock citizens; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of peace officers, and that members of the Round Rock Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Round Rock Police Department unceasingly provide a vital public service;

NOW, THEREFORE, I, ALAN MCGRAW, Mayor of the City of Round Rock, Texas, call upon all citizens of Round Rock and all patriotic, civic and educational organizations to observe the week of May 10-16, 2015 as

"Round Rock Police Week"

with appropriate observances in which we may join in commemorating law enforcement officers, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established an enduring reputation for preserving our rights and security. I further call upon all citizens of

Round Rock to observe May 15, 2015, as

“Peace Officers Memorial Day”

in honor of law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community and to those who have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

PROCLAIMED this 23rd day of April 2015.



City of Round Rock

Agenda Item Summary

Agenda Number: F.1

Title: Consider approval of the minutes for the April 9, 2015 City Council meeting.

Type: Minutes

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Sara White, City Clerk

Cost:

Indexes:

Attachments: 040915 Draft Minutes

Department: City Clerk's Office

Text of Legislative File 2015-2348



City of Round Rock

Meeting Minutes - Draft City Council

Thursday, April 9, 2015

CALL REGULAR SESSION TO ORDER – 7:00 P.M.

The Round Rock City Council met in regular session on Thursday, April 9, 2015 in the City Council chambers at 221 E. Main Street. Mayor McGraw called the meeting to order at 7:04 pm.

ROLL CALL

Present: 7 - Mayor Alan McGraw
Mayor Pro-Tem George White
Councilmember Craig Morgan
Councilmember Frank Leffingwell
Councilmember Will Peckham
Councilmember John Moman
Councilmember Kris Whitfield

Absent: 0

PLEDGES OF ALLEGIANCE

Mayor McGraw, with help from local boy scouts, led the following Pledges of Allegiance: United States and Texas.

CITIZEN COMMUNICATION

Conrad Bouffard with Round Rock Honey spoke to the City Council regarding beekeeping education through the State of Texas.

PROCLAMATIONS:

- E.1** [2015-2168](#) Consider proclaiming April 11, 2015 as "Round Rock Lions Fitness Day" in the City of Round Rock.
- Mayor McGraw read the proclamation and presented it to Shirley Dillman and other members of the Round Rock Noon Lions Club.*
- E.2** [2015-2344](#) Consider proclaiming April 19 - 25, 2015 as "Crime Victims' Rights Week" in the City of Round Rock.
- Mayor McGraw read the proclamation and presented it to members of the Round Rock Police Department.*

APPROVAL OF MINUTES:

- F.1** [2015-2347](#) Consider approval of the minutes for the March 26, 2015 City Council meeting.

A motion was made by Councilmember Morgan, seconded by Councilmember Whitfield, to approve the minutes. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

RESOLUTIONS:

- G.1** [2015-2378](#) Consider a resolution authorizing the Mayor to execute Quantity Adjustment/Change Order No. 1 with Lewis Contractors, Inc. for the McNutt Creek Wastewater Segment C9 Project.

Michael Thane, Utilities and Environmental Services Director made the staff presentation.

A motion was made by Councilmember Peckham, seconded by Councilmember Moman, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

- G.2** [2015-2379](#) Consider a resolution authorizing the Mayor to execute Quantity Adjustment/Change Order No. 2 with S.J. Louis Construction of Texas, LTD for the University Boulevard (Phase I) and Parcel 150 (Phase II) 36-In Water Line Project.

Michael Thane, Utilities and Environmental Services Director made the staff presentation.

A motion was made by Councilmember Leffingwell, seconded by Councilmember Whitfield, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.3 [2015-2376](#)

Consider a resolution authorizing the Mayor to execute a Contract with Cash Construction Co., Inc. for the La Frontera Phase II Project.

Gary Hudder, Transportation Director made the staff presentation.

A motion was made by Councilmember Whitfield, seconded by Councilmember Peckham, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.4 [2015-2380](#)

Consider a resolution authorizing the Mayor to execute a Contract for Engineering Services with K Friese & Associates, Inc. for the Kenney Fort Boulevard Extension Project.

Gary Hudder, Transportation Director made the staff presentation.

A motion was made by Councilmember Morgan, seconded by Councilmember Peckham, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.5 [2015-2381](#)

Consider a resolution authorizing the Mayor to execute a Memorandum of Understanding with Capital Metropolitan Transportation Authority regarding the provision of Federal Transit Administration Section 5307 program funds for fiscal years 2015 and 2016.

Gary Hudder, Transportation Director made the staff presentation.

A motion was made by Councilmember Whitfield, seconded by Councilmember Moman, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

G.6 [2015-2385](#)

Consider a resolution amending the officers and employees of the City authorized to perform transactions with Texpool.

Susan Morgan, CFO, made the staff presentation.

A motion was made by Councilmember Peckham, seconded by Councilmember Morgan, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

G.7 [2015-2386](#)

Consider a resolution authorizing the Mayor to execute a Participation Agreement with TexasTERM for the purpose of transmitting local funds for investment in TexasTERM.

Susan Morgan, CFO, made the staff presentation.

A motion was made by Councilmember Leffingwell, seconded by Councilmember Peckham, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.8 [2015-2387](#)

Consider a resolution authorizing the Mayor to execute a Professional Consulting Services Agreement with Patterson Capital Management dba Patterson & Associates for investment portfolio advisory services.

Susan Morgan, CFO, made the staff presentation.

A motion was made by Councilmember Whitfield, seconded by Councilmember Leffingwell, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.9 [2015-2388](#)

Consider a resolution authorizing the Mayor to execute Term Renewal Agreement No. 1 to the Depository and Banking Services Contract with JPMorgan Chase Bank, NA.

Susan Morgan, CFO, made the staff presentation.

A motion was made by Councilmember Leffingwell, seconded by Councilmember Peckham, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

G.10 [2015-2391](#)

Consider a resolution authorizing the Mayor to execute a Golf Course Management Agreement with CCA-Silband/Golf Corp/Round Rock, Inc. for the Forest Creek Golf Course.

Bryan Williams, Assistant City Manager and Susan Morgan, CFO, made the staff presentation.

A motion was made by Councilmember Whitfield, seconded by Councilmember Morgan, to approve the resolution as amended, to add a full time superintendent to the agreement. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

ORDINANCES:**H.1** [2015-2357](#)

Consider public testimony regarding and an ordinance rezoning a 37.59 acre tract of land located northwest of the intersection of Wyoming Springs Drive and Round Rock Avenue from the OF (Office) zoning district to the PUD (Planned Unit Development) No. 100 zoning district. (First Reading)*

Brad Wiseman, Planning and Development Services Director made the staff presentation.

Mayor McGraw opened the public hearing. There being no testimony, the public hearing was closed.

A motion was made by Councilmember Peckham, seconded by Councilmember Whitfield, that this ordinance be approved. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
Mayor Pro-Tem White
Councilmember Morgan
Councilmember Leffingwell
Councilmember Peckham
Councilmember Moman
Councilmember Whitfield

Nay: 0

Absent: 0

H.2 [2015-2374](#)

Consider an ordinance amending Chapter 42, Section 42-128, Code of Ordinances (2010 Edition), by amending a school speed zone on a portion of Wyoming Springs Drive. (First Reading)(Requires Two Readings)

Gary Hudder, Transportation Director made the staff presentation.

A motion was made by Councilmember Morgan, seconded by Councilmember Peckham, that this ordinance be approved. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

H.3 [2015-2383](#)

Consider an ordinance amending Chapter 44, Article VIII, Code of Ordinances (2010 Edition), regarding Drought Contingency and Peak Day Water Use Management. (First Reading)(Requires Two Readings)

Michael Thane, Utilities and Environmental Services Director made the staff presentation.

A motion was made by Councilmember Whitfield, seconded by Councilmember Leffingwell, that this ordinance be approved. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

H.4 [2015-2384](#)

Consider an ordinance amending Chapter 44, Sections 44-32 and 44-34, Code of Ordinances (2010 Edition), regarding water and sewer service rates for wholesale customers. (First Reading)(Requires Two Readings)

Michael Thane, Utilities and Environmental Services Director made the staff presentation. He introduced the consultants, Raftelis Financial Consultants, that did the rate study who presented the findings.

A motion was made by Councilmember Peckham, seconded by Councilmember Whitfield, that this ordinance be approved. The motion carried by the following vote:

Aye: 7 - Mayor McGraw
 Mayor Pro-Tem White
 Councilmember Morgan
 Councilmember Leffingwell
 Councilmember Peckham
 Councilmember Moman
 Councilmember Whitfield

Nay: 0

Absent: 0

COUNCIL COMMENTS REGARDING ITEMS OF COMMUNITY INTEREST**EXECUTIVE SESSION:****J.1** [2015-2400](#)

Consider an Executive Session as authorized by §551.087 and §551.072 Government Code, to deliberate the offer of a financial or other incentive to Duke Inc., to encourage economic development in the City and related to the possible sale of the City's property formerly known as the "Gypsum Tract."

The Council recessed to Executive Session. Mayor McGraw called the meeting to order at 8:45 p.m. and adjourned it at 9:30 p.m.

ACTION RELATIVE TO EXECUTIVE SESSION:**K.1** [2015-2402](#)

Consider possible action(s) related to the offer of a financial or other incentive to Duke Inc. and/or related to the possible sale of the City's property formerly known as the "Gypsum Tract."

No action was taken on this item.

ADJOURNMENT

There being no further business, Mayor McGraw adjourned the meeting at 9:31 pm.



City of Round Rock

Agenda Item Summary

Agenda Number: F.2

Title: Consider an ordinance amending Chapter 42, Section 42-128, Code of Ordinances (2010 Edition), by amending a school speed zone on a portion of Wyoming Springs Drive. (Second Reading)

Type: Ordinance

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Gary Hudder, Transportation Director

Cost: \$0.00

Indexes:

Attachments: Ordinance, School Zone Extension Map

Department: Transportation Department

Text of Legislative File 2015-2374

The Transportation Department, in cooperation with the Round Rock Police Department, recommend the extension of the limits of the reduced speed school zone on Wyoming Springs Drive at Behrens Parkway. This ordinance will increase this school zone to 1,280 feet in length, beginning approximately 230 feet south of the Behrens Parkway intersection and ending approximately 200 feet north of the GoldenOak Circle intersection. The need for this adjustment arose from changing traffic patterns due to new road connections to the north. This ordinance does include the prohibition of cell phone use during active periods. Staff recommends approval.

ORDINANCE NO. O-2015-2374

AN ORDINANCE AMENDING THE CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, CHAPTER 42, SECTION 42-128 AMENDING A SCHOOL SPEED ZONE ON A PORTION OF WYOMING SPRINGS DRIVE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That the school zone on a portion of Wyoming Springs Drive designated in Chapter 42, Section 42-128, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

Sec. 42-128. School zones.

STREET	FROM	TO	SPEED ZONE TIMES	ORDINANCE NUMBER
Wyoming Springs Drive	200' south of Behrens Parkway	200' north of GoldenOak Circle	7:15—7:45 a.m. 2:45—3:15 p.m.	

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during

which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

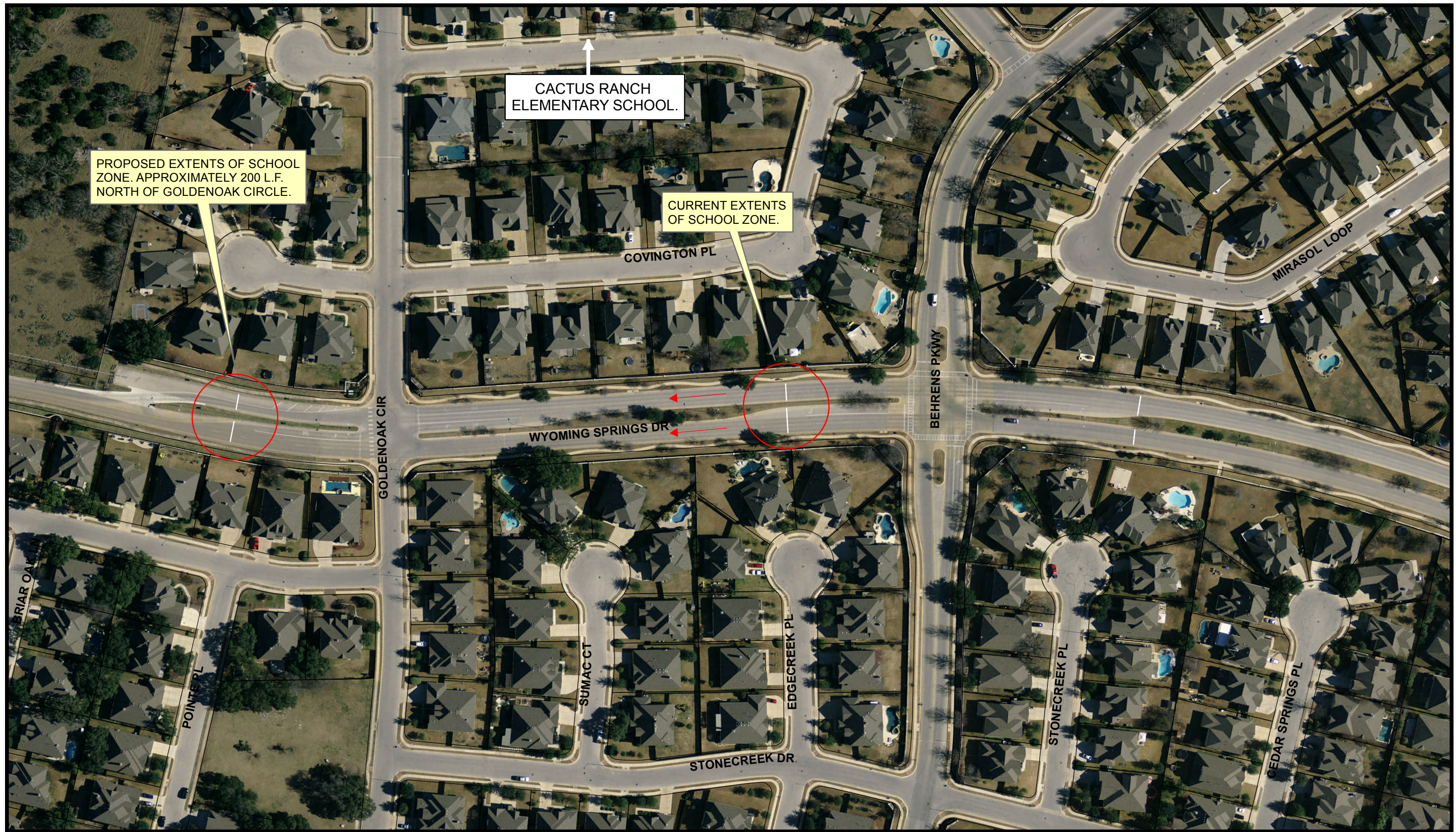
READ and **APPROVED** on first reading this the ____ day of _____, 2015.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2015.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk



Cactus Ranch Elementary School - School Zone Extension





City of Round Rock

Agenda Item Summary

Agenda Number: F.3

Title: Consider an ordinance amending Chapter 44, Article VIII, Code of Ordinances (2010 Edition), regarding Drought Contingency and Peak Day Water Use Management. (Second Reading)

Type: Ordinance

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Michael Thane, Director of Utilities and Environmental Services

Cost:

Indexes:

Attachments: Ordinance

Department: Utilities and Environmental Services

Text of Legislative File 2015-2383

Stage I of the Drought Contingency Plan (DCP) has been in effect since October 2013. It has been determined by staff that a few items within the plan need to be updated, reworded, and revised to have better compliance with the DCP restrictions and help with enforcement. The changes that are being proposed here are as follows:

-Stage II watering calendar-the current schedule restricts outdoor watering to only three days per week for all water customers. The new schedule spreads out watering over the whole week, which keeps water use more consistent. This doesn't place as much stress on the water treatment plant, since the plant is able to plan for a more consistent water use amount daily, versus three days of high use and four days of very low use.

-Clarification on restrictions for refilling of swimming pools.

-Supply based triggers for each stage of the DCP to include combined storage of Lake Georgetown and Lake Stillhouse Hollow.

-Revision to schedule for operation of fountains.

Upon approval by City Council, the DCP will be shared with the City's Wholesale customers so that they can adopt similar drought restrictions.

Staff recommends approval.

1

2
3
4
5
6

7

8

9

10
11
12

13

14

15
16
17
18
19
20
21
22
23
24
25

26

27
28

29

30
31
32
33

Sec. 44-224. Application.

The provisions of this article shall apply to all persons, customers, and owners of property who use or allow the use of city water, wherever situated. The terms person and customer, as used in this article, include individuals, corporations, partnerships, associations and all other legal entities. The provisions of this article do not apply to: (i) persons who use water from private wells; (ii) persons who use water from the city's reuse water system; or (iii) persons who otherwise use water from a source other than the city's water utility system.

Sec. 44-225. Public education.

The city will periodically provide the public with information about water use, including information about the conditions under which each stage of this article is to be initiated or terminated and the drought response measures to be implemented in each stage. Drought and water conservation information will be provided by public meeting, press releases, utility bill inserts, the city's website, and/or electronic media notification.

Sec. 44-226. Wholesale providers.

The city contracts for raw water in Lake Georgetown and Lake Stillhouse Hollow from the Brazos River Authority and Lake Travis from the Lower Colorado River Authority and the Brazos River Authority. The city will comply with and implement any drought contingency requirements that may be set forth in any contracts with these river authorities.

Sec. 44-227. Wholesale customers.

- (a) All wholesale water contracts require compliance with the city's drought contingency and water conservation programs. Each contract specifies that the water supplied to the wholesale customer may be reasonably limited by the city on the same basis and to the same extent as the supply of water to any other customers within the city.
- (b) All wholesale contracts entered into, renewed or extended after the adoption of this plan will include provisions for distributing water to the wholesale customer in accordance with V.T.C.A., Water Code § 11.039.

Sec. 44-228. Voluntary water conservation during peak water use periods.

- (a) The city has determined that the peak water use period begins on May 1 of each year and ends on October 31 of each year. During this period of peak water use, the city seeks to encourage water conservation by implementing water rates that increase as consumption increases. (See subsection 44-29(f) of this chapter.)
- (b) During the peak water use period of May 1 to October 31 of each year, water customers will be encouraged to voluntarily use water in compliance with all of the stage I regulations set forth in section 44-233
- (c) At the beginning of the peak water use period, the city will initiate actions and engage in educational programs designed to increase customer awareness of water conservation and encourage the most efficient use of water.
- (d) Water customers are encouraged to voluntarily limit the use of water for nonessential purposes and to practice water conservation. Voluntary observance of the stage 1 twice-per-week watering schedule is requested.

Sec. 44-229. Stage I triggers.

(a) Stage I shall be implemented when any of the following triggers occur:

(1) Supply-based trigger for implementation of stage I is as follows:

a. Lake Georgetown Reservoir elevation is below 770 feet above mean sea level (msl) for three consecutive days; or

b. The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 162,752 acre feet of water.

(2) Demand or capacity-based triggers for implementation of stage I are as follows:

a. Water treatment capacity has reached 85 percent for three consecutive days;

b. Total daily demand has reached 85 percent of the raw water pumping capacity for three consecutive days;

c. Total daily demand is 85 percent of storage capacity for three consecutive days;

d. Total daily demand is 85 percent of the treated water pumping capacity for three consecutive days; or

e. Production or distribution limitations including, but not limited to system outages or equipment failure.

(3) Wholesale water suppliers' triggers:

a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage I restrictions.

(4) Public health, safety and welfare triggers:

a. The city manager makes a written public announcement that he has reasonably determined that one or more reasons exist to initiate stage I restrictions to protect the health, safety and welfare of the citizens of the city.

b. The implementation of stage I by the city manager pursuant to subsection (4)a. above, shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.

(b) Stage I shall terminate when any of the following occurs:

(1) Stage I will terminate when the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days; or

(2) When the city manager makes a public announcement that it is in the best interest of the city to terminate stage I.

Sec. 44-230. Stage I twice-per-week watering schedule.

The stage I twice-per-week watering schedule is hereby established as follows:

Type of Property	Watering Days	Watering Times
Commercial	Tuesday & Friday	Midnight to 10:00 a.m. and
Industrial/Multifamily	Tuesday & Friday	7:00 p.m. to midnight

Residential (Addresses ending in odd numbers)	Wednesday & Saturday	
Residential (Addresses ending in even numbers)	Thursday & Sunday	

During stage I, all watering is discouraged on Mondays.

Sec. 44-231. Stage II triggers.

(a) Stage II shall be implemented when any of the following triggers occur:

(1) Supply-based trigger for implementation of stage II is as follows:

a. Lake Georgetown Reservoir elevation is below 765 feet above mean sea level (msl) for three consecutive days; or

b. The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 105,001 acre feet of water.

(2) Demand or capacity-based triggers for implementation of stage II are as follows:

a. Water treatment capacity has reached 90 percent for three consecutive days;

b. Total daily demand has reached 90 percent of the raw water pumping capacity for three consecutive days;

c. Total daily demand is 90 percent of storage capacity for three consecutive days;

d. Total daily demand is 90 percent of the treated water pumping capacity for three consecutive days; or

e. Production or distribution limitations including, but not limited to system outages or equipment failure.

(3) Wholesale water suppliers' triggers:

a. Pursuant to requirements specified in the city's wholesale water supply contract(s), notification is received from the city's wholesale water supplier(s) requesting implementation of the stage II restrictions.

(4) Public health, safety and welfare triggers:

a. The city manager makes a written public announcement that he has reasonably determined that one or more reasons exist to initiate stage II restrictions to protect the health, safety and welfare of the citizens of the city.

b. The implementation of stage II by the city manager pursuant to subsection (4)a. above shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.

(b) Stage II shall be terminated when any of the following occurs:

(1) Stage II will terminate when the city manager makes a public announcement that all of the conditions listed as triggering events have ceased to exist for a period of three consecutive days; or

(2) When the city manager makes a public announcement that it is in the best interest of the city to terminate stage II.

Sec. 44-232. Stage II once-per-week watering schedule.

The stage II once-per-week watering schedule is hereby adopted and established as follows:

Type of Property	Watering Days	Watering Times
Industrial/ Commercial/ Public Schools	Friday	Midnight to 10:00 a.m. and 7:00 p.m. to midnight
Industrial/ Multifamily/ Homeowner Association common areas	Friday Tuesday	
Residential (Addresses ending in odd numbers) <u>with automatic irrigation system</u>	Saturday <u>Wednesday</u>	
<u>Residential addresses ending in odd numbers without automatic irrigation system</u>	<u>Saturday</u>	
Residential (Addresses ending in even numbers) <u>with automatic irrigation system</u>	Sunday <u>Thursday</u>	
<u>Residential addresses ending in even numbers without automatic irrigation system</u>	<u>Sunday</u>	

During stage II, all watering is prohibited on Monday.

Sec. 44-233. Stage I and stage II water conservation regulations.

(a) When either stage I or stage II mandatory water conservation regulations are implemented, the following restrictions and prohibitions shall be in effect:

(1) *Outdoor irrigation.* All outdoor irrigation by automatic irrigation systems, hose end sprinklers, soaker hoses, or drip irrigation is prohibited unless it occurs in compliance with the applicable stage I or stage II watering schedule. Irrigation by hand-held hoses or hand-held buckets is permitted anytime. The outdoor watering day and time restrictions do not apply to outdoor irrigation by commercial plant nurseries.

(2) *Vehicle washing.* The washing, including charity car washes, of automobiles, trucks, trailers, boats, airplanes, or other type of mobile equipment is prohibited except in compliance with the applicable stage I or stage II watering schedule. The washing, when allowed, must be done with a hand-held bucket or a hand-held hose.

The vehicle washing prohibition does not apply to the following:

- The washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial carwash or a commercial service station; or
- The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment (such as garbage trucks and vehicles used to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety and welfare of the public.

- (3) *Power washing.* The day and time regulations of outdoor watering do not apply to commercial companies in the business of power washing.
- (4) *Foundation watering.* The watering of the ground around foundations is prohibited except in compliance with the applicable stage I or stage II watering schedule.
- (5) *Pools.* If either stage I or stage II is implemented, the initial filling and the refilling or adding of water to nongovernment owned swimming pools, hot tubs, wading pools, or ponds is prohibited except in compliance with the applicable stage I or stage II watering schedule.
- (6) *Fountains and Similar Water Features.*
- a. During Stages I and II, ~~the~~ the operation of ornamental fountains or other similar structures that do not recirculate the water is prohibited.
- b. During Stage I, ~~the~~ the operation of ornamental fountains or other similar structures that ~~do~~ recirculate water is permitted.
- c. During Stage II, the operation of ornamental fountains or other similar structures that recirculate water is prohibited ~~except between the hours of 7:00 a.m. to 10:00 a.m. and between the hours of 7:00 p.m. and 10:00 p.m.~~
- (7) *Golf courses.* The use of water for irrigation of golf fairways is prohibited except in compliance with the applicable stage I or stage II watering schedule. The irrigation of golf course greens and tees is allowed on an every-other-day schedule if a plan therefor is approved in writing by the director.
- (8) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited.
- (9) *Street washing.* Street washing is prohibited.
- (10) *New landscaping.* Because of the watering restrictions imposed by this section, landowners are encouraged to postpone the installation of new landscaping until after all mandatory restrictions are lifted. In lieu of installing the required landscaping during mandatory restrictions, owners of new construction may apply for a temporary certificate of occupancy in accordance with subsection 10-56(d) of this Code.
- (b) The stage I and stage II regulations do not apply to the following:
- (1) The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.
- (2) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.
- (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and landscape irrigation systems.
- (4) The necessary use of water for athletic fields for organized youth, amateur, or professional sports such as football, soccer or baseball where the field is in use or will be in use within 60 days of the institution of stage I or II restrictions.
- (c) Stage I and stage II regulations are intended to achieve the following target reductions in water consumption:
- (1) Stage I regulations are intended to achieve a 15 percent reduction in daily water consumption.
- (2) Stage II regulations are intended to achieve a 25 percent reduction in daily water consumption.

1 **Sec. 44-234. Stage III triggers.**

2 (a) Stage III shall be implemented when any of the following triggers occur:

3 (1) Supply-based trigger for implementation of stage III is as follows:

4 a. The combined storage of Lake Georgetown and Lake Stillhouse Hollow is less than 52,501
5 acre feet of water.

6 (42) Demand or capacity-based triggers for implementation of stage III are as follows:

- 7 a. Water treatment capacity has reached 95 percent for three consecutive days;
- 8 b. Total daily demand has reached 95 percent pumping capacity for three consecutive days;
- 9 c. Total daily demand is 95 percent of the storage capacity for three consecutive days; or
- 10 d. Significant production or distribution limitations including, but not limited to system outages
11 and equipment failure.

12 (23) Wholesale water suppliers' triggers:

- 13 a. Pursuant to requirements specified in the city's wholesale water supply contract(s),
14 notification is received from the city's wholesale water supplier(s) requesting
15 implementation of the stage III restrictions.

16 (34) Public health, safety and welfare triggers:

- 17 a. The city manager makes a written public announcement that he has reasonably
18 determined that one or more reasons exist to initiate stage III restrictions to protect the
19 health, safety and welfare of the citizens of the city.
- 20 b. The implementation of stage III by the city manager pursuant to subsection (a)(1) above
21 shall expire 15 days thereafter unless the city council adopts a resolution ratifying such
22 determination and implementation within such 15-day period.

23 (45) Triggers for termination of stage III restrictions:

- 24 a. Stage III may terminate when the city manager makes a public announcement that all of
25 the conditions listed as triggering events have ceased to exist for a period of three
26 consecutive days; or
- 27 b. When the city manager makes a public announcement that it is in the best interest of the
28 city to terminate stage III.

29 **Sec. 44-235. Stage III water conservation regulations.**

30 (a) When stage III mandatory water conservation regulations are implemented, the following restrictions
31 and prohibitions shall be in effect:

32 (1) *Outdoor irrigation.* Except as provided below, all outdoor irrigation of vegetation is prohibited.
33 Irrigation by hand-held hoses or hand-held water cans is permitted in compliance with the stage
34 II once-per-week watering schedule found in section 44-232. Commercial plant nurseries are
35 permitted to irrigate by hand-held hoses or hand-held water cans in compliance with the stage I
36 twice-per-week watering schedule.

37 (2) *Vehicle washing.* The washing of automobiles, trucks, trailers, boats, airplanes, and other types
38 of mobile equipment is prohibited, unless occurring on the immediate premises of a commercial
39 carwash or a commercial service station and between the hours of 8:00 a.m. and 5:00 p.m.

40 (3) *Power washing.* Power washing is prohibited.

- (4) *Foundation watering.* The watering of the ground around foundations is prohibited except by hand-held hoses or soaker hoses and in compliance with the stage II once-per-week watering schedule found in section 44-232
- (5) *Pools.* Except as provided below, the refilling or adding of water to nongovernment owned swimming pools, hot tubs, wading pools, or ponds is prohibited. For new and existing swimming pools, hot tubs, wading pools, and ponds, the initial filling of said new water features and the refilling or adding of water in existing water features in accordance with the Stage II schedule is permitted if necessary to prevent damage to the pool or equipment.
- (6) *Fountains and Similar Water Features.* The operation of ornamental fountains or other similar structures is prohibited.
- (7) *Golf courses.* The use of water for irrigation of golf courses is prohibited.
- (8) *Fire hydrants.* The use of water from fire hydrants is prohibited except for firefighting-related activities or other activities necessary to maintain the health, safety and welfare of the citizens of the city. Routine flushing of fire hydrants for other than health and safety reasons is prohibited. Provided however, when approved in writing by the director, a business may use water from a fire hydrant for land development and building construction processes.
- (9) *Street washing.* Street washing is prohibited.
- (10) *New landscaping.* All new planting of plants or grass of any type is prohibited.
- (11) *Water served in restaurants.* Water may not be served in restaurants unless requested by a customer.
- (b) The stage III regulations do not apply to the following:
- (1) The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects.
- (2) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes.
- (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing and permanently installed landscape irrigation systems.
- (c) Stage III regulations are intended to achieve a 50 percent reduction in daily water consumption.

Sec. 44-236. Powers of the city manager.

In the event of unusual operational events, catastrophic occurrences, severe weather events, or other public emergencies, the city manager may implement mandatory water restrictions in addition to those set out in this article. The city manager may implement these mandatory restrictions by public announcement and the restrictions are effective immediately upon the making of such public announcement. The implementation of additional restrictions pursuant to this section 44-236 shall expire 15 days thereafter unless the city council adopts a resolution ratifying such determination and implementation within such 15-day period.

Sec. 44-237. Procedures for the implementation and termination of mandatory restrictions.

- (a) Stages I, II, and III may be implemented or terminated at any time by resolution adopted by the city council.
- (b) When the triggers for implementation of stages I, II, and III are met, the city manager shall implement the respective mandatory restrictions by issuing a written public announcement stating at a minimum the following information:

- 1 (1) The date restrictions will begin; and
- 2 (2) The circumstances and/or reasons that triggered the restrictions.
- 3 (c) Notice of the implementation and termination of mandatory restrictions will be given through press
- 4 releases, cable television announcements, postings in public areas, on the city's web page and/or
- 5 other electronic means. The notifications for implementation will contain, at a minimum, the following
- 6 information:
- 7 (1) The date restrictions will begin;
- 8 (2) The circumstances that triggered the restrictions;
- 9 (3) The stages of response and explanation of the restrictions to be implemented;
- 10 (4) An explanation of the consequences for violations.
- 11 (d) When the triggers for implementation of stages I, II, and III are no longer in effect, or the city
- 12 manager determines that it is in the best interest of the city to terminate the restrictions, the city
- 13 manager may do so by issuing a written order terminating the restrictions.

14 **Sec. 44-238. Reserved.**

15 **Sec. 44-239. Variance; alternative compliance.**

- 16 (a) The director may grant any customer a temporary variance from the restrictions when failure to grant
- 17 such variance would cause an emergency condition adversely affecting the public health, welfare or
- 18 safety, and if one of the following conditions is met:
- 19 (1) Compliance with this article cannot be technically accomplished during the duration of the water
- 20 supply shortage or other condition for which the restrictions in effect; or
- 21 (2) Alternative methods can be implemented which will achieve the same or better level of
- 22 reduction in water use.
- 23 (b) The director shall inform the customer in writing concerning the granting or denial of such variance
- 24 and any conditions that may accompany such variance, including any timetables for compliance with
- 25 the restrictions. The city will treat all customers equally concerning variances, and shall not
- 26 discriminate in granting variances. No variance shall be retroactive or otherwise justify any violation
- 27 of restrictions occurring prior to the issuance of the variance.
- 28 (c) Customers requesting a variance shall file a petition for variance with the director. All petitions shall
- 29 include the following information:
- 30 (1) Name and address of the petitioner;
- 31 (2) Purpose of water use;
- 32 (3) Specific provisions of the restrictions from which the petition is requesting relief;
- 33 (4) Detailed statement as to how the specific restriction(s) adversely affects the petitioner or what
- 34 damage or harm will occur to the petitioner or others if petitioner complies with the restriction(s);
- 35 (5) Description of the relief requested;
- 36 (6) Period of time for which the variance is sought;
- 37 (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take
- 38 to meet the intent of this article and the compliance date;
- 39 (8) Other pertinent information.
- 40 (d) If approved, the customer shall keep a copy of the alternative water use requirements in the location
- 41 accessible and visible to the public.

- (e) If granted, the variance shall expire when the then current stage of regulations is terminated or the city implements a different stage. A new petition must be submitted each time the city implements a new higher stage of regulations.

Sec. 44-240. Enforcement and penalty.

- (a) For purposes of this article, the person or customer in whose name the utility billing office last billed or who is receiving the economic benefit of the water supply is presumed to have knowingly made, caused, used or permitted the use of water received from the city for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this article and proof that the violation occurred on the person's or customer's property shall constitute a rebuttal presumption that the person or customer committed the violation.
- (b) A person commits an offense if the person performs an act prohibited by this article or fails to perform an act required by this article. Each instance of a violation of this article is a separate offense.
- (c) Proof of a culpable mental state is not required for a conviction of an offense under this article.
- (d) Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttal presumption that the parent committed the violation.
- (e) An offense under this article is a class C misdemeanor, punishable by a fine not to exceed \$2,000.00. Prosecution of an offense under any section does not preclude other enforcement remedies under this article. The enforcement of other remedies under this article does not prevent prosecution for a violation of this article.
- (f) If a person is convicted for three or more violations of this article within a 12-month period, water service may be disconnected or restricted.
- (g) If a customer is irrigating during a time period or on a day when irrigation is not permitted for that customer and a city worker cannot find any person at that street address to turn off the irrigation system, the city worker may enter the property and turn off the irrigation system.
- (h) The city's authority to seek injunctive or other civil relief available under the law is not limited by this article.

Secs. 44-241—44-269. Reserved.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted

1 and that such meeting was open to the public as required by law at all times during
2 which this Ordinance and the subject matter hereof were discussed, considered and
3 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
4 Government Code, as amended.

5 **READ** and **APPROVED** on first reading this the ____ day of
6 _____, 2015.

7 **READ, APPROVED** and **ADOPTED** on second reading this the ____ day of
8 _____, 2015.

9
10
11 _____
12 ALAN MCGRAW, Mayor
13 City of Round Rock, Texas

14 ATTEST:

15
16 _____
17 SARA L. WHITE, City Clerk
18



City of Round Rock

Agenda Item Summary

Agenda Number: F.4

Title: Consider an ordinance amending Chapter 44, Sections 44-32 and 44-34, Code of Ordinances (2010 Edition), regarding water and sewer service rates for wholesale customers. (Second Reading)

Type: Ordinance

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Michael Thane, Director of Utilities and Environmental Services

Cost:

Indexes:

Attachments: Ordinance

Department: Utilities and Environmental Services

Text of Legislative File 2015-2384

Approximately every three years, the City conducts a Utility Rate Study to determine what the water and wastewater rates need to be set at in order for the City to receive the necessary revenue in order to operate and maintain the water and wastewater utility system. This study helps determine the charges and rates for all City utility customers to ensure that all customer classes are charged fairly based on the cost of providing service. This study will also help keep the issuance of debt to a minimum.

The Utility Rate Study was last updated in March 2013. This study indicated that the retail rates for 2014 could remain unchanged, but the 2015 rates would increase by 3% for water and 2% for wastewater. In addition, the 2016 retail rates could also increase by 3% for water and 3% for wastewater.

In addition, the Utility Rate Study was conducted to determine the appropriate rates to cover the cost of service for the City's wholesale customers. In June 2013, Council approved a wholesale rate increase. However, in November 2013, staff recommended to the Council to retract these rates to allow the City to take another look at the rates for our wholesale customers.

In May of 2014, after conducting a Request for Qualifications process, the City Council awarded a Professional Consulting Services Agreement to Raftelis Financial Consultants, Inc. for a Water and Wastewater Utility Rate Study. The study determined what the water and wastewater charges and rates needed to be for all City utility customers. This will

ensure that all customer classes are being charged fairly based on the cost of the providing service in order to sufficiently maintain operations as a self-funded utility.

This proposed ordinance amendment is for the wholesale water and wastewater rates for the next three years. These rates would go into effect October 2015, October 2016, and October 2017.

Staff recommends approval.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

S:

1.

(c) *Rates for water service to wholesale customers.*

- (1) The rate for water service to a wholesale customer shall consist of a monthly base charge and a volumetric charge per 1,000 gallons of water used.
- (2) The monthly base charge and the volumetric charge for water to wholesale customers are as follows:
 - a. Effective October 1, 2013.
 1. Aqua Texas, Inc.
Base Charge \$4,185.00
Volume Charge 2.12
 2. Fern Bluff Municipal Utility District.
Base Charge \$19,900.00
Volume Charge 2.18
 3. Paloma Lake Municipal Utility District #1.
Base Charge \$1,500.00
Volume Charge 2.05
 4. Paloma Lake Municipal Utility District #2.
Base Charge \$1,500.00
Volume Charge 2.05

- 1 5. R&R Mobile.
2 Base Charge \$850.00
3 Volume Charge 1.90
4 6. Walsh Ranch Municipal Utility District.
5 Base Charge \$2,600.00
6 Volume Charge 2.35
7 7. Williamson County Municipal Utility District #10.
8 Base Charge \$12,000.00
9 Volume Charge 2.20
10 8. Williamson County Municipal Utility District #11.
11 Base Charge \$10,250.00
12 Volume Charge 2.25
13 9. Vista Oaks Municipal Utility District.
14 Base Charge \$10,750.00
15 Volume Charge 2.50

16 b. Effective October 1, 2015.

17 1. Aqua Texas, Inc.

18 Base Charge \$4,570.00

19 Volume Charge 2.31

20 2. Fern Bluff Municipal Utility District.

21 Base Charge \$21,720.00

22 Volume Charge 2.38

23 3. Paloma Lake Municipal Utility District #1.

24 Base Charge \$1,880.00

25 Volume Charge 2.56

26 4. Paloma Lake Municipal Utility District #2.

27 Base Charge \$1,850.00

28 Volume Charge 2.53

29 5. R&R Mobile.

30 Base Charge \$940.00

31 Volume Charge 2.09

1 6. Walsh Ranch Municipal Utility District.

2 Base Charge \$2,950.00

3 Volume Charge 2.66

4 7. Williamson County Municipal Utility District #10.

5 Base Charge \$13,040.00

6 Volume Charge 2.39

7 8. Williamson County Municipal Utility District #11.

8 Base Charge \$11,370.00

9 Volume Charge 2.49

10 9. Vista Oaks Municipal Utility District.

11 Base Charge \$11,540.00

12 Volume Charge 2.68

13 c. Effective October 1, 2016.

14 1. Aqua Texas, Inc.

15 Base Charge \$4,987.00

16 Volume Charge 2.53

17 2. Fern Bluff Municipal Utility District.

18 Base Charge \$23,702.00

19 Volume Charge 2.60

20 3. Paloma Lake Municipal Utility District #1.

21 Base Charge \$2,346.00

22 Volume Charge 3.21

23 4. Paloma Lake Municipal Utility District #2.

24 Base Charge \$2,279.00

25 Volume Charge 3.12

26 5. R&R Mobile.

27 Base Charge \$1,027.00

28 Volume Charge 2.30

29 6. Walsh Ranch Municipal Utility District.

30 Base Charge \$3,337.00

31 Volume Charge 3.02

1 7. Williamson County Municipal Utility District #10.

2 Base Charge \$14,151.00

3 Volume Charge 2.59

4 8. Williamson County Municipal Utility District #11.

5 Base Charge \$12,593.00

6 Volume Charge 2.76

7 9. Vista Oaks Municipal Utility District.

8 Base Charge \$12,385.00

9 Volume Charge 2.88

10 d. Effective October 1, 2017.

11 1. Aqua Texas, Inc.

12 Base Charge \$5,444.00

13 Volume Charge 2.76

14 2. Fern Bluff Municipal Utility District.

15 Base Charge 25,868.00

16 Volume Charge 2.83

17 3. Paloma Lake Municipal Utility District #1.

18 Base Charge \$2,935.00

19 Volume Charge 4.01

20 4. Paloma Lake Municipal Utility District #2.

21 Base Charge \$2,810.00

22 Volume Charge 3.84

23 5. R&R Mobile.

24 Base Charge \$1,130.00

25 Volume Charge 2.52

26 6. Walsh Ranch Municipal Utility District.

27 Base Charge \$3,780.00

28 Volume Charge 3.42

29 7. Williamson County Municipal Utility District #10.

30 Base Charge \$15,368.00

31 Volume Charge 2.82

8. Williamson County Municipal Utility District #11.

Base Charge \$13,959.00

Volume Charge 3.06

9. Vista Oaks Municipal Utility District.

Base Charge **\$13,294.00**

Volume Charge 3.09

11.

That Chapter 44, Section 44-34(e), Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

Sec. 44-34. Sewer rates.

(e) *Rates for sewer service to wholesale customers.* The monthly volumetric charge for sewer service to wholesale customers, per 1,000 gallons of water used in accordance with each entity's respective contractual obligation, is as follows:

(1) Effective October 1, 2013.

a. Paloma Lake Municipal Utility District #1.

Volume Charge \$3.90

b. Paloma Lake Municipal Utility District #2.

Volume Charge \$3.90

c. R&R Mobile.

Volume Charge \$3.90

d. Siena Municipal Utility District #1.

Volume Charge \$3.90

e. Siena Municipal Utility District #2.

Volume Charge \$3.90

f. Walsh Ranch Municipal Utility District.

Volume Charge \$3.90

g. Williamson County Municipal Utility District #10.

Volume Charge \$3.90

h. Williamson County Municipal Utility District #11.

Volume Charge \$3.90

i. Vista Oaks Municipal Utility District.

Volume Charge \$3.90

1 (2) Effective October 1, 2015.

2 a. Paloma Lake Municipal Utility District #1.

3 Volume Charge \$3.99

4 b. Paloma Lake Municipal Utility District #2.

5 Volume Charge \$3.99

6 c. R&R Mobile.

7 Volume Charge \$3.99

8 d. Siena Municipal Utility District #1.

9 Volume Charge \$3.99

10 e. Siena Municipal Utility District #2.

11 Volume Charge \$3.99

12 f. Walsh Ranch Municipal Utility District.

13 Volume Charge \$3.99

14 g. Williamson County Municipal Utility District #10.

15 Volume Charge \$3.99

16 h. Williamson County Municipal Utility District #11.

17 Volume Charge \$3.99

18 i. Vista Oaks Municipal Utility District.

19 Volume Charge \$3.99

20
21 (3) Effective October 1, 2016.

22 a. Paloma Lake Municipal Utility District #1.

23 Volume Charge \$4.09

24 b. Paloma Lake Municipal Utility District #2.

25 Volume Charge \$4.09

26 c. R&R Mobile.

27 Volume Charge \$4.09

28 d. Siena Municipal Utility District #1.

29 Volume Charge \$4.09

30 e. Siena Municipal Utility District #2.

31 Volume Charge \$4.09

32 f. Walsh Ranch Municipal Utility District.

33 Volume Charge \$4.09

34 g. Williamson County Municipal Utility District #10.

35 Volume Charge \$4.09

1 h. Williamson County Municipal Utility District #11.

2 Volume Charge \$4.09

3 i. Vista Oaks Municipal Utility District.

4 Volume Charge \$4.09

5
6 (4) Effective October 1, 2017.

7 a. Paloma Lake Municipal Utility District #1.

8 Volume Charge \$4.19

9 b. Paloma Lake Municipal Utility District #2.

10 Volume Charge \$4.19

11 c. R&R Mobile.

12 Volume Charge \$4.19

13 d. Siena Municipal Utility District #1.

14 Volume Charge \$4.19

15 e. Siena Municipal Utility District #2.

16 Volume Charge \$4.19

17 f. Walsh Ranch Municipal Utility District.

18 Volume Charge \$4.18

19 g. Williamson County Municipal Utility District #10.

20 Volume Charge \$4.19

21 h. Williamson County Municipal Utility District #11.

22 Volume Charge \$4.19

23 i. Vista Oaks Municipal Utility District.

24 Volume Charge \$4.19

25
26
27 **III.**

28
29 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are
30 expressly repealed.

31 **B.** The invalidity of any section or provision of this ordinance shall not
32 invalidate other sections or provisions thereof.

33 **C.** The City Council hereby finds and declares that written notice of the date,
34 hour, place and subject of the meeting at which this Ordinance was adopted was posted

1 and that such meeting was open to the public as required by law at all times during
2 which this Ordinance and the subject matter hereof were discussed, considered and
3 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
4 Government Code, as amended.

5 **READ** and **APPROVED** on first reading this the _____ day of
6 _____, 2015.

7 **READ, APPROVED** and **ADOPTED** on second reading this the _____ day of
8 _____, 2015.

9
10 _____
11 ALAN MCGRAW, Mayor
12 City of Round Rock, Texas
13

14 ATTEST:

15 _____
16 SARA L. WHITE, City Clerk
17



City of Round Rock

Agenda Item Summary

Agenda Number: H.1

Title: Consider a resolution approving the action of the Round Rock Transportation and Economic Development Corporation in Authorizing the Issuance of Senior Lien Sales Tax Revenue Refunding Bonds, Series 2015; Approving Documents Related to the Sale of the Bonds and Other Matters Related Thereto.

Type: Resolution

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Susan L. Morgan, CFO

Cost:

Indexes:

Attachments: Resolution

Department: Finance Department

Text of Legislative File 2015-2421

The City will be refunding approximately \$10.6 million in Series 2006 Senior Lien Sales Tax Revenue Bonds for the Round Rock Transportation and Economic Development Corporation. The City has an opportunity to refinance this debt from an average coupon of 4.29% to 2.50% resulting in a net debt service reduction (after all issuance costs) of just over \$500,000. The savings would be realized between 2016-2021 in equal amounts of approximately \$80,000 a year and are reflected as a reduction of the debt service requirement.

We will utilize the direct purchase method which allows the City to avoid having to get this issuance rated and also allows no reserve fund deposit. This deal will produce an approximate 4.3% net present value which is higher than the required minimum of 3%.

The Round Rock Transportation and Economic Development Corporation will approve the resolution to approve the authorization of Issuance of Senior Lien Sales Tax Revenue Refunding Bonds at their meeting prior to the City Council meeting. The City Council will then approve the action of the Round Rock Transportation and Economic Development Corporation

Staff recommends approval.

**RESOLUTION APPROVING A RESOLUTION OF THE ROUND ROCK
TRANSPORTATION AND ECONOMIC DEVELOPMENT CORPORATION
AUTHORIZING THE ISSUANCE OF ROUND ROCK TRANSPORTATION AND
ECONOMIC DEVELOPMENT CORPORATION SENIOR LIEN SALES TAX
REVENUE REFUNDING BOND, SERIES 2015; APPROVING DOCUMENTS
RELATED TO THE SALE OF THE BOND AND OTHER MATTERS RELATED
THERETO**

WHEREAS, in accordance with the provisions of the Act, the City shall timely transfer to the Issuer the proceeds of the aforesaid sales and use tax, in accordance with the terms and conditions of that certain Sales Tax Remittance Agreement, dated as of May 15, 2001, between the City and the Issuer and such funds shall be maintained by the Depository of the City and accounted for separately by the City on behalf of the Issuer; and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted by the City Council of the City (hereinafter referred to as the "City Council") in accordance with Section 501.204(a) of the Local Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS THAT:

Section 1. Approval of the Bond and the Bond Resolution. The resolution of the Issuer entitled "RESOLUTION OF THE ROUND ROCK TRANSPORTATION AND ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF ROUND ROCK TRANSPORTATION AND ECONOMIC DEVELOPMENT CORPORATION SENIOR LIEN SALES TAX REVENUE REFUNDING BOND, SERIES 2015; APPROVING DOCUMENTS RELATED TO THE SALE OF THE BOND AND OTHER MATTERS RELATED THERETO," in substantially the form and substance as attached to this Resolution as Exhibit "A" and made a part hereof for all purposes, is hereby approved, and the Bond in the aggregate principal amount of \$10,930,000 may be issued by the Issuer to refund and redeem the Refunded Obligations and to pay the costs of issuance.

Section 2. Confirmation of Sales Tax Remittance Agreement. The Sales Tax Remittance Agreement, dated as of May 15, 2001, between the City and the Issuer is hereby reconfirmed and approved.

Section 3. Execution of Documents; No Liability of the City. The City Council of the City hereby authorizes the Mayor, the City Manager and the Assistant City Manager to execute on behalf of the City all documents deemed necessary in connection with the issuance of the Bond and the agreements approved by this Resolution. The City Clerk is authorized to attest any documents necessary. The City shall have no liability for the payment of the Bond nor shall any of its assets be pledged to the payment of the Bond.

Section 4. Incorporation of Recitals. The findings and preambles set forth in this Resolution are hereby incorporated into this Resolution and made a part hereof for all purposes.

Section 5. Effective Date. This Resolution shall become effective immediately upon passage.

RESOLVED on this the 23rd day of April, 2015.

CITY OF ROUND ROCK, TEXAS

By: _____
Alan McGraw, Mayor

ATTEST:

By: _____
Sara L. White, City Clerk

EXHIBIT "A"



City of Round Rock

Agenda Item Summary

Agenda Number: H.2

Title: Consider a resolution authorizing the Mayor to execute an Engagement Letter with Brockway, Gersbach, Franklin & Niemeier, P.C. for the 2015 financial and compliance audit.

Type: Resolution

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Susan Morgan, Chief Financial Officer

Cost: \$104,000.00

Indexes:

Attachments: Resolution, Exhibit A

Department: Finance Department

Text of Legislative File 2015-2426

Each year the City engages an independent auditing firm to perform the required annual audit of the City's financial records. The objective of the audit includes: expressing an opinion as to whether the City's financial statements are fairly presented in accordance with generally accepted accounting principles; evaluating and reporting on the City's internal controls related to the financial statements and providing an opinion on the City's compliance with laws and regulations associated with the single audit act which is related to federal grants the City receives. In addition to audit work, the firm also assists the City with the preparation of the City's Comprehensive Annual Financial Report (CAFR).

The City's current auditors were selected through a competitive proposal process in 2012. This is the fourth of five possible one year renewals under that procurement process. This firm has been conducting the independent financial audit for the City since 2005.

Staff recommends approval.

RESOLUTION NO. R-2015-2426

WHEREAS, it is necessary for the City of Round Rock to conduct an annual audit of the City's financial records, and

WHEREAS, the accounting firm of Brockway, Gersbach, Franklin & Niemeier, P.C. ("Brockway") has submitted an engagement letter to provide said audit for the fiscal year ending September 30, 2015, and

WHEREAS, the City Council wishes to enter into said engagement letter with Brockway, Now
Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That the Mayor is hereby authorized and directed to execute on behalf of the City an engagement letter with Brockway, Gersbach, Franklin & Niemeier, P.C. to conduct said audit, a copy of same being attached hereto as Exhibit "A" and incorporated herein for all purposes.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2015.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk

March 10, 2015

**To the Honorable Mayor and Members of the
City Council
City of Round Rock, Texas
221 E. Main Street
Round Rock, Texas 78664-5299**

We are pleased to confirm our understanding of the services we are to provide City of Round Rock, Texas for the year ended September 30, 2015. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Round Rock, Texas as of and for the year ended September 30, 2015. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Round Rock, Texas' basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Round Rock, Texas' RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis**
- 2) Budgetary Comparison Schedules**
- 3) GASB – Required Supplementary Pension and OPEB Schedules**

We have also been engaged to report on supplementary information other than RSI that accompanies City of Round Rock, Texas' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and Individual Fund Statements and Schedules**
- 2) Schedule of Expenditures of Federal Awards**

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

- 1) Introductory Section
- 2) Statistical Data

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Honorable Mayor and Members of the City Council of City of Round Rock, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

Management Responsibilities

Management is responsible for the financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal awards received and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (a) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (b) following laws and regulations; (c) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (d) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

You are responsible for preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to [include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions.^c We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Round Rock, Texas' compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City of Round Rock, Texas' major programs. The purpose of these procedures will be to express an opinion on the City of Round Rock, Texas' compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the City of Round Rock, Texas; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Brockway, Gersbach, Franklin & Niemeier, P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to federal agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Brockway, Gersbach, Franklin & Niemeier, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the City. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.


We expect to begin our audit on approximately July, 2015 and to issue our reports no later than January, 2016. Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services, including expenses, will be \$ 104,000. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2012 peer review report accompanies this letter.

We appreciate the opportunity to be of service to the City of Round Rock, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen H. Niemeier". The signature is fluid and cursive, with the first name "Stephen" and last name "Niemeier" clearly distinguishable.

Stephen H. Niemeier, CPA
Brockway, Gersbach, Franklin & Niemeier, P. C.

RESPONSE:

This letter correctly sets forth the understanding of the City of Round Rock, Texas.

By: _____

Title: _____

Date: _____

BUMGARDNER, MORRISON & COMPANY, L.L.P.

BMC

CERTIFIED PUBLIC ACCOUNTANTS

JOSEPH B. BUMGARDNER, CPA
(1911-2002)
JACK R. MORRISON, SR., CPA
(1922-1997)

MEMBERS:
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS
AICPA PRIVATE COMPANIES PRACTICE SECTION
AICPA TAX DIVISION

CHRISTOPHER E. KREJCI, CPA
JEROME G. KOTZUR, CPA
G. DENNIS SHAY, CPA, CFP®
PAULA G. LESKE, CPA
MICHAEL E. WENSKE, CPA

JACK C. FITZGERALD, CPA
JACK R. MORRISON, JR., CPA

September 28, 2012

System Review Report

To the Shareholders of Brockway, Gersbach, Franklin & Niemeier, PC
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC (the firm) in effect for the year ended April 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC in effect for the year ended April 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Brockway, Gersbach, Franklin & Niemeier, PC has received a peer review rating of *pass*.

Bumgardner, Morrison & Company, LLP



City of Round Rock

Agenda Item Summary

Agenda Number: H.3

Title: Consider a resolution determining that "Competitive Sealed Proposal" is the delivery method which provides the best value for the construction of a new Fire Station at Lisa Rae Drive.

Type: Resolution

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Chad McDowell, General Services Director

Cost:

Indexes: 2014 General Obligation Bonds

Attachments: Resolution

Department: General Services Department

Text of Legislative File 2015-2397

Texas Government Code, Chapter 2269 allows governmental entities to use certain methods other than competitive bidding in entering into contract for construction of facilities, the City of Round Rock is considering using "Competitive Sealed Proposal" as the delivery method for the new Fire Station located 1401 and 1405 Lisa Rae Drive, Round Rock.

Competitive sealed proposal is a method of construction that allows the City of Round Rock to hire a contractor based off qualifications and low bid equaling the (Best Value)
Staff Recommends Approval

RESOLUTION NO. R-2015-2397

WHEREAS, Texas Government Code, Chapter 2269 allows governmental entities to use certain methods other than competitive bidding in entering into contracts for construction of facilities, as defined therein, and

WHEREAS, the City of Round Rock is considering using an alternative method other than competitive bidding in entering into a contract for a new Fire Station located at 1401 and 1405 Lisa Rae Drive, Round Rock, Texas (“Project”), and

WHEREAS, the statute requires that a project-by-project determination be made as to what method provides the best value for the governmental entity in relation to a particular project, and

WHEREAS, the Council has determined that the Project would be best served by utilizing the “Competitive Sealed Proposal” method, and

WHEREAS, Texas Government Code, Section 2269.056(a) mandates the “governing body of a governmental entity that is considering a construction contract using a method specified by Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity,” and

WHEREAS, the City Council desires to comply with all requirements of the statute, Now
Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

In accordance with Texas Government Code §2269.056(a), the Council has determined that “Competitive Sealed Proposal” is the delivery method which provides the best value for the City for the construction of the new Fire Station at 1401 and 1405 Lisa Rae Drive, Round Rock, Texas.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter

hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2015.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk



City of Round Rock

Agenda Item Summary

Agenda Number: H.4

Title: Consider a resolution determining that "Competitive Sealed Proposal" is the delivery method which provides the best value for the City Hall Third Floor Remodel Project.

Type: Resolution

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Chad McDowell, General Services Director

Cost:

Indexes: 2004 General Obligation Bonds

Attachments: Resolution

Department: General Services Department

Text of Legislative File 2015-2398

Texas Government Code, Chapter 2269 allows governmental entities to use certain methods other than competitive bidding in entering into contract for construction of facilities, the City of Round Rock is considering using "Competitive Sealed Proposal" as the delivery method for the remodel of City Hall Third Floor.

Competitive sealed proposal is a method of construction that allows the City of Round Rock to hire a contractor based off qualifications and low bid equaling the (Best Value)
Staff Recommends Approval

RESOLUTION NO. R-2015-2398

WHEREAS, Texas Government Code, Chapter 2269 allows governmental entities to use certain methods other than competitive bidding in entering into contracts for construction of facilities, as defined therein, and

WHEREAS, the City of Round Rock is considering using an alternative method other than competitive bidding in entering into a contract for the City Hall Third Floor Remodel Project located at 221 E. Main Street, Round Rock, Texas (“Project”), and

WHEREAS, the statute requires that a project-by-project determination be made as to what method provides the best value for the governmental entity in relation to a particular project, and

WHEREAS, the Council has determined that the Project would be best served by utilizing the “Competitive Sealed Proposal” method, and

WHEREAS, Texas Government Code, Section 2269.056(a) mandates the “governing body of a governmental entity that is considering a construction contract using a method specified by Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the governmental entity,” and

WHEREAS, the City Council desires to comply with all requirements of the statute, Now
Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

In accordance with Texas Government Code §2269.056(a), the Council has determined that “Competitive Sealed Proposal” is the delivery method which provides the best value for the City for the City Hall Third Floor Remodel Project located at 221 E. Main Street, Round Rock, Texas 78664.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter

hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2015.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk



City of Round Rock

Agenda Item Summary

Agenda Number: H.5

Title: Consider a resolution determining that CHASCO Constructors, Ltd., LLP provides the best value for the City for the Rock 'N River Family Aquatic Center Expansion Project, and authorizing the Mayor to execute a Standard Form of Agreement and a Post-Proposal Negotiated Amendment.

Type: Resolution

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Chad McDowell, General Services Director

Cost:

Indexes: 2014 General Obligation Bonds

Attachments: Resolution, Bid Tab

Department: General Services Department

Text of Legislative File 2015-2409

In 2013 the voters approved GO Bonds that included funds for the expansion of Rock N River. The current park is just under an acre and the new significantly expanded park will be close to five acres, allowing the park to serve an additional 1000 guest. Currently the design is complete and we have bid out the project using the CSP delivery method. The selection Committee which consisted of seven members from three different departments as well as the Architect, selected Chasco as the Best Value for the City based on price and experience. Our goal is to complete construction by May of 2016.

Staff Recommends Approval

RESOLUTION NO. R-2015-2409

WHEREAS, the City of Round Rock has previously determined in Resolution No. R-2015-2224 that “Competitive Sealed Proposal” is the delivery method which provides the best value for the City for construction the Rock N River Water Park Expansion Project, and

WHEREAS, after advertising for and receiving proposals from offerors, the City of Round Rock determines that Chasco Constructors, Ltd., LLP is the offeror which offers the best value for the City, and

WHEREAS, Texas Government Code Section 2269.155(b) allows the City and its architect to “discuss with the selected offeror options for a scope or time modification and any price change associated with the modification”, and

WHEREAS, such post-proposal negotiations were held and did result in certain changes to scope and price changes associated with such modifications, and

WHEREAS, the City Council now wishes to enter into a “Standard Form of Agreement Between Owner and Contractor” with Chasco Constructors, Ltd., LLP, and wishes to enter into a “Post-Proposal Negotiated Amendment” with Chasco Constructors, Ltd., LLP outlining the above-referenced changes and modifications, Now Therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ROUND ROCK, TEXAS,

That, after advertising for and receiving proposals from offerors, the City of Round Rock hereby finds that Chasco Constructors, Ltd., LLP is the offeror which offers the best value for the City.

BE IT FURTHER RESOLVED

That the Mayor is hereby authorized and directed to execute on behalf of the City a “Standard Form of Agreement Between Owner and Contractor” with Chasco Constructors, Ltd., LLP and a “Post-Proposal Negotiated Amendment” with Chasco Constructors, Ltd., LLP for construction of the Rock N River Water Park Expansion Project.

The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this 23rd day of April, 2015.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk



Competitive Sealed Proposal Bid Ranking for Rock N River FAC Expansion

Contractor Name	Bid Bond, Etc.	Add #1 Received	Add #2 Received	Base Price	Alternates Totals	Total Cost	Price 40pts.	Past Projects with References Listed 20pts.	Team Qualifications & Experience 20pts.	Project Plan, Approach and Quality Control 20pts.	Compliance with Bid Format 0 to -10pts.	Total Points	FINAL RANKING
MEGA CONST	Y	Y	Y	\$6,378,000.00	\$28,600.00	\$6,406,600.00	40.00000	11.14	12.00	13.00	-2	74.14	5
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
STR	Y	Y	Y	\$6,597,000.00	\$32,000.00	\$6,629,000.00	38.65802	17.72	16.00	19.00	-1	90.38	2
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
JOURNEYMEN	Y	Y	Y	\$6,783,000.00	\$32,000.00	\$6,815,000.00	37.60293	17.28	16.43	17.43	0	88.74	3
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
CHANEY COX	Y	Y	Y	\$6,850,000.00	\$30,000.00	\$6,880,000.00	37.24767	17.43	12.71	17.28	0	84.67	4
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
CHASCO CONST	Y	Y	Y	\$6,957,676.00	\$30,000.00	\$6,987,676.00	36.67371	19.71	20.00	19.00	-2	93.38	1
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									
				\$0.00	\$0.00	\$0.00	#DIV/0!						
				(Lowest Priced Proposal / Proposer's Price) X 40 = Price Score									

Selection Committee:

Chad McDowell, Rick Atkins, Richard Will, Aileen Dryden, Gary Lawrance, Austin Powers, Cath Martel

26-Mar-15



City of Round Rock

Agenda Item Summary

Agenda Number: I.1

Title: Consider an ordinance amending Chapter 44, Article VII, Code of Ordinances (2010 Edition), regarding Cross Connection Control and Prevention. (First Reading)(Requires Two Readings)

Type: Ordinance

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director: Michael Thane, Director of Utilities and Environmental Services

Cost:

Indexes:

Attachments: Ordinance

Department: Utilities and Environmental Services

Text of Legislative File 2015-2423

Over the past year, the Utilities & Environmental Services Department has been changing how the City manages the Backflow Prevention Program. This program is necessary in order to protect the possibility of contaminants from entering into the water distribution system when there is a loss of pressure. Devices that are considered high-hazard, which are mostly found in restaurants or hospitals, are required by the Texas Commission on Environmental Quality (TCEQ) to be tested annually. Devices that are considered low-hazard, which are mostly irrigation system devices, are currently required to be tested every 10 years; however, the City would like to change that timeframe to once every seven years. Low-hazard devices are not required to be tested by the TCEQ, but are required by local ordinance.

The City has recently contracted with Backflow Solutions, Inc. (BSI) to assist the City in managing this large time-consuming program. As part of this amendment, we are adding language that clarifies how the City will handle situations when the property owner fails to complete the testing requirement of their device. After three notifications (two letters from BSI and the third notice from the City), the City will proceed with testing the device and adding the cost onto the customer's water bill.

Staff recommends approval to these amendments to the City's Backflow Prevention ordinance.

Staff recommends approval.

ORDINANCE NO. O-2015-2423

AN ORDINANCE AMENDING CHAPTER 44, ARTICLE VII, CODE OF ORDINANCES (2010 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING CROSS CONNECTION CONTROL AND PREVENTION; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,
TEXAS:

Age Group	Percentage
18-24	10%
25-34	35%
35-44	25%
45-54	15%
55-64	10%
65-74	5%
75-84	2%
85+	1%

That Chapter 44, Article VII, Cross Connection Control and Prevention, Code of Ordinances (2010 Edition), City of Round Rock, Texas, is hereby replaced in its entirety and shall read as follows:

ARTICLE VII. CROSS CONNECTION CONTROL AND PREVENTION

Sec. 44-173. 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, and said source of contamination or possible contamination is connected to any public potable water supply or provides potable water to the public shall be equipped with the protection required under the provisions of this article.

Sec. 44-174. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word used in this article is not contained in the following list, it shall have the definition listed in section 44-5 or in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California. The following definitions shall apply to this article:

Air gap means 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 shall not be less than one inch in any case.

Approved backflow prevention assembly or backflow assembly or assembly means an assembly to counteract back pressure or prevent backsiphonage.

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

1 *Auxiliary supply* means any water source or system other than the public potable water system that
2 is or may be available in a building or on real property, including reuse water, groundwater or surface
3 water used for industrial, irrigation or any other purpose.

4 *Backflow* means the flow in the direction opposite to the normal flow of the city's potable water
5 system, or the introduction of any foreign liquids, gases, or substances into the city's potable water
6 system.

7 *Backflow prevention assembly tester* means a licensed tester who is registered with the city's third
8 party vendor ~~qualified~~ to test backflow pressure assemblies on any domestic, commercial, industrial or
9 irrigation service ~~except firelines~~.

10 *Backpressure* means any elevation of pressure in the downstream piping system (by any means)
11 above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of
12 the normal direction of flow of water in the city's potable water system, or the introduction of fluids,
13 mixtures or substances from any source other than the intended source.

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

17 *Boresight* or *boresight to daylight* means the provision of adequate drainage for assemblies installed
18 in vaults through the use of an unobstructed drain pipe.

19 *Commercial establishment* means any property or location which is used for the manufacture,
20 production, storage, wholesaling or retailing of any good or ware which is, or may be, placed in the flow of
21 commerce, or any property or location which is used for the provision of any service for compensation.

22 *Contaminants* means any foreign material, solid or liquid, not common to the potable water supply
23 which makes or may make the water unfit or undesirable for human or animal consumption.

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

25 *Cross connection* means any connection, physical or otherwise, between a potable water supply
26 system and any plumbing fixture or any tank, receptacle, equipment or device through which it may be
27 possible for any reuse, nonpotable, used, unclean, polluted and/or contaminated water, or other
28 substances, to enter into any part of such potable water system under any condition or set of conditions.

29 *Cross connection control device* means any device placed upon any connection, physical or
30 otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle,
31 equipment or device, which is designed to prevent reuse, nonpotable, used, unclean, polluted and/or
32 contaminated water, or other substances, from entering into any part of such potable water system under
33 any condition or set of conditions.

34 *Degree of hazard* means the hazard classification that shall be assigned to all actual or potential
35 cross connections.

36 (1) The term "health hazard" means an actual or potential threat of contamination of a physical or
37 toxic nature to the public potable water system or the consumer's potable water system that
38 would be a danger to health.

39 (2) The term "high hazard" means the classification assigned to an actual or potential cross
40 connection that potentially could allow a substance that may cause illness or death to backflow
41 into the potable water supply.

42 (3) The term "low hazard" means the classification assigned to an actual or potential cross
43 connection that potentially could allow a substance that may be objectionable but not hazardous
44 to a person's health to backflow into the potable water supply.

45 (4) The term "plumbing hazard" means an internal or plumbing-type cross connection in a
46 consumer's potable water system that may be either a pollutional or a contamination-type
47 hazard.

(5) The term "pollutional 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 herein. 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) The term "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 pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.

Director means Director of Utilities and Environmental Services, or his designee.

Double check detector backflow prevention assembly or double check detector or DCDA means 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 means 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.

Fireline tester means a tester who is employed by a state-approved fireline contractor and is qualified to test assemblies on firelines only.

Mobile unit means 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.

Non-residential use means water used by any person other than a residential customer of the water supply and include all uses not specifically included in "residential uses."

Point-of-use isolation means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

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

Premises means any piece of property to which water is provided, including all improvements, mobile structures, and structures located on the property.

Premises isolation means 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 means an assembly which provides protection against backsiphonage, 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 must have suction and discharge gate valves and resilient seated test cocks which allow the complete testing of the assembly.

Public water system or water system means 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 principal detector backflow prevention assembly or reduced pressure detector or RPDA means 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 must be capable of accurately registering very low rates of flow.

1 *Reduced pressure principle backflow prevention assembly or reduced pressure principle assembly*
2 or *RP assembly or RP* means an assembly containing two independently acting approved check valves
3 together with a hydraulically-operated, mechanically independent pressure differential relief valve located
4 between the check valves and below the first check valve. The assembly shall include properly located
5 resilient seated test cocks and a tightly closing resilient seated shutoff valve the end of the assembly.

6 ~~*Regulatory authority means the director of the city, or his designee, who is vested with the authority*~~
7 ~~*and responsibility to administer this article.*~~

8 ~~*Representative of the water system means the director of the city, or his designee, who is vested*~~
9 ~~*with the authority to perform cross connection control duties which shall include, but are not limited to,*~~
10 ~~*cross connection inspections and water use surveys.*~~

11 *Residential use* means water use of any residential customer of the water supply and shall include,
12 but is not limited to, single family dwellings, duplexes, multiplex, housing and apartments where the
13 individual units are each on a separate meter; or, in cases where two or more units are served by one
14 meter, the units are full-time dwellings.

15 *Service connection* means the point of delivery at which the water supplier loses control of the water.

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

20 *Thermal expansion* means heated water that does not have the space to expand.

21 *Third party vendor means a third party contracted by the city to provide backflow testing notification*
22 *and data management services on behalf of the city.*

23 *Used water* means water supplied by a public water system to a water user's system after it has
24 passed through the service connection.

25 **Sec. 44-175. Right-of-way encroachment.**

26 No person shall install or maintain an assembly, or any part thereof, upon or within any city right-of-
27 way except as provided in this article.

28 (1) An assembly required by the city may be installed upon or within any city right-of-way only if the
29 owner demonstrates to the city's satisfaction that there is no other feasible location for installing
30 the assembly, and installing it in the right-of-way will not interfere with traffic, utilities or any
31 other purpose for which the right-of-way exists. The person installing an assembly must obtain
32 express written approval from the city regarding the location, height, depth, enclosure, and other
33 requisites of the assembly prior to its installation.

34 (2) All permits and inspections required by any applicable code or regulation to perform work in the
35 right-of-way shall be obtained prior to the installation of the assembly.

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

39 (4) The city shall not be liable for any damage done to or caused by an assembly installed in a
40 right-of-way. A person that installs an assembly in a city right-of-way shall repair, clean up, and
41 restore any and all streets, alleys, highways, public thoroughfares, public utility easements,
42 public ways, and other public property within a reasonable time, not to exceed ten days after the
43 completion of the work, to as good or better condition as existed prior to the commencement of
44 the work, and to the satisfaction of the director.

- (5) A property owner shall, at the request of the city and at the owner's expense, relocate an assembly that encroaches upon any city right-of-way when such relocation is deemed necessary by the city.
- (6) A person commits an offense if he fails to relocate an assembly located in or upon any city right-of-way after receiving a written order from the ~~regulatory authority~~Director requesting such relocation.

Sec. 44-176. Multiple connections.

The owner of any premises requiring multiple service connections for adequacy of supply and/or fire protection must install an assembly on each of the additional service lines to the premises. The type of assembly required will be determined by the degree of hazard that may occur in the event of an interconnect between any of the buildings on the premises.

Sec. 44-177. Protection required; installation.

- (a) The assembly protection which is required under this article shall be any of the duly authorized assemblies listed in the Uniform Plumbing Code, or as determined by the ~~regulatory authority~~Director. Each assembly must be approved in writing by the ~~regulatory authority~~Director in conjunction with the chief building inspector of the city prior to installation. Failure to obtain such written approval prior to installation of the assembly may result in the assembly failing to meet final approval by the ~~regulatory authority~~Director. The ~~regulatory authority~~Director shall determine the type and location of assembly to be installed within the area served by the city. An assembly shall be required in each of the following circumstances, but the ~~regulatory authority~~Director is not limited to requiring the installation of an assembly only in the following circumstances:
- (1) The nature and extent of any activity on or near the premises, or the materials used in connection with any activity on or near the premises, or materials stored on or near the premises, may contaminate or pollute the potable water supply.
 - (2) Premises having any one or more cross connections identified or one or more cross connections present on the premises.
 - (3) One or more cross connections are present on the premises and the cross connections are protected by an atmospheric vacuum breaker device (AVB).
 - (4) Internal cross connections are present that are not correctable.
 - (5) Intricate plumbing arrangements are present which make it impractical to ascertain whether cross connections exist.
 - (6) There is a repeated history of cross connections being established or re-established on the premises.
 - (7) 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.
 - (8) Materials are being used on the premises such that, if backflow should occur, a health hazard may result.
 - (9) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the sole judgment of the city.
 - (10) An appropriate cross connection survey report form has not been filed with the utility department of the city after a request by the city.
 - (11) A fire sprinkler system on the premises is connected to the city's water system.

- (12) All new construction, if deemed necessary as a result of the customer service inspection referred to in section 44-182. The type of assembly required shall be commensurate with the degree of hazard as determined by the ~~regulatory authority~~Director.
- (13) 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 must be installed at the service connection that supplies water for public domestic use.
- (14) Any used water return system is present on the premises.
- (15) In the event a point-of-use assembly has not had the testing or repair done as required by this section, 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.
- (17) All multistory buildings or any building with a booster pump or elevated storage tank.
- (18) Retrofitting will be required on all high hazard connections, and in additional circumstances in which the city deems it necessary to retrofit.
- (b) All assemblies installed after the effective date of the ordinance from which this article is derived shall be installed in a manner designed to facilitate ease of inspection by the ~~regulatory authority~~Director of the city. Any currently installed assemblies that, in the opinion of the ~~regulatory authority~~Director, are located in inaccessible locations, or where the tester is subjected to physical danger, shall be relocated to location approved in writing by the ~~regulatory authority~~Director.

Sec. 44-178. Testing of assemblies.

- (a) The ~~regulatory authority~~Director shall inspect and test, or cause to be inspected and tested, all assemblies in each of the following circumstances:
 - (1) Immediately after installation;
 - (2) Whenever the assembly is relocated;
 - (3) A minimum of once ~~a~~ every 12 months for assemblies that are used in high-hazard applications. Assemblies that are used in non-hazard applications must be tested a minimum of once every ~~ten~~ seven years;
 - (4) Premises that have been vacated and unoccupied for 12 months, prior to reoccupancy; or
 - (5) Immediately after repairs have been made to the assembly.
- (b) All assembly testing shall be performed by a licensed backflow prevention assembly tester registered with the ~~regulatory authority~~third party vendor.
- (c) Duly authorized employees of the city are authorized 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 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 onto their premises, the persons and occupants of the premises shall make necessary arrangements with their security personnel so that upon presentation of suitable identification, personnel from the city will be permitted to enter, without delay, for the purposes of performing their responsibilities.
- (d) The city shall not be liable to any person for any damage to an assembly that occurs during testing.
- (e) The ~~regulatory authority~~Director may cause a water use survey to be conducted at any commercial 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~~Director that the commercial establishment falls under the provisions of this article and requires an assembly, the ~~regulatory authority~~Director

1 shall issue a notice to abate the condition or order the commercial establishment to install the proper
2 assembly.

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

6 (g) All results from assembly testing, repairs and replacements by a licensed backflow prevention
7 assembly tester shall be submitted to the third party vendor recorded, in writing, on a form that may
8 ~~be obtained by the tester from the city.~~

9 **Sec. 44-179. Thermal expansion.**

10 It is the responsibility of any person who owns or controls property subject to this article to eliminate
11 the possibility of thermal expansion if a closed system has been created by the installation of an
12 assembly.

13 **Sec. 44-180. Pressure loss.**

14 Any reduction in water pressure caused by the installation of an assembly is not the responsibility of
15 the city. The city shall not be liable to any person for damages resulting from any reduction in water
16 pressure caused by the installation of an assembly.

17 **Sec. 44-181. Residential service connections.**

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

21 **Sec. 44-182. Customer service inspection.**

22 (a) Pursuant to commission water system regulations, a customer service inspection for cross
23 connection control shall be completed by the city prior to providing continuous water service in each
24 of the following circumstances:

- 25 (1) Water service to a newly constructed facility or previously nonexistent premises;
26 (2) After any material improvement to buildings or premises;
27 (3) Any correction or addition to the plumbing of any facility or premises served by the city; or
28 (4) The ~~regulatory authority~~Director deems it necessary.

29 (b) Permanent water service shall not be supplied to a newly constructed facility until after the customer
30 service inspection is completed.

31 **Sec. 44-183. Installation guidelines and requirements for backflow prevention** 32 **assemblies.**

33 (a) The following requirements shall apply to the installation of all assemblies:

- 34 (1) Approved backflow prevention assemblies shall be installed in accordance with state law,
35 commission rules, this article, and any other applicable law or regulation. The assembly installer
36 must obtain the required plumbing permits and have the installation inspected by the ~~regulatory~~
37 ~~authority~~Director.

- (2) With respect to facilities where the ~~regulatory authority~~Director requires an assembly to be installed at the point of delivery of the water supply, the installation of the assembly must be made at a point prior to any branch in the line. Such installation must be made on private property within two feet of the water meter. If deemed necessary, the ~~regulatory authority~~Director may specify other areas for installation of the assembly. Assemblies that must be installed, or are located on, city rights-of-way are the responsibility of the business or entity that the water line is serving.
- (3) All assemblies must be protected from damage caused by freezing or other severe weather conditions.
- (4) All assemblies shall be of a type and model approved in writing by the ~~regulatory authority~~Director prior to installation.
- (5) All vertical installations of assemblies must have prior written approval by the ~~regulatory authority~~Director.
- (6) Approved backflow prevention assemblies that are larger than four inches and installed more than five feet above floor level must have a suitable platform for use by testing, inspection, or maintenance personnel.
- (7) Bypass lines are prohibited. Pipe fittings which could be used for connecting a bypass line must not be installed on the premises.
- (8) Lines should be thoroughly flushed prior to installation of an assembly. 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 an assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed without interrupting the water service to the premises. The assemblies should be sized in such a manner that either assembly, operating independently, will provide the maximum flow required.
- (10) The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of an assembly. The owner shall be responsible for keeping all assembly vaults reasonably free of silt and debris.
- (11) Upon completion of installation, the ~~regulatory authority~~Director shall be notified by the owner of the premises, and all assemblies must be inspected and tested. All assemblies must be approved in writing by and registered with the ~~regulatory authority~~Director, and the owner of the premises shall provide to the ~~regulatory authority~~Director the date of installation, manufacturer, model, type, size, and serial number of the assembly, and initial test report.
- (12) Requests for variances from the specifications and requirements of this article will be evaluated on a case-by-case basis. Any deviations from this article must have prior written approval of the ~~regulatory authority~~Director.
- (b) Upon written approval by the ~~regulatory authority~~Director, reduced pressure principle backflow prevention assemblies (RPs) may be utilized on premises where a substance is handled that would be hazardous to health if introduced into the potable water system. The RP is normally used in locations where an air gap is impractical. The RP must be effective against both backsiphonage and backpressure.
 - (1) RPs must be sized to provide an adequate supply of water and pressure for the premises being served. Flow characteristics are not standard. The manufacturer's specifications must be consulted for specific performance data.
 - (2) Each RP assembly must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishings would not occur in the event of a relief valve discharge. The property owner assumes all responsibility for any damage caused by water discharge from a RP assembly.

- (3) 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 inch. An approved air gap funnel assembly may be used to direct minor discharges away from the assembly; however, this assembly may not be used to control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be installed.
 - (4) No part of an RP assembly shall be submerged in water or installed in a location subject to flooding. RPs must be installed above grade in well-drained areas.
 - (5) RP assembly enclosures shall be designed for ready access and sized to allow for the minimum clearances established below. Removable protective enclosures should be installed on smaller RP assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the RP assembly.
 - (6) RP assemblies two inches and smaller shall have at least six inches of clearance on both sides and on top of the assembly, and 12 inches of clearance below and behind the assembly. All RP assemblies larger than two inches shall have a minimum of 12 inches of clearance on the back side, 24 inches of clearance on the test cock side. 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 60 inches is required in vaults without a fully removable top. A minimum access opening of 36 inches in diameter is required on all vault lids.
 - (7) Vertical installation of RP assemblies is prohibited.
 - (8) All RP assemblies must be tested in accordance with this article. Tests are the responsibility of the premises owner. The owner must notify the ~~regulatory authority~~Director upon the installation of any assembly.
- (c) Reduced pressure principle detector backflow prevention assemblies (RPDAs) may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.
- (1) RPDAs shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RPs).
 - (2) Each line-size RP assembly and the bypass RP assembly must each be tested for proper functioning. A separate test report for each assembly must be completed by the licensed tester.
- (d) Double check valve backflow prevention assemblies (DCs) may be utilized on 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 the premises being served. The manufacturer's specifications must be consulted for specific performance data.
 - (2) Premises where an uninterrupted water supply is critical must be provided with two DC assemblies installed in parallel. DC assemblies should be sized in such a manner that either assembly, operating independently, will provide the maximum flow required.
 - (3) Each DC assembly shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, provided that 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) DC assemblies two inches and smaller shall have at least six inches of 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 DC assemblies larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches of clearance on the test cock side, and 12 inches of clearance below the assembly. Headroom of 60 inches is required in vaults without a fully removable top. A minimum access opening of 36 inches in diameter is required on all vault lids. "Y" pattern DCs shall be installed so that the checks are horizontal and the test

- 1 cocks face upward. These clearance standards apply to all DC assemblies installed in vaults,
2 enclosures or meter boxes.
- 3 (5) Vertical installations of DCs are allowed only on sizes up to and including four inches and which
4 also meet the following requirements:
- 5 a. Equipped with internally spring-loaded check valves;
6 b. Flow is upward through assembly;
7 c. Manufacturer states their assembly can be used in a vertical position;
8 d. Approved by ~~regulatory authority~~Director.
- 9 (6) All DCs must be tested in accordance with this article. Tests are the responsibility of the
10 assembly and premises owner. The owner must notify the ~~regulatory authority~~Director upon the
11 installation of any assembly.
- 12 (e) Double check detector backflow prevention assemblies (DCDA) may be utilized in all installations
13 requiring a DC and detector metering.
- 14 (1) DCDAs shall comply with the installation requirements applicable for DCs.
- 15 (2) Each line-size DC assembly and the bypass DC assembly must be tested for proper
16 functioning. A separate test report for each assembly must be completed by the licensed tester.
- 17 (f) Pressure vacuum breaker backflow prevention assemblies (PVBs) may be utilized at point-of-use
18 protection only and where a substance is handled that would be objectionable but not hazardous to
19 health if introduced into the potable water system. PVBs protect against backsiphonage only and
20 shall not be installed where there is potential for backpressure contamination.
- 21 (1) Each PVB assembly shall be installed a minimum of 12 inches above the highest downstream
22 piping.
- 23 (2) PVBs shall not be installed in any area subject to flooding or where damage may occur from
24 water discharge.
- 25 (3) Each PVB assembly shall be readily accessible for testing and maintenance, with a minimum
26 clearance of 12 inches in all areas immediately adjacent to the assembly.
- 27 (4) All PVBs must be tested in accordance with this article. Tests are the responsibility of the
28 assembly and premises owner. The owner must notify the ~~regulatory authority~~Director upon the
29 installation of any assembly.
- 30 (g) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVBs) may be utilized in
31 all installations requiring a pressure vacuum breaker. SVBs shall comply with the installation
32 requirements applicable for pressure vacuum breaker backflow prevention assemblies (PVBs).

33 **Sec. 44-184. Air gap separation.**

34 Air gap separations provide maximum protection from backflow hazards and may be utilized in water
35 systems situated on premises where a substance is present which would be hazardous to health if
36 introduced into the potable water system.

- 37 (1) An air gap separation shall be at least twice the diameter of the supply pipeline measured
38 vertically above the top rim of the receiving vessel, and in no case less than one inch. If
39 splashing is a problem, tubular screens may be attached or the supply line may be cut at a 45-
40 degree angle, and the air gap distance shall in such case be measured from the bottom of the
41 angle. Hoses shall not be used.
- 42 (2) Air gap separations shall not be altered in any way without prior written approval from the
43 ~~regulatory authority~~Director, and must be accessible for inspection at all reasonable times.

- (3) Side walls, ribs, or similar obstructions shall be spaced from the inside edge of the spout opening to a distance greater than three times the diameter of the effective opening for a single, or to a distance greater than four times the effective opening for two intersecting walls.
- (4) In systems where there are three or more side walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening in a manner other than specified in section 44-183(c), the air gap shall be measured from the top of the wall.
- (5) The effective opening shall be the minimum cross sectional area at the seat of the control valve or the supply pipe or tubing which feeds the assembly or outlet. If two or more lines supply one outlet, the effective opening shall be the sum of the cross sectional areas of the individual supply lines or the area of the single outlet, whichever is smaller.

Sec. 44-185. Fire systems.

- (a) An approved DCDA or RPDA shall be installed on fire sprinkler systems comprised of 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 granted in writing by the ~~regulatory authority~~ Director. A RPDA must be installed if any solution or substance other than the potable water may be introduced into the sprinkler system.
- (b) Upon the approved installation of a DCDA or RPDA, a cross connection test report completed by a city registered, licensed fireline tester must be sent to the ~~regulatory authority~~ Director, and such report must include the information required by this article.

Sec. 44-186. Responsibilities.

- (a) All property owners and persons in control of any premises shall comply with the provisions of this article. In the event of any changes to the plumbing system, it is the responsibility of the property owners and persons in control of any premises to notify the ~~regulatory authority~~ Director. All property owners and/or persons in control of any premises are also responsible for the following:
 - (1) Payment of all costs associated with this article and the purchase, installation, maintenance, testing, and repair of the assemblies required by this article.
 - (2) To install and maintain all assemblies in accordance with this article and acceptable industry practices.
 - (3) All commercial establishments shall annually test, or cause to be tested, all assemblies on the premises. Such tests must be conducted by a licensed backflow prevention assembly tester who is registered with the city.
 - (4) Maintain all assemblies in proper working order at all times, including making repairs as required to ensure the proper functioning of the assemblies.
 - (5) Maintain all assemblies such that the assemblies may be tested by a method that has been approved by the ~~regulatory authority~~ Director.
 - (6) Each record related to assembly installation, testing and repair shall be maintained on the premises for a minimum of three years.
 - (7) If not obtained by the licensed backflow prevention assembly tester, apply for and obtain a building permit from the building official of the city prior to commencing any work, including testing of, on any assembly device.
- (b) All licensed backflow prevention assembly testers shall:
 - (1) Annually register with the ~~regulatory authority~~ third party vendor, pay any required fee, and provide the information required by this article.
 - (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 in compliance with accepted industry practices, commission regulations, and all other applicable laws and regulations.
 - (5) Enter the required testing data, including test gauge serial numbers, on third party vendor's website ~~cross connection test forms obtained from the regulatory authority.~~
 - (6) Report test results electronically to the third party vendor's website ~~to the regulatory authority~~ within 30 ~~15~~ days of testing. For any new assemblies, either new installs or previously undocumented assemblies not in the third party vendor's system, the tester may submit by e-mail or fax the test results to the third party vendor for the initial year.
 - (7) Provide a copy of the completed test report to the property owners and/or persons in control of any premises subject to the testing requirements of this article.
 - (8) Maintain each testing and/or repair record for a minimum of three years.
 - (9) If not obtained by the property owner, apply for and obtain a building permit from the building official of the city prior to commencing any work, including testing, on any assembly device.
 - (10) Pay the third party vendor fee as a data entry charge for each test report submitted to the third party vendor's website.
- (c) The ~~regulatory authority~~ Director shall have the authority to enforce the provisions of this article, state law, and regulations regarding cross connections. The ~~regulatory authority~~ Director shall inspect and initially test, or cause to be tested, all assemblies installed pursuant to the requirements of this article. Permanent water service shall not be provided to new facilities until all assemblies have been tested and are functioning properly. Except in cases where the testing of assemblies must be delayed until the installation of internal production or auxiliary equipment, the ~~regulatory authority~~ Director shall not approve a certificate of occupancy until all assemblies have been tested and are functioning properly.
- (d) The third party vendor shall:
- (1) Through the use of its proprietary software, maintain an online database and website for testers to register and input test reports.
 - (2) Send by mail a notice to a property owner or person in control of the premises approximately 30 days prior to the testing due date, advising the property owner that the assembly is due for testing, and transmit a copy of the notice to the last tester of record.
 - (3) Send by mail a second notice to a property owner or person in control of the premises once the testing due date has passed if a test report for the assembly has not been submitted.
 - (3) Transmit a notice of non-compliance to the Director by electronic transmission if the third party vendor fails to receive a test report within 15 day of the mailing the second notice.

Sec. 44-187. Backflow prevention assembly tester registration required.

Persons desiring to be approved backflow prevention assembly testers within the city must provide to the ~~regulatory agency~~ third party vendor proof of commission licensing, and provide proof that their testing equipment is able to maintain a calibration of plus or minus 0.2 psid accuracy. The third party vendor shall maintain a database of licensed and registered testers.

Sec. 44-188. Fees.

- (a) All property owners and/or persons in control of an assembly device shall have the assembly tested as required by a licensed tester. All property owners and/or persons in control of an assembly device shall pay the testing fee to the tester upon completion of the test ~~a fee of \$25.00 for each~~

~~assembly device each time the assembly is tested.~~ If a property owner and/or person in control of an assembly device fails to test the device within 30 days of the required testing date, the ~~regulatory authority~~Director may perform the test and assess a testing fee of ~~\$100.00~~\$75.00 plus the actual cost of the test for each separate assembly device on which the ~~regulatory authority~~Director performs a test.

- (b) ~~The regulatory authority shall assess a testing fee of \$100.00 per each separate assembly on which the regulatory authority performs a test. This fee applies to, but is not limited to, all newly installed backflow devices. If an newly installed assembly is deemed not to be working properly upon the initial inspection or testing of the assembly, the~~ Director shall have the necessary repairs and/or adjustments made immediately and shall retest the assembly. ~~property owners and/or persons in control of the premises must make necessary repairs and/or adjustments prior to retesting or reinspection by the regulatory authority.~~ A retest fee of \$50.00 plus the actual cost of the retest and the repairs required per assembly device will be assessed ~~for each retest performed by the regulatory authority~~Director.

Sec. 44-189. Compliance for lawn irrigation or sprinkler systems.

All persons installing commercial and residential lawn irrigation or sprinkler systems shall annually register with the ~~regulatory authority~~Director and obtain a permit from the building inspection department of the city prior to making such installations. The installation requirements must comply with standards for the applicable device required by this article. Interconnections of the potable water supply with an alternate water source are prohibited. Appropriate backflow prevention devices must be installed on the premises if any mechanical injection stations are used with the irrigation or sprinkler system.

Sec. 44-190. 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 air gap or assembly must be obtained from the ~~regulatory Authority~~Director before connecting a mobile unit to any potable water system. Testing fees shall be assessed in the amounts provided for in section 44-188, and shall be paid by the owner or operator of the mobile units prior to any inspection or testing of the air gap or assembly.

Sec. 44-191. Enforcement.

(a) Violations.

- (1) A person commits an offense if he fails to maintain an assembly in compliance with this article.
- (2) A person commits an offense if he fails to comply with a repair order issued by the ~~regulatory authority~~Director.
- (3) A person commits an offense if backflow from premises he owns, controls, operates, or manages enters a public potable 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 provision of this article.
- (6) A person commits an offense if he reinstates water service to premises discontinued or disconnected pursuant to the provisions of this article, except as directed by the ~~regulatory authority~~Director.
- (7) A person owning or in control of premises commits an offense if he allows an unregistered or unlicensed tester to perform testing work on his premises.

(8) A person commits an offense if he tests an assembly within the city without being registered with the ~~regulatory authority~~Director.

(9) A person commits an offense if he tests an assembly within the city without being licensed by the commission.

(10) A person commits an offense if he possesses on his premises a cross connection that is not protected by an approved backflow prevention assembly as described in Section 44-183.

(b) Punishment for violations; other remedies.

(1) A person who violates any provision of this section is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-9 for a violation of an ordinance or regulation governing public health and sanitation.

(2) In addition to proceeding under the authority of this article, the city is entitled to pursue any and all other criminal and civil remedies to which it is entitled pursuant to the authority granted by any other applicable laws, regulations, or ordinances.

(c) In addition to the penalties provided for by this article, the city is entitled to impose penalties or fees provided for by other provisions of this Code for failure to timely pay any bill, or portion thereof, for water, sanitary sewer, and/or reuse water services.

(d) A tester's registration may be revoked by the city if the ~~regulatory authority~~Director determines that the tester:

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

(2) Has used inaccurate gauges;

(3) Has used improper testing procedures;

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

(5) Has failed to register with third party vendor

(6) Has violated any other provision of this article.

Secs. 44-192—44-220. - Reserved.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during

1 which this Ordinance and the subject matter hereof were discussed, considered and
2 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
3 Government Code, as amended.

4 **READ** and **APPROVED** on first reading this the ____ day of
5 _____, 2015.

6 **READ, APPROVED** and **ADOPTED** on second reading this the ____ day of
7 _____, 2015.

8
9
10 _____
11 ALAN MCGRAW, Mayor
12 City of Round Rock, Texas

13 ATTEST:

14
15 _____
16 SARA L. WHITE, City Clerk
17
18



City of Round Rock

Agenda Item Summary

Agenda Number: J.1

Title: Consider the appointment of Lorie Lankford as the Round Rock representative to the Williamson County Regional Animal Shelter Board of Directors.

Type: Appointment

Governing Body: City Council

Agenda Date: 4/23/2015

Dept Director:

Cost:

Indexes:

Attachments:

Department:

Text of Legislative File 2015-2445