



Town of Highland Park, Texas
TOWN COUNCIL STUDY SESSION
AGENDA

8:00 AM
February 3, 2026

4700 Drexel Drive Highland Park, TX 75205
Executive Conference Room, Second Floor

I. CALL TO ORDER

II. PUBLIC COMMENT

This portion of the agenda is the public's opportunity to address the Town Council about any item listed on the agenda, except public hearings. Comments related to public hearings will be heard when the specific hearing begins. Public comments are limited to three (3) minutes per speaker, unless otherwise required by law. Per the Texas Open Meetings Act, the Town Council is not permitted to take action on or discuss any item not listed on the agenda. Items suggested for action may be placed on a future agenda at the Town Council's sole discretion.

III. FUTURE AGENDA DISCUSSION

- A. Review, discuss, and consider the opportunity for a Town Council Member to request an item to be placed on a future Town Council Meeting agenda.

IV. REPORTS

- A. Review and discuss the Backflow Prevention Program.

V. CLOSED SESSION

- A. In accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.072 – REAL ESTATE – the Town Council will convene into closed session to deliberate the purchase, exchange, lease, or value of real property.
- B. In accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071 – CONSULTATION WITH ATTORNEY – the Town Council will convene in closed session for consultation with and to receive legal advice from the Town Attorney regarding pending or contemplated litigation or settlement offer or regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: (i) DART withdrawal election (ii) Brandon Simpson v. Town of Highland Park.

VI. OPEN SESSION

- A. Pursuant to Section 551.102 of the Texas Government Code, the final action, decision, or vote regarding Closed Session Item A. and B. above, shall be made, if any.

VII. ADJOURNMENT

Any item on this posted agenda could be discussed in closed session as long as it is within one of

the permitted categories under Sections 551.071 through 551.076 and 551.087 of the Texas Government Code.

A member of the public may address the governing body regarding an item on the agenda either before or during the body's consideration of the item, upon being recognized by the presiding officer or the consent of the body.

SPECIAL ACCOMMODATIONS FOR TOWN COUNCIL MEETINGS: Let us know if you need special assistance of any kind.

Please contact the Town of Highland Park Administrative staff at (214) 521-4161 from 7:30 a.m. - 4:30 p.m., Monday through Friday.



**Town of Highland Park
Town Council Study Session
Tuesday, February 3, 2026**

Item Coversheet

Review, discuss, and consider the opportunity for a Town Council Member to request an item to be placed on a future Town Council Meeting agenda.

PRESENTED BY: Joanna Mekeal, Town Secretary

BACKGROUND:

This item is provided at the request of the Mayor for a member of the Town Council to request that an item be placed on a future Town Council study session agenda for discussion or consideration. Town Council discussion and consideration would be limited to including a potential agenda item and scheduling such on a future agenda. The agenda item would be included in the study session agenda of regular Town Council meetings.

RECOMMENDATION

Staff recommends approval of the inclusion of the agenda item for future regular Town Council meetings (not special or emergency).

FINANCIAL IMPACT

This item has no financial impact.

ATTACHMENTS

None



**Town of Highland Park
Town Council Study Session
Tuesday, February 3, 2026**

Item Coversheet

Review and discuss the Backflow Prevention Program.

PRESENTED BY: Lori Chapin, Director of Engineering

BACKGROUND:

This item is scheduled as an opportunity for the Town Council to review the proposed Backflow Prevention Program as required by the U.S. Environmental Protection Agency (“EPA”) via the Texas Commission on Environmental Quality (“TCEQ”) to protect against the contamination of the public water supply.

As you may recall, in November 2024, Town staff presented the Backflow Prevention Program to the Town Council. At that meeting, the Town Council directed staff to create a concierge-based service to assist the residents with testing their backflow devices. The Town would coordinate and perform the testing with a 3rd-party vendor. The service cost would be reimbursed through the Town water bill. The following describes the details of the program.

GOVERNING AGENCIES

The governing agencies for this program include the U.S. Environmental Protection Agency (“EPA”) via the Texas Commission on Environmental Quality (“TCEQ”). The program, as required through the U.S. EPA Federal Clean Water Act of 1972, and the TCEQ Texas Administrative Code (“TAC”) Title 30, Part 1, Chapter 290, Subchapter D and Chapter 344, Subchapter E, mandates that all public water suppliers require the installation, maintenance, and ongoing testing of backflow prevention assemblies to protect against contamination of the public water supply. This requirement applies to fire suppression, irrigation systems, and commercial equipment.

CURRENT STATUS

The Town adopted the 2024 International Residential Code (“IRC”) and International Plumbing Code (“IPC”). The Town relies on the Plumbing Code as the primary means of cross-connection installation control and backflow prevention, requiring backflow prevention assemblies for all new residential and commercial construction.

Cross connection

A cross connection refers to an actual or potential contamination hazard between potable water supplies and any non-potable substances or sources that could make water unsafe to drink. Common cross-connections include lawn sprinklers, foundation watering systems, and garden hoses.

Backflow

Water flowing in the reverse of its intended direction, which can occur from a loss of pressure in the supply lines. Pressure changes can occur for many reasons, including broken water valves, malfunctioning sprinklers, emergency water usage, and improperly installed valves.

Cross connections and backflow can cause pollutants and contaminants to enter the clean water supply, compromising its safety and quality. While these devices are required for new residential and commercial construction, the Town does not currently have a formal program to address testing requirements, frequency, and enforcement. In addition, the Town does not currently have a full inventory of installed backflow prevention assemblies or operational status.

SOLUTION

Staff recommend engaging SC Tracking Solutions (“SCTS”) to assist the Town with its Backflow Prevention Program. SCTS will provide a full-service solution to notify entities and identify, track, and test backflow prevention assemblies. The service will include all new and existing residential and commercial entities for irrigation and fire lines. The following outlines the general process for locating and testing each device:

Existing Residential/Commercial Entities

- a. Notify each entity
- b. Entity schedules a time to locate and test the device
- c. The device is tested:
 - i. Pass - information is recorded and is placed on an annual inspection schedule
 - ii. Fail - entity is notified and responsible for scheduling and making repairs via an approved tester (list/link will be provided); once repairs are made and device has been fully tested, it is placed on an annual inspection schedule
- d. Entity will receive an annual notice by SCTS when it is time to schedule the next inspection

New Construction

- a. Builders are provided a list of registered testers
- b. Fee is paid by the registered tester
- c. Tester processes the report with SCTS and the Town receives a copy
- d. This report is required as part of the Certification of Occupancy release
- e. Device is placed on annual testing schedule
- f. Entity will receive an annual notice by SCTS when it is time to schedule the next inspection

COST

The contract with SCTS includes all requirements for implementing the Backflow Prevention Program. The contract includes:

- A one-time fee of \$25,000 to help with discovery (based on an hourly not to exceed amount) and will only be used as needed to find locations not obviously identified or missing. Examples may include medians, parks, Town Hall, etc.

- Payment for Commercial or Residential testing, price per unit:

Irrigation/Domestic \$75 per unit
Fire \$85 per unit

Price includes driving to and from, testing, reporting, tester insurance and background check. Price is fixed for three years and includes all notices and postage. It is estimated that the Town has approximately 6,000 backflow devices.

The Town will be billed by SCTS for the devices tested monthly. As the devices are tested, the cost for the test will be conveniently included on the entity's water bill.

PUBLIC ENGAGEMENT

An important part of the program is the public education component. The public engagement includes several steps:

- Mailer – introducing the program
- Introductory letter - describing the program and what to expect
- Scheduling letter - instruction for scheduling the backflow device testing
- Door hanger - notification to entity if any repairs are needed
- Letter to building community - regarding the new program and required steps for testing/reporting

ENFORCEMENT

To formalize the Town's Backflow Prevention Program, Town staff recommend developing an ordinance to address, among other items, testing frequency and enforcement.

Testing frequency has been established by the International Plumbing Code (IPC), 2024 Edition, and International Residential Code (IRC), 2024 Edition, which states that upon installation, backflow prevention assemblies shall be tested annually for high hazard locations. This would include fire suppression, irrigation and commercial equipment (as applicable). The ordinance would detail this frequency.

Once the backflow assembly inventory has been completed and owners have been notified, there may be some that do not respond or comply with the requirements. Options for enforcement to address these instances could include one, or some combination, of the following:

- First, second, and third (final) notices, with the final notice providing a timeframe for shutting off the water.
- Violations of the backflow ordinance are enforced as a Class C misdemeanor, punishable in accordance with Section 1.01.009 of the Town's Code of Ordinances.

Refer to the attached draft ordinance.

RECOMMENDATION

Town staff is seeking the Town Council's concurrence with the program as outlined and confirmation of the desired enforcement for testing compliance.

Unless otherwise directed by the Town Council, this item will be included on the consent agenda at the next meeting for approval.

FINANCIAL IMPACT

While the anticipated annual cost of the program is approximately \$600,000, the FY 2025-2026 Budget included half of the anticipated cost, or \$300,000, in anticipation of beginning the program mid-year. The total cost of the program will be based on the actual number of backflow devices tested. However, the cost will be reimbursed by the residential and commercial entities through the Town water bill.

ATTACHMENTS

Backflow Prevention Program Ordinance 2026.01.28 (CLEAN) - DRAFT

Backflow Prevention Program Ordinance

§ 13.09.001 Purpose and Authority

This Ordinance is adopted to protect the public potable water supply from contamination and pollution due to backflow or back-siphonage. This Ordinance is enacted pursuant to the authority granted under the Texas Health and Safety Code and Title 30 of the Texas Administrative Code (TAC), including but not limited to 30 TAC §290.44(h), as administered by the Texas Commission on Environmental Quality (TCEQ). The purpose of this Ordinance is to ensure compliance with all applicable federal and state regulations governing public water systems and to safeguard public health as follows:

- (a) To protect the public potable water supply of the Town from the possibility of contamination or by isolating within the customer's internal distribution system(s), such contaminants or pollutants which could backflow into the public water system.
- (b) To promote the elimination or control of the existing cross-connections, actual or potential, between the potable water system and the nonpotable systems, plumbing fixtures and industrial piping systems.
- (c) To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

§ 13.09.002 Definitions

For the purposes of this Ordinance, the following terms shall have the meanings set forth below:

Approved. Accepted by the Town as meeting an applicable specification stated or cited in this article or as suitable for the proposed use.

Backflow. The reversal of the normal direction of water flow, which may allow contaminants or pollutants to enter the public water system.

Backflow Prevention Assembly (BPA). An approved mechanical device designed to prevent backflow, including but not limited to Reduced Pressure Principle Assemblies (RP), Pressure Vacuum Breakers (PVB), and Double Check Valve Assemblies (DC).

Backflow prevention assembly tester (BPAT). A tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines. Recognized backflow prevention assembly testers shall have completed a TCEQ Executive Director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the TCEQ Executive Director, and hold a current license as a backflow prevention assembly tester. The two main categories for a BPAT are as follows:

- General Tester means backflow prevention assembly testers that has completed an executive director approved course on cross-connection control and backflow prevention

assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester.

- Fireline Tester means a licensed backflow prevention assembly tester that has completed an executive director approved course on cross-connection control and backflow prevention assembly testing, pass an examination administered by the executive director, and hold a current license as a backflow prevention assembly tester may test and repair assemblies on a fire protection sprinkler system only if they are permanently employed by a fire sprinkler contractor registered through the State Fire Marshal's Office. The Texas Insurance Code requires that any person performing maintenance on any part of the overhead or underground piping of a fire sprinkler system, including backflow prevention assemblies, must be employed by a registered fire sprinkler contractor unless exempted in the sprinkler licensing law.

Backflow Prevention Assembly Test Gauge. Differential pressure gauge used for testing the backflow device.

Cross-Connection. Any physical connection between the public water system and a source of non-potable water or potential contaminant.

Certified Tester. An individual licensed or certified by the State and registered with the Town to test backflow prevention assemblies.

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

Customer. A person or entity that receives water service from the Town at a service address, including but not limited to the owner, tenant, lessee, occupant, property manager, or any other person or entity in control of the premises or responsible for water utility service.

Health hazard. An actual or potential threat of contamination of a physical, chemical, biological or toxic nature to the public water system or a consumer's potable water system that would present a danger to health.

High-Hazard Connection. Any connection that, in the judgment of the Town, poses an actual or potential threat of contamination to the public water system.

Owner. A person, firm, corporation, partnership, association, or other legal entity holding legal title to real property, as reflected in the records of the county appraisal district or deed records of the county in which the property is located.

Pressure loss, Any water pressure drop caused by the installation of a backflow assembly.

Thermal expansion. An increase in pressure created when water is heated in a closed plumbing system.

Town. The Town of Highland Park, Texas, including any third-party contractor or agent performing services on behalf of the Town in accordance with this article.

Town Administrator. The Town Administrator of the Town of Highland Park or his/her designee.

§ 13.09.003 Applicability

This Ordinance shall apply to all water service connections to the public water system, including but not limited to residential, commercial, industrial, institutional, irrigation, and fire protection systems.

§ 13.09.004 Mandatory Installation of Backflow Prevention Assemblies

- (a) In accordance with 30 TAC §290.44(h), backflow prevention assemblies shall be required on all:
 - (1) High-hazard connections;
 - (2) Commercial facilities;
 - (3) Fire protection systems;
 - (4) Irrigation and lawn sprinkler systems;
 - (5) Specific residential connections where an actual or potential hazard exists, including but not limited to properties with auxiliary water supplies, swimming pools, private wells, rainwater harvesting systems connected to plumbing, or chemical injection systems.
- (b) The type of backflow prevention assembly required shall be determined by the degree of hazard in accordance with TCEQ rules.
- (c) Reduced Pressure Principle (RP) assemblies shall be required for high-hazard commercial or industrial connections where contaminants or pollutants may enter the water system.
- (d) Double Check Valve Detector (DCDA) assemblies shall be required for fire and irrigation systems, unless otherwise approved by the Town.

§ 13.09.005 Device Standards and Installation Requirements

- (a) All backflow prevention assemblies shall:
 - (1) Be approved by TCEQ-recognized testing agencies and listed on the current TCEQ-approved backflow prevention device list;
 - (2) Be installed in accordance with manufacturer specifications, TCEQ requirements, and applicable provisions of the International Plumbing Code (IPC), 2024 Edition, and International Residential Code (IRC), 2024 Edition, as adopted and amended by the Town;
 - (3) Be installed with adequate clearance for testing, maintenance, and repair as required by 30 TAC §290.44(h);
 - (4) Be protected from freezing, flooding, and physical damage.
- (b) No backflow prevention assembly shall be bypassed, removed, relocated, or rendered inoperative without written approval from the Town.

(c) It shall be the responsibility of the customer to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow assembly.

(d) Any water pressure loss caused by the installation of a backflow assembly shall be the responsibility of the customer and not the Town.

§ 13.09.006 Inspection and Testing

(a) All required backflow prevention assemblies shall be tested in accordance with TCEQ requirements, and applicable provisions of the International Plumbing Code (IPC), 2024 Edition, and International Residential Code (IRC), 2024 Edition, as adopted and amended by the Town:

- (1) At the time of installation;
- (2) Upon repair, overhaul, or relocation;
- (3) At least annually for all assemblies;
- (4) At additional intervals as required by the Town or TCEQ.

(b) Annual testing shall be conducted by the Town. The cost of the annual testing is the responsibility of the customer, and such cost shall be included on the customer's water bill. Any device failing inspection shall be repaired, at the sole expense of the customer, within the time-frame determined by the Town. The customer shall engage a Certified Tester to perform the repairs and follow up testing. Follow-up test results shall be submitted to the Town within the timeframe and in the format prescribed by the Town and shall include all information required by TCEQ rules.

(c) The Town may inspect or require an inspection of any premises, facilities, real property, or buildings connected to the public water system. An inspection may include:

- (1) a survey of the property or facilities, real property, or buildings for cross connections;
- (2) inspection of existing backflow prevention assembly installation;
- (3) annual testing and certification of assemblies by a licensed backflow prevention assembly tester, on or before the date established by the Town; and
- (4) a customer service inspection that the Town has determined reasonably necessary to identify or prevent cross-connections, potential contaminant hazards, and illegal lead materials.

(d) Existing residential/commercial customers.

- (1) For premises existing prior to the start of this program, the Town or its third-party contractor will notify each customer of the need to locate and test its backflow assemblies.
- (2) Upon notification, the customer shall, within fifteen (15) calendar days, schedule a time with the Town or its third-party contractor to locate and test the device(s). Failure to schedule the required inspection may result in interruption of water service.
- (3) The Town or its third-party contractor will perform evaluations and inspections and inform the customer in writing of the inspection results.
- (4)

- (5) If the backflow device passes inspection, the information about the device will be recorded and it will be placed on an annual inspection schedule.
 - (6) If the backflow device fails inspection, the customer will be notified in writing of the corrective action required, the approved method(s) of achieving the correction, and the time allowed for the correction to be made. Once repairs are made and the device has been fully tested, it will be placed on an annual inspection schedule.
 - (7) The cost of the testing is the responsibility of the customer, and such cost shall be included on the customer's water bill.
- (e) New construction.
- (1) The builder shall be provided with a list of registered testers as part of the building process.
 - (2) The builder will pay the required fee to the registered tester.
 - (3) The registered tester will test the device and process the report with the Town or its third-party contractor.
 - (4) Permanent water service shall not be provided until all backflow prevention assemblies have been tested, are operational, and a CSI has been completed. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the Town shall not approve a certificate of occupancy until all backflow prevention assemblies are operational, have been tested, and all assembly test reports have been turned in to the Town in conformance with the Town's reporting procedures.
 - (5) The device will be placed on an annual inspection schedule.
- (f) The Town shall not be liable for damage caused to any backflow prevention assembly as a result of inspection or testing performed under this section.
- (g) If the Town determines at any time that a serious threat to public health exists, the water service may be terminated immediately.

§ 13.09.007 Right of Way Encroachment

- (a) No person shall install or maintain a backflow prevention assembly upon or within any Town right-of-way except as allowed by this section.
- (b) The owner of a backflow prevention assembly that has been installed upon or within a Town right-of-way as provided by this division shall, at the request of the Town and at the owner's sole expense, immediately relocate the assembly when such relocation is deemed necessary or appropriate by the Town.
- (c) The Town shall not be liable for any damage done to or caused by an assembly installed in the Town right-of-way.
- (d) A person commits an offense if the person fails to relocate a backflow prevention assembly located in or upon any Town right-of-way after receiving a written notice from the Town.

§ 13.09.008 Customer Responsibilities

- (a) The customer shall be responsible for:
 - (1) Installation of required backflow prevention assemblies;
 - (2) Ongoing maintenance and repair;
 - (3) Scheduling annual testing in accordance with this ordinance;
 - (4) All costs associated with compliance with this Ordinance.
- (b) Failure of a backflow prevention assembly shall be promptly corrected at the customer's expense.

§ 13.09.009 Tester Registration

- (a) All Certified Testers performing testing within the Town shall hold a current Backflow Prevention Assembly Tester (BPAT) license issued by TCEQ and shall be registered with the Town prior to conducting any tests.
- (b) Registration may require proof of current licensure, calibration records for test equipment, and compliance with Town administrative requirements.
- (c) The Town may maintain and publish a list of registered testers for customer convenience; however, customers may use any TCEQ-licensed and Town-registered tester.

§ 13.09.010. Inspections and Right of Entry

The Town shall have the right to enter properties at reasonable times and with reasonable notice to customer to inspect for cross-connections and verify compliance with this Ordinance, subject to applicable law.

§ 13.09.011 Enforcement and Penalties

- (a) Non-compliance with this Ordinance or with 30 TAC §290.44(h), including failure to install required assemblies, failure to submit test reports, or failure to maintain assemblies in proper working condition, shall constitute grounds for enforcement action.
- (b) The Town may provide written notice of violation and a reasonable compliance period, except where an immediate threat to public health exists.
- (c) Enforcement actions may include administrative penalties as allowed by Texas law and termination of water service in accordance with TCEQ rules and Town policies.
- (d) Water service shall not be restored until all violations are corrected, required test reports are submitted, and all applicable fees are paid.
- (e) Criminal Penalty. A person violating this article commits a Class C misdemeanor, punishable in accordance with Section 1.01.009 of the Town's Code of Ordinances.

- (f) Civil Remedies. The Town attorney may enforce this article by injunction, declaratory relief, or other action at law or in equity. The Town attorney may initiate a suit against the owner, occupant, tenant, manager, or water customer of the property or facility that is the source of a violation of this article, to recover a civil penalty not to exceed \$2000 for each violation. Each day that a violation continues constitutes a separate violation.

§ 13.09.012 Appeals

Any customer aggrieved by a determination made under this Ordinance may submit a written appeal to the Town Administrator. The Town Administrator's decision shall be final for purposes of the Town's administrative process, without affecting any rights the customer may have under state law to appeal to the Texas Commission on Environmental Quality or other regulatory authorities.

§ 13.09.013 Conflicts with other codes

Where the provisions of this article conflict with any other Town building, plumbing, or technical code provisions related to backflow prevention or cross-connection control, the more restrictive provision shall govern.