

# City of West Lake Hills

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Dave Claunch, Mayor

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CITY COUNCIL MEMBERS:

Stan Graham, Mayor Pro Tem  
Linda Anthony  
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## MEMORANDUM

To: **Travis County Water Control & Improvement District 10 Board of Directors:**

Mr. Clif Drummond, *President*      Mr. Charles Barker, *Vice President*  
Mr. Hollis Boehme      Mr. Harvey Ford  
Mr. John Staha      Mr. Paul Wakefield, *General Manager*

Cc: **Travis County Emergency Services District #9 Board of Commissioners:**

Dr. John Hogg, *President*      Ms. Krista Moy, *Vice President*  
Dr. Tad Davis      Mr. Steve Scheffe  
Mr. Kirt Kiester

**The West Lake Hills City Council:**

Mr. Stan Graham, *Mayor Pro Tem*      Mr. David Moore  
Mr. Taylor Holcomb      Ms. Linda Anthony  
Mr. Jean Goehring      Mr. Robert Wood, *City Administrator*

State Senator Kirk Watson  
State Representative Donna Howard  
Mr. Gerald Daugherty, *Travis County Commissioner, Precinct 4*  
Dr. Nola Wellman, *Superintendent, Eanes Independent School District*  
Fire Chief Mike Elliott, *Emergency Services District #9*  
District Chief Michael Lacey, *Emergency Services District #9*

Date: August 19, 2013

Re: **Fire Hydrant Pressures and Flow Rates**

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I am writing today at the request of the West Lake Hills City Council to follow up with you on a variety of unresolved issues and unanswered questions. As we enter the hottest time of the year with little expected relief from the ongoing drought, these issues have become acute and urgent matters of public safety.

Let me first review the sequence of events leading up to our current situation.

In October of 2011, the City of West Lake Hills ("City") requested that Travis County Water Control & Improvement District 10 ("WD10") conduct a study to determine the

water pressures and predicted fire flow rates in the WD10 fire hydrants located within the City. That study was conducted at the City's expense and the results were made public in December of 2011. The study showed that several areas of the City are served by fire hydrants that flow-tested well below 1,000 gallons per minute ("GPM").

In the Spring of 2012, WD10 commissioned and received a study from Dannenbaum Engineering regarding the feasibility and cost of improvements to remedy the substandard hydrants. To my knowledge, **WD10 has taken no formal action to implement any of the study's recommendations or proposed solutions.**

In the Fall of 2012, both the City and Emergency Services District #9 adopted formal resolutions calling upon WD10 to establish a minimum fire flow rate of 2,000 GPM, and to move forward with the necessary capital improvements to achieve that goal. To my knowledge, **WD10 has taken no formal action to do either.**

In November of 2012, WD10 announced a plan to inspect, test, service and repaint all of the fire hydrants in its service area. During a public meeting of your Board of Directors around this same time, you pledged to make public the test results for the hydrants located outside of the City in the Rob Roy, Camelot, Sundown Parkway and Westwood areas of Travis County. **To my knowledge, you have yet to release those test results.** It is also unclear whether the testing, servicing and repainting work was performed.

In early 2013, WD10 adopted a Moratorium on New Water Service in the portions of its service area where its fire hydrants were not able to produce more than 1,500 GPM. The moratorium prohibited new connections in areas where the nearest fire hydrant flowed below 1,000 GPM, and it established an administrative review process to consider applications for new service in areas where the nearest fire hydrant produced between 1,000 and 1,499 GPM. At the time of its adoption, I commended the WD10 Board for engaging the problem and for taking steps to prevent additional construction that would only exacerbate the problem of low fire flows.

A few months later, WD10 received a request for a new service connection for a large proposed home to be located in an area that is served by fire hydrants that produce well below 700 GPM. In response to that application, WD10 modified its moratorium to allow for a 75% reduction in the minimum *residential* fire flow standards based on the installation of a *commercial* sprinkler system – **an allowance that directly contradicts the International Fire Code and calls into question WD10's commitment to protecting the lives and property of its constituents who live near the proposed home.**

During the Spring of 2013, the City worked with our elected representatives in the Texas Legislature to enact HB 3813, a law that empowers the City to adopt by ordinance minimum flow and pressure standards for fire hydrants located within the City. The law requires the WD10 to work with the City to establish the scope and to estimate the costs of the required capital improvements. **WD10 publicly supported HB 3813.**

In April of 2013, I sent a memo to you and the others cc'd above pointing out a significant flaw in your predicted fire flow modeling in the section of your water system that serves two large elementary schools in the Eanes Independent School District:

You state that the Water District's modeling indicates that the hydrant near Valley View and Forest Trail elementary schools should be able to produce 3,500 GPM at 20psi. The 2011 test results show that the two hydrants in that area, H244 and H247, produced 1,275 and 1,175 GPM respectively. At my request, ESD9 conducted another flow test at these hydrants on Friday, April 12 and the results measured 822 GPM.

First, the measured flow is alarmingly low given the fact that these hydrants serve two elementary schools with hundreds of students, teachers and staff. Since that structure does not have a sprinkler system, the Fire Code calls for 5,500 GPM from the nearest fire hydrant. **According to this most recent test, your hydrants are only able to provide 15% of that amount.**

Second, the vast disparity between the measured flows and the District's modeling calls into serious question the validity of your modeling. If the modeling in this area is so wildly inaccurate, then how can we possibly trust the modeling elsewhere in the system? I encourage you and the District's engineering firm to investigate this disparity further.

Third, we recently learned that the contractor engaged by the District to conduct the 2011 flow tests has been using a flawed method that potentially overinflates the actual test results. Chief Lacey observed the contractor using a "Flow Monster" device to diffuse the water flowing from the hydrant during the testing of a hydrant on Yaupon Valley Drive earlier this week. That device appears to be creating an artificial "backflow pressure" that results in the test results being inflated by approximately 300 GPM. If this device was used when testing the other hydrants in West Lake Hills, then **it is quite likely that all of the District's 2011 test results are wrong.**

Given the low performance of the hydrants that serve Valley View Elementary, I ask that you expand your feasibility study to explore the options and costs for upgrading the infrastructure in that area. I'm sure we agree that this area should be prioritized above all others and slated for upgrade **as soon as possible.**

*– Memo to WD10 Board of Directors from Dave Claunch dated April 17, 2013.*

**To my knowledge, WD10 has yet to address the concerns or answer the questions in that memo.**

In an email dated June 14, 2013, you proposed a joint meeting of the WD10 Board of Directors and the West Lake Hills City Council to "proactively begin to plan the necessary meetings and collaborations" to proceed with the capital improvements necessary to address the substandard fire hydrant flows and pressures, in accordance with the provisions

of HB 3813. On June 28 and at the direction of the City Council, I accepted your invitation to meet and requested that you propose an agenda, meeting times and locations. **I have yet to receive your response to our request to meet.**

In July of 2013, we learned that WD10 continues to engage the legal services of Mr. Jim Montgomery, a partner at the DLA Piper law firm who, according to his biography on his company's website, specializes in high-tech corporate law. You have told me that WD10 has enjoyed a 30+ year relationship with Mr. Montgomery. It is my understanding that Mr. Montgomery charges WD10 more than \$600 per hour for his services – an alarmingly high amount, given that the going rate for expert attorneys who specialize in water utility law ranges between \$250 to \$350 per hour. **I have asked you to please justify to me and the other customers and taxpayers of WD10 why you continue to use an attorney that charges roughly twice the going rate for legal services, but I have yet to receive your response.**

On behalf and at the direct instruction of the City Council, I respectfully request that you address these questions and concerns as quickly and thoroughly as possible – and that you please engage with us on identifying and implementing solutions to the problem of the dangerously substandard fire hydrant flows and pressures within the City.

To summarize and enunciate our questions:

1. What steps, if any, has WD10 taken to implement Dannenbaum's recommendations for capital improvements to address the substandard fire flows within the City?
2. I understand from your previous statements that the District's design criteria is 1,500 GPM. Has WD10 adopted a minimum fire flow rate for its existing infrastructure?
3. When will WD10 release the test results for its hydrants located outside of the City?
4. Has WD10 completed the inspection, servicing and painting of all of its hydrants?
5. Can you explain why WD10 altered its moratorium to allow a 75% reduction for the use of a commercial sprinkler system in a residential project?
6. Can you explain why WD10's modeling of the fire flows at Valley View Elementary is significantly lower than the actual, measured results at that location?
7. Since the area around Valley View Elementary was not included in the scope of the Dannenbaum study, what steps has WD10 taken to address the dangerously low fire flows in those areas?
8. Can you confirm whether or not the contractor you hired (at the City's expense) to test your hydrants located within the City used the "Flow Monster" device during the 2011 test process?

9. If so, how did the use of that device affect the test results?
10. If those test results are not accurate, will WD10 redo the testing or otherwise correct the test results?
11. Can you respond to our pending request to hold a joint meeting of the WD10 Board and West Lake Hills City Council to discuss the infrastructure improvements and costs per HB 3813?
12. Can you explain why WD10 uses an attorney that charges roughly twice the market rate for water utility legal counsel?

Despite the many serious concerns and unanswered questions listed above, I assure you that the City Council and I are committed to moving forward with WD10 in a positive and constructive manner. Our two governmental entities share a common responsibility to protect the health and public safety of our constituents and I am certain that we can work together to do so.

I look forward to your response. Thank you for your longstanding service to our community.