CITY COUNCIL MEMORANDUM

AGENDA ITEM   **CONSIDER A RESOLUTION GRANTING KISD A TEMPORARY EXCEPTION FROM CITY ORDINANCE REQUIREMENT FOR FIRE HYDRANTS PRIOR TO CONSTRUCTION ABOVE THE FOUNDATION**

ORIGINATING DEPARTMENT   **CITY MANAGER**

BACKGROUND INFORMATION

City of Killeen Code of Ordinances sections 11-113(n) and 26-84(b) require, among other things, that all required fire hydrants be installed and inspected before construction above the foundation begins. The Killeen Independent School District ("KISD") plans to open Roy J. Smith Middle School in the fall of 2017. Cloud Construction Company, Inc., is the general contractor for the project. Due to delays caused by the unexpected presence of an extreme amount of groundwater and the unusual number of rain days in the spring, the project is behind schedule and in danger of not being completed in time for the 2017-2018 school year.

DISCUSSION/CONCLUSION

KISD is requesting that the City Council grant an exception until August 1, 2016 from the requirements of sections 11-113(n) and 26-84(b), which require fire hydrants be installed before construction permits can be issued and construction above the foundation commence, as well as relief from the appeals process contained in the Code. (See attached letter). In order to mitigate any dangers that may arise as a result of the absences of working fire hydrants, Cloud Construction has agreed as follows:
   * To release and indemnify the City of Killeen from liability for fire damage to the structure, as well as from any damage or harm to any person or property that may arise as a result of this temporary relief;
   * To comply with all-weather access road requirements;
   * To install only noncombustible materials;
   * Not to commence with any roof/floor deck that will create confined spaces; and
   * To have portable fire extinguishers on site while working.

RECOMMENDATION

That Council consider whether to grant the requested relief to KISD and Cloud Construction, and if granted, that such relief be conditioned upon Cloud Construction's compliance with the bulleted items, above.