



## **INTERLOCAL AGREEMENT**

This Interlocal Agreement is entered into by and between The Central Texas Council of Governments (CTCOG) and the City of Killeen, Texas pursuant to the authority granted and in compliance with the provisions of the Interlocal Cooperation Act, Texas Government Code, §791.025.

### **I. STATEMENT OF PURPOSE:**

The purpose of this Interlocal Agreement is to define the responsibilities of each party regarding their participation in the proposed Nolan Creek Flood Protection Study funded in part through the Texas Water Development Board (TWDB) to develop an early warning system/local flood response plan and/or flood protection.

### **II. CONSIDERATION:**

- a. Per the Interlocal Cooperation Act, Texas Government Code, §791.025, or other applicable law, the CTCOG satisfies the requirement to seek competitive bids for the purchase of goods and/or services.
- b. The TWDB published a request for applications for flood protection planning, pursuant to 31 Texas Administrative Code (TAC) §355.3, in May 2016.
- c. The TWDB offers grants to political subdivisions of the State of Texas for the evaluation of structural and non-structural solutions to flooding problems with consideration of flood protection need of the entire watershed.
- d. The CTCOG, a voluntary association of local governments formed under Texas Local Government Code §391, has the authority to apply for a grant, enter into a contract and participate in a study with the TWDB.
- e. The proposed planning study will be conducted in order to adequately evaluate the Nolan Creek watershed and portions of its tributaries located within and outside the City of Killeen.
- f. The City of Killeen's city council resolved on the 13<sup>th</sup> day of December 2016 that it was in the best interest of the citizens of Killeen to participate with CTCOG in this study and authorized the commitment of local funds and in-kind services to this purpose.

### III. PAYMENT FOR GOODS AND SERVICES:

- a. The City of Killeen shall comply with Chapter 2251, Texas Government Code, or applicable local law, in making payments to CTCOG. Payment under a CTCOG Contract shall not foreclose the right to recover wrongful payments.
- b. Texas Government Code, §791.011(d)(3) specifies each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.
- c. Payments must be made in accordance with laws and procedures applicable to the City of Killeen.
- d. The City of Killeen agrees to pay the CTCOG:
  - \$54,227.67 in cash, and
  - \$92,371.33 of in-kind services.

### IV. TERM OF CONTRACT:

This Interlocal Agreement shall begin when fully executed by both parties. Customers shall pay for all goods and services received through the effective date of termination.

### V. NOTIFICATION

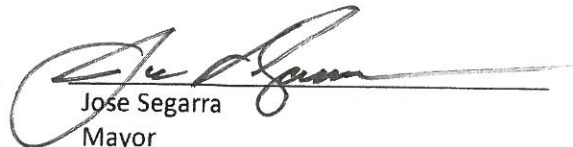
All notices under this Interlocal Agreement shall be sent to each party at the respective addresses indicated below:

Central Texas Council of Governments  
PO Box 729  
Belton TX 76513

City of Killeen  
101 North College Street  
Killeen TX 76541

### VI. AUTHORIZED SIGNATORIES

\_\_\_\_\_  
Jim Reed, AICP  
Executive Director  
Central Texas Council of Governments

\_\_\_\_\_  
  
Jose Segarra  
Mayor  
City of Killeen, Texas

\_\_\_\_\_  
Date

1-13-17  
\_\_\_\_\_  
Date

## ATTACHMENT A SCOPE OF SERVICES

The CTCOG through its contractor, agrees to provide the following:

- a. Collection and review of baseline information, development of a base map and assessment of environmental constraints.
- b. Identification of flood early warning system improvements, flood response implementation strategies and initial identification of flood problem areas.
- c. Perform a field survey.
- d. Develop a hydrological model and a hydraulic model.
- e. Provide a final identification of flood problem areas, establishment of flood protection criteria and evaluation of flood mitigation alternatives.
- f. Perform hydrologic/hydraulic analyses of flood mitigation alternatives.
- g. Develop a benefit/cost analysis of flood mitigation alternatives.
- h. Prepare an implementation and phasing plan and a final report.
- i. Host seven (7) stakeholder coordination meetings and four (4) public meetings throughout the process.

The City of Killeen agrees to provide the following in-kind services:

	Hours	Expenses
GIS	489	\$9,914.97
City Engineer	449	\$18,515.86
Environmental Services	59	\$3,214.02
Drainage Engineering	364	\$9,823.37
Drainage Maintenance	1559	\$29,966.74
Transportation/CIP	614	\$20,936.36
<b>TOTAL</b>	<b>3534</b>	<b>\$92,371.33</b>

## TERMS OF AGREEMENT

A. CTCOG agrees to:

1. Provide services listed in the Scope of Services.
2. Retain financial and program supporting documents, statistical records, and any other records pertinent to the services provided. The records and documents will be retained for a minimum of five (5) years after close of CTCOG's fiscal year.
3. Make available at reasonable times and for required periods all fiscal and program participant records, books, and supporting documents pertaining to services provided under this agreement, for purposes of inspection, monitoring, auditing, or evaluations by the City of Killeen, through any authorized representatives.

B. The City of Killeen agrees to submit payment of:

- \$54,227.67 upon signing of this agreement, and
- \$92,371.33 of in-kind services per the Scope of Services.



Regular 12-13-16  
Item # RS-16-154  
CCM/R 16-158R

## CITY COUNCIL MEMORANDUM FOR RESOLUTION

### AGENDA ITEM

Authorize participation in the Texas Water Development Board Grant for the Nolan Creek Regional Flood Protection Master Plan Project.

### ORIGINATING DEPARTMENT

Public Works / Environmental Services

### BACKGROUND INFORMATION

The Texas Water Development Board (TWDB) Flood Protection Planning Program, created in 1991, is a grant program designed to assist political subdivisions in evaluating regional structural and nonstructural solutions to flooding problems. Only regional projects are eligible for this grant. Grants for flood protection planning in our area are limited to 50% of the total cost of the project. In-kind services may be substituted for any part of the local share if such services are directly in support of the planning effort, are properly documented, and approved in advance by the TWDB.

On May 9, 2016, the Central Texas Council of Governments (CTCOG) hosted a Nolan Creek watershed meeting to discuss the opportunity to apply for a TWDB grant to fund the creation of a Nolan Creek Flood Protection Master Plan. Representatives from Bell County, Bell County Water Control & Improvement District (WC&ID) #6, Belton, Brazos River Authority, Central Texas Council of Governments, Harker Heights, Nolanville, Killeen and Texas Agrilife all participated in the discussion on regional flood protection. On May 24, 2017, the City Council authorized the submission of a TWDB Flood Protection Planning Grant application for the Nolan Creek Regional Flood Protection Master Plan project (CCMR #16-059). On August 25, 2016, the TWDB awarded CTCOG a grant for this project. The Nolan Creek project scored #2 out of 41 applications submitted from across the state.

### DISCUSSION/CONCLUSION

Benefits of a regional flood protection master plan include prioritization and coordination of structural and nonstructural projects throughout the watershed, improved water quality, increased public education, and increased public safety. Participation in the CTCOG's TWDB proposed planning grant project does have some direct benefit to the residents of Killeen. One benefit is the shared expense of mapping and modeling the Nolan Creek watershed. This grant would allow the City to proceed with this 2012 Drainage Master Plan planned project, without having to wait for funding in a future drainage bond. Proposed flood retarding structures identified for construction within the City of Killeen would benefit Killeen by providing an area that could also be utilized as a park and a water quality feature. These structures would support our Vision 2030 plan by contributing to a higher quality of life for our residents and by helping to reduce the regulated pollutants in Nolan Creek. Reduction of pollutants assists the City in

avoiding issuance of a regulated Total Maximum Daily Load (TMDL) by the TCEQ. Additional benefits include increased priority in other grant programs, potential revisions to the regulatory Special Flood Hazard Area (SFHA) maps, and increased public safety through the development and use of early warning systems.

CTCOG provided a preliminary project cost breakdown based on four areas: hydrology, hydraulics, field survey, and population within the watershed. The total project cost is \$462,038. The awarded project includes \$231,019 in grant funds and requires a \$231,019 match to be funded by the political subdivisions within the watershed. The City of Killeen's identified portion of the match, based on the criteria identified above, is \$146,599.00. City staff has worked with the CTCOG to identify in-kind services that will offset a portion of the city's identified match.

#### **FISCAL IMPACT**

Participation in this project will require in-kind services of \$92,371.33 and a cash contribution of \$54,227.67. Funding for the cash contribution is available in the fiscal year 2016-2017 drainage utility fund's environmental services professional services account 575-3476-432.47-20 that has an available budget of \$117,734.

#### **RECOMMENDATION**

Recommend the City Council approve participation in the TWDB Flood Protection Planning Grant for the Nolan Creek Regional Flood Protection Master Plan project and authorize the City Manager to execute all contracts, change orders, documents, and agreements associated with the grant.

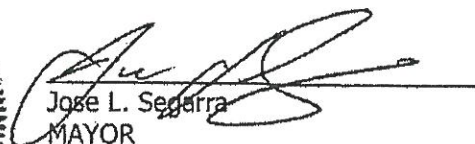
#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

That the above stated recommendation is hereby approved and authorized.

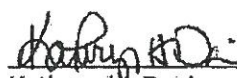
**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the 13th day of December, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001 *et seq.*

#### **APPROVED**

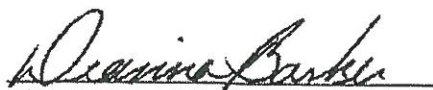


  
Jose L. Segarra  
MAYOR

#### **APPROVED AS TO FORM:**

  
Kathryn H. Davis  
CITY ATTORNEY

#### **ATTEST:**

  
Dianna Barker  
CITY SECRETARY