

Memorandum



CITY OF DALLAS

DATE 20 September 2013

TO The Honorable Members of the Transportation and Trinity River Project Committee:
Vonciel Jones Hill (Chair), Lee Kleinman (Vice Chair), Deputy Mayor Pro Tem Monica Alonzo, Mayor Pro Tem Tennell Atkins, Sandy Greyson, Sheffie Kadane

SUBJECT **Upcoming Agenda Items - Texas Horse Park Related Items**

Construction of the Texas Horse Park is underway and the opening activities are anticipated for September 2014. City staff has been working with our partners to complement several initiatives that build upon the programming and fundraising activities of EQUEST, River Ranch Educational Charities, and Texas Horse Park Foundation, Inc.

The Texas Horse Park Foundation, Inc. notified the City that donor directed private funding is available for construction of EQUEST related buildings, arenas and other infrastructure and items associated with LEED certification. As such, it has been determined that enhancements to the facilities currently being constructed would add to the efficiency and quality of services to be provided at the Texas Horse Park. These enhancements could be added without delaying the anticipated scheduled opening.

Staff is finalizing the costs associated with these enhancements and anticipates recommending the following items on the 8 October 2013 City Council Agenda:

- Authorize Supplemental Agreement No. 12 with BRW Architects for design of additional sustainable features, application, and oversight of the LEED certification process and other activities related to Texas Horse Park
 - Discussions with the design team are being finalized
- Authorize Change Order No. 2 to Sedalco/Metal Man Design/Build Corporation. A Joint Venture, for increased fire and public safety systems to provide greater flexibility with events and programming at the Texas Horse Park
 - Discussions with the contractor are being finalized to provide additional fire safety systems facilitating opportunities to host larger events (Examples: Special Olympics, convention activities)
 - In addition, entry signage for the Texas Horse Park, as well as interior building signage that was deleted when the base construction contract was awarded on 22 May 2013 because of timing of receipt of private funds, will be added to the project
 - Funding for these enhancements will be through a combination of private funds from the Texas Horse Park Foundation, and reallocated City funding from Loop 12 Gateway project for monument signs

Upcoming Agenda Items
Page 2

- Authorize acceptance of \$350,000 from the Texas Horse Park Foundation, Inc. to provide sustainable development and other construction related items for EQUEST
 - The Texas Horse Park Foundation, Inc. notified the City that donor directed private funding is available for construction of EQUEST related buildings, arenas and other infrastructure and items associated with LEED certification

- Authorize payment to ONCOR ELECTRIC DELIVERY COMPANY LLC, a Delaware limited liability company, for installation of electric supply components and service at Texas Horse Park
 - Electrical service equipment needed from Oncor to provide electrical service to the site

If any of these items are not finalized prior to the 8 October 2013 Agenda, we will schedule them for the first available opportunity. Additionally, we are anticipating an additional future construction change order for activities associated with enhanced sustainable components and LEED certification. Please let me know if you have questions.



Jill A. Jordan, P.E.
Assistant City Manager

- C:
- A.C. Gonzalez, Interim City Manager
 - Warren M. S. Ernst, Interim City Attorney
 - Judge Daniel F. Solis, Administrative Judge
 - Rosa A. Rios, City Secretary
 - Craig D. Kinton, City Auditor
 - Ryan S. Evans, Interim First Assistant City Manager
 - Forest E. Turner, Assistant City Manager
 - Joey Zapata, Assistant City Manager
 - Charles M. Cato, Interim Assistant City Manager
 - Theresa O'Donnell, Interim Assistant City Manager
 - Jeanne Chipperfield, Chief Financial Officer
 - Frank Libro, Public Information Officer
 - Elsa Cantu, Assistant to the City Manager – Mayor and Council

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 4
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 55 D & 56 A

SUBJECT

Authorize the rejection of bids for construction of the Upper Chain of Wetlands Remediation Project, Cells B & C; and the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

The project consists of soil remediation and off-site waste disposal for lead contaminated soils. In addition, there are wastewater improvements to be made to an existing 48-inch wastewater line located near the Central Wastewater Plant. The engineer's construction estimate for both improvements was \$5.0 million.

In August 2013, Council authorized a contract with Modern Geosciences, LLC for development of the soil management plan and components of the remedial designs to address the lead contaminated soils and other corrective measures.

On September 5, 2013, two bids were received from USA Environmental, LP and Terra Contracting Services, LLC as both bids were significantly higher than the project budget of \$5.4 million.

In the best interest of the City of Dallas, the Trinity Watershed Management Department is recommending rejection of all bids received and the re-advertisement of the project in October 2013.

ESTIMATED SCHEDULE OF PROJECT

Begin Engineering Design	June 2013
Complete Engineering Design	September 2013
Begin Construction	December 2013
Complete Construction	May 2014

DRAFT

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC to provide assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, on August 14, 2013, by Resolution No. 13-1383.

FISCAL INFORMATION

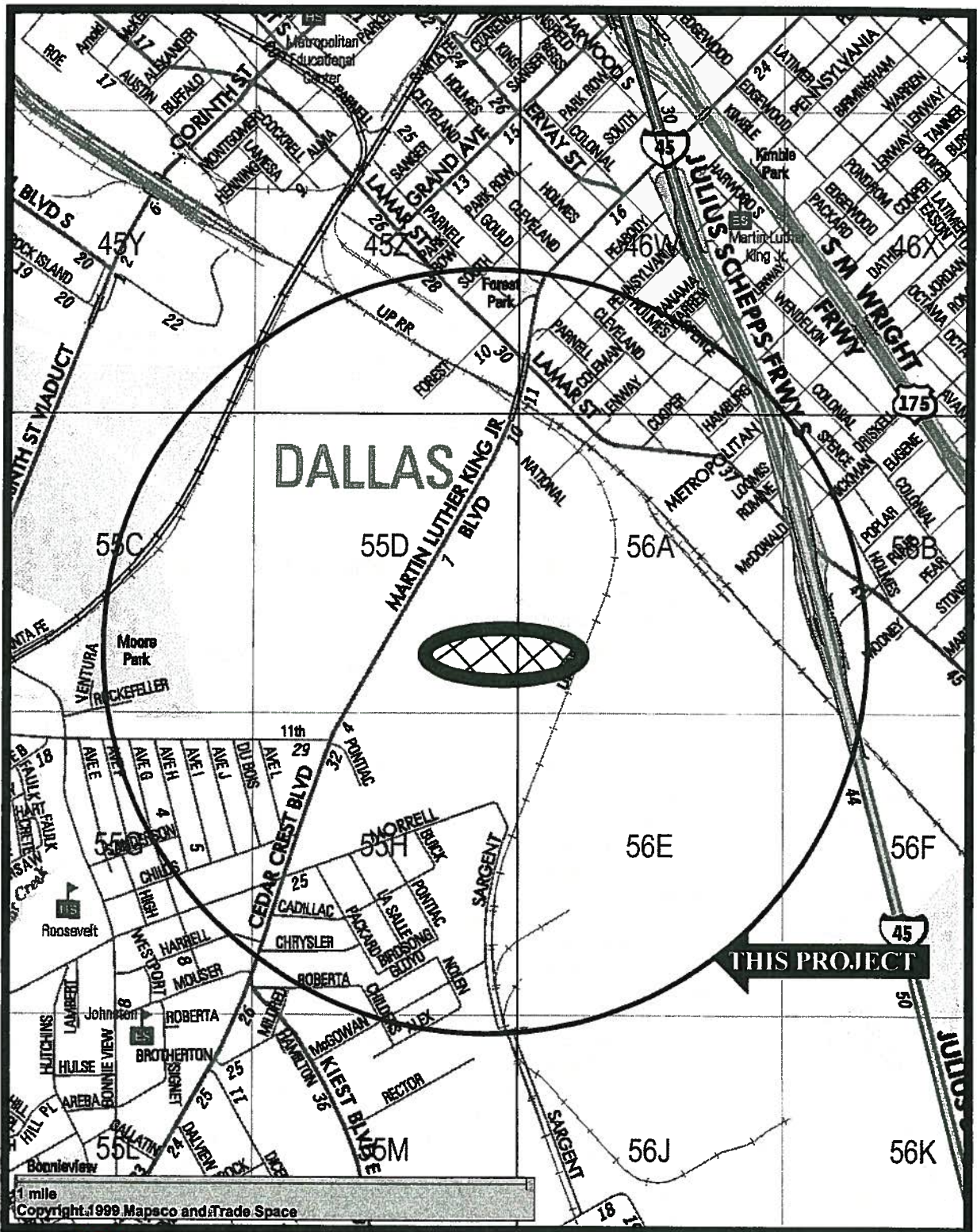
No cost consideration to the City.

MAP

Attached.

DRAFT

UCOW Remediation



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Mapsco 585-D, 56-A

September 25, 2013

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC for assistance with the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950.00; and,

WHEREAS, two bids were received on September 5, 2013, for the Upper Chain of Wetlands Remediation – Cells B & C; and

WHEREAS, both bids received for this project exceed the project's budget; and,

WHEREAS, after further evaluation of the bids, it has been determined that it is in the best interest of the City of Dallas to reject all bids received and re-advertise for new bids;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That all bids for work covered by the plans, specifications, and contract documents be rejected and that the City Manager be authorized to re-advertise for new bids.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

DRAFT

KEY FOCUS AREA: Culture, Arts and Recreation
AGENDA DATE: October 8, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
City Attorney's Office
Park & Recreation
CMO: Jill A. Jordan, P.E., 670-5299
Warren M.S. Ernst, 670-3491
Joey Zapata, 670-1204
MAPSCO: 56 V

SUBJECT

Authorize the (1) deposit of the amount awarded by the Special Commissioners in the lawsuit styled City of Dallas v. Ike Stearn et al, Cause No. CC-13-02713-D, pending in County Court at Law No. 4, for acquisition from Ike Stearn, et al, of 6,145 square feet of land located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project, and (2) settlement of the lawsuit for an amount not to exceed the amount of the Special Commissioners award - Not to exceed \$5,524.82 (\$3,524.82 being the amount of the award, plus closing costs and title expenses not to exceed \$2,000); an increase of \$1,374.82 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

On October 10, 2012 City Council authorized the acquisition of approximately 6,145 square feet of land for \$2,150 by Resolution No. 12-2541. The property owners were offered \$2,150 which was based on a written appraisal from an independent certified appraiser. The offer was not accepted by the property owner and the City filed an eminent domain case to acquire the land. After a hearing of the Special Commissioners on September 9, 2013 the property owners were awarded \$3,524.82. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$1,374.82 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$2,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

DRAFT

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on October 10, 2012, by Resolution No. 12-2541.
Council was briefed in Closed Session or by memorandum on October 2, 2013.

FISCAL INFORMATION

2006 Bond Funds - \$5,524.82 (\$3,524.82 plus closing costs and title expenses not to exceed \$2,000)

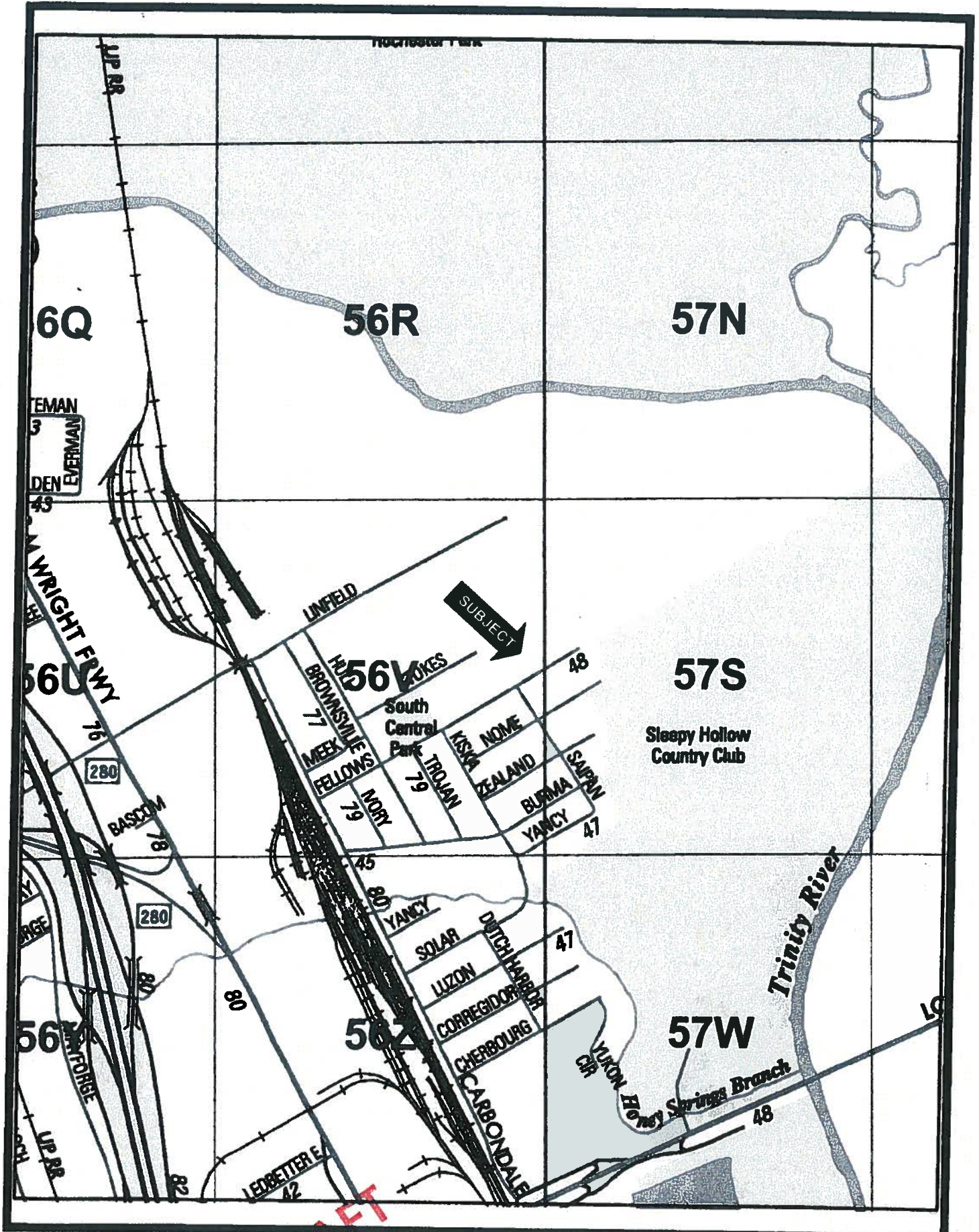
OWNER

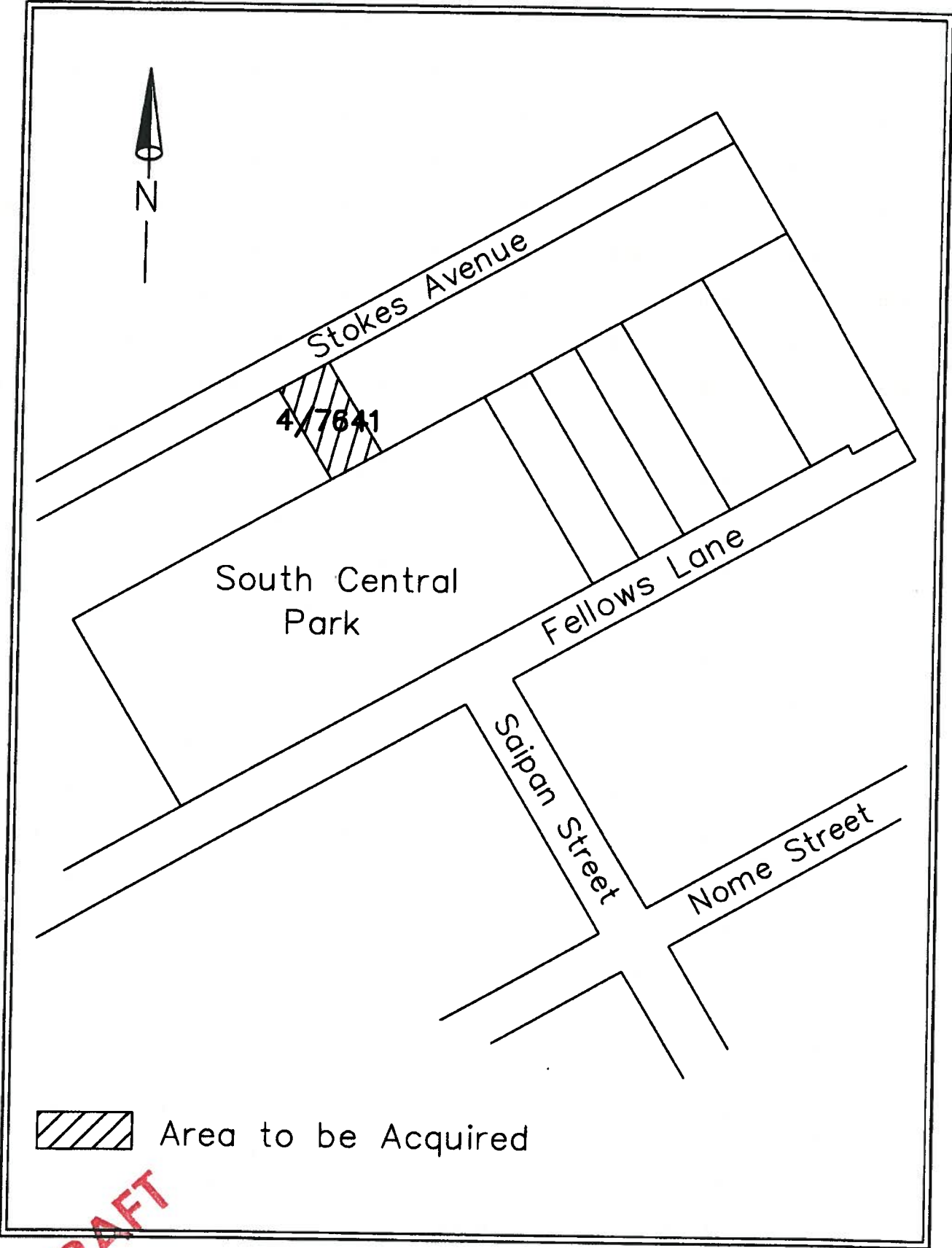
Ike Stearn, et al

MAPS

Attached

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October 8, 2013

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF THE CONDEMNATION SUIT FOR THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. CC-13-02713-D, in County Court at Law No. 4, and styled City of Dallas v. Ike Stearn et al, filed pursuant to City Council Resolution No. 12-2541.

PROPERTY: Approximately 6,145 square feet of land located in Dallas County, as described in the Condemnation Suit.

PROJECT: South Central/Joppa Gateway

OFFICIAL OFFER: \$2,150.00

AWARD: \$3,524.82.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$2,000.00

AUTHORIZED AMOUNT: Not to exceed: \$5,524.82

DESIGNATED FUNDS: Payable out of the 2006 Bond Funds, Fund No.8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT- PKR12019345E.

WHEREAS, the Official Offer having been made and refused, the City Attorney filed the Condemnation Suit for the acquisition of the Property for the Project; and,

WHEREAS, the Special Commissioners appointed by the Court in the Condemnation Suit made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the Property; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the Condemnation Suit for an amount not to exceed the Award;

DRAFT

October 8, 2013

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the Designated Funds, in the amount of the Award payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the Closing Costs and Title Expenses payable to the title company closing the transaction described herein. The Award, Closing Costs and Title Expenses together shall not exceed the Authorized Amount.

SECTION 2. That the City Attorney is authorized to settle the Condemnation Suit for an amount not to exceed the Award.

SECTION 3. That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM

**Warren Ernst
Interim City Attorney**

By: _____
Assistant City Attorney

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KEY FOCUS AREA: Clean, Healthy Environment
AGENDA DATE: October 8, 2013
COUNCIL DISTRICT(S): 4, 7
DEPARTMENT: Office of Management Services
Office Of Environmental Quality
Trinity Watershed Management
CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
MAPSCO: 55 C D H; 56 A E F J K L N P

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas and Darling International, Inc. located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated properties a potable water – Financing: No cost consideration to the City.

Recommendation of Staff: Approval

Based on information provided by the Applicant, the Designated Property is underlain by shallow groundwater that is encountered at a depth of approximately 5 to 15 feet below ground surface (bgs) and extends to the top of the Austin Chalk geologic formation, typically encountered at depths ranging between 20 and 50 feet bgs. The Austin Chalk formation is a low permeability limestone and marl unit approximately 250 to 300 feet thick in the area and is recognized as a regional aquitard which prevents migration of shallow groundwater to deeper groundwater-bearing units. The general direction of groundwater flow beneath the Designated Property is anticipated to be toward the east. Portions of the groundwater have been affected by arsenic, lead, chromium, and cadmium, vinyl chloride, cis-1,2 dichloroethene, 1,2,3 trichloropropane, MCPA (4-(chloro-2-methylphenoxy) acetic acid), MCPP (2-(4-chloro-2-methylphenoxy) propanoic acid), and benzo-a-pyrene at concentrations above groundwater ingestion standards. The probable source of arsenic, lead, chromium, and cadmium is from releases associated with former offsite lead smelter operations including use of slag and battery casings to fill onsite and offsite areas and fugitive air emissions from smelter operations. The NL Industries lead smelter operated from the 1940s through 1978 and Dixie Metals smelter operated from the late 1940s through 1990; both have ceased operations. A possible onsite source of vinyl chloride and cis-1,2

dichloroethene is from the historical use and storage of chemicals at the Darling parcel.

BACKGROUND (continued)

However, there are no documented releases in regulatory releases in regulatory records. The probable source of the remaining detected chemicals in groundwater is expected to be an unknown historical up gradient source.

The approximately 17-acre former Union Pacific Railroad (UPRR) tract was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in August 2013. The site is designated as VCP Facility ID No. 2608.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on September 30, 2013 to receive comments and concerns. Notices of the meeting were sent to 1161 property owners within 2,500 feet of the property and 90 private well owners within 5 miles of the property. No other municipalities are located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located southwest of the Trinity River, north of Cedar Crest Boulevard and extending southeast to just north of East Overton Road; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program. Currently most of the properties on the northern and central areas of the designated property are undeveloped. Two parcels in the southern area are owned by Darling International and are improved with ten buildings. These are currently used as a food processing by-product recycling facility. The Central Wastewater Treatment Plant is located in the southeastern area of the designated property and these parcels are improved with approximately 20 buildings located at the plant which are utilized as offices and for various activities associated with wastewater treatment. The anticipated future use of these properties is expected to remain the same, with the exception of modifications that will be made by the US Army Corps of Engineers for the Dallas Upper Chain of Wetlands (UCOW) project. UCOW will consist of three interconnected wetland cells that will receive treated water from the Central Wastewater Treatment Plant and will serve as a buffer from flooding within the Trinity River.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

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OWNERS

City of Dallas

A.C. Gonzalez,
Interim City Manager

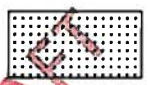
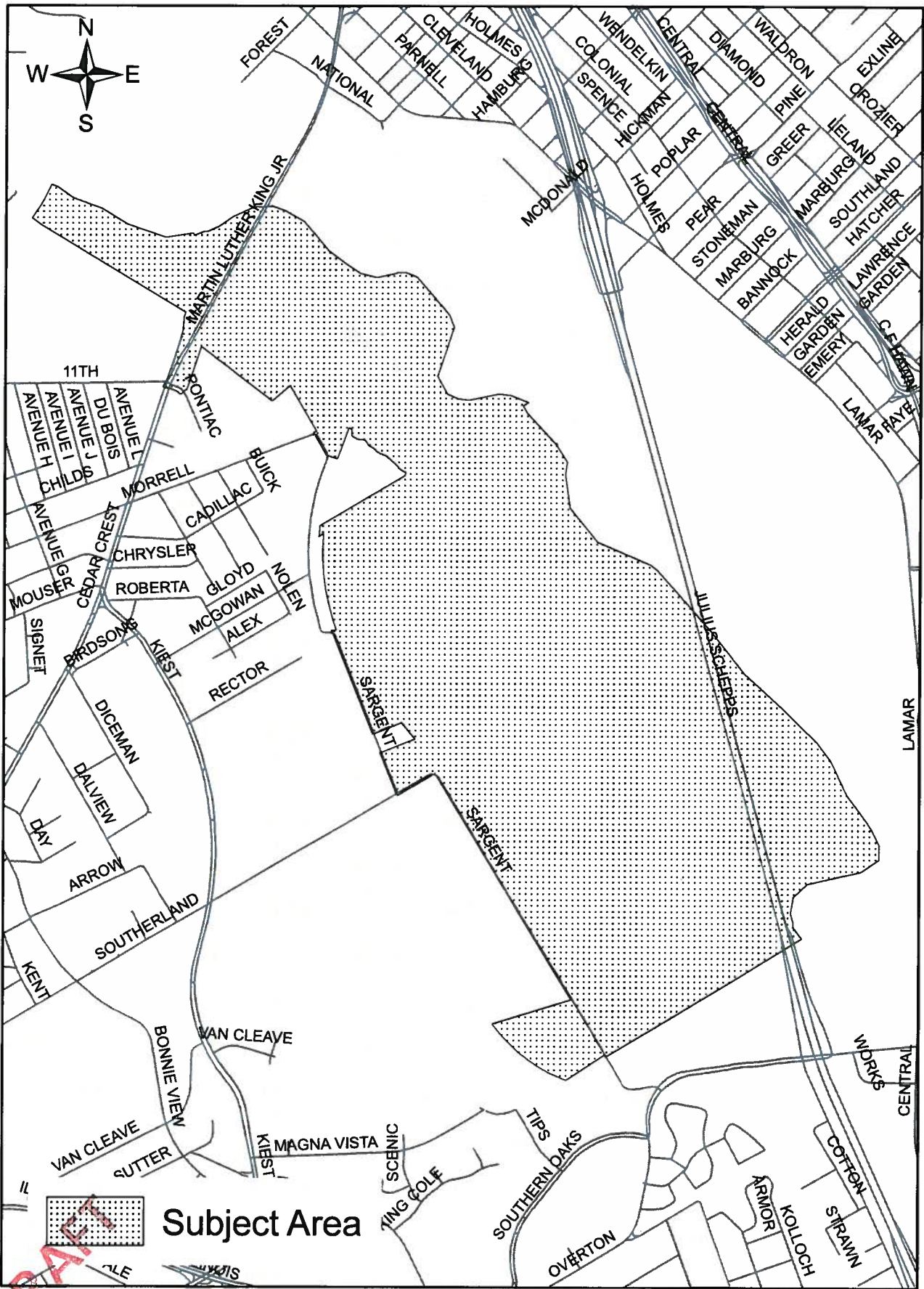
Darling International, Inc.

John F. Sterling
Executive Vice President

MAP

Attached.

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Subject Area

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Map labels include the following streets:

- Top row: FOREST, NATIONAL, CLEVELAND, HOLMES, WENDELKIN, CENTRAL, DIAMOND, WALDRON, EXLINE
- Second row: PARNELL, HAMBURG, COLONIAL, SPENCE, HICKMAN, POPLAR, GREER, IELAND, OROZIER
- Third row: MCDONALD, HOLMES, PEAR, STONEMAN, MARBURG, SOUTH LAND, HATCHER
- Fourth row: BANNOCK, HERALD, GARDEN, EMERY, LAWRENCE, BARDEN
- Fifth row: 11TH, AVENUE H, AVENUE I, AVENUE J, AVENUE L, AVENUE M, AVENUE N, AVENUE O, AVENUE P, AVENUE Q, AVENUE R, AVENUE S, AVENUE T, AVENUE U, AVENUE V, AVENUE W, AVENUE X, AVENUE Y, AVENUE Z
- Sixth row: CHILD, MORRELL, BUICK, CADILLAC, CHRYSLER, ROBERTA, GLOYD, NOLEN, MCGOWAN, ALEX, RECTOR
- Seventh row: MOUSER, CEDAR CREST, KIRST, SARGENT
- Eighth row: SIGNET, BRIDSON, DICEMAN, DALVIEW, DAY, ARROW, SOUTHERLAND, SARGENT
- Ninth row: KENT, VAN CLEAVE, BONNIE VIEW, SUTTER, KIRST, MAGNA VISTA, SCENIC, SOUTHERN OAKS, TIPS, OVERTON, ARMOR, KOLLOCH, STRAWN, COFFIN, WORKS, CENTRAL
- Tenth row: LAMAR, FAYE, LAMAR