

# Memorandum



CITY OF DALLAS

DATE 6 February 2015

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, and Sheffie Kadane

SUBJECT **Upcoming Agenda Item: Personal Services Contract with John C. Brunk**

The 11 February 2015 City Council Agenda will include an item to authorize a personal services contract with John C. Brunk for transportation interagency consultation services for the period 11 February 2015 through 10 February 2016 in an amount not to exceed \$75,000.00.

John Brunk has a long standing history of working with the City of Dallas to advance the City's transportation agenda. Mr. Brunk has a distinctive skill set and vast knowledge of Dallas' transportation needs and priorities.

Mr. Brunk has close relationships with members of key transportation agencies including the North Central Texas Council of Governments' Regional Transportation Council (RTC), Dallas Area Rapid Transit (DART), the Dallas Regional Mobility Coalition (DRMC) and the Texas Department of Transportation (TxDOT). Mr. Brunk will leverage these relationships to advance the goals of the City of Dallas. In addition, Mr. Brunk is familiar with City of Dallas internal processes and policies that allow him to provide the best representation of the City to agency partners.

The scope of services for this contract will include:

- Monitor and coordinate transportation-related activities with transportation agency partners including the RTC, DART, DRMC, and TxDOT.
- Attend Board and Committee meetings of the agency partners and ensure that positions for City representation are appropriately filled; and provide staff support to City officials in attendance.
- Coordinate with agency partners to schedule briefings to the Dallas City Council's Transportation and Trinity River Project Committee.
- Provide recommendations and reports as needed to advance City priorities with agency partners; and, specifically, deliver an agenda report prior to the monthly RTC Board Meeting.
- Maintain an inventory of key interagency transportation projects, policy issues and opportunities with timelines and recommendations.
- Identify opportunities for funding partnerships that align with City project priorities; assist City staff in developing project submissions to specific project funding initiatives.

Given the importance of transportation to Dallas' economic health and quality of life, it is essential that the City's transportation interests are well represented and communicated effectively. Mr. Brunk's experience and expertise will be another valuable asset as we work with our agency partners in achieving our transportation goals.

Should you have any questions, please don't hesitate to contact me.



Theresa O'Donnell  
Chief Planning Officer

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

**KEY FOCUS AREA:** E-Gov

**AGENDA DATE:** February 11, 2015

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Management Services  
Intergovernmental Services  
Planning and Neighborhood Vitality

**CMO:** Jeanne Chipperfield, 670-7804  
A. C. Gonzalez, 670-3297

**MAPSCO:** N/A

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## **SUBJECT**

Authorize a personal service contract with John C. Brunk for transportation interagency consultation services for the period February 11, 2015 through February 10, 2016 - Not to exceed \$75,000 - Financing: Current Funds (subject to appropriations)

## **BACKGROUND**

John Brunk has a long standing history of working with the City of Dallas to advance the City's transportation agenda. Mr. Brunk has a distinctive skill set and vast knowledge of Dallas' transportation needs and priorities.

Mr. Brunk has close relationships with members of key transportation agencies including the North Central Texas Council of Governments' Regional Transportation Council (RTC), Dallas Area Rapid Transit (DART), the Dallas Regional Mobility Coalition (DRMC) and the Texas Department of Transportation (TxDOT). Mr. Brunk will leverage these relationships to advance the goals of the City of Dallas. In addition, Mr. Brunk is familiar with City of Dallas internal processes and policies that allow him to provide the best representation of the City to agency partners.

The scope of services for this contract will include:

- Monitor and coordinate transportation-related activities with transportation agency partners including the RTC, DART, DRMC, and TxDOT.
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- Coordinate with agency partners to schedule briefings to the Dallas City Council's Transportation and Trinity River Project Committee.

### **BACKGROUND (Continued)**

- Provide recommendations and reports as needed to advance City priorities with agency partners; and, specifically, deliver an agenda report prior to the monthly RTC Board Meeting.
- Maintain an inventory of key interagency transportation projects, policy issues and opportunities with timelines and recommendations.
- Identify opportunities for funding partnerships that align with City project priorities; assist City staff in developing project submissions to specific project funding initiatives.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Transportation and Trinity River Project Committee is scheduled to receive a briefing memo on February 9, 2015.

### **FISCAL INFORMATION**

\$75,000.00 – Current Funds (subject to appropriations)

February 11, 2015

**WHEREAS**, The City of Dallas will need skillful staff with expertise in transportation to advance the transportation priorities and needs of the City; and

**WHEREAS**, John C. Brunk has a distinctive skill set, unique historical background, and vast knowledge on Dallas' current transportation needs and priorities; and

**WHEREAS**, John C. Brunk has a long history of working on transportation related issues for the City of Dallas; and

**WHEREAS**, John C. Brunk has developed close working relationships with the North Central Texas Council of Governments' Regional Transportation Council, Dallas Area Rapid Transit, the Dallas Regional Mobility Coalition, and the Texas Department of Transportation; and

**WHEREAS**, John C. Brunk will represent the City to promote its transportation needs in order to improve the City's economic health and quality of life;

**NOW, THEREFORE,**

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

**SECTION 1.** That the City Manager is authorized to enter into a personal service contract with John C. Brunk to provide transportation interagency consultation services from February 11, 2015 through February 10, 2016 in an amount not to exceed \$75,000.00.

**SECTION 2.** That the City Controller is hereby authorized to make periodic payments in accordance with the terms of the contract, in an amount not to exceed \$75,000.00 from Fund 0001, Department PNV, Unit 1579, Object Code 3070, Encumbrance No. PNV1579D001, Vendor No. VS87402.

**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.

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** February 11, 2015

**COUNCIL DISTRICT(S):** 1, 2, 4, 6

**DEPARTMENT:** Office of Environmental Quality  
Trinity Watershed Management

**CMO:** Jill A. Jordan, P.E., 670-5299

**MAPSCO:** N/A

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by City of Dallas and Oncor Electric Delivery Company, LLC generally located near Irving Boulevard extending southeast along the Trinity River to the Texas Utilities Right-of-Way past Corinth Street; 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 property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the Designated Property is underlain by shallow groundwater that ranges in depth from approximately 22 to 30 feet below ground surface (bgs) in the alluvial floodplain deposits and extends to the top of the Eagle Ford Shale at depths ranging from approximately 40 to 60 feet bgs. The Eagle Ford Formation consists of shales, sandstones, and sandy limestones and is considered a regional aquitard with an estimated thickness of 175 to 430 feet in the area and will serve as a confining unit. The direction of groundwater flow beneath the Designated Property is generally towards the south. Portions of this groundwater have been affected by total petroleum hydrocarbons (TPH) and chlorinated solvents: 1,1-dichloroethene (1,1-DCE), tetrachloroethylene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE) and vinyl chloride at concentrations above groundwater ingestion standards. Probable off-site sources include historical releases of petroleum hydrocarbons from petroleum storage tanks associated with up-gradient facilities; and historical releases of chlorinated solvents from general manufacturing or commercial operations using hazardous substances. These former facilities are located up-gradient and outside the Designated Property and operated since at least the 1940s.

## **BACKGROUND** (Continued)

These off-site regulated facilities have been evaluated through the Texas Commission on Environmental Quality regulatory programs and have either received or will soon receive closure concurrence.

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in December of 2014. The site is designated as VCP Facility ID No. 2717.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on January 22, 2015 to receive comments and concerns. Notices of the meeting were sent to 7579 property owners within 2,500 feet of the property and 243 private well owners within 5 miles of the property. The City of Irving is the only other municipality located within one-half mile of the designated property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property generally located near Irving Boulevard extending southeast along the Trinity River to the Texas Utilities Right-of-Way past Corinth Street, including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently the designated property is used for floodplain/flood control, ecosystem restoration, transportation, recreation, and high voltage power line right-of-way. The anticipated future use of the property is expected to be similar to the current use including additional environmental, ecosystem, and transportation related improvements.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

## **FISCAL INFORMATION**

No cost consideration to the City

## **OWNERS**

### **City of Dallas**

A.C. Gonzalez, City Manager

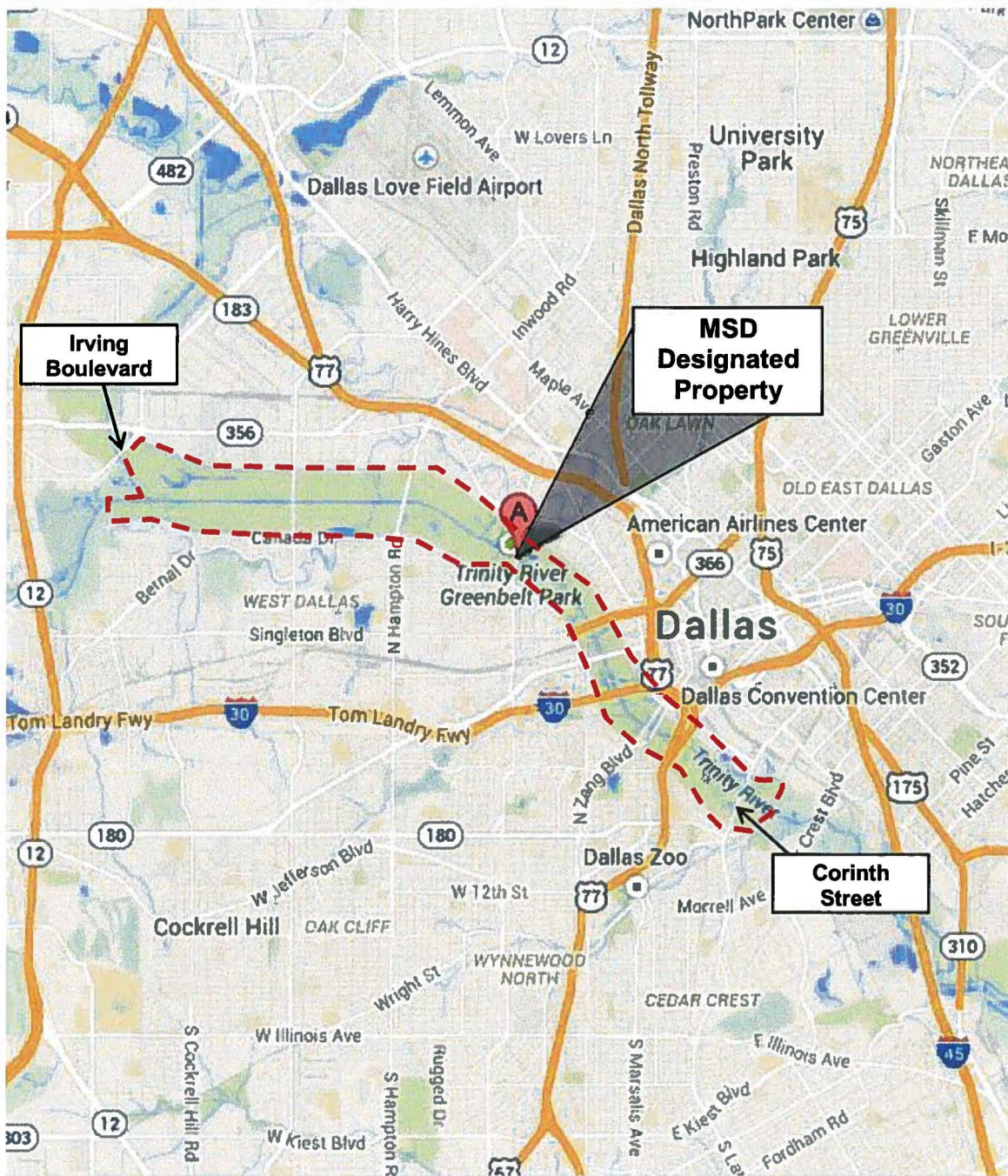
### **Oncor Electric Delivery Company, LLC**

Walter Mark Carpenter, Senior Vice President

**MAP**

Attached





CITY OF DALLAS



**Municipal Setting Designation**  
 Designated Property Boundary Map  
 Applicant – City of Dallas  
 Trinity Watershed Management  
 Dallas Floodway – Trinity River and  
 Surrounding Properties  
 Dallas, TX 75207

January 13, 2015

ORDINANCE NO. \_\_\_\_\_

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at the Dallas Floodway on the landside of the east and west levees and generally located southeast of the confluence of the Elm Fork and West Fork of the Trinity River near Irving Boulevard extending southeast along the Trinity River to the Texas Utilities Right-of-Way past Corinth Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned Voluntary Cleanup Program No. 2717 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than January 28, 2017.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.



SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than January 28, 2017. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_