



## Legislation Text

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**File #:** 20-189, **Version:** 2

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**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** February 12, 2020  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Office of Environmental Quality & Sustainability  
**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

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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 properties owned by local businesses and individuals (list attached to the Agenda Information Sheet) generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Virtuolotry, LLC 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 groundwater that is encountered at approximately 18 feet below ground surface (bgs) and extends to approximately 35 feet bgs at the top of the underlying Eagle Ford Group. The Eagle Ford Group is considered a regional aquitard and is comprised mainly of shale, sandstone, and limestone that is expected to be approximately 300 feet thick. The direction of groundwater flow beneath the designated property is localized and anticipated to flow towards the south. Portions of the shallow groundwater have been affected by benzene, cis-1,2-dichloroethene (cis-1,2-DCE), ethylbenzene, methyl tert-butyl ether (MTBE), naphthalene, tetrachloroethene (PCE), toluene, total petroleum hydrocarbons (TPH), trichloroethene (TCE), 1,2,4-trimethylbenzene (1,2,4-TMB), and vinyl chloride (VC) at concentrations above groundwater ingestion standards and appear to be associated with historical offsite and onsite operations. The probable onsite sources for PCE, TCE, cis-1,2-DCE, and TPH are likely from historical releases associated with an onsite former bulk solvent tank area, paint booth, metal fabrication shop, and abandoned in-place underground storage tank (UST) system located at 2221 West Mockingbird Lane; PCE, TCE, and VC are likely from onsite historical releases associated with a wash bay, maintenance shop, and former UST systems located at 2128, 2032, 2108, 2110, 2112, 2114, and 2116 Hawes Avenue. The probable historical offsite sources for TCE and cis-1,2-DCE located at 6124 Denton Drive are from an adjacent property to the north-northwest at 6200 Denton Drive with documented releases of similar chemicals that have been addressed

under the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program (VCP) and have received municipal setting designation (MSD) certification from TCEQ.

The applicant has requested that the City support its application for a MSD. A public meeting will be held on February 3, 2020 to receive comments and concerns. Notices of the meeting were sent to 2,443 property owners within 2,500 feet of the property and 136 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

Portions of the designated property were entered into the VCP administered by the TCEQ in August 2015, August 2017, and August 2017 and are designated as VCP Facility ID No. 2754, 2892, and 2893, respectively.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property generally located along Harry Hines Boulevard, Inwood Road, Denton Drive, and Empire Central and 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 VCP supported by an MSD. Currently the designated property is primarily developed with commercial and light industrial uses consisting of storage warehouses, office buildings, distribution warehouses, retail strip centers, restaurants and automotive showrooms. Other uses include vacant land, parks, and residential properties. The anticipated future use of the designated property will remain similar to the current uses; however, individual parcels may be redeveloped.

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

This item has no prior action.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **OWNERS**

#### **Dreki Capital, LLC**

Mathew Marshal, Director

#### **1250 WDT, LTD.**

SLJ Company, LLC General Partner  
Louis H. Lebowitz, President

#### **1840 Mockingbird Joint Venture**

Lawrence G. Moser, Manager

#### **1850 Mockingbird, LLC**

Lawrence G. Moser, Governing Person

**2033 EC, LTD.**

SLJ Company, LLC, General Partner  
Louis H. Lebowitz, President

**2115 Empire Central LLC**

Philip M. Lang, Manager

**2608 Inwood, LTD.**

J Small Investments, L.C., General Partner  
Justin A. Small, President

**6211 Owens LLC**

Phillip M. Lang, Manager

**6627 Maple Avenue, LLC**

Richard Boyd, President

**7777 Hines Place LLC**

Karen Rydman, Manager

**Adler Property Companies, LLP**

JRE Aquila II, LLC, General Partner  
John R. Eagle, Managing Member

**Ansonbrook, LLC**

Red Barn Holdings, LP, Managing Member  
Ithaca GP, LLC, General Partner  
Justin Small, President

**Autoscope Motorsports, LTD.**

ASMS-GP, Inc., General Partner  
Nerces Mavelian, President

**Robert E. Bard**

**Maria G. Colmenero**

**BFH, LTD.**

Empire Central, Inc., General Partner  
Robert Jackson, President

**Bright Sea Investments LLC**

Trevor Pearlman, Manager

**Burnett Brothers Trust**

Robert W. Burnett, Trustee

**Carder Chaney Properties LLC**

Gary Young, Managing Member

**Cooper Residential, LLC**

Gene Cooper, President

**Crockett Court Corporation**

James H. Ezell, President

**Czyca Properties, LLC**

Andrea Gorczyca, Manager

**City of Dallas**

TC Broadnax, City Manager

**Denton-Hines Properties, Inc.**

Joe M. Graham, President

**Deruta LLC**

Robert Jackson, Manager

**DLFI 75235, LTD.**

MSV Acquisitions, LLC, General Partner  
David R. Corrigan, Manager

**Double E Properties**

Gene Hart, Co-Partner

**Gay D. Ford**

**Jorge Garcia**

**GIC-1820, L.P.**

GIC-Mockingbird GP, LLC, General Partner  
G. H. Stool, Manager

**Girls Incorporated of Metropolitan Dallas**

Freeman Carrie Parsons, Chairman

**Ray Hallford**

**Harry Empire, LTD.**

Ithaca GP, LLC, General Partner  
Justin Small, President

**Harry Hines Venture II, LP**

S&W Properties, LLC, General Partner  
Paul A. Whitman, Manager

**Harry Hines Venture, LP**

S&W Properties, LLC, General Partner  
Paul A. Whitman, Manager

**The Humane Society of Dallas County**

Sandra Luhring, Director

**Imprunetta LLC**

Bomar Management, LLC, Member  
Robert R. Jackson, Manager

**Inwood Self Storage Family LP**

Santa Fe Storage Properties, Inc., General Partner  
Dean Cynthia Alexis, President

**Kendrick Properties II Limited**

Kendrick Interests, Inc., General Partner  
Dorothy Percy, President

**Kilpatrick Equipment Company**

Steve Kilpatrick, President

**Kimsey Stutz, LLC**

Red Barn Holdings, LP, General Partner  
Ithaca GP, LLC, General Partner  
Justin Small, President

**Larry Pryor**

**KKS, Inc.**

Diana Pryor, President

**Landlord, LLC**

C. Dennis Lord, Managing Member

**Maple Empire, LLC**

Red Barn Holdings, LP, General Partner  
Ithaca GP, LLC, General Partner  
Justin Small, President

**Maple Walk, LP**

VPC GP, Inc., General Partner  
Syd J. Hurley IV, Director

**Maplebird, LP**

42 A, LLC, General Partner  
Scott Rohrman, Manager

**Maplewood Partners, LTD.**

Ithaca GP, LLC, General Partner  
Justin Small, President

**Margaret T. Moore Revocable Trust**

Margaret T. Moore, Trustee

**Melnic, LTD.**

J. Small Investments, L.C., General Partner  
Justin Small, President

**Midbelt Properties, L.P.**

Midbelt Investment Corporation, General Partner  
Johua Ju, President

**Mockingbird FP, LP**

S&W Properties, LLC, General Partner  
Warren C. Smith, Manager

**Oncor Electric Delivery Company LLC**

James R. Adams, Chairman

**Pleasant Run/Lancaster, LTD.**

SLJ Company, LLC, General Partner  
Louis H. Lebowitz, President

**RBH Anson, LLC**

Red Barn Holdings, LP, Member  
Ithaca GP, LLC, General Partner  
Justin Small, President

**RBH Hines, LLC**

Ithaca GP, LLC, Governing Person  
Justin Small, President

**Rearden Investment Partners VI, Inc.**

Sandra Owens, President

**Red Barn Holdings, LP**

Ithaca GP, LLC, General Partner  
Justin Small, President

**Candace Rubin**

**SLJ Company, LLC**

Louis H. Lebowitz, President

**SBLFT/OF 2016, LTD.**

SLJ Company, LLC, General Partner  
Louis H. Lebowitz, President

**Leonard Sloan & Associates, Inc.**

Leonard R. Sloan, President

**Southwest Airlines Company**

Gary C. Kelly, Director

**SPC Mockingbird Depot LLC**

South Plains Crossing LP, Managing Member  
South Plains Crossing GenPar, LLC, General Partner  
Collin Creek Village, L.P., Managing Member  
CCV Management, Inc., General Partner  
Anthony Ruggeri, President

**Ollie Vernon Stark & Helen Marie Family Living Trust**

Leslie Vernon Stark, Trustee

**Maria C. Strattin**

**Thomas W. Taylor**

**Hugo V. Valdez et ux, et al Revocable Living Trust**

Sonia C. Granoff, Trustee

**Viceroy Davenport, L.P.**

Viceroy Inwood Development, Inc., General Partner  
Stephen J. Rogers, President

**Viceroy Inwood, L.P.**

Viceroy Inwood Development, Inc., General Partner



Stephen J. Rogers, President

**Viceroy Post, L.P.**

Inwood Post, Inc., General Partner  
Stephen J. Rogers, President

**Yego 6500 HH, LP**

Yego 6500 HH GP, LLC, General Partner  
Todd K. Ashbrook, Manager

**MAP**

Attached