



## Legislation Text

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**File #:** 21-256, **Version:** 1

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**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** February 24, 2021  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Department of Sanitation Services  
**EXECUTIVE:** Joey Zapata

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### **SUBJECT**

Authorize **(1)** a five-month lease agreement with Texas Instruments Incorporated (TI) for approximately 22.3044 acres of land located at 8700 Lyndon B. Johnson Freeway for use as a temporary storm debris staging area following the October 20, 2019 tornado event for the period October 23, 2019 through March 19, 2020, for and in consideration of rent in form of performance by City either **(a)** to restore the Premises to condition prior to City's use; or **(b)** to pay TI a restoration payment for TI to restore the Premises to condition prior to City's use; **(2)** an addendum to the lease agreement to provide for City's election to either restore the property or remit a restoration payment to TI to repair and restore the premises to its condition prior to its use by the City of Dallas; and **(3)** an increase in appropriations in an amount not to exceed \$810,583.00 in the Sanitation Operation Fund - Not to exceed \$810,583.00 - Financing: Sanitation Operation Fund

### **BACKGROUND**

This action retroactively (i) authorizes a five-month lease agreement with TI for approximately 22.3044 acres of land located at 8700 Lyndon B. Johnson Freeway as a temporary storm debris staging site for the period October 23, 2019 through March 19, 2020 for and in consideration of rent in form of performance by City either (a) to restore the Premises to condition prior to City's use; or (b) to pay TI a restoration payment for TI to restore the Premises to condition prior to City's use; and (ii) authorizes an addendum to the lease agreement to provide for City's election to either (a) restore the property or (b) remit a restoration payment to TI to repair and restore the premises to its condition prior to its use by the City of Dallas; both (a) and (b) are in consideration of any rental payment at a cost not to exceed \$810,583.00.

On October 20, 2019, the City of Dallas suffered significant storm damage from an EF-3 tornado. Due to the unprecedented volume of vegetative storm debris generated as a result of the storm (approximately 250,000 cubic yards), a temporary storm debris staging site was required.

Temporary staging sites are where clean tree and other vegetative waste is taken to be ground and then efficiently hauled away for disposal. Temporary staging sites allow crews to collect debris from areas close to the site, take the debris to the temporary site, and then return to the neighborhoods rapidly for additional collections. Without temporary staging sites, collection crews could take 2-3 times longer to dispose of collected debris. The additional hauling times, without temporary staging sites, would significantly slow collection efforts.

In the immediate aftermath of the tornado, TI granted the City temporary use of a 22 acre asphalt-paved site near the intersection of Interstate Highway-635 and TI Boulevard, near the tornado's path for use as a storm debris staging area; provided however, in consideration of rent, City either (a) restore the site to condition prior to City's use; or (b) pay TI a restoration payment for TI to restore the site to condition prior to City's use.

The volume of storm debris brought onto the site by the City and the heavy equipment used on the site by the City caused severe damage to the pavement. Several ground water monitoring wells located on the site were also damaged. The parties are currently evaluating the various restoration options and related cost, including providing for TI to remediate the soil and sod the site in lieu of installing replacement asphalt. TI has requested reimbursement for TI to do the restoration work and has submitted an estimated cost not to exceed \$810,583.00. The lease provides a process for City to evaluate cost of restoration and to either elect to restore or make a restoration payment to TI for TI to do the work. The addendum provides for City's election to either (a) restore the property or (b) remit a restoration payment to TI to repair and restore the site to its condition prior to its use by the City of Dallas. The parties have agreed the City's cost or restoration payment amount is not to exceed \$810,583.00.

This action has been delayed due to retroactive lease term negotiations, which were slowed by the ongoing COVID-19 pandemic.

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

City Council was briefed on the EF-3 Tornado Response, including use of the TI site on November 6, 2019.

### **FISCAL INFORMATION**

Fund	FY 2021	FY 2022	Future Years
Sanitation Operation Fund	\$810,583.00	\$0.00	\$0.00

### **OWNER**

#### **Texas Instruments Incorporated**

Richard K. Templeton, President/Chief Executive Officer