

RESOLUTION NO _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CIRRUS ASSOCIATES, LLC FOR THE REQUIRED BACKGROUND STUDY AND APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY REGARDING A MUNICIPAL SETTING DESIGNATION FOR 1309 SOUTH BROADWAY STREET IN AN AMOUNT NOT TO EXCEED \$114,425.00; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton is the owner of 1309 S. Broadway Street where, through testing, benzene has been discovered in some areas of the soil and groundwater in concentrations which exceed the Texas Commission on Environmental Quality protective concentration level;

WHEREAS, groundwater containing benzene appears to have migrated beyond the boundaries of 1309 S. Broadway Street;

WHEREAS, it is important to redevelop 1309 S. Broadway Street to its full commercial potential as part of the Downtown Carrollton revitalization;

WHEREAS, the Texas Legislature passed a Municipal Setting Designation (MSD) statute which created an alternative for persons addressing the groundwater contamination;

WHEREAS, the Texas Commission on Environmental Quality has established an application process by which a property owner, including municipalities, may obtain an MSD;

WHEREAS, redevelopment of 1309 S. Broadway Street and other property may be facilitated by the establishment of an MSD;

WHEREAS, installation and sampling of groundwater monitor wells is necessary for the creation of an MSD in Carrollton;

WHEREAS, the City of Carrollton is a firm advocate for good environmental stewardship and protection of public health;

WHEREAS, upon full review and consideration of the project, and all matters attendant and related thereto, the City Council is of the opinion that the contract for the installation and sampling of permanent groundwater monitor wells is necessary and that the City Manager shall be authorized to execute it on behalf of the City of Carrollton;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION I

The above and foregoing premises are found to be true and correct and are incorporated herein and made part hereof for all purposes.

SECTION 2

The City Manager is hereby authorized to execute a contract with Cirrus Associates, LLC for the background study and application to the Texas Commission on Environmental Quality for the purpose of obtaining a Municipal Setting Designation for the area of 1309 S. Broadway Street in an amount not to exceed \$114,425.00 and to take those steps reasonable and necessary to comply with the intent of this resolution.

SECTION 3

This resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 19th day of May, 2015.

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd, City Attorney

Scott Hudson, Environmental Services Director