


## CITY OF OAKLAND PARK

### MEMORANDUM

**DATE:** February 15, 2011

**TO:** John Stunson, City Manager

**FROM:** Ray Lubomski, Community & Economic Development Director 

**SUBJECT:** Environmental Assessments for the Strip Shopping Center located at 3700-3798 NE 12<sup>th</sup> Avenue

#### Introduction and Background

During the February 2, 2011 City Commission meeting (minutes attached), the City Commission called a Special Meeting for the Community Redevelopment Agency (CRA) and City Commission for the purpose of discussing upcoming redevelopment issues to be held on February 10, 2011.

In response to the concerns raised at the Special Meeting for the CRA/City Commission held on February 10, 2011, the following information is being provided to further support the presentation with additional documentation on the work that was accomplished in evaluating the environmental conditions of the property at 3700-3798 NE 12<sup>th</sup> Avenue (commonly referred to as the Nader Soliman property) in the context of a future purchase. This special meeting, a first step in the acquisition process, was held to present and discuss with the CRA/City Commission the concept of purchasing and developing the property using existing Redevelopment Capital Program funds, the use of appraisals in determining the purchase price, and the environmental assessments prepared describing the soil and groundwater analytical results and conclusions from samples taken.

The next step in this process is the March 2 City Commission meeting, where the City Commission is requested to adopt ordinances A and B on second reading. Ordinance A ratifies the actions of the City Manager in the execution of the purchase agreement with the seller, and Ordinance B authorizes the proper city officials to execute the loan agreement and promissory note with Broward County in the amount of \$1,390,050 for the acquisition and development of the parcel. Further meetings and actions will be taken by the Board of County Commissioners and their staff for the final approval and implementation of the project.

#### Phase I Environmental Site Assessment

GLE Associates, Inc. conducted a Phase I Environmental Site Assessment (ESA) in accordance with American Society of Testing and Materials (ASTM) established Standard E-1527 – Standard Practice for Environmental Site Assessment: Phase I Environmental Process – guidelines to assist the City of Oakland Park in environmental risk assessment and due diligence for the purchase of the

Nader Soliman property. Also, ASTM defines an “environmental professional” as one who has sufficient training and experience to investigate a site in accordance with the standard practice and ability to develop conclusions regarding the site’s environmental conditions.

The typical Phase I Environmental Site Assessment includes:

- Reviewing historical aerial photographs, and/or fire insurance maps, and/or county/city files, and/or other reasonably ascertainable historical records;
- Interviewing the client and past owners;
- Reviewing data provided by private data base firms as to listings under CERCLA, FINDS, ERNS, RCRA, and other federal or state files;
- Interviewing and reviewing files from local fire jurisdictions and/or the local government to determine if reports of incidence have occurred;
- Reviewing USGS topographic, geologic, hydrogeologic, and hydrologic information;
- Contacting the local electrical utility company to determine the PCB status of electrical transformers/equipment at the site;
- Making a site reconnaissance to note use and conditions of the site and immediately surrounding properties for concerns such as: drums, containers, discolored pavement or stressed vegetation, unusual odors, signs of above- or below-grade fuel or chemical tanks (ASTs/USTs), chemical storage, spill control containment devices, septic tank drain fields, electrical equipment which may contain PCBs, drainage patterns and the potential for drainage from off-site, and storm and sanitary sewers;
- Visually observing the interior of accessible areas of the site building including maintenance/repair, storage areas, and a representative sample of occupant spaces.

The Phase I conclusions and recommendations provided by GLE Associates, Inc., as our environmental professional consultants on the project, are attached to this memorandum for further review. Their recommendations were to perform a Limited Phase II ESA investigation to assess sub-surface soil and groundwater conditions at the site with respect to the potential adverse environmental impacts associated with the existing underground tank and the former printing facility located at the property.

The abandoned underground storage tank, located at the northern end of the building, lies four feet into the right-of-way of NE 38<sup>th</sup> Street. Attached is a diagram and survey showing the location of the underground storage tank in relationship to the building and roadway. During November 1957, the right-of-way of NE 38<sup>th</sup> Street was widening from forty feet to fifty feet, resulting in the tank impacting the roadway and any construction of a pedestrian sidewalk on the south side of NE 38<sup>th</sup> Street. Once the Nader Soliman property is purchased, the abandoned underground tank will be funded and removed eliminating any future environmental or construction impacts and that portion of NE 38<sup>th</sup> Street would be able to be completed as part of the project.

## **Phase II Environmental Site Assessment**

In the case where a property is strongly suspected to be contaminated such as in some gas stations, dry cleaners, and certain industrial properties, Phase II Environmental Site Assessments are performed. Also, if a site is considered contaminated during the Phase I ESA investigation, a Phase II Environmental Site Assessment is conducted using more detailed and intrusive investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons. A Phase II ESA can take various forms with the most usual being soil and groundwater testing. Additional actions that maybe included in Phase II ESA investigations, depending on the circumstances, are asbestos surveys, lead-base paint testing, mold and moisture inspections, and various other site-specific tests.

In response to the outcome of their Phase I ESA work and in abundance of caution, GLE Associates, Inc. recommended and conducted a Limited Phase II Environmental Site Assessment (ESA). Specifically, GLE conducted field observations, sampling activities and laboratory analyses to determine if there were any potential environmental impacts associated with the property's soil and groundwater associated with the underground storage tank and a printing facility previously located within the shopping center. Their Limited Phase II ESA findings, conclusions and recommendations can be found in the attachments. Limited because neither sampling of air nor building materials were taken since it is the intent of the project is to demolish the building for an interim parking lot anyway. Any asbestos, lead paint, or mold issues would be addressed during the demolition and disposal process. Included in the budget for the project is \$20,000 for the removal of the Underground Septic Tank and \$75,000 for Building Demolition.

## **Conclusion**

City staff is very confident that GLE's environmental work along with Tierra, Inc. previous soil and groundwater sampling and analysis report completed in 2009 as part of the engineering design work for the Dixie Highway and NE 38<sup>th</sup> Street intersection determined that the existing soils and groundwater around and beneath Nader Soliman's property does not exceed any FDEP standards. In total, there were five soil borings taken around the property and samples from inside the UST with two independent professional environmental consultants, GLE Associates, Inc. and Tierra, Inc., reaching the same conclusion.

## **Attachments**

- Exhibit 1 – Minutes calling the Special Meeting
- Exhibit 2 – Notice of the Special Meeting
- Exhibit 3 – GLE's Phase I Conclusions & Recommendations
- Exhibit 4 – GLE's Limited Phase II Conclusions & Recommendations
- Exhibit 5 – Tierra's Findings & Conclusions
- Exhibit 6 – NE 38<sup>th</sup> Street ROW survey
- Exhibit 7 – Underground Storage Tank diagram

**Reports From the City Manager**

Assistant City Manager Horace McHugh requested the City Commission call for a Special City Commission meeting and CRA meeting for Thursday, February 10, 2011, at 6:30 p.m.

Consensus reached to call a Special City Commission meeting and CRA meeting on Thursday, February 10, 2011, at 6:30 p.m.

**A. E-Code Administration And Operating Procedure**

Vice Mayor Boisvenue inquired to policy of follow-up to verbal notices

**B. Fire-Rescue Mutual Aid Information**

**Reports From the City Attorney**

**A. City Attorney Report 2.2.11**

No verbal report provided

CITY OF OAKLAND PARK, FLORIDA

ALLEGRA WEBB MURPHY, MAYOR

ATTEST:

JANETTE M. SMITH, CMC  
CITY CLERK

**Raymond Lubomski**

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**From:** Janette Smith  
**Sent:** Monday, February 07, 2011 4:47 PM  
**To:** Al Hubrig; Allegra Webb Murphy; Anne E. Sallee; Dave Womacks; David Rafter; DJ Doody; Donald P. Widing; Harris Hamid; Horace McHugh; Janette Smith; Jed Shank; Jenna LaFleur; John Bukata; John Stunson; Lynn McCaffrey; Marie Elianor; Raymond Lubomski; Renee Shrout; Sharon Monteferrante; Steven Arnst; Suzanne Boisvenue; William Underwood; 'Melissa Augustin'  
**Cc:** Dave Womacks; David Rafter; Denise Smith; Donald P. Widing; Dorothy Brooks; Fawn Cook; Heidi Burnett; Janette Smith; Jean Murray; Jenna LaFleur; John Bukata; John Bukata; Lucy Goodson; Mala Jaggernauth; Marie Elianor; Nada Wahlay; Ramona Edwards; Raymond Lubomski; Renee Shrout; Robin Greco; Sara-Lou Annakie  
**Subject:** Special Meetings - CRA and City Commission Meeting  
**Attachments:** special\_mtg\_notice\_feb2011.pdf

Good evening,

Attached, please find the notice for the upcoming special meetings – Community Redevelopment Agency (CRA) and City Commission Meeting to be held on February 10, 2011 at 6:30 p.m. in the City Commission chambers.

Staff: Please post the notice in the proper locations for public information.

A complete agenda will follow by the end of business tomorrow (Tuesday, February 8, 2011).

Thank you,  
Janette



**Janette M. Smith, J.D., M.B.A., C.M.C.**  
City Clerk  
**City of Oakland Park**  
3650 NE 12th Avenue  
Oakland Park, FL 33334  
954-630-4298  
[janettes@oaklandparkfl.org](mailto:janettes@oaklandparkfl.org) | [www.oaklandparkfl.org](http://www.oaklandparkfl.org)

Please Note: Florida has very broad public records law. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may, therefore, be subject to public disclosure.





3650 N.E. 12th Avenue - Oakland Park, Florida 33334 954.630.4200 www.oaklandparkfl.org

**NOTICE OF CRA MEETING AND SPECIAL CITY  
COMMISSION MEETING  
Thursday, February 10, 2011 at 6:30 p.m.  
City Hall Chambers**

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On Wednesday, February 2, 2011, the City Commission called a CRA Meeting and Special City Commission Meeting for the purposes of discussing upcoming redevelopment issues.


The Special City Commission Meeting and CRA Meeting is scheduled for Thursday, February 10, 2011, at 6:30 p.m. in the City Commission Chambers, City Hall, 3650 NE 12 Avenue, Oakland Park, Florida 33334. This special meeting was called under the provisions of the Charter 2.15 for the purpose of taking action on this item.

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Clerk's Office at 954.630.4300, or FAX 954.630.4302 for information or assistance.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and that, for such purpose, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Commission of the City of Oakland Park is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the outdoor bulletin board at the main entrance of City Hall, a place convenient and readily accessible to the general public at all times.

Posted: February 7, 2011

By: Janette M. Smith   
Janette M. Smith, J.D., M.B.A./C.M.C.  
City Clerk

## Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM E 1527 of 3700-3798 Northeast 12<sup>th</sup> Avenue, Oakland Park, Broward County, Florida, the "Property." Any exceptions to, or deletions from, this practice are described in Section 2.0 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Property, except for the following:

An underground storage tank (UST) of unknown use was observed on the northeast portion of the Property. Based on observations, the tank appears to have formerly been used as a septic system. However, no documentation was identified at the time of this assessment to confirm the purpose of the tank. A request for information in regards to the UST at the Property was submitted to the City of Oakland Building Department. No information was received at the time of this assessment. The presence of this UST poses a REC to the Property at this time, in GLE's opinion.

The vacant building adjoining to the north of the Property (formerly occupied by Sears) is listed as a Facility Index System/Facility Registry System (FINDS), Resource Conservation and Recovery Act Non-Generator (RCRA-NonGen), Underground Storage Tank (UST) and Leaking UST (LUST) facility. The FINDS database indicates that the Project is tracked on the RCRA and Florida Environmental System Today Application (FIESTA) databases. The FIESTA Data Maintenance (FDM) system maintains entity, environmental interest and affiliation data for the State of Florida. This database is associated with is a sub-project within the larger Integrated Management System (IMS) effort of the Florida Department of Environmental Protection (FDEP), which focuses on the business needs associated with displaying summary information of commercial properties. No RCRA violations are reported for this facility. Available information regarding this facility indicated there were five former USTs associated with the Property. Tanks included the following: (1) one 10,000-gallon UST containing unleaded gasoline, installed in July 1971 and removed in December 1988; (2) one 10,000-gallon UST containing vehicular diesel, installed in July 1977 and removed "not reported"; (3) one 10,000-gallon UST containing vehicular diesel, installed in July 1980 and removed in December 1988; (4) one 500-gallon UST, containing "non-regulated material", installation date not reported, removed in December 1988; and (5) one 6,000-gallon UST of unknown content, installation date not reported and removed in December 1988. A petroleum discharge is documented for this facility in 1988. The pollutant addressed was listed as vehicular diesel. Assessment/remediation activities were completed, and the FDEP awarded a Site Rehabilitation Completion Order (SRCO) to this facility in correspondence dated January 20, 2000. However, the SRCO does not certify that the site is clean. The FDEP reserves the right to require further action of this site, if contamination is discovered in the future, to meet cleanup criteria set forth in Chapter 62-

## EXHIBIT 3

770 E.A.C. In GLE's opinion, the documented petroleum discharge at this facility represents a HREC to the Property at this time. However, based on current regulatory status, no further environmental assessment of the Property associated with this adjoining site appears warranted at this time.

A review of historical city directories determined that a printing facility occupied tenant space number 3736 of the Property between approximately 1967 and 1988. In the course of providing their services, printers can reclaim the screens using solvents to remove inks, emulsion (stencils), and remnant image elements so the screens can be used again. The historic usage of these solvents, poses a potential REC to the Property, in GLE's opinion. However, the Property is not listed on any regulatory database for known tank systems, or having a known release, spill or other environmental condition under regulatory investigation.

Railroad tracks are depicted on the parcel adjoining to the west of the Property (across Northeast 12<sup>th</sup> Avenue) since at least 1947 to the present time. Herbicides are often applied to railroad tracks to prevent vegetation growth and railroad ties can often be treated with wood treatment chemicals, such as creosote. These railroad tracks pose a BER to the Property at this time, in GLE's opinion. However, the railroad tracks adjoining the Property consisted of a single railroad line and were not associated with a rail yard or other area with concentrated activity, and therefore, no further environmental assessment of the Property, in relation to the adjoining railroad track, appears warranted at this time.

### **Recommendations**

GLE recommends that the contents of the UST on the northeast portion of the Property be sampled and submitted for laboratory analysis. In addition, GLE recommends the performance of a Limited Phase II ESA investigation to assess sub-surface soil and groundwater conditions at the Property with respect to potential adverse environmental impacts associated with the existing UST and the former printing facility located at the Property.

#### **4.0 CONCLUSIONS AND RECOMMENDATIONS**

Based on the results of our field observations, sampling activities and laboratory analyses, GLE has revealed no compelling evidence to suggest that soil or groundwater underlying the Property has sustained significant petroleum product impacts within the area investigated. Based on the review of the analytical data collected during this Phase II ESA, no further soil or groundwater assessment of the Property appears warranted at this time.

However, impacts of select VOCs, with *cis*-1,2-dichloroethene detected above its GCTL, were identified in the water contained within the onsite UST. GLE recommends that the UST water be purged and properly disposed, following applicable regulations, and that the tank be removed or properly abandoned in place, in accordance with State and local regulations.

#### **5.0 LIMITATIONS**

The Phase II ESA activities described herein were performed in an effort to assess on-site soil and/or groundwater for potential impacts associated with the Property. The limited Phase II ESA was performed in an effort to assist the Client with evaluating potential environmental risks associated with the Property prior to commencing with a real estate transaction and was not intended for regulatory compliance purposes. Accordingly, the work performed and laboratory data obtained for this project appears, in GLE's opinion, sufficient at this time. The information contained in this report was prepared based upon specific parameters and regulations in force at the time of this report. The information herein is only for the specific use of the client and GLE. GLE accepts no responsibility for the use, interpretation, or reliance by other parties on the information contained herein, unless written authorization has been obtained by GLE.

### 3.0 FINDINGS

Soil screening with the OVA indicated that very low levels of organic vapors were detected in the soil borings. The levels of organic vapors detected were all less 10.0 parts per million (ppm). The organic vapors were generally all detected at a depth of 3-5 feet below existing grade.

Tierra analyzed the data collected to determine whether levels of target analytes exceeded the Florida Department of Environmental Protection (FDEP) Soil Clean-up Target Levels (SCTL), Groundwater Cleanup Target Levels (GCTL) and Leachability guidelines contained in Chapter 62-777, Florida Administrative Code (FAC). The results were compared to the SCTL and GCTL for both Residential and Commercial/Industrial Direct Exposure (RDE and C/IDE) limits.

The results of the data from the soil and groundwater testing procedures and analysis indicate that all of the samples were below the FDEP SCTL and GCTL for Commercial/Industrial Direct Exposure (C/IDE) limits, Residential Direct Exposure (RDE) limits, and Leaching to Groundwater (LGW) limits. The leachability value listed is defined as the soil concentration in mg/kg that may leach dissolved concentrations of the contaminant into groundwater or surface water above the applicable water quality standards.

Analytical results are summarized in Table 2. The full laboratory reports and chain of custody documentation are included in Appendix A.

### 4.0 CONCLUSIONS

The existing soils and groundwater at the sample location as evidenced by the OVA and laboratory results do not appear to exceed the FDEP SCTLs and GCTLs for Commercial/Industrial Direct Exposure (C/IDE), Residential Direct Exposure (RDE), or Leaching to Groundwater (LGW) for the analytical methods tested.

EXHIBIT 6

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