



## **AGENDA MEMORANDUM**

First Reading Ordinance for the City Council Meeting of January 13, 2015  
Second Reading Ordinance for the City Council Meeting of February 10, 2015

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DATE: December 17, 2014

TO: Ronald L. Olson, City Manager

THROUGH: Gustavo Gonzalez, P.E., ACM for Public Works and Utilities

FROM: William J. Green, P. E., Interim Director Environmental and Strategic Initiatives  
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Lease Agreement with TCEQ for use of Oakpark and H. J. Williams Parks for Air Monitoring Station
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### **CAPTION:**

Ordinance authorizing the City Manager, or designee, to execute a five year lease agreement (with the option for one five year renewal) with the Texas Commission on Environmental Quality (TCEQ) for installation and operation of an air quality monitoring station on a 0.113 acre tract of land on Oakpark Park located at 842 Erwin Street, Corpus Christi, TX and a 0.038 acre tract of land on Bayview (H.J. Williams) Park, located at 2518 Dempsey Road, Corpus Christi, TX; providing for severance; and providing for publication.

### **PURPOSE:**

The City owns the tracks of land described above for park purposes. The purpose of the Agenda item is to obtain authority to execute an agreement with TCEQ to lease the premises for 5 years with one (1) successive five-year renewal for a total of ten (10) years to enable them to install and maintain continuous air monitoring stations.

### **BACKGROUND AND FINDINGS:**

TCEQ has leased the tracts on both Oakpark and Bayview (H. J. Williams) park for air monitoring purposes since 2004. The current lease expired on September 6, 2014. For and in consideration of the rights and privileges granted in the lease, the Lessee agrees to allow the City full access, via the Lessee's web page, to the monitoring information gathered by the Lessee from the air monitoring stations situated at the Leased Premises during the entire term of the lease. Approval of lease agreements of City land in excess of twelve months requires City Council approval.

**ALTERNATIVES:**

- 1. Approve lease agreement with renewal
- 2. Disapprove lease agreement with renewal

**OTHER CONSIDERATIONS:**

As per City Charter, Article IX. Public Utilities, Franchises, and Leases, Section 3. Ordinance Granting Franchise or Lease, Part a. "Every ordinance granting, extending, or amending a franchise or lease of property of the city shall be read at two regular meetings of the council, and shall not be finally acted upon until the twenty-eighth day after the first reading." Therefore, the second reading of this item will be scheduled for the February 10, 2015 to comply with this requirement. The existing contract will be in force until the second reading of this item supersedes it.

**CONFORMITY TO CITY POLICY:**

Conforms to City of Corpus Christi statutes regarding lease agreements.

**EMERGENCY / NON-EMERGENCY:**

Non-emergency

**DEPARTMENTAL CLEARANCES:**

Parks and Recreation Department  
 Legal Department

**FINANCIAL IMPACT:**

Operating       Revenue       Capital       Not applicable

Fiscal Year: 2014-2015	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

**RECOMMENDATION:**

Staff recommends approval of the Ordinance as presented.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance  
 Lease Agreement  
 Location site maps