

ORDINANCE NO. 4636

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 3, "AIRPORTS AND AIRCRAFTS," OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING SECTIONS 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) AND 3-67(c)(1) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) AND 3-67(c)(1); ADDING THE REQUIREMENT OF NOTICE BY THE CITY IN THE EVENT OF DEFAULT FOR FAILURE TO PAY RENT, INCREASING THE MAXIMUM NUMBER OF YEARS FOR AN AIRPORT TENANT LEASE, CLARIFYING THE PERIODIC REVIEW OF RENTAL RATES, PROVIDING THAT AIRPORT TENANTS MAY HAVE INCIDENTAL OFFICE AND STORAGE SPACE, AND ESTABLISHING A NEW MINIMUM CHARGE FOR LEASE OF UNIMPROVED AIRPORT PROPERTY; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Chapter 3 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by deleting Sections 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) and 3-67(c)(1) in their entirety and adding new Sections 3-27(b)(17)(a), 3-27(b)(20), 3-27(c)(14) and 3-67(c)(1) to read as follows, in all other respects said Code, Chapter and Sections to remain in full force and effect:

- (a) *Sec. 3-27(b)(17)(a).* Amend Section 3-27(b)(17)(a) by deleting the section in its entirety and adding a new Section 3-27(b)(17)(a) to read as follows:
 - (a) Failure by lessee, for a period of 10 days after written notice from the City, to pay the rent required to be paid under lessee's lease agreement with the City.
- (b) *Sec. 3-27(b)(20).* Amend Section 3-27(b)(20) by deleting the section in its entirety and adding a new Section 3-27(b)(20) to read as follows:
 - (20) Beginning with the effective date of adoption of these minimum standards, leases to fixed base operators, commercial operators and airport tenants shall be limited to a maximum of 40 years. In addition, at the end of each three-year period during the term of the lease, rent shall be reviewed in accordance with increases in the Consumer Price Index ("CPI") as promulgated by the Bureau of Labor Statistics of the United States Department of Labor, using the CPI on the date the lease became effective as a base. If the City determines, in its sole discretion, that the CPI is five or more percent higher than on the date the lease became effective or since the date of last review,

rent under the terms of the lease shall be increased by the amount of such increase in the CPI. The CPI for the month of January of the year the rent is to be adjusted shall be used to calculate rent adjustments. At no time shall the rent be less than the greater of the initial rent called for in the lease or the rent during the year prior to the date of adjustment.

- (c) *Sec. 3-27(c)(14)*. Amend Section 3-27(c)(14) by deleting the section in its entirety and adding a new Section 3-27(c)(14) to read as follows:

- (14) *Category N. Airport tenant*. A person having the use designation of “airport tenant” shall be limited to the following and only the following uses:

Storage of wholly owned or leased aircraft, the service and maintenance of the aircraft, and incidental office and storage areas as approved by the Airport Manager.

Such person shall not hangar aircraft owned by others, nor offer, nor provide, for financial gain, any services whatsoever to others, except, however, other’s aircraft may be temporarily hangered without compensation. “Temporarily” means less than 60 days in any one calendar year.

a. *Insurance coverage*. See Section 3-28.

b. Due to the vast variety of single and multi-occupancy hangars, a single, minimum standard for building and acreage is not established. Therefore, each application under this standard will be considered on its own merits.

- (d) *Sec. 3-67(c)(1)*. Amend Section 3-67(c)(1) by deleting the section in its entirety and adding a new Section 3-67(c)(1) to read as follows:


- (1) All unimproved airport property shall be leased at a minimum of \$0.30 per square foot per year, subject to adjustment by the City Council on a periodic basis.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

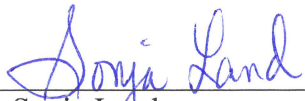
SECTION 4. That this ordinance shall take effect immediately on and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of December 2018.



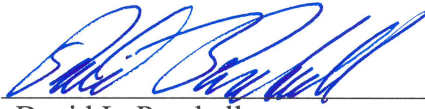
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney