

ORDINANCE NO. O-2016-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 12, "AIRPORT", ARTICLE III., "AIRPORT COMMERCIAL ACTIVITIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING REFERENCE TO ON-SITE CAR RENTAL PARKING SPACES LOCATION; AMENDING OFF-SITE CAR RENTAL BUSINESS PERMIT FEES; AMENDING THE CUSTOMER FACILITY CHARGE CLAUSE; AUTHORIZING THE AIRPORT MANAGER TO NEGOTIATE AND EXECUTE SHORT TERM ADVERTISING CONTRACTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, miscellaneous Airport fees for service are set forth in Tyler City Code Chapter 12; and

WHEREAS, it is important to amend certain fees for services;

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

PART 1: That Tyler City Code Chapter 12, "Airport", Article III., "Airport Commercial Activities", is hereby amended by amending Section 12-31 to read as follows:

Sec. 12-31. Fees and rentals.

- a. Westside Terminal building rates for exclusive office and counter areas for commercial airlines shall be twenty-nine dollars and fifty-two cents (\$29.52) per square foot per year. Terminal building common area fees for signatory commercial airlines shall be twenty-five cents (\$.25) per enplaned passenger and common area fees for non-signatory commercial airlines or charter flights shall be seventy-five cents (\$.75) per enplaned passenger. The rental rates for that portion of the terminal building used for restaurant purposes shall be based upon a percentage of gross receipts as set by the City Council. Rental rates for FAA use of terminal building space shall be as set out in those leases and as approved by the City Council. The rental rates for the conference room in the Westside Terminal Building shall be fifty dollars (\$50.00) per day, twenty-five dollars (\$25.00) for four (4) hours or less, and twenty dollars (\$20.00) for each additional furniture set up. Such rental rates for the conference room in the Westside Terminal Building shall not be charged to non-profit organizations, nor to City of Tyler employees or representatives that are conducting City-related business. Additionally, a damage deposit of fifty dollars (\$50.00) per rental shall be required from each user of the conference room in the Westside Terminal Building, except that such deposit shall not be required for City of Tyler employees or representatives that are conducting City-related business. The rental rate for terminal space used by on-site rental car companies shall be no less than thirty thousand dollars \$30,000.00 per year, or ten percent (10%) of gross monthly revenue based on net time and mileage, whichever is the greater amount. The rental rate for office and counter space used by on-site rental car companies shall be five hundred dollars (\$500.00) per month. On-site car rental companies shall pay a fee of fifteen dollars (\$15.00) per space per month for use of ready car and other parking spaces at the Westside Terminal Building. The rental car company leasing counter space will be allowed to display dual brands from its leased

counter space provided that the on-site car rental company proposed to do so in its bid. On-site car rental companies shall pay a minimum fee of three dollars (\$3.00) per wash and receive twelve minutes of wash bay operation with a fee of twenty-five cents (\$.25) per minute for each additional minute thereafter for use of the rental car wash bay. Fees include use of vacuums at no additional charge. (Ord. No. 0-99-35, 4/28/99) (Ord. No. 0-2001-33, 8/15/01) (Ord. No. 0-2002-22, 6-19-2002) (Ord. 0-2003-22, 5/28/03) (Ord. No. 0-2005-96; 12/14/05) (Ord. 0-2010-99, 9/22/10) (Ord. No. 0-2012-69, 9/12/12) (Ord. No. 0-2013-11; 2/13/13) (Ord. No. 0-2016-50; 6/08/16)

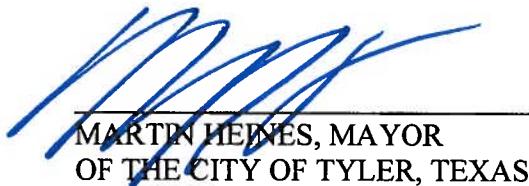
- b. Off-site car rental business permit fees. The fee for off-site car rental businesses to conduct or solicit commercial activities on Airport property shall be *two hundred fifty dollars* (\$250.00) annually plus eight percent (8%) of all gross business receipts on net time and mileage originating from operations at the Airport per month, payable on the twentieth (20th) day of each month. Said off-site car rental business permit fee is based upon a figure that is two percent (2%) less than the percentage of gross revenue paid by on-site car rental companies in subsection a. above. Permit shall allow usage of car rental return lot for returned cars. Said permit fee shall cover parking used by off-site car rental businesses while commercial airline operations are at the Northside Terminal Building. Off-site car rental businesses shall pay a fee of *\$15.00 per* space per month for use of parking spaces at the Tyler Pounds Regional Airport. (Ordinance No. 0-2001-33, 8/15/01) (Ord. No. 0-2016-50; 6/08/16)
- c. through i. No changes...
- j. Customer Facility Charge. Commencing April 1, 2013, there is imposed at Tyler Pounds Regional Airport, a Customer Facility Charge (CFC) of three dollars (\$3.00) per rental car contract per day on any rental of a rental car at the Airport. Each twenty-four hour period or fraction thereof within the rental period constitutes a separate day for which the CFC will be levied and collected. The rental car companies will account for all CFCs collected and remit those payments to the City monthly, separate from other rental car remittances and reports. The City will create a separate account for CFCs and hold such funds for the benefit of maintenance and improvements for future rental car operations on the Airport. Rental Car Companies and their agents hold only a possessory interest in the CFC and no legal or equitable interest. (Ord. No. 0-2010-99; 9/22/10) (Ord. No. 0-2013-11; 2/13/13) (Ord. No. 0-2016-50; 6/08/16)
- k. Advertising. The Airport Manager has authorization to negotiate and execute short term advertising contracts. The rates for specialty location contracts shall range from \$50.00 per month to \$1,000 per month, depending on the area and utilities utilized, and such rates shall be set out in the contracts. The Airport reserves the right to reclaim certain Specialty Floor Displays (located in the ticketing area) only if the location remains unsold by Concessionaire at any point after the 1 year anniversary of the commencement date of the extension term. The Airport agrees to provide Concessionaire with 90 day written notice of Concessionaire's interest to utilize the terminal space for alternative opportunities, if Concessionaire so chooses. Should any of these two locations become vacant and Concessionaire is unable to fill that space with a new advertiser within 90 days, Airport has the right to pursue an occupant for a one year advertising lease or other alternative opportunities followed by a month to month tenancy. Concessionaire may resume its efforts to lease the Specialty Floor Display space concurrently with Airport at the end of the one year lease term. If Airport secures a lessee for the space described, Airport would receive 100% of the lease proceeds from the Specialty Floor Display space which was secured by Airport.

However nothing would prevent Concessionaire from continuing its efforts to lease the Specialty Floor Display space for advertising until Airport notified Concessionaire that the space was leased. (Ord. No. 0-2016-50; 6/08/16)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be June 10, 2016.

PASSED AND APPROVED this 8th day of June, A.D., 2016.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:



Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY