

RESOLUTION NO. R2010-006

**A RESOLUTION ESTABLISHING MINIMUM APPLICATION STANDARDS
FOR COMMERCIAL ACTIVITIES AT THE CASTROVILLE MUNICIPAL
AIRPORT**

WHEREAS, the City of Castroville owns and operates the Castroville Municipal Airport;
and

WHEREAS, Texas Transportation Code 22.014 permits local governments authority to
adopt ordinances, resolutions, rules, and order necessary to manage, govern and use an
airport under its control; and

WHEREAS, the City of Castroville contracts with various private entities and individuals
for the operation of business and commercial enterprises at the Castroville Municipal
Airport, including the operations of businesses in the terminal and hangars; and

WHEREAS, it would be advantageous to both the City of Castroville and those
applicants seeking to operate a business at the airport to have clearly identified minimum
application standards;

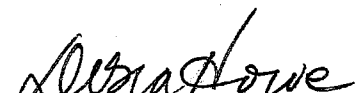
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF CASTROVILLE AS FOLLOWS:

The City of Castroville hereby adopts the Castroville Municipal Airport Minimum
Application Standards for Commercial Activities, a copy of which is attached hereto
and incorporated herein as if fully set forth.

PASSED THIS THE 8 DAY OF March, 2010.


ROBERT LEE, Mayor

Attest:


DEBRA HOWE, City Secretary

MINIMUM APPLICATION STANDARDS FOR BUSINESS ACTIVITIES AT THE CASTROVILLE MUNICIPAL AIRPORT

Statement of Policy. The City of Castroville recognizes the necessity of protecting the public health, safety and interest of the Castroville Municipal Airport ("the Airport"), and hereby promulgates and adopts the following procedures and guidelines for the commercial use of any land or facility located at the Airport. These standards shall be administered on fair and reasonable terms, and applied uniformly to all applicants seeking to conduct commercial or business activities at the Castroville Municipal Airport.

I. Applicability

These standards and guidelines are intended to apply to individuals and entities seeking to locate and operate a business or commercial endeavor at the Castroville Municipal Airport. This policy does not apply to individuals or entities that merely seek to lease hangar space or tie-down privileges at the Airport.

II. Contents of Application.

Until an applicant has submitted a proposal that complies with the requirements set forth herein, the City Administrator, or his designee, shall not take action on a request to: (1) lease land and/or an existing facility or building for business or commercial purposes, (2) initiate any commercial activity on airport premises; or (3) amend the scope of an approved commercial or business activity.

An application should be on a form promulgated by the City and should clearly state:

1. The name, address, phone number, and email address of the applicant and all other persons, officers, or partners involved with the proposed activity.
2. The specific type of activity to be initiated, including a detailed description of the proposed operation and the proposed hours of operation.
3. The requested or proposed date for the commencement of the activity.
4. A description of the amount and type of jobs to be created.
5. A description of the land, hangar, or office space needed for the operation.
6. If improvements are planned, a detailed description of the improvements and the anticipated completion date of said improvements.
7. The names and qualification of the personnel to be involved in conducting the activity.
8. The number and type of aircraft and large equipment to be located at the Airport.
9. Any other additional information determined by the City of Castroville necessary to evaluate the proposal.
10. Proof of adequate liability insurance.

In order to evaluate the financial condition of the applicant, the City, at its discretion, may require the following information:

1. A current financial statement certified by a certified public accountant.
2. Financial statements from applicant's financial institution.
3. Proof of the applicant has, or has access to, the finances necessary to conduct the proposed operation for a minimum period of six (6) months.
4. A credit report that indicates satisfactory business responsibility and reputation.
5. A written listing of the assets owned or being purchase which will be used in the activity to be conducted at the Airport.
6. A list of any lawsuits, claims, or judgments filed or entered against any of the proposed personnel involved with the proposed activity, including management, owners and operators.
7. Proof of applicant's ability to post a performance bond equal to six (6) months of rental fees.
8. Criminal background information.

III. DISCRETION OF THE CITY

The City of Castroville, acting through its City Council, retains final authority over whether to grant permission to engage in any activity at the Airport.

In considering an application, the City may consider, among any other relevant factors, the following:

1. Applicant's ability to provide requested documentation.
2. Whether approval would create an airport safety hazard.
3. Whether approval would create a financial obligation or hardship on the City or the Airport.
4. Availability of facilities.
5. Whether proposal is compatible with the Airport Master Plan.
6. Whether proposal interferes with other operations of the Airport.
7. Whether the City determines that the applicant has misrepresented any relevant information.
8. Whether applicant's financial stability, history of litigation, or criminal background make him an unfit tenant.
9. Applicant's inability or unwillingness to provide required insurance coverage.

IV. APPLICATION PROCEDURE

After receiving an application to conduct business activity at the Airport, the City Administrator or his designee will determine whether the application as submitted contains the necessary information to continue the application process. If the application is deemed sufficient, the City Administrator will have a permit or lease prepared. The application, along with the City Administrator's comments and proposed lease, will be presented to City Council for consideration of the permit. The City Council's decision whether to approve the lease, disapprove the lease, or require reasonable modifications or concessions will be final.