

Mayor and Council Communication

DATE: 09/10/19

M&C FILE NUMBER: M&C 19-0137

LOG NAME: 12AVIATION LEASE LAWSUITS

SUBJECT

Adopt Resolution Authorizing the City Attorney's Office to File Lawsuits Against Mark Taylor and True Aviation Partners, LLC, in Tarrant County, Texas to Recover Past Due Rental Payments at City Airports (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution authorizing the City Attorney's office to file lawsuits against Mark Taylor and True Aviation Partners, LLC, in Tarrant County, Texas to Recover Past Due Rental Payment at City Airports.

DISCUSSION:

On March 3, 2017, the City entered into City Contract No. 48840 with Mark Taylor for the month-to-month lease of Box Hangar Unit B, located at 12525 Wildcat Way (Spinks Airport). In return for use of the hangar, Mr. Taylor agreed to pay the City \$800 on the first day of each month, with a 10% penalty added if rent was not paid within 10 days of the due date. Rent was increased to \$850 per month on October 1, 2017.

Taylor neglected to pay the City rent due for the months of October 2017 through February 2018, at which time the lease was terminated by City staff. Taylor owes the City \$4,250.00 for unpaid rent, plus \$892.50 in late fees and penalties for a total of \$5,142.50.

On August 14, 2017, the City entered into City Contract No. 49517 with True Aviation Partners, LLC, by and through its representatives Christopher Fink and Tommy Nelson. Through this contract, True Aviation Partners agreed to a month-to-month lease of Suite L26, lower level, in the administration building at Fort Worth Meacham International Airport. Lessee agreed to pay the City \$558.83 on the first day of each month, with a 10% penalty added if rent was not paid within 10 days of the due date. Rent increased to \$658.83 per month on November 1, 2017.

True Aviation Partners, LLC failed to pay rent for four consecutive months beginning in December of 2018, and staff terminated the lease for non-payment. The balance and accrued penalties owed to the City by True Aviation Partners, LLC total \$3,459.81.

In order to recover the amounts past due, Staff recommends filing two lawsuits, one against Mark Taylor and one against True Aviation Partners, LLC, seeking payment of the amounts past due.

Accordingly, it is recommended that the City Council adopt the attached Resolution authorizing the filing of the lawsuits in Tarrant County, Texas.

The cost for filing fees, service of process and prosecution of these lawsuits is expected to cost no more than \$1000.

A Form 1295 is not required for this contract because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as appropriated, of the Risk Financing Fund. Prior to expenditures being made, the participating department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: Fernando Costa 6122

Originating Business Unit Head: Sarah Fullenwider 7623

Additional Information Contact: Sarah Fullenwider 7623