

**CITY OF EL PASO, TEXAS
REQUEST FOR COUNCIL ACTION (RCA)**

DEPARTMENT: Aviation
AGENDA DATE: October 20, 2009
CONTACT PERSON/PHONE: Monica Lombraña, A.A.E. – 780-4793
DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution that the prohibition against landing aircraft within the City limits, except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code, is hereby waived to permit the El Paso Branch of United States Custom and Border Protection (USCBP) to land an American Eurocopter AS350 helicopter at Polk Elementary School in connection with Red Ribbon Week on October 28, 2009.

BACKGROUND / DISCUSSION:

USCBP has requested a waiver of Section 14.12.080 of the El Paso City Code in order to participate in Red Ribbon Week at Polk Elementary School. The aircraft will arrive around 7:30 am and depart between 11:00 am and 12:00 pm. All conditions of the waiver have been satisfied.

PRIOR COUNCIL ACTION:

Yes, previous waivers have been granted.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: Monica Lombraña
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the prohibition against landing aircraft within the City limits except upon a regularly established airfield or landing place contained in Section 14.12.080 of the El Paso City Code is hereby waived to permit the El Paso Branch of United States Customs and Border Protection to land a Eurocopter AS-350 Helicopter on the grass field at the northeast corner of Polk Elementary School campus, 940 Belvidere, in connection with Red Ribbon Week activities at the school to be held on October 28, 2009.

ADOPTED THIS _____ DAY OF OCTOBER 2009.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Theresa Cullen
Deputy City Attorney

APPROVED AS TO CONTENT:



Monica Lombraña, A.A.E.
Director of Aviation

The El Paso Branch of United States Customs and Border Protection respectfully requests a waiver from El Paso city ordinance #14.12.080. This will be for Red Ribbon Week at Polk Elementary School on October 28, 2009.

The conditions of the waiver are :

1. That the proposed landing or landings are not in violation of any rule or regulation of the Federal Aviation Administration;

The approach and departure area falls within uncontrolled airspace. The aircraft will be in constant communication with El Paso Air Traffic Control when required. The flight, aircraft and aircrew will be in complete compliance with all applicable FAA rules and regulations.

2. The purpose of the landing or landings;

The purpose of the landing will be reposition the aircraft to Polk Elementary (940 Belvidere) for a Red Ribbon Week presentation. The aircraft will remain at Polk Elementary for most of the morning as a static display.

3. The number and type of aircraft to be utilized in the proposed landing or landings;

The aircraft to be utilized during this landing will be one American Eurocopter AS350 helicopter.

4. That the operator or operators of the aircraft to be utilized and the aircraft to be utilized are properly and currently certified by the Federal Aviation Administration, or by some other authorized agency;

The pilots and aircraft will be in full compliance of applicable FAA rules. The aircraft is owned and operated by the federal government as a public use aircraft.

5. The time, place and date of the proposed landing or landings and the estimated time of departure;

This event will be taking place on October 28, 2009. The proposed landing site is in the grass field at the north-east corner of the campus. The aircraft will arrive around 0730 hours and depart the same area between 1100 and 1200 hours.

6. The reason why the proposed landing or landings should be permitted;

This landing should be permitted to allow the children and staff of Polk Elementary to view up close the aircraft that not only patrols the border, but also was flying relief in support of the recent El Paso floods as well as Hurricane Katrina. This affords

the opportunity to the citizens of El Paso to see the aircraft up close and meet the aircrews. This will also allow the children to see one of the tools used to keep illegal substances out of the United States.

7. Whether the location of the proposed landing or landings and the approach to such place or places is within a noise sensitive zone as defined in Section 9.40.070 of this code;

The approach, landing and departure areas will be at a school. Which is described as a noise sensitive area as described in Section 9.40.070 (school, hospital or similar health care institution, church or library while the same is in use). Contact has already been made with Polk Elementary School officials for this request.

8. An insurance policy shall be maintained by the operator of the aircraft to insure against third party liability as well as passenger bodily injury liability in the minimum amounts of one million five hundred thousand dollars each person and three million dollars each occurrence. The operator shall also maintain insurance for property damage in the minimum amount of two hundred fifty thousand dollars.

An insurance policy shall be maintained by the owner of the premises where the aircraft will land to insure against third party liability as well as passenger bodily injury liability in the minimum amounts of two hundred fifty thousand dollars per person and five hundred thousand dollars per single occurrence. The owner of the premises shall also have insurance for property damage in the minimum amount of one hundred thousand dollars.

All policies of insurance required pursuant to this provision shall be issued by an insurance company authorized to do business in the state of Texas. The city shall be named as an additional insured on all policies. All policies shall be applicable to the dates and place of the landings. This requirement shall not be applicable in the case of aircraft owned and operated by agencies of the federal government or the state.

This aircraft is owned and operated by the federal government and therefore exempt from this requirement.

9. A statement signed by the applicant that the applicant will, in consideration of permission from the city council to conduct the landing or landings requested, indemnify and hold the city harmless from any and all claims for death, personal injury, property damage or otherwise, arising out of or incidental to the landing, landings or takeoffs of aircraft for which waiver of this section is granted. This requirement shall not be applicable in the case of aircraft owned and operated by agencies of the federal government or the state. (Ord.

14712 § 1, 2000; Ord. 12157, 1994; Ord. 8637, 1986; Ord. 8521, 1985; prior code § 3-14)

This requirement does not apply to aircraft owned by the federal government.