

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Airport**

AGENDA DATE: **October 28, 2008**

CONTACT PERSON/PHONE: **Patrick T. Abeln-780-4724**

DISTRICT(S) AFFECTED: **6**

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 newly created Customs and Border Protection El Paso Air Branch to land a Eurocopter AS-350 B3 Helicopter on the baseball diamond south of Lujan-Chavez School in connection with Red Ribbon Week/Career Day activities at the school to be held on October 31, 2008.

BACKGROUND / DISCUSSION:

The purpose of the landing will be to provide a helicopter for static display at Lujan-Chavez School located at 2200 Sun Country Drive for Red Ribbon Week/Career Day activities on October 31, 2008.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?
Yes, June 17, 2008 and September 18, 2007.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?
N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A
N/A

COUNCIL ACTION REQUIRED: Section 14.12.080 specifically grants the authority to waive the prohibition to City Council on a case-by case basis.

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____
Cynthia Osborn, Asst. City Attorney

OTHER: Patrick T. Abeln, A. A. E., Director of Aviation _____
(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:** _____

CITY CLERK DEPT.

08 OCT 21 AM 11:10

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 newly created Customs and Border Protection El Paso Air Branch to land a Eurocopter AS-350 B3 Helicopter on the baseball diamond south of Lujan-Chavez School in connection with Red Ribbon Week/Career Day activities at the school to be held on October 31, 2008.

ADOPTED THIS _____ DAY OF OCTOBER 2008.

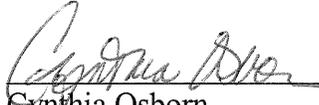
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

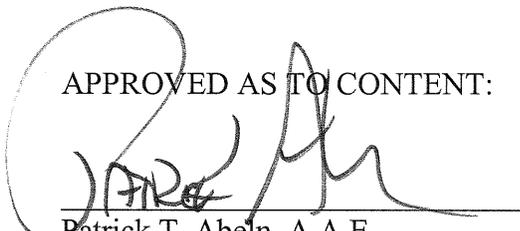
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:



Patrick T. Abeln, 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 / Career Day at Lujan-Chavez School on October 31, 2008.

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 outside the Class C airspace of El Paso International Airport. 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 Lujan-Chavez School for Career Day. The aircraft and crew will remain at there for approximately 3 hours 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 Eurocopter AS-350 B3 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 31, 2008. The proposed landing site is on the baseball diamond south of the school between 0830 and 1130 hours. The aircraft will depart the same area between 1130 and 1230 hours.

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

This landing should be permitted to allow the students and staff at Lujan-Chavez to view up close the aircraft that provides support to most law enforcement agencies in the city of El Paso and our nation. In addition, it provides a means for the newly created Customs and Border Protection El Paso Air Branch the venue to explain our jobs, and to encourage children to seek higher education in pursuit of jobs in aviation and or law enforcement.

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 are near 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 Principal Yvonne Walker of Lujan-Chavez School and permission has been granted for this event regarding aircraft operating near the facility. Lujan-Chavez and Sunridge Middle School officials concur with this request for a waiver.

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.