



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 2, 2007

ITEM NUMBER:

SUBJECT: CONSIDERATION OF AN AMENDED AGREEMENT WITH THE HARBOR SOARING SOCIETY FOR THE USE OF FAIRVIEW PARK

DATE: DECEMBER 21, 2006

FROM: PUBLIC SERVICES DEPARTMENT

PRESENTATION BY: ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR

FOR FURTHER INFORMATION CONTACT: ROBERT STAPLES, FAIRVIEW PARK PLAN ADMINISTRATOR (714) 754-5303

RECOMMENDATION

The Parks and Recreation Commission and staff recommend approval of the attached amended agreement (Attachment 1) with Harbor Soaring Society for the use of a portion of Fairview Park.

BACKGROUND

This item was continued from the November 21, 2006, City Council meeting consent calendar. The Harbor Soaring Society (HSS) is a radio controlled soaring club committed to promoting and improving the enjoyment of radio-controlled aircraft flying in Orange County. HSS is an Academy of Model Aeronautics (AMA) chartered club. All members of HSS belong to the AMA, which provides each flyer with \$2,500,000 in liability insurance.

For over thirty years, HSS has been using a portion of Fairview Park to fly radio-controlled aircraft. In the mid 1980's, Max Freed Memorial Field was dedicated in the southern portion of Fairview Park at the northern end of Canyon Drive as a flying field. This area was designated as a launch/land site for silent flyers in the approved Fairview Park Master Plan (Attachment 2). In 1996, HSS and the City entered into an agreement for the placement and use of a temporary storage facility at Fairview Park.

ANALYSIS

In August 2005, City staff rough graded the launch/land site for the safe launching and landing of gliders. The site conforms to the Fairview Park Master Plan and ensures that glider fliers will contain their flying activities to this area.

In February 2006, after review by the Parks and Recreation Commission, the City Council approved a user agreement between HSS and the City for the group's use of Fairview Park. The agreement allows HSS to use the launch/land site at Fairview Park and ensures that all members and the organization are insured. HSS has agreed to maintain the newly-graded site by clearing weeds, mowing, and removing loose impediments.

Soon after the user agreement was approved and signed, the City was contacted by the Federal Aviation Administration (FAA) with concerns that flyers at Fairview Park were flying over 400 feet above the existing ground. The FAA advises that model aircraft not fly over 400 feet within three miles of an airport. Since Fairview Park is within three miles of John Wayne Airport, the FAA was

concerned about possible interference with commercial flights. HSS, City staff, and the FAA met to discuss the agreement and agreed upon the following amendments to the existing agreement:

1. Section 1- "...and as defined as a model aircraft by the Federal Aviation Administration (FAA)." Added to the last sentence.
2. Section 2- "Model aircraft may be flown as far as unaided visual contact will allow, which means distance-wise from the pilot, as opposed to altitude." Added.
3. Section 4- "In particular, HSS acknowledges the FAA Advisory Circular 91-57 advises as a safety operating standard that model aircraft not be flown over 400 feet, and HSS affirms that its members shall not fly their model aircraft higher than 400 feet from the ground." Added to last sentence.
4. Section 5- "Model aircraft shall remain clear of other aircraft at all times in a safe manner to the extent possible." Added to last sentence.
5. Section 9- "City may terminate this agreement, effective immediately upon notice to HSS, at any time, if HSS breaches this agreement in any way and/or if CITY determines that HSS's use of Fairview Park creates a safety hazard." Added to last sentence.
6. Section 13- . "This AGREEMENT, and all documents attached hereto or made reference to and incorporated herein, constitutes the entire agreement between CITY and HSS to the subject matter of this AGREEMENT. No addition to, or alteration of, the terms of this AGREEMENT shall be valid unless made in writing and executed by both parties." Added.

The amended agreement with HSS was reviewed by the Parks and Recreation Commission at their September 27, 2006, meeting and recommended for approval.

ALTERNATIVES CONSIDERED

No alternatives were considered regarding this item.

FISCAL REVIEW

No fiscal review is required.

LEGAL REVIEW

The City Attorney's office has assisted staff in developing the agreement and proposed changes reviewed by the Parks and Recreation Commission at the September 2006 meeting, and recommends approval of the amended agreement.

CONCLUSION

It is recommended that the Council approve the amended agreement with HSS for their use of a portion of Fairview Park for the flying of model aircraft.

William J. Morris
Director of Public Services

Bart Mejia
Parks Project Manager

Stephen N. Mandoki
Administrative Services Director

Robert Staples
Fairview Park Plan Administrator

- Attachments: 1 - [Proposed Agreement](#)
2 - [Fairview Park Master Plan](#)

/ch

c: Allan Roeder, City Manager
Thomas Hatch, Assistant City Manager
Kimberly Hall Barlow, City Attorney
Jana Ransom, Recreation Manager
Bruce Hartley, Maintenance Services Manager
Carol Proctor, Management Analyst
Jim Hanson, Harbor Soaring Society

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9:30 a.m.