



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE: JULY 1, 2014**

**ITEM NUMBER:**

**SUBJECT: RENEWAL OF THE USER AGREEMENT WITH THE HARBOR SOARING SOCIETY**

**DATE: JUNE 19, 2014**

**FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION**

**PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, CITY ENGINEER, (714) 754-5335**

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## **RECOMMENDATION:**

1. Approve the Parks and Recreation Commission's proposed changes to the User Agreement with the Harbor Soaring Society, and extension of the agreement for the use of a portion of Fairview Park for a five (5) year term.

## **BACKGROUND:**

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) gold-rated charter 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 used a portion of Fairview Park, between the end of Canyon Drive and the restroom, to fly radio-controlled aircraft. This area was designated as a launch/land site for silent flyers in the approved Fairview Park Master Plan (Attachment 1).

HSS made a presentation to the Fairview Park Citizen Advisory Committee on March 5, 2014, outlining their use of the park and their request to the Parks and Recreation Commission for renewal of the existing user agreement (Attachment 2). Committee members inquired about the length of the renewal and received the report. HSS' request was subsequently heard at the March 27, 2014, Parks and Recreation Commission meeting during which the Commission proposed changes to the existing agreement. The Commission continued the item to allow for additional review and modification of the agreement as suggested. Staff revised the agreement to add the Commission's proposed new language, and also requested the City Attorney's review of the revised agreement. The item was brought back for the Commission's consideration at their April 24, 2014 meeting at which time the Commissioners voted 5-0 to renew the HSS agreement for five (5) additional years with the proposed new agreement language. Included with this report for your review, as Attachment 3, are the revisions made by the Commission to the HSS agreement which are highlighted in red, as well as those revisions to the agreement suggested by the City Attorney's Office, which have been highlighted in blue.

## **ANALYSIS:**

In 2007, a permit system was developed by the City and required amendments to the Costa Mesa Municipal Code for its proper establishment and enforcement. The permit system includes a permit application, rules and regulations, field rules, and the Academy of Model Aeronautics

(AMA) Safety Code. With the creation of a model aircraft permitting process, anyone wanting to fly a radio-controlled model aircraft at Fairview Park registers with the Recreation Division and obtains a permit for a fee of \$25.00. A total of 275 permits were issued to the public in 2013. The number of permits issued thus far in 2014 is 148.

With the passage of the permit process in 2007, 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 oversees the use of the launch/land site and maintains the graded site by clearing weeds, mowing, and removing loose impediments. In 2013, the Parks and Recreation Commission recommended the agreement be renewed for one year. The City Council confirmed this and renewed the agreement on May 7, 2013. The Public Services Department administers the agreement and meets with the club's president at the site on a regular basis to walk the area and review any proposed HSS improvement projects.

Over the years, HSS has improved the flying field and performed several community service projects in the park. The club assisted a local Eagle Scout with the construction of a frequency board for use by the model aircraft flyers, installed a battery charging station, and graded a portion of the field to move the launch/land site further away from the existing bicycle trail. Club member volunteers assisted staff with the installation of ten interpretive signs along the trails, provided staff with aerial photographs for use in grant applications, and performed an annual clean-up of the upper mesa. HSS members also provide free model aircraft flying lessons during the week and for special events.

HSS requested the Parks and Recreation Commission consider that the agreement be renewed for a five-year term. HSS indicated the five-year term allows the club to plan longer term improvement projects and eliminates the need to bring the renewal for approval to the Parks and Recreation Commission and the City Council on an annual basis. Terms of the agreement state that either party may cancel the agreement with or without cause by providing a thirty (30) day notice.

**ALTERNATIVES CONSIDERED:**

No alternatives were considered regarding this item.

**FISCAL REVIEW:**

No fiscal review is required.

**LEGAL REVIEW:**

The City Attorney's office has reviewed and approved the proposed changes to the agreement.

**CONCLUSION:**

Staff requests that the City Council approve the renewal of the HSS agreement for the use of a portion of Fairview Park.

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**ERNESTO MUNOZ**  
Public Services Director

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**FARIBA FAZELI**  
City Engineer

- Attachments:
- 1- [Fairview Park Master Plan](#)
  - 2- [Existing User Agreement](#)
  - 3- [Proposed Agreement with the Parks and Recreation Commission's and City Attorney's Recommendations](#)

Distribution:

- Chief Executive Officer
- Assistant Chief Executive Officer
- City Attorney
- City Clerk
- President, Harbor Soaring Society