



**City of Phoenix**  
OFFICE OF THE CITY ATTORNEY

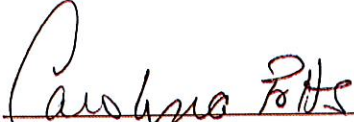
**To:** Denise Archibald  
City Clerk

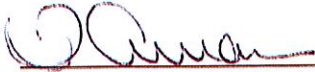
**Date:** June 19, 2020

**From:** Cris Meyer  
City Attorney *CM*

**Subject:** ADDENDUM TO AUTHORITY TO APPROVE DOCUMENTS AS TO  
FORM MEMO DATED JUNE 19, 2020

Effective immediately, due to the COVID-19 Emergency Declaration situation I am including and authorizing the following Assistant City Attorneys whose signatures appear below, to approve as to form, in the capacity of Acting City Attorney, any and all City contracts and agreements.

  
\_\_\_\_\_  
Carolina Potts

  
\_\_\_\_\_  
Thomas Curran



PHOENIX DEER VALLEY AIRPORT

**City of Phoenix Aviation Department Rules & Regulations**

**Cover Page**

**Directions:** Draft the Rule and Regulation (R&R) using the template on the next page. The R&R should be reviewed by all appropriate/affected divisions **before** it is submitted for approval by the Executive Team. Please use this cover page to indicate which divisions were involved in the preparation or review of this R&R. The cover page and R&R should be saved as one Word document before it is uploaded to Shareport.

**Completion Date:** September 15, 2020

**Requestor's Name:** Ed Faron  
**Requestor's Title:** Airport Manager  
**Division/Section:** DVT

**R&R Number & Title:** 02-03 Fixed Base Operator Minimum Standards

**Reason for Request:**  New  Revision  Deletion

**Legal Review:** Please indicate whether Legal has been consulted.

- Yes, Legal consulted Attorney: Carolina Potts
- No, Legal not consulted

**Collaborating Divisions/Functions:** Please indicate which divisions/functions collaborated in the preparation or reviewed the R&R prior to submitting it for approval:

- |  |  |
|--|--|
| <input type="checkbox"/> Administration                            | <input type="checkbox"/> Human Resources                   |
| <input type="checkbox"/> Business & Properties                     | <input type="checkbox"/> Museum                            |
| <input type="checkbox"/> CD & GR                                   | <input type="checkbox"/> Operations                        |
| <input type="checkbox"/> Design & Construction Services            | <input type="checkbox"/> PECM                              |
| <input type="checkbox"/> Facilities & Services                     | <input type="checkbox"/> Public Relations                  |
| <input type="checkbox"/> Financial Management                      | <input type="checkbox"/> Public Safety & Security          |
| <input checked="" type="checkbox"/> General Aviation - Deer Valley | <input type="checkbox"/> Technology                        |
| <input checked="" type="checkbox"/> General Aviation - Goodyear    | <input checked="" type="checkbox"/> Other (specify): Legal |

Notes:



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**Participating Personnel:** Please indicate which personnel reviewed or revised the R&R prior to submitting for approval.

<u>Name</u>	<u>Division</u>
Ed Faron	DVT
Brad Hagen	GYR
Sarah Demory	Director's Office
Carolina Potts	Legal



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**City of Phoenix Aviation Department Rules & Regulations**

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Number: 02-03

Authority: These Rules and Regulations are promulgated to Phoenix City Code Chapter 4; Article I, Section 4-2 and Article VII, Section 4-149

Rules and Regulation: Minimum Standards – Fixed Base Operators (FBO) at Phoenix Deer Valley Airport (DVT)

Purpose: These Minimum Standards govern FBO at DVT. The purpose of these Minimum Standards for FBO is to encourage, promote, and ensure: (1) the delivery of high quality General Aviation (GA) products, services, and facilities to Airport users, (2) the design and development of quality General Aviation Improvements and facilities at DVT, (3) safety and security, (4) the economic health of Airport General Aviation Businesses, and (5) the orderly development of airport properly.

The information and requirements defined in these Minimum Standards have been derived from Federal Aviation Administrations (FAA) documents, City of Phoenix Ordinances and the City of Phoenix Aviation Department Rules and Regulations and tailored to the nature and scope of current and projected aviation use at DVT. All amendments to these documents shall be considered as included, and all definitions shall be interpreted on the basis and in consideration of the intentions of these documents.

General Terms and Conditions: These Minimum Standards include all provisions contained in the General Terms and Conditions for Commercial Aeronautical Activities.

Definitions: Defined terms used in these and all other City of Phoenix Aviation Department Minimum Standards shall be capitalized throughout the Minimum Standards. Definitions may be provided in the text of reflect in the City of Phoenix Rule and Regulations: Definitions. Terms which are neither capitalized nor listed shall be construed using the common meaning as they apply to generally known aviation industry standards.



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### Introduction and Application of Minimum Standards:

For purposes of these Minimum Standards, an FBO is any commercial operator engaged in the sale of General Aviation products, services and facilities to include, at a minimum, the following activities at DVT: Aviation fuels and lubricants (Jet Fuel, Avgas, and Aircraft lubricants); passenger, crew, and aircraft ground services, support and amenities; aircraft maintenance, and tie-down, hangar, aircraft parking, office and shop.

Each FBO at DVT shall be in compliance with these Minimum Standards, restrictions and conditions at all times.

### **I. Scope of Activity**

Unless otherwise stated in these Minimum Standards, all products and services shall be provided by FBO employees using any FBO vehicle and equipment.

FBO products and services shall include the following:

1. Aviation fuels and lubricants (Jet Fuel, Avgas, and aircraft lubricants):
  - a. FBO shall deliver and dispense, upon request, Jet Fuel, Avgas and lubricants.
  - b. FBO shall provide a response time of no more than thirty (30) minutes during required hours of activity.
2. Passenger, Crew, Aircraft Ground Services, Support and Amenities, FBO shall:
  - a. Meet, direct and park all aircraft arriving on FBO's leased premises.
  - b. Provide oxygen and compressed air services.
  - c. Provide lavatory services
  - d. Provide aircraft ground power units.
  - e. Provide courtesy transportation, utilizing FBO's vehicles for passenger ground transportation arrangements (limousine, shuttle and rental vehicle).



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### 3. Aircraft Maintenance:

Subject to the narrow exception below, FBO shall provide aircraft maintenance (as defined in 14 CFR Part 43) for Groups I and II Piston, Turboprop and Turbojet Aircraft.

- a. FBO should provide aircraft maintenance on Based Aircraft weighing less than 12,500 pounds maximum certificated takeoff weight. However, FBO shall provide maintenance on Based Aircraft weighing less than 12,500 pounds maximum certificated takeoff weight in the event of an aircraft-on-ground situation, meaning that the aircraft is not airworthy until said maintenance has been performed.
- b. FBO shall engage in the sale of aircraft parts and accessories.
- c. FBO shall provide aircraft line maintenance for the GA Aircraft up to Group III Turbojet aircraft not exceeding 100,000 pounds maximum takeoff weight.
- d. FBO can meet these Minimum Standards for the provision of aircraft maintenance by and through an authorized sublessee who is in compliance with these Minimum Standards and operates from the FBO's leased premises.

### 4. Aircraft Storage:

- a. FBO shall develop, own, and/or lease facilities for the purpose of subleasing (to the general public) aircraft storage facilities and/or associated office or shop space to entities engaging in commercial or non-commercial aeronautical activities.
- b. FBO shall use the leased premises for the purpose of engaging in approved subleasing of aircraft storage facilities and associated office or shop space and/or use by FBO (primarily for FBO's aircraft and/or equipment).

### 5. Aircraft Flight Training:

- a. FBO shall engage in providing flight instruction to the general public.
- b. FBO can meet these Minimum Standards for the provision of aircraft flight training by and through an authorized sub lessee who is in compliance with these Minimum Standards and operated from the FBO's leased premises.



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### II. Leased Premises

FBO shall have adequate land, facilities (hangars, terminal, fuel storage and maintenance), vehicle parking to accommodate all activities of FBO and all approved sublessees, but not less than the following:

1. Contiguous land (total leasehold) – nine (9) acres (392,040 square feet), upon which all required improvements including Apron, Paved Tie-Down, Facilities and Vehicle Parking shall be located.
2. Apron – six (6.0) acres (261,360 square feet). Three and one-half (3.5) acres (152,460 square feet), with a weight bearing capacity adequate to accommodate an aircraft with a maximum takeoff weight of 95,000 pounds (dual wheel). Apron area is included in the contiguous land area requirement.
3. Paved Tie-down – adequate to accommodate the number, type and size of based aircraft and transient aircraft requiring tie-down space at the FBO's leased premises, but not less than forty (40) paved tie-down spaces each capable of accommodating aircraft having a minimum wingspan of 40 feet. Paved tie-down area is included in the.
4. Facilities – 29,000 square feet (total) consisting of the following:
  - a. Terminal space – 3,000 square feet, customer area shall be at 1,500 dedicated square feet to include adequate space for crew and passenger lounge(s), flight planning room, conference room, public used telephones and restrooms.
  - b. Maintenance space – 11,000 square feet.
    - i. Maintenance customers shall have immediate access to FBO's customer lounge, public use telephone and restrooms;
    - ii. Administrative area for maintenance shall be at least 500 dedicated square feet include adequate space for maintenance employee offices, work areas, and storage;
    - iii. Maintenance area/shop area shall be at least 500 dedicated square feet adequate and dedicated space for maintenance employee work areas, shop areas, and storage for aircraft parts and equipment;



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- iv. Maintenance hangar area shall at a minimum be a single structure of no less than 10,000 square feet and a door height of 27 feet and a door width of 120 feet, or large enough to accommodate the largest aircraft undergoing aircraft maintenance (other than preventative aircraft maintenance), whichever is greater.
- c. Aircraft Storage Hangar – 15,000 square feet.
  - i. Each aircraft storage hangar shall be no less than 10,000 square feet with a minimum door height of 27 feet and a minimum door width of 120 feet. T-Hangars or Tie-Downs would not meet this requirement.
- d. Flight Training Space – 500 square feet.
  - i. Customer area shall be at least 250 dedicated square feet to include adequate space for class/training rooms. Flight training customers shall have immediate access to FBO's customer lounge, public use telephone and restrooms.
  - ii. Administration area for flight training shall be at least 250 dedicated square feet to include adequate space for flight training employee offices, work areas and storage.

**III. Fuel Storage**

- 1. FBO shall construct or lease and maintain an on-airport above ground fuel storage facility at DVT in a location approved by the City of Phoenix.
- 2. Fuel storage facility shall have total capacity for three (3) days peak supply of aviation fuel for aircraft being services by the FBO. In no event shall the total storage capacity be less than:
  - a. 20,000 gallons for Jet Fuel storage
  - b. 10,000 gallons for Avgas storage
- 3. FBO shall have adequate storage with appropriate secondary containment for waste fuel or test samples.
- 4. FBO shall as sole expense, maintain the fuel storage facility, all improvements thereon, and all appurtenances thereto, in a clean, neat, orderly and fully functional condition consistent with good business practice and equal or better in appearance and character to other similar improvements on DVT.





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5. FBO shall demonstrate that satisfactory arrangements have been made with a reputable aviation petroleum supplier/distributor for the delivery of aviation fuels in the quantities that are necessary to meet the requirements set forth herein.
6. FBO shall have a written Spill Prevention, Control and Countermeasures Plan (SPCC Plan) that meets regulatory measures for aboveground fuel storage facilities. A copy of the SPCC Plan shall be filed with the Aviation Director at least thirty (30) days prior to commencing operations or upon an update of the SPCC Plan.
7. FBO shall be liable, indemnify, and hold harmless the City of Phoenix for leaks, spills or other damage that may result through the handling and dispensing of fuel.
8. Fuel delivered/dispensed by the FBO shall meet quality specifications as outlined in ASTM D 1655 (Jet A) and ASTM D 910 (Avgas). Ensuring the quality of the fuel is the sole responsibility of the FBO.
9. FBO shall have a current and executed Fuel Dispensary permit authorized by, and on file with, the Aviation Department.
10. FBO shall maintain current fuel reports on file, including total gallons of fuel delivered by type and make such reports available for auditing at any time by the City of Phoenix.

### IV. Fueling Equipment

1. FBO shall have two (2) Jet fuel refueling vehicles each having a capacity of at least 3,500 gallons.
2. FBO shall have two (2) Avgas refueling vehicles each having a capacity of at least 750 gallons. A fixed, stand-alone Avgas refueling (self-fueling) system may be constructed or installed and maintained by an FBO for public commercial use and shall be located on the FBO's leased premise. A fixed Avgas refueling



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- (self-fueling) system can be substituted for an Avgas refueling vehicle.
3. Aircraft refueling vehicles shall be equipped with metering devices that meet all applicable regulatory measures. One (1) refueling vehicle dispensing jet fuel shall have a lift-deck and over-the-wing and single point aircraft servicing capability.
  4. Each refueling vehicle shall be equipped and maintained to comply with all applicable safety and fire prevention requirements, standards and regulatory measures including without limitation, those prescribed by:
    - a. Phoenix Fire Department Fire Code with Phoenix amendments;
    - b. National Fire Protection Association (NFPA) codes;
    - c. Arizona Department of Environmental Quality (ADEQ) Final Rules;
    - d. Applicable FAA Advisory Circulars including AC 00-34 Aircraft Ground Handling and Servicing and AC 150/5210-5 Painting, Marking and Lighting of Vehicles Used on an Airport.
  5. FBO shall maintain current records on file of quality control checks and inspections of fuel storage facilities, fixed self-fueling systems, and refueling vehicles and shall make such records available to the City of Phoenix for review or audit at any time.
  6. FBO shall develop and maintain Standard Operating Procedures (SOP) for fueling and ground handling and shall ensure compliance with standards set forth in the FAA Advisory Circular 00-34A 'Aircraft Ground Handling and Servicing'. FBO's SOP shall include a training plan, fuel quality assurance procedures and record keeping and emergency response procedures to fuel fires and fuel spills. FBO's SOP shall also address: bonding and fire protection, public protection, control to access to fuel storage facilities, marking and labeling of fuel storage tanks and refueling vehicles. FBO's SOP shall be submitted to the Aviation Office no later than thirty (30) days before the FBO commences activities at DVT.



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### **VI. Hours of Activity**

1. Aircraft fueling and passenger, crew, aircraft ground handling services, support and amenities shall be continuously offered and available to meet the demands of the public for this activity twenty-four (24) hours a day, seven (7) days a week, including holidays.
2. Aircraft maintenance shall also be available after hours, on-call, twenty-four (24) hours a day seven (7) days a week, including holidays, with response time not to exceed sixty (60) minutes.
3. Flight training shall be continuously offered and available to meet the reasonable demands of the public for this activity at least eight (8) hours a day, five (5) days a week.

### **VII. Aircraft Removal**

Recognizing that aircraft removal is the responsibility of the aircraft owner/operator, the FBO shall be prepared to lend assistance with the removal of an aircraft on DVT upon request by either the Aviation Director (or his/her Designee) or the aircraft owner in order to maintain the operational readiness of DVT. The FBO shall prepare an aircraft removal plan and have the equipment readily available that is necessary to remove the GA aircraft normally frequenting DVT.

### **VIII. Personnel**

1. All Personnel, while on duty, shall be clean, neat in appearance, courteous, and shall be properly uniformed and at all times, with the exception of management and administrative staff. Uniforms shall identify the name of the FBO and the Employee.
2. FBO shall have properly trained and qualified employees, on each shift providing aircraft fueling, parking, ground services and support sufficient to meet the demands of the public.



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3. FBO shall have properly trained and qualified employees on each shift to provide customer service and support sufficient to meet the demands of the public.
4. FBO shall have, on each Aircraft Maintenance shift, (see Section VI.2), FAA licensed Airframe and Powerplant Mechanics as employees of the FBO (or authorized Sublessee) properly trained and qualified to perform aircraft maintenance on aircraft that frequent DVT sufficient to meet the demands of the public.
5. FBO shall have, properly trained and qualified flight instructors and customer service representatives as employees of the FBO (or authorized Sublessees) to meet the demands of the public, In addition shall have available a properly certificated ground school instructor capable of providing regularly scheduled ground school instruction sufficient to enable students to pass the FAA written examinations for private pilot, commercial pilot, and instrument rating.

**IX. Licenses and Certification**

1. FBO shall have (for itself and for its sublessees) evidence of all federal, state, local licenses, certificates and permits that are required to conduct the activity.
2. All FBO (and Sublessees) employees shall be properly certificated by the FAA (when applicable), and hold the appropriate ratings and medical certification for the work being performed.

**X. Insurance**

1. FBO shall maintain, at a minimum, the coverage and limits of insurance set forth below:
  - a. Commercial General Liability of \$3,000,000, to include bodily injury, personal injury, and property damage for all premises, products, completed operations, unlicensed vehicles and contractual liability;




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- b. Vehicular Liability of \$3,000,000, to include bodily injury and property damage for all vehicles (owned, non-owned or hires);
- c. Hangar Keepers' Liability of \$3,000,000, to include property damage for all non-owned aircraft under the care, custody, and control of the FBO;
- d. Aircraft and Passenger Liability of \$1,000,000/\$100,000 sub limit per person to include bodily injury, property damage and passenger injury for all owned, leased or operated aircraft;
- e. Pollution Liability of \$1,000,000, to include liability for bodily injury, property damage, and environmental damage resulting from sudden and accidental releases of pollution, and covering related or resultant cleanup and/or remediation cost arising out of the occupancy and use of DVT;
- f. Disclosure Requirement: FBO shall post a notice and incorporate within the aircraft rental and flight instruction agreements the coverage and limits provided to the renter or student by FBO, as well as a statement advising that additional coverage is available to such renter or student through the purchase of an individual non-ownership liability policy. FBO shall provide a copy of such notice to the Aviation Director.

The foregoing Rules and Regulations are hereby adopted and promulgated this:

5<sup>th</sup> day of October, 2020

  
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 James E. Bennet, A.A.E  
 Director of Aviation Services

  
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 Carolina Potts  
 Assistant City Attorney IV