



# AGENDA STAFF REPORT

**DATE:** February 21, 2018

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, Interim City Manager *DD*

**PREPARED BY:** David B. Dale, Interim City Manager

**SUBJECT:** Authorize Interim City Manager to Sign Agreement with U.S. Customs and Border Protection for the Installation of a Temporary Landing Mat Barrier on City property APN 058-400-06-000

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**Recommendation:**

Authorize Interim City Manager to Sign Agreement with U.S. Customs and Border Protection for the Installation of a temporary landing mat barrier on City property APN 058-400-06-000.

**Background:**

In 2017, U.S. Customs and Border Protection (CBP) approached the City to request that the City allow CBP to install a temporary landing mat barrier on the south side of the New River near the North Gate adjacent to the California Market. This request is due to the problem CBP is having with individuals jumping into the New River in this location to avoid apprehension. The City and CBP is concerned for the health and safety of these individuals and the surrounding community.

The landing mat barrier will be designed by U.S. Border Patrol. The prototype is composed of a steel landing mat like the "Border Mural Wall", installed on a 45-degree angle on steel supports that allow the wall to be moved by heavy equipment.

**Discussion & Analysis:**

The proposed landing mat barrier would be installed in the location shown in the attachments. All costs associated with this effort will be the responsibility of U.S. Border Patrol. The land in this area is currently unimproved.

Should it be determined that the temporary landing mats need to be removed, or the agreement is rescinded, the U.S. Border Patrol will remove the barrier and restore the land upon which it is installed to its original condition. The U.S. will be liable as provided by the Federal Tort Claims Act

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for money damages for injury or loss of property or personal injury or death caused by the negligent act or omission of an employee of the agency while acting within the scope of his or her employment.

**Fiscal Impact:**

No Impact

**Coordinated With:**

City Attorney  
U.S. Border Patrol  
CBP

**Attachment(s):**

1. Agreement dated November 7, 2017 between CBP and the City, unexecuted
2. Vicinity Map, Proposed Temporary Landing Mat Barrier



**U.S. Customs and  
Border Protection**

November 7, 2017  
File No. SD-2017-02686 ALD

**Sent Via E-Mail Attachment**

Carlos Campos, Esquire  
Best Best & Krieger  
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Indian Wells, CA 92210  
[Carlos.campos@bbklaw.com](mailto:Carlos.campos@bbklaw.com)

Re: Agreement Regarding Installation of Landing Mat Barrier

Dear Mr. Campos:

This letter confirms the agreement between the City of Calexico, California, and the U.S. Border Patrol ("parties") regarding the U.S. Border Patrol's installation of a temporary landing mat barrier ("barrier") in the vicinity of the north gate of the New River, as shown on the attached map. This barrier is intended to prevent the entry of persons into the New River. The Border Patrol will be responsible for all costs related to this installation and any necessary maintenance and repairs of this barrier.

The parties agree that the United States is self-insured and, thus, does not carry liability insurance. The United States will be liable to the extent provided by the Federal Tort Claims Act, as amended, 28 U.S.C. § 2671 *et seq.*, for money damages for injury or loss of property or personal injury or death caused by the negligent act or omission of an employee of the agency while acting within the scope of his or her employment.

Additionally, the parties agree that each retains the right to rescind this agreement upon thirty days' notice to the other party. Upon the rescission of this agreement, the Border Patrol will remove the barrier and restore the land upon which it is installed to its original condition. This agreement is for the mutual benefit of the parties and is being entered into knowingly and voluntarily. This two-page letter contains all terms agreed upon by the parties and shall take effect once signed by all parties.

\_\_\_\_\_  
Representative for the City of Calexico

\_\_\_\_\_  
Date

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Ryan J. Scudder  
Acting Chief Patrol Agent  
El Centro Border Patrol Sector

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Date

**New River  
North Gate**

**New River  
South Gate**

**Grand Plaza Outlets**

	Landing Mat Barricades
	Chain Link Fence
	Illegal Aliens Path
	U.S. Mexico Intl Boundary

Scale: 1:2000  
Date: 12/15/03  
File: 37266791 Long - 115-50832

# VICINITY MAP

## Proposed Temporary Landing Mat Barrier

