

## Attachment 3

### RESOLUTION NO. 02-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA OPPOSING THE CITY OF FOUNTAIN VALLEY'S REQUEST TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR DESIGN AND ENVIRONMENTAL ANALYSIS OF THE GISLER-GARLFIELD BRIDGE

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council adopted Resolution No. 93-83, on October 25, 1993, requesting the County of Orange to initiate the process to remove the Gisler-Garfield Bridge from the Master Plan of Highways and supporting the "no bridge" scenario; and

WHEREAS, the Costa Mesa City Council does hereby emphatically reaffirm this City's position as stated in Resolution No. 93-89 along with the additional key elements stated herein; and

WHEREAS, the Santa Ana River Crossing (SARX) Study will be completed and reviewed by the elected officials and the public in the cities of Fountain Valley, Newport Beach, Huntington Beach and Costa Mesa, in the next few months ; and

WHEREAS, it would be a waste of scarce public funds for the City of Fountain Valley to apply for grant funds at this time, nor should the ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) fund additional design and environmental work for this bridge project until the SARX Study is final; and

WHEREAS, The SARX Study has identified a series of alternative mitigation measures instead of construction of the bridge that are more cost effective and less intrusive to the surrounding communities; and

WHEREAS, several years of work and over \$200,000.00 in consultant costs have been expended in studying the Gisler-Garfield Bridge Proposal; and

WHEREAS, the magnitude of the impact of the Gisler-Garfield Bridge on both Costa Mesa and Fountain Valley is enormous, the matter of Fountain Valley's application for OCTA funding for this bridge project should be considered at a Public Hearing with input from all affected residents and not be scheduled as a Consent Calendar matter ; and

WHEREAS, the two cities have a long history of cooperation and collaboration in resolving problems of joint concern; and

WHEREAS, the City of Fountain Valley's action to apply for OCTA funding at this time is wholly inconsistent with that historic level of cooperation.

NOW, THEREFORE, BE IT RESOLVED that the Costa Mesa City Council does hereby proclaim that it will be forced to take action to oppose the project at each and

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every step of the approval process, if the City of Fountain Valley approves an application to OCTA seeking funds for the Gisler-Garfield Bridge project.

PASSED AND ADOPTED this 16<sup>th</sup> day of December, 2002.

ATTEST:

*Julie Folcik*  
Deputy City Clerk of the City of Costa Mesa

*Nancy Robinson*  
Mayor of the City of Costa Mesa

APPROVED AS TO FORM

*Ernesto*  
City Attorney, *Ernesto*

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 02-88 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 16<sup>th</sup> day of December, 2002, by the following roll call vote:

AYES: Robinson, Steel, Cowan, Monahan, Mansoor

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 17<sup>th</sup> day of December, 2002.

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: *Julie Folcik*  
Deputy City Clerk of the City of Costa Mesa  
COUNTY OF ORANGE, STATE OF CALIFORNIA

*Julie Folcik*  
Deputy City Clerk and ex-officio Clerk of  
the City Council of the City of Costa Mesa

DATED: *December 17<sup>th</sup> 2002*



# CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

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FROM THE OFFICE OF THE MAYOR

April 25, 2003

Chairman and Board of Directors  
Orange County Transportation Authority  
550 South Main Street  
Orange, CA 92863

Dear Board Members:

**SUBJECT: City of Fountain Valley CTFP Application for Gisler Avenue Bridge**

As you may be aware, over the last 12 years, the City of Costa Mesa has dedicated significant amounts of time, effort, and funding towards the proposed deletion of the "Master Planned" arterial roadway crossings of the Santa Ana River, at Garfield Avenue/Gisler Avenue and Banning Street/19<sup>th</sup> Street Bridges. To this end, a "Program level" Environmental Impact Report (EIR) has been completed to identify the necessary mitigations if the "Master Planned" bridges are deleted. The City of Costa Mesa believes that these required mitigations will result in far less impact to the community, and to the region in general than construction of the bridges.

Several months ago, the City of Fountain Valley submitted two applications to the Orange County Transportation Authority (OCTA) for grant funding for the Gisler Avenue/Garfield Avenue Bridge over the Santa Ana River bed. One application was through Growth Management Area (GMA) – 6, for the amount of \$750,000 for design, and a second application through the Combined Transportation Funding Program (CTFP) under the Master Plan of Arterial Highways (MPAH) element for the amount of \$500,000 for design. Both of these grant applications were considered and approved by the OCTA Technical Advisory Committee (TAC). The CTFP applications will be coming before the OCTA Board of Directors on May 12, 2003, for final approval.

## BACKGROUND

The OCTA's Master Plan of Arterial Highways (MPAH) currently designates two future crossings over Santa Ana River south of the I-405 Freeway. These crossings are located at Gisler Avenue/Garfield Avenue within the Cities of Costa Mesa and Fountain Valley and at 19<sup>th</sup> Street/Banning Avenue within the Cities of Costa Mesa and Huntington Beach. The construction of bridges at these locations would impose a significant impact to several residential areas, schools, and parks that are in close proximity. The bridges will, in addition, create significant adverse impacts on the existing wetlands and biological resources along the Santa Ana River bed. In consideration of these impacts, the City of Costa Mesa in November 1991 requested the County of Orange, who had the jurisdiction on MPAH, to remove these bridges from the MPAH.

Based on this request, the City of Costa Mesa, in cooperation with the County of Orange, and the Cities of Fountain Valley, Newport Beach and Huntington Beach, initiated Santa Ana River Crossings (SARX) study in 1993. Following the completion of this initial study, through a cooperative process, all involved cities adopted resolutions requesting the County to further analyze the possibility of deleting the Gisler Avenue/Garfield Avenue and 19<sup>th</sup> Street/Banning Avenue bridges from the MPAH. The City of Fountain Valley passed a resolution supporting the initiation of an Environmental Impact Report (EIR) for potential

deletion of the bridges (Attachment A). At that same time, the City of Newport Beach requested an EIR to study the impact of the bridge removals and to prepare a plan of alternative circulation system improvements, which would provide equivalent transportation capacity (Attachment B). The Orange County Board of Supervisors approved the initiation of an amendment process for consideration of deletion of the Garfield Avenue/Gisler Avenue and 19<sup>th</sup> Street/Banning Avenue bridges in their December 7, 1993 meeting (Attachment C).

### **ON-GOING STUDY**

A Technical Advisory Group (TAG) was formed in 1994 to follow up on the County Board of Supervisors' directive. The TAG was comprised of staff representatives from the participating cities, the County of Orange and Caltrans. The TAG developed a list of alternatives to be studied along with a draft scope of work for the required EIR as approved by all involved cities including the City of Fountain Valley. In 1994, OCTA assumed responsibility for administration of the MPAH. A consultant was hired in 1998 at a cost of \$200,000, to prepare the EIR document. Funding for the preparation of EIR was provided by the Cities of Costa Mesa, Newport Beach, Huntington Beach, and OCTA. OCTA also provided the administrative and technical lead role.

### **COORDINATION/COOPERATION AMONG AGENCIES**

The draft EIR was circulated for cities' review and public comment on June 22, 2001. There was a 45-day public review period, which ended on August 6, 2001. Four community workshops were held in the Cities of Costa Mesa, Fountain Valley, Huntington Beach, and Newport Beach during the public review period. Comments from 11 agencies and 545 citizens and/or associations and the respective responses to comments were included in the final EIR dated April 2002. Several meetings were held with traffic staff as well as City Managers from all involved cities to discuss the results of this study.

In early December 2002, the City of Costa Mesa sent correspondence to each of the participating cities (Attachment D) requesting feedback in terms of their readiness in moving forward with official consideration. While awaiting this response, the City of Costa Mesa learned of the subject action by the City of Fountain Valley to move forward with the environmental and design effort to construct the Gisler Avenue/Garfield Avenue Bridge.

### **FOUNTAIN VALLEY FUNDING APPLICATION**

The City of Costa Mesa believes that while further input/comments are being processed on the SARX Study, and in absence of a final resolution to SARX, no action should be taken by any of the involved agencies to expend taxpayer dollars to study/design these bridges. Beyond issues such as the legal authority of the participating agencies to initiate environmental studies and the design of bridge crossings outside of their municipal City limits (in this case, the County of Orange, the Army Corp of Engineers and the Santa Ana Regional Flood Control Agency), the CTFP application by the City of Fountain Valley undercuts the entire 12 year SARX effort. Approval of this CTFP application guarantees that the time, effort, manpower, and funding already expended for the SARX Study will have been a complete waste. Such a setback affects not only OCTA and the four cities participating in the SARX Study but municipalities throughout Orange County.

A significant concern to the City of Costa Mesa is the expenditure of significant amounts of taxpayers' monies for study, and design of a bridge, which has no identified construction funding, and no identified public agency to assume responsibility for its construction.

#### **COSTA MESA CITY COUNCIL ACTION**

Based on the action by the City of Fountain Valley in December of 2002 to approve the CTFP Application for design of the subject bridge, the Costa Mesa City Council unanimously adopted an urgency Resolution expressing their opposition to that application. The Costa Mesa City Council further reiterated the City's position opposing any design and/or construction of the Gisler Avenue/Garfield Avenue Bridge (Attachment E). While our opposition to funding this application is resolute, we are equally committed to moving forward with completion of the SARX Study and its adoption by the OCTA Board so that needed transportation improvements are constructed. The City of Costa Mesa supports construction of those transportation improvements that both improve traffic circulation while maintaining, if not improving, the quality of life for all affected communities. Please understand that our position on this matter is not one of maintaining the transportation "status quo" but of moving forward aggressively with practical, cost-effective improvements in the foreseeable future.

The City of Costa Mesa is also willing to pay for its fair share of transportation improvements, both inside and outside of its City limits, to mitigate the impacts of deletion of the Garfield Avenue/Gisler Avenue Bridge.

#### **REQUEST FOR BOARD ACTION**

The City of Costa Mesa hereby requests that the OCTA Board defer action on Fountain Valley's CTFP Application until the SARX cooperative study, being conducted under the administrative lead of the Orange County Transportation Authority (OCTA) and involving the Cities of Costa Mesa, Fountain Valley, Huntington Beach and Newport Beach, is completed. The City of Costa Mesa also requests that the cooperative effort on the Santa Ana River Crossings Study be accelerated, with OCTA's leadership, to a final acceptable solution. This would include consideration, approval and adoption of the SARX Study by OCTA Board of Directors in the near future. The City of Costa Mesa looks forward to working with your staff on this important project.

Thank you.

Sincerely,



Chris M. Steel  
Mayor Pro Tem

Attachments:    A    City of Fountain Valley Resolution, November 16, 1993  
                      B    City of Newport Beach Resolution, November 8, 1993  
                      C    Orange County Board of Supervisors' Resolution, December 7, 1993  
                      D    Correspondence to Cities  
                      E    City of Costa Mesa Resolution, December 16, 2002