



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: AUGUST 7, 2012

ITEM NUMBER:

SUBJECT: MILITARY BANNER PROGRAM

DATE: JULY 9, 2012

FROM: CHIEF EXECUTIVE OFFICE

PRESENTATION BY: DANIEL K. BAKER, MANAGEMENT ANALYST

FOR FURTHER INFORMATION CONTACT: DAN BAKER (714) 754-5156

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## **RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve the attached Military Banner Program (Attachment 1) to be administered by the City in accordance with the terms and provisions set forth in the guidelines; and
2. Provide guidance to staff regarding the general design of the Banner display (See Exhibits A and B)

## **BACKGROUND:**

Recently, several cities, including our neighbors in Huntington Beach and Fountain Valley, have enacted Military Banner Programs to honor dedicated service men and women. Their programs have achieved great success. Not only does a program like this provide a venue for members of our hardworking military to be recognized, it also serves as a great opportunity to showcase our civic pride and continue our support for our adopted battalion, the 1/5 Marines.

Seeing a need for this type of program in Costa Mesa, Park and Recreation Commissioner Jeff Mathews approached City Council and requested to work with Staff in developing a banner program. City Council provided authorization and in collaboration with Council Member Wendy Leece and former Planning Commissioner Jim Fitzpatrick, Mr. Mathews worked with staff to create a program that is before Council tonight for consideration and approval.

## **DISCUSSION:**

The proposed banner program will be a stand alone program apart from the current Council banner policy (Attachment 2). The new program will comply with all provisions of the existing policy with the exception of the display period. Current policy allows for a maximum of 60 days for banner display. The Military banner program will allow for continuous display of active Military Personnel banners as long as program guidelines for eligibility are met. Because the Marines of the 1/5 are continuously on active duty, staff will exercise discretion as to when it is appropriate to display them and for what duration.

A number of different locations were considered for the initial deployment of the program. Ultimately, Fair Drive, from Fairview to Newport Blvd. was selected. The deployment of the program will be separated into two phases.

The first phase will begin immediately with the light poles on the north side (closest to the Fairgrounds) of Fair Drive dedicated to active military personnel. A campaign will immediately begin seeking participants. Staff has reached out to local vendors and the estimated cost per banner will be approximately \$275 for production and installation. The applicant will be responsible for this cost.

The second phase will begin with a fundraising campaign for the 1/5 banner displays. Members of The Military Affairs Team will seek donations from the community to fund the production and installation of banners celebrating the 1/5 Marines along the south (City Hall) side of Fair Drive. All proceeds raised for the banner program will go towards supporting not only the banner program but for continued support of the 1/5 Marines and their families.

The banners themselves will adhere to current policy guidelines regarding size and will be made of a durable ultraviolet resistant vinyl material. The working group has also determined that only Costa Mesa vendors will be utilized for the production of the banners.

To encourage the implementation of the program and to solicit the names of the individuals to be recognized, staff will prepare a press release and will make information available on the City's website.

**FISCAL IMPACT:**

There is no expected impact to the general fund, as all costs associated with banner production and installation will be passed on to applicant. All costs associated with the 1/5 Marine banners will be paid for with donated funds.

**LEGAL REVIEW:**

No legal review is necessary.

**CONCLUSION:**

Staff recommends that the City Council approve the Military Banner Program Guidelines as presented and authorized staff to begin implementation of the program.



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DANIEL K. BAKER  
Management Analyst

- ATTACHMENTS:
- 1. Military Banner Program Guidelines
  - 2. Council Policy 500-6 (current banner policy)
- EXHIBITS:
- A. 1/5 Marine Banner Examples
  - B. Active Military Personnel Banner Examples

**CITY OF COSTA MESA  
MILITARY BANNER PROGRAM**

**I. INTRODUCTION:**

The City Council of the City of Costa Mesa has established the Military Banner Program to be administered by the City in accordance with the terms and provisions set forth in this Program. The City reserves the right to revise the Program, discontinue the Military Banner Program, and/or revise applicable fees without prior notice.

**II. PURPOSE:**

To recognize and honor the City of Costa Mesa residents or their immediate family members who are currently serving in the United States Armed Forces (Air Force, Army, Coast Guard, Marines, Navy or Active National Guard or Reserves). The program is also designed to periodically honor the City's adopted Marine Battalion, the 1/5 Marines.

The added purpose of the program is to establish a stand alone Military Banner program apart from the current Council Policy 500-6 (Attached). Current policy limits banner installation to no more than 60 days at a time. This new Military Banner policy will adhere to all existing provisions of Council Policy 500-6 but will allow all Military banner installations that meet this current program to be installed continuously without a set end date. The removal of the Military Personnel banners will occur when the eligibility requirements listed in section IV are no longer met. Because the Marines of the 1/5 are continuously on active duty, it will be at staff discretion as to when it is appropriate to display them and for how long in duration.

The display of Military Banners on City light poles owned by Southern California Edison is permitted in accordance with Council Policy 500-6. Selection of banner locations will be on a first come, first serve basis, except that the City reserves to itself the right to place specified Armed Forces Banners in positions of special visibility. No advertisements or other commercial speech shall be permitted on Armed Forces Banners. In establishing this Program, the City does not intend in any manner to create a public forum or other means by which messages may be conveyed or by which public discourse, exchange, of opinions or discussion on issues of any nature may occur. Instead, the sole and limited purpose of the Military Banner Program is to recognize and honor the contribution of eligible active duty military personnel by permitting the display of banners containing the serviceperson's name, and/or photo and service division. It is also specifically designed to honor the 1/5 Marines.

**III. COMMUNITY GROUPS:**

The City may, from time to time, at the sole discretion of staff, accept assistance in administering certain aspects of the Program from community groups including the support activities described in Section VII.

The designated support group may assist the City with this program; reviewing applications, marketing, fundraising, annual verification of eligibility and program participation as well as cost assistance to families and individuals. However, at this time, staff will handle all aspects of the Military Banner Program.

**IV. ELIGIBILITY CRITERIA:**

1. Any person or organization can apply for a banner for a serviceperson. The serviceperson must be serving on active duty. For the purpose of this program, "active duty" is defined as 6 months of continuous service in the United States Armed Forces.

2. The serviceperson must be a resident of the City of Costa Mesa or the spouse, mother, father, daughter, son, brother, sister, grandson or granddaughter of a current City of Costa Mesa resident. Residency must be verified with a recent utility bill, driver's license, or other form of identification listing a current City of Costa Mesa address.

**V. ANNUAL ELIGIBILITY DETERMINATION:**

1. On an annual basis, the City will request from all banner applicants written verification that the serviceperson continues to meet the Eligibility Criteria. Banner applicants will be contacted at their last known address listed on their application form. Any banner no longer meeting the Eligibility Criteria shall be removed and the location reassigned.

2. It shall be the responsibility of each banner applicant to promptly update his or her information on file with the City, as needed. The City shall not be responsible in the event it does not receive any updated contact information that is not personally delivered to the City.

3. The eligibility requirements will be waived for the 1/5 banner displays

**VI. DISPLAY TERM:**

The banners will be displayed continuously.

The banner will be removed if:

- a. The banner becomes damaged due to wind, age, or other reasons as solely determined by the City;
- b. The military serviceperson no longer meets the eligibility criteria;
- c. In the event the Military Banner Program is discontinued for any reason at the discretion of the City Council;
- d. In the event all banner locations are filled, the City shall have the right to rotate banners every year thereby allowing those interested to participate.

**VII. PROCESS:**

1. Applications will be submitted to the City of a form provided by the City, and shall include the name of the serviceperson, branch of service, photo, contact

information of applicant, and a form of identification in order to verify City of Costa Mesa residency of either the serviceperson or the applicant. Verification of active duty status must also be submitted. Applications must include payment of the total cost for installation paid in-full, at the time the application is removed from the wait list for processing (If applicable). Following application review, should an application be deemed ineligible, then the cost will be refunded to applicant.

2. 1/5 Banners will be displayed based upon available funding in the existing fund established by the City to support the 1/5 Marines and all their endeavors.

3. Applications will be accepted on an on-going basis, but banners will be installed twice each calendar year during May and September space permitting. Applicants acknowledge that the City has limited space for the placement of banners and space is assigned to approve applications on a first come, first serve basis. Not all applicants may be assigned a space. Applicant's not assigned space at the time of their approval shall be placed on a waiting list for spaces as they become available.

4. The City will verify that the application meets all eligibility requirements including residency.

5. Once the application has been processed, the City will create the banner. Only one banner per serviceperson is allowed. The lettering of the name and branch of the serviceperson will be sized to fit the personalization area on the banner. Spelling of the name will be taken directly from the application.

6. Installation and removal of banners are at the City's sole discretion.

7. The number of, and specific banner locations shall be determined solely by the City, and may be revised without prior notice. An applicant may not select a specific location.

8. The City is not responsible for replacing banners that are stolen, damaged, or destroyed due to age, vandalism, or any acts of nature including high winds.

9. Annual re-verification of the serviceperson's active duty status will be required.

10. Removed banners will be returned to the applicant at a designated City Council Meeting.

11. In the event a serviceperson is killed in the line of duty, his or her banner will be removed and given to applicant at a designated City Council meeting.

12. Approval of a banner application only entitles the applicants banner to be hung and displayed by the City pursuant to this policy. The City shall have no

obligation to perform any maintenance to a banner or in conjunction with the display of any banner. Once installed, a banner applicant shall have no right of access to the banner, provided, however, that a banner applicant may request the removal of the applicant's banner. Once a banner is removed following such a request, the banner applicant shall have no further rights pursuant to this policy.

**VIII. COST/SPONSORSHIP:**

1. The current fees for banner production and installation will be covered by the applicant. Fee will be paid at the time the application has been removed from the waiting list for processing (if applicable).
2. The City will accept donations on an on-going basis to support the Program.
3. As City receives general donations in support of the program, applicants may be awarded up to 50% of the cost to participate from the City's general Program fund. Applicants seeking assistance will be required to obtain the remaining portion of the cost from a sponsor or community group, i.e., American Legion or other organizations. These donations will be help separately from the 1/5 Marine donation account.

**IX. INDEMINIFICATION AND HOLD HARMLESS:**

By applying for and receiving approval to sponsor a banner, each banner applicant agrees to indemnify and hold the City of Costa Mesa, and each of its elected officials, officers, employees, agents and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicant's banner application, including the display of, and/or damage to or loss of any banner or banners.

## COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	1 of 3

**BACKGROUND**

In communities where street banners have not been properly controlled, they have contributed to visual clutter, improper installation, and confusion. In many instances, such banners fail to achieve their original objective of communicating legible, comprehensible, and pertinent public information in an aesthetically pleasing way. The City Council has previously received requests for these types of banners without the benefit of formally approved guidelines and standards.

**PURPOSE**

The purpose of this policy is to:

1. Provide the City Council and staff with guidelines which can be used to evaluate various requests to install street banners.
2. Establish policies, procedures and standards for the installation, monitoring, and removal of street banners.
3. Provide clear direction to those Costa Mesa based non-profit organizations and businesses wishing to use street banners to promote a special event or holiday.

**POLICY**

The following criteria shall apply to all organizations requesting City Council approval to install street banners. The requesting organization or business shall be based in or serve Costa Mesa. In the case of a charitable organization, they must possess proof of "non-profit status" from the State of California and local government agencies.

**1. Installation Requests**

Each request to install street banners shall be submitted at least thirty (30) days in advance of the proposed installation date and shall include at minimum:

- A. Date, time, location and nature of special event or dates of holiday to be promoted.
- B. Benefit of the banner to the general public.
- C. Map detailing specific number and locations of banners to be installed.
- D. Specific installation and removal dates.
- E. Delineation of banner content, size, material and colors. Holiday banners may contain messages relating to nationally recognized or official holidays. Although sponsorship may be listed on both special event and holiday banners, in no case shall the identification of the

## COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	2 of 3

sponsor exceed six inches in height or occupy more than a tenth of the face of the banner. Displaying any advertising other than the sponsor's name is not permitted. Advertising specific products is not permitted.

F. Specific number of banners to be installed.

G. Application Fee - Refer to the City of Costa Mesa's current User Fees and Charges manual, adopted by the City Council.

2. **Banner Composition**

All banners shall comply with the License Agreement between Southern California Edison and the City of Costa Mesa.

3. **Number of Banners**

The number of banners shall not exceed sixty.

4. **Installation Period**

Banners shall be installed for no more than sixty days. Specific dates and times for installation and removal are subject to change, by the City in order to minimize impacts to the public i.e. motorists, businesses, and/or public construction projects.

5. **Banner Locations**

In order to minimize impacts to residential properties, banners shall be restricted to light standards located on arterial streets with commercial or industrial frontage. Other locations may be acceptable if deemed appropriate by the City Council.

6. **Indemnification**

The organization shall provide acceptable proof of insurance and indemnification to the City as deemed appropriate by the City Manager or his designee.

7. **Installation and Removal**

Upon approval by the City, the requesting organization shall provide the City with a finalized copy of the contract for installation and approval.

8. **Approval Process**

The City Manager or his designee shall have final approval of all banner requests meeting the above guidelines.

CITY OF COSTA MESA, CALIFORNIA

Attachment 2

COUNCIL POLICY

SUBJECT	POLICY NUMBER	EFFECTIVE DATE	PAGE
SPECIAL EVENT STREET BANNERS	500-6	8/1/94 REV. 3/1/06	3 of 3

Banner requests which do not meet the above guidelines shall require Council review at which time the Council shall determine whether to approve the request.

Any approval granted shall be subject to the provisions in the License Agreement between the City and Southern California Edison. The applicant must agree to comply with and be bound by this agreement and perform the City's obligations under the Agreement with respect to the applicant's banners.

## LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "License Agreement"), is made and entered into this 26<sup>th</sup> day of September 2011, by and between SOUTHERN CALIFORNIA EDISON COMPANY, a California corporation, (hereinafter called "Company") and the City of Costa Mesa, a political subdivision of the State of California, (hereinafter called "City").

WHEREAS, City has jurisdiction of certain streets and highways and has the right to regulate the use of such highways.

WHEREAS, Company has installed Company-owned composite, concrete, and steel Street light poles ("Poles") at various locations within said City at the request of City.

WHEREAS, City desires a license to place non-electrified traffic regulating signs, American flags, and Neighborhood Watch signs, and banners and related appurtenances on said Poles.

WHEREAS, Company shall permit City to install non-electrified traffic regulating signs, American flags, Neighborhood Watch signs, and banners and related appurtenances on said Poles under this License Agreement.

NOW THEREFORE, in consideration of the mutual understandings and obligations of the parties as hereinafter set forth, Company and City hereby agree as follows:

1. Company hereby, subject to the terms and conditions provided in this License Agreement, licenses and permits City or City's authorized agent to install, maintain, use, repair, renew, and remove non-electrified traffic regulating signs, American flags, Neighborhood Watch signs and other city - sponsored event banners and related appurtenances (collectively referred to as "Attachments") on the Poles in accordance with the following:

- A. Attachment shall be secured by means of stainless steel straps.
- B. No holes shall be punched, drilled, or burned in any Poles
- C. All Attachments shall be mounted so as to provide adequate clearance from traffic, pedestrians, and from all electrical facilities, and secured to Poles to avoid dislodging.
- D. The total surface area of all Attachments on any one Pole shall not exceed 18 square feet at any one time.
- E. Banners for use on poles in high wind areas (90 mph) must be mounted with break-away, or bend-away banner supports.
- F. No Attachment shall be suspended between Poles or between Poles and structures.
- G. No Attachment shall be installed on any wooden Poles.
- H. No Corporate Trademarks, Logos or other corporate identifiers shall be allowed on the City sponsored banners.

2. Except as otherwise herein provided, the use by City of such Pole as herein provided for shall be without charge. City and/or City's agent shall not derive any revenues in connection with the license issued hereby that exceeds the direct expenses incurred in generating such revenues. City and/or City's agent shall maintain complete and accurate records in accordance with generally accepted methods of accounting for all transactions involving payment from a third-party for placement of an Attachment for three (3) years after the corresponding payment. Company shall have access to such records, upon reasonable notice, for the purposes of audit during normal business hours, for so long as such records are required to be maintained.

3. The Attachments shall be installed and maintained by City, or City's authorized agent, in a safe and workman-like manner in compliance with all applicable laws, rules, regulations, ordinances, including but not limited to General Order No. 95 of the Public Utilities Commission of the State of California.

4. Should Company, in its sole and absolute discretion, determine that it is necessary to relocate or replace a Pole on which a City-owned Attachment is in place, City or City's agent shall, upon reasonable notice from Company promptly relocate, replace or transfer said Attachment to a substitute Pole, if any, as required at City's sole cost and expense.

5. City shall indemnify and hold harmless Company against all losses, expenses, claims, actions, causes of action, damages, costs or liabilities, directly or proximately resulting from or caused by the installation, placement, use, presence, operation, maintenance, and/or removal of said Attachments on any Poles, as herein provided. The termination of this License agreement shall not relieve City of any liabilities which occurred prior thereto or which are occurring at that time. This paragraph shall not be construed to impose liability on either the Company or the City, in favor of any third party, unless such liability would have existed in the absence of this paragraph.

6. The failure of Company to enforce any provision of this License Agreement, or the waiver thereof, shall not be construed as a general waiver or relinquishment on its part of any such provisions; however, the same shall nevertheless remain in full force and effect.

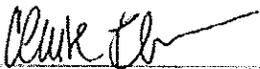
7. This License Agreement shall continue in effect for a term of one (1) year from the date hereof and from year to year thereafter, unless terminated sooner. This License Agreement may be terminated by either party hereto by written notice given not less than sixty (60) days prior to the intended termination. In the event of such termination, City shall remove all of said Attachments from the Poles prior to the termination of this License Agreement.

8. This License Agreement shall not be assignable by City.

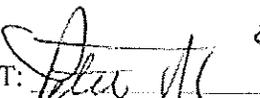
IN WITNESS WHEREOF, City and Company have executed this License Agreement by and through their respective officers thereunto authorized as of the day and year first herein above written.

**CUSTOMER:**

CITY COUNCIL OF THE  
CITY OF COSTA MESA  
ACTING FOR AND ON BEHALF  
OF THE CITY OF COSTA MESA

BY: 

TITLE: Act. Asst. Pers. Svcs. Director

ATTEST: 

TITLE: Asst. CEO

**COMPANY:**

SOUTHERN CALIFORNIA EDISON  
COMPANY

BY: \_\_\_\_\_

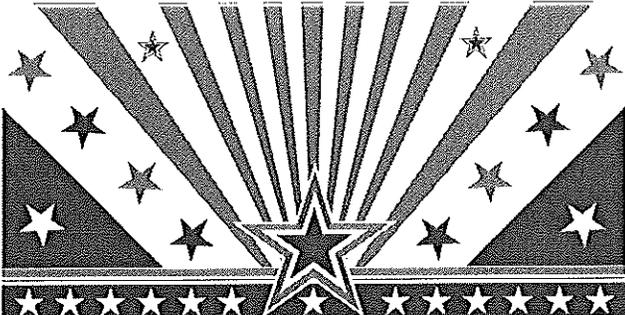
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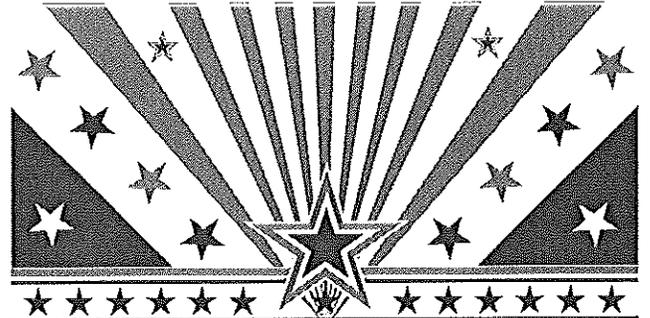
Exhibit A



THE CITY OF COSTA MESA  
*Salutes*  
**1/5 Marines**



*Thank You*  
FOR SERVING OUR COUNTRY



THE CITY OF COSTA MESA  
*Salutes*



*Thank You*  
FOR SERVING OUR COUNTRY

Exhibit B

