

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 26, 2007

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER

SUBJECT: AN ORDINANCE REGARDING NEWSRACKS AND AMENDING THE AGOURA HILLS MUNICIPAL CODE AND A RESOLUTION ESTABLISHING LIMITATIONS ON THE FEES THAT MAY BE CHARGED FOR NEWSRACKS

As part of the FY 2006-07 work plan, and in conjunction with the City's beautification program, the City Council provided direction to staff to develop of an ordinance establishing procedures and processes for the regulation of newsracks in the City of Agoura Hills. The purpose was to improve aesthetics, and control unpermitted newsrack placement that is common in many communities, including Agoura Hills. Agoura Hills adopted by reference the County of Los Angeles code that regulates this activity in March of 1985 making the existing regulation over 15 years old. Additionally, in discussions with the Public Works Committee, there was deliberation to further regulate the placement of newsracks to certain locations in the City to better administer and control their ultimate placement within the city limits. The current code does not provide for this condition. The extensive timeframe of the current regulation and the discussion to further regulate newsrack placement warrants review.

The proposed ordinance requires the filing of a newsrack permit application to be submitted and reviewed by the City Engineer, who will have ten (10) business days to approve or deny the applications. A nonrefundable permit application fee shall accompany the submittal, and the permit period will be for one (1) year, terminating on June 30 of each year. Applicants will be required to provide proof of a business registration permit, provide a comprehensive certificate of liability insurance policy in the amount of one (1) million dollars, and a written agreement obligating all applicants to indemnify, defend, and hold harmless the City, and its officer's and employees of any and all claims that occur as a result of the applicant's newsrack(s). The agreement will be approved by the City Attorney.

The newsrack ordinance provides standards for design (height/weight limits), operations (newsrack identification, signage, etc.), maintenance (cleanliness/rack conditions/display control of adult related material), and standards for location and concentration. For location and concentration, the ordinance identifies specified locations where newsracks are permitted for placement. The locations selected are currently where the bulk of the newsracks presently reside, with the exception of an additional location on Roadside Drive.

The proposed locations are as follows:

- 5800 block of Kanan Road, north of Thousand Oaks Boulevard, in front of 5827 Kanan Road
- 5600 block of Kanan Road, south of Thousand Oaks Boulevard, in front of 5617 Kanan Road
- 30300 block of Canwood Street, west of Reyes Adobe Road, at Reyes Adobe Plaza
- 5000 block of Kanan Road at Kanan Village Center
- 28700 block of Roadside Drive, at Roadside Plaza
- In front of 28203 Dorothy Drive

The ordinance calls for no more than ten (10) newsracks to be located within two hundred (200) feet in any direction on a block, and no more than twenty (20) to be located on any one block.

Finally, the newsrack ordinance provides the City Engineer the authority to impound unpermitted, abandoned, or newsracks found to present an imminent public safety condition, as well as providing an administrative hearing process for all applicants whose permits are denied or have had their newsracks removed. Appeals of decisions or actions by the City Engineer will be conducted by the City Manager or his designee. Staff believes the proposed ordinance will provide a better mechanism to administer and regulate newsrack placement with the City.

There are two options to consider concerning implementation of the newsrack ordinance. Option one consists of leaving the current inventory of newsracks at the approved locations and begin the permitting process, removal of newsracks not currently in the six approved locations, and begin monitoring. Staff estimates the initial permitting and removal process to take approximately three to four months to complete. Following the initial start up, monthly monitoring would commence to ensure compliance with the ordinance. Estimated first year costs associated with option one is \$10,600, with the subsequent year estimated to reduce to approximately \$4,850. The advantages to the current system are liabilities associated with the newsracks and maintenance and replacement costs fall solely upon the news publication vendors who provide them. The disadvantages under option one are uniformity in appearance would be absent as many have different color and styles, maintenance standards require constant inspection by City staff to insure cleanliness and repair of nonoperating components, and notifications are first required to the vendors for correction of deficiencies.

Option two would consist of the purchase and installation of City owned “newsrack bank systems” and removal of all current newsracks within the City (approximately 113). This option would still require permitting as vendors would need a permit to utilize a space in the City-owned system. Under option two, the City would purchase 6 newsrack bank systems (10 unit capacity) at an approximate cost of \$20,000 plus installation (\$10,000), initiate the process for removal of all existing newsracks at an approximate cost of \$10,772, as well as securing easements and/or permission for the 5800 block of Kanan Road location as staff will be relocating rack locations away from the curbside to improve line-of-sight issues. Notification of all affected publication agencies would also occur in this option. Subsequent years would still require monitoring by City staff, however notification to individual vendors for addressing compliance issues would be eliminated since the City would control the rack systems. Estimated administration cost for Option two is \$2,800. The advantages of Option two are a uniformed and aesthetic appearance, and quicker response to maintenance issues that under Option one require notification to the newsracks before City action can occur. Also, under a City controlled system,

a set maintenance schedule could be created. The disadvantages of a City-owned newsrack system are: a substantial one time capital expense for purchase, installation and newsrack removal, liability is assumed by the City versus the vendor under Option one, and future maintenance and replacement costs that are the sole responsibility of the vendor under Option one are now assumed by the City.

Staff has discussed the ordinance with the Public Works Committee, including discussion on the specific permitted areas and the implementation options, and has received their full support.

RECOMMENDATION

Staff respectfully recommends the City Council:

- 1) Introduce, read by title only and waive further reading of Ordinance No. 07-348 regarding newsracks and amending the Agoura Hill Municipal Code, and approve Resolution No. 07-1464 establishing limitations on the fees that may be charged for newsracks

- 2) Direct staff to utilize either Option one or Option two for implementation

Attachment: Aerial Photos (Proposed locations)
 Administration Options/Cost
 Examples of Newsracks Under Option one & two
 Ordinance No. 07-348
 Resolution No. 07-1464