

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

FRANK T. MARTINEZ
City Clerk

KAREN E. KALFAYAN
Executive Officer

When making inquiries
relative to this matter
refer to File No.

Office of the
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 978-1043
General Information - (213) 978-1133
Fax: (213) 978-1040

CLAUDIA M. DUNN
Chief, Council and Public Services Division
www.cityclerk.lacity.org

03-2771

September 26, 2006

City Administrative Officer
Attn: City Attorney Analyst
Liability Claims/Budget Group
Room 1260, CHE
City Attorney,
cc: Jennifer Krieger
cc: Business Office
cc: Budget & Finance Division

Controller, Room 300
Accounting Division, F&A
Disbursement Division
Office of Finance
Treasurer
Councilmember Smith
Councilmember Parks

RE: CASE ENTITLED CLEAR CHANNEL OUTDOOR, ET AL., V. CITY OF LOS ANGELES, ET AL., UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CASE NO. 02-7586 AND VISTA MEDIA GROUP, ET AL., V. CITY OF LOS ANGELES, ET AL., LOS ANGELES SUPERIOR COURT CASE NO. BC 282832

At the meeting of the Council held SEPTEMBER 13, 2006, the following action was taken:

Attached report adopted.....
Attached motion (Parks - Smith) adopted..... X
Ordinance adopted.....
Motion adopted to approve attached report.....
Motion adopted to approve attached communication.....
To the Mayor for concurrence.....
To the Mayor FORTHWITH..... X
Mayor concurred..... 9-22-06
Findings adopted.....
Generally exempt.....
Agreement mentioned therein is/are No. _____
of contracts.....

Handwritten signature of Frank T. Martinez

City Clerk
kw



MOTION

I HEREBY MOVE that Council ADOPT the following recommendation of the City Attorney in order to effect settlement in the case entitled Clear Channel Outdoor, et al., v. City of Los Angeles, et al., United States District Court Case No. 02-7586, and Vista Media Group, et al., v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC 282832, SUBJECT TO THE APPROVAL OF THE MAYOR:

AUTHORIZE the Department of Building and Safety and the City Attorney to settle the litigation filed by Clear Channel and CBS challenging the City's off-site sign inspection program, upon the following terms, subject to final approval by the Department of Building and Safety and execution by the Office of the City Attorney on behalf of the City of Los Angeles:

1. Clear Channel and CBS shall each take down 49 structures of their choosing for a total take down of 98 structures.
2. Each company shall provide the City with addresses for all of their off-site sign structures in the City and with copies of all permits in their files.
3. Each company shall pay an initial inspection fee of \$186 per sign structure to cover the cost of inspection for the first three years, plus an additional \$184 to cover the cost of inspection for the second three years. The agreement shall terminate after 6 years.
4. Each company shall take down all structures erected in or after 1999, for which no permits can be located.
5. The City will allow each company to modernize up to 420 structures, for a total of 840 structures, to include: (i) digital technology that allows static advertising to be changed remotely rather than by physically changing poster sheets, (ii) tri-vision signs, (iii) horizontal or vertical back-lit 30 sheets and (iv) second faces on currently existing single faced structures, upon payment of applicable permit fee.
6. Each company shall return each of their sign structures to compliance with their respective permits, subject to the right to retain currently existing structures which vary in minor respect from their permit.
7. The City will issue permits for signs owned by each company and erected prior to July 1, 1986, for which permits cannot be located upon payment of applicable permit fees.

8. The City will allow each company to obtain a permit for each structure erected after July 1, 1986, but prior to 1999, for which no permit can be located, limited in number by the limit upon modernized structures, on the condition such structure could have been lawfully erected at the time of its construction and upon payment of applicable permit fees.
9. All disputes under the agreement shall be subjected to the Board of Building and Safety Commissioners or, at the discretion of Clear Channel or CBS to non-binding arbitration with costs paid by Clear Channel and CBS.
10. Each company shall dismiss their federal and state litigation and waive claims for attorneys' fees.

This matter was approved by the Budget and Finance Committee (Parks - Huizar - Smith - Rosendahl - Greuel "yes") at its meeting of August 14, 2006, in Closed Session as permitted by Government Code Section 54956.9(a). (Planning and Land Use Management Committee, on August 8, 2006, additionally considered this matter in Closed Session.)

PRESENTED BY _____
BERNARD C. PARKS
Councilmember, 8th District

SECONDED BY _____
GREIG SMITH
Councilmember, 12th District

03-2771
September 13, 2006

Non-Ad
ADOPTED
SEP 13 2006
LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH