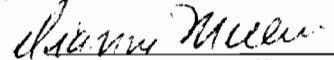


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Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 82413 C.M.S.

Introduced by Councilmember Rebecca Kaplan

DISCUSSION AND ACTION ON A REPORT RECOMMENDING THAT THE CITY COUNCIL AUTHORIZE THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A BILLBOARD RELOCATION AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC. ("CLEAR CHANNEL") ALLOWING CLEAR CHANNEL TO: (A) CONSTRUCT A NEW BILLBOARD ON EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) LAND EAST OF THE BAY BRIDGE TOLL PLAZA; AND (B) RECONSTRUCT AN EXISTING BILLBOARD ON EBMUD LAND EAST OF THE BAY BRIDGE TOLL PLAZA, IN EXCHANGE FOR CLEAR CHANNEL'S AGREEMENT TO REMOVE AND WAIVE ITS RIGHTS TO COMPENSATION, INCLUDING ALL REAL PROPERTY AND PERSONAL PROPERTY INTERESTS, FOR SIXTEEN BILLBOARDS AT VARIOUS LOCATIONS, AND MAKE A ONE-TIME PAYMENT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) TO THE CITY PLUS ANNUAL PAYMENTS OF NO LESS THAN TEN PERCENT OF THE GROSS REVENUE GENERATED BY BOTH THE NEW AND CONVERTED BILLBOARDS FOR THE TERM OF CCO'S LEASE AGREEMENT WITH EBMUD.

WHEREAS, CCO and EBMUD have entered into an agreement for construction of a new billboard (with two facings) and the relocation of an existing billboard (with one facing); and

WHEREAS, the City regulates the construction of new billboards through its Planning Code and requires that a Relocation Agreement be approved by the City Council for such new billboards; and

WHEREAS, CCO and the City desire to enter into a Relocation Agreement which provides, in part, for removal of billboards in the City, payment to City, and other provisions; and

WHEREAS, removal of a number of billboards at various locations throughout

the City is consistent with the City's objective to remove billboard signage throughout Oakland to enhance the City's aesthetic attributes; and

WHEREAS, CCO would waive their rights to compensation, including all real property and personal property interests, thereby eliminating the various billboards at no cost to the City; and

WHEREAS, all the proposed billboards will be removed by CCO at its sole cost and expense; and

WHEREAS, the proposed billboard relocation agreement would permit CCO to construct one new "static" billboard of 1,344 square feet of advertising space on EBMUD land and reconstruct one existing "static" billboard with 672 square feet of advertising space, as detailed in the accompanying October 7, 2009 Supplemental Agenda Report to the City Council (Agenda Report); and

WHEREAS, CCO would remove at least sixteen billboard structures (thirty three billboard facings) totaling at least 4,116 square feet from various locations around the City of Oakland, resulting in a net decrease of sign area in the City, as detailed in the Agenda Report; and

WHEREAS, the City Council would receive a one-time payment of \$400,000 within seven (7) days of the execution of the Agreement, plus an annual payment of no less than 10% of the total annual gross receipts; generated, both the new and converted billboards for the term of CCO's lease agreement with EBMUD.

WHEREAS, the relocation agreement will contain other requirements as detailed in the Agenda Report, including without limitation, restrictions on certain advertising, certain CCO representations and warranties, and CCO's defense and indemnity obligations; Now, Therefore, Be It

RESOLVED: That the City Council finds that this project is exempt from CEQA pursuant to CEQA Guidelines section 15302 (replacement or reconstruction of existing structures); 15303 (new construction of small structures); 15061(b)(3) (general rule of no possibility of a significant environmental impact); and /or 15183 (projects consistent with a general plan and/or zoning for which an Environmental Impact Report has been prepared). Each of the foregoing provides a separate and independent basis for a CEQA exemption and when viewed collectively provides an overall basis to support the finding that the project is exempt from CEQA; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or designee, to negotiate and execute a billboard relocation agreement with CCO under the terms stated herein and the Agenda Report; and including other conditions and enforcement mechanisms as may be recommended by the City Attorney, and take whatever other steps are necessary to implement the agreement, consistent with the intent of this resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 17 2009, 2009

PASSED BY THE FOLLOWING VOTE:

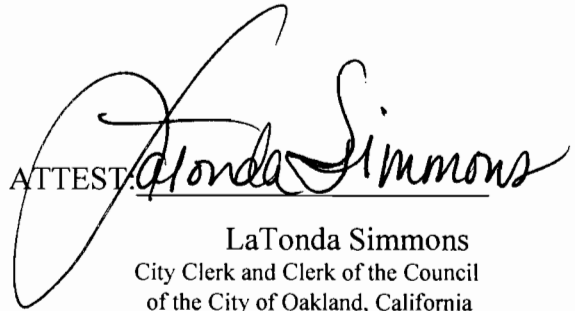
AYES - BROOKS, DE LA FUENTE,
KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~RESISTANCE~~, - 7
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST:


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California