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Agenda Item: ID17-0005 (3-B)

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FRESNO CITY COUNCIL

CITY CLERK, FRESNO CA



Supplemental Information Packet

Agenda Related Item(s) – ID17-0005 (3-B)

Contents of Supplement: Amended Staff Report Item(s)

Attached please find a Supplement to File ID17-0005. The title of the item is as follows:

Actions Pertaining to Regulation of Newsracks in the City of Fresno:

1. BILL - (For Introduction) - Adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Publication Dispensing Racks Citywide and in Special Districts
2. ***RESOLUTION - 527th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 Adding Newsrack Fees in the Public Works Section

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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REPORT TO THE CITY COUNCIL

January 12, 2017

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

BY: ANDREW J. BENELLI, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division

DAVID A. CISNEROS, Projects Administrator
Public Works Department, Traffic and Engineering Services Division

SUBJECT

..Title

Actions Pertaining to Regulation of Newsracks in the City of Fresno:

1. BILL - (For Introduction) - Adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Publication Dispensing Racks Citywide and in Special Districts
2. ***RESOLUTION - 527th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 Adding Newsrack Fees in the Public Works Section

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RECOMMENDATION

It is recommended that the Council introduce the attached Ordinance adding Article 7 to Chapter 13 of the Fresno Municipal Code related to Publication Dispensing Racks (Newsracks) in the City of Fresno and introduce the Amendment to the Master Fee Schedule to add Newsrack fees associated with the Ordinance.

EXECUTIVE SUMMARY

The Ordinance is presented for introduction. Coupled with the new ordinance is a proposed Amendment to the Master Fee Schedule, which will be fee neutral, with the sole purpose being to reimburse the City for staff costs associated with administering the Ordinance.

BACKGROUND

Newsracks have been in use within the City for many years. However, the City has never adopted standards governing their use within the public right of way. Recently, it has become apparent that some regulation is necessary to control the placement and appearance of newsracks and guide how material is being displayed.

In November 2014, staff began working with the City Attorney's Office developing an ordinance to standardize the use, location, and style of newsracks.

On November 29, 2016, staff held a followup stakeholder meeting. In attendance were Representatives from Community Alliance, the Fresno Bee and El Clasificado.

1. BILL - Newsrack Ordinance.

The Ordinance balances the right to distribute information through newsracks with the right of persons to reasonable access and use of public property. The public health, safety, welfare, and convenience require that interference with vehicular, bicycle, mobility devices, or pedestrian traffic be avoided as well as visual obstruction of traffic signs. The placement of newsracks should also not interfere with ingress into, or egress from any place of business, public facility or legally parked vehicles.

Pursuant to the Ordinance, a person, corporation or other legal entity seeking to place a newsrack within the public right of way will be required to apply for a permit, accompanied by an application fee. An acceptable application will also include a site plan illustrating compliance with the City's requirements for public safety and access. The Ordinance will also require newsrack permits to be renewed annually and includes a process to address abandoned newsracks.

The Ordinance identifies "Special Newsrack Areas." The Ordinance defines Downtown Fresno as a Special Newsrack Area, bounded by State Route 99, State Route 41 and State Route 180 which is more commonly known as the Downtown Triangle. Special standards shall apply to newsracks within any Special Newsrack Area. All newsracks within a Special Newsrack Area shall meet the requirements as set forth in the City of Fresno Standard Drawing for Newsracks in Special Districts.

Newsracks placed and maintained on public property absent some reasonable regulation, may unreasonably interfere with the use of both public and private property and may presents hazards to persons and property. Newsracks placed on private property will not be subject to the proposed ordinance and will not be subject to the proposed fees.

2. RESOLUTION – Amendment to Master Fee Schedule.

To enforce the Ordinance, Staff has proposed amending the Master Fee Schedule to add newsrack fees. Staff has estimated the costs associated with the time and labor required for processing, monitoring and enforcing the proposed Ordinance as follows:

<u>MFS Charge</u>	<u>Proposed Fee</u>
Initial Registration Fee	\$70.00
Annual Registration Renewal Fee	\$34.13

Code Violation and Sidewalk Repair

Sidewalk Minor Repair Fee (Tier 1)	\$39.03
Sidewalk Replacement Fee (Tier 2)	\$90.71
Release of Impounded Newsrack Fee	\$49.54

All of the above fees were calculated using the current indirect cost recovery rate and the allotment of time employee(s) are required to complete the process. The Budget Division has reviewed the calculation for each process. Should it be necessary, fees may be adjusted in the future as necessary.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project" as defined by CEQA.

LOCAL PREFERENCE

Local preference was not implemented because this item is not an award of a construction or services contract.

FISCAL IMPACT

Approval of the Ordinance and the Amendment to the Master Fee Schedule will not negatively impact the General Fund. Fees collected pursuant to the Amendment to the Master Fee Schedule will offset City expenses associated with the program.

Attachments:

- Ordinance
- Master Fee Resolution
- Exhibit A
- Newsrack Permit Application
- Workshop Poster
- PW Std Drawing
- Newsrack Permit Guidelines
- Newstand Ordinance Workshop Flyer