

RESOLUTION NO. 2009-316

Adopted by the Sacramento City Council

May 19, 2009

APPROVING GUIDELINES RELATED TO NEWSRACKS ON THE K STREET MALL

BACKGROUND

- A. On May 19, 2009, City Council adopted ordinance no. 2009-027, enacting City Code sections 12.44.295 through 12.44.325 relating to newsracks on the K Street Mall. This Ordinance became effective on June 18, 2009.
- B. The Ordinance requires the City Manager to recommend, and the City Council to adopt by resolution regulations for the design, location, and management of City of Sacramento-owned newsracks installed upon the Mall.
- C. The City Manager has recommended the attached guidelines that regulate the design, location and management of newsracks on the Mall.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Guidelines recommended by the City Manager and attached hereto as Exhibit A, are adopted.
- Section 2. This Resolution shall become effective upon the effective date of Ordinance 2009-027.

Table of Content

Exhibit A - Guidelines

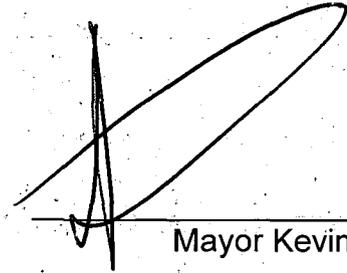
Adopted by the City of Sacramento City Council on May 19, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters; and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk

Exhibit A to Attachment 6**Newsrack Program Guidelines****Definitions**

All words as used in these regulations shall have the same meaning as defined in City Code sections 12.44.290, et seq.

Initial Placement

In the initial issuance of rack space, publications will be separated into three groups. The first group shall consist of all publishers who publish new and different editions of their publications two or more days a-week. The second group of publications shall consist of publications who publish new and different editions of their publication one day per week. The third group will consist of all other publications published less than one day per week.

Once the publications have been divided into the three groups, publications will be selected by lottery and based on that selection process, each one according to its position after the lottery, shall select a location in the City-owned modular newsracks. The first lottery will be for the twice or more per week publications, once they have been placed, a lottery will be held for the weekly publications, and the third lottery shall consist of all remaining publications.

The initial placement will include all publications with historical presence on K Street as determined by the City survey. The City will notify publishers regarding the date of the initial lottery. Should a publisher not appear at the initial lottery, the City will assign the publication a newsrack space after the lottery and will notify the publisher of their assignment. The initial placement will be coordinated through the City's Economic Development Department.

Waiting List

Any publications that are not assigned a location during the initial placement phase, who wish to be included in the City-owned racks, shall be placed on a waiting list at request of the publisher. The City will hold an annual lottery to fill vacancies. The City will conduct an annual review of the newsrack program prior to the annual lottery to evaluate the vacancies, wait list and adequacy of space. The lottery shall be held in June of each year at City Hall, and managed by the Economic Development Department. All publishers must request placement on the waiting list prior to April 30 of each year. Late requests for the waiting list will be saved for the following year's lottery.

The first priority lottery shall be for new publications (must provide documentation that they were established since the previous lottery). Should vacant racks remain available after the first lottery, all remaining publications on the list shall be placed in a second

lottery. The "waiting list" lottery shall be governed by the same regulations as was the initial lottery.

If a new publication is on the waiting list for two lottery cycles and no vacancy becomes available, the City may seek to add a rack with approval of the Economic Development Department, the Department of Transportation and the Police Department.

The waiting list will be kept by the City's Economic Development Department. To be placed on the waiting list, please contact (916) 808-7223.

Vacancy

A newsrack shall be deemed vacant and abandoned when no printed material is contained therein for a period of more than ten (10) consecutive days. If the City Manager or designee determines that a newsrack has been abandoned the publisher shall be subject to the removal process outlined in City Code Section 12.44.325.

Maintenance

Every newsrack shall be maintained in clean and neat condition free of dents, rust, graffiti, and similar conditions that detract from the aesthetic quality of the K Street Pedestrian Mall. The City will be responsible for maintaining the newsracks upon the mall. Maintenance requests for any City-owned newsrack upon the mall should be reported to (916) 808-7223.

Publishers are expected to do minor maintenance on their individual newsrack inserts, including the door (ie. remove graffiti, stickers, etc.). Paid publications are responsible for maintaining their locks and coin-operated devices. Publishers are responsible for insuring that only their materials are placed in their assigned newsrack insert. Publications must provide the City with a primary contact for the publisher and distributor (if applicable) so that City may contact them regarding maintenance issues. Failure to update contact information within 10 days shall be considered abandonment for the purposes of declaring a vacancy according to these guidelines.

Design

The newsrack design was selected in order to meet the City's aesthetic, public safety, health and welfare goals. Newsracks shall be primarily constructed of durable metal and must be double-stacked pedestal style to ensure that minimal space is used in the public right of way ensuring no unreasonable interference for pedestrians and wheelchairs. Each insert shall be approximately 24 inches wide, 17 ¼ inches deep, and 17 ½ inches tall. Pedestal height shall be approximately 16 inches. The total height and width occupied by each pedestal rack shall not exceed approximately 52 inches and 120 inches, respectively (no more than two (2) units high and four (4) units wide). The newsrack size requirements maximize public safety by not obstructing pedestrian, vehicular and public safety official view corridors. To ensure that the modular units are

permanently anchored to their specified locations, the racks must be mounted on fixed pedestals and bolted to the sidewalk. Permanently mounted fixtures will minimize hazards resulting from racks being blown over or knocked down in the end obstructing sidewalks and roadways. Newsracks shall not be affixed to light poles, fences, bus shelters, traffic signs, utility boxes, or any other publicly owned property. Modular racks must contain black graffiti-resistant paint to achieve the City's beautification goals and complement the new furniture and fixtures that will be installed as a part of the K Street Streetscape project. The name of each publication may only be printed on the front of the rack, either on the face plate or the door, and may not exceed the size of the publication's masthead.

Newsrack inserts may contain a single rack or a split rack that can hold up to two publications. Coin-operated inserts may only be occupied by a single paid publication. Unpaid publications, depending on size, will be placed into single or double occupancy rack.

Location

Traditionally, publishers place newsracks near intersections with high pedestrian volumes to capture the broadest audience for circulation. The City conducted numerous surveys of existing newsrack clusters on K Street and has identified nine locations for the modular racks that best meet the publishers' objectives of high pedestrian volumes and the City's goal of consolidating locations. The locations were selected based on concentration of existing publications with the goal of keeping the modular newsracks in close proximity to the existing freestanding racks. The City shall in its sole discretion select the newsrack locations. City staff shall consult with the City's Department of Transportation staff to determine that newsrack locations are placed in locations that do not obstruct pedestrian, bicycle or vehicular travel. The following locations have been identified:

7 th and K	Northeast Corner Southwest Corner
8 th and K	Northeast Corner
9 th and K	Northwest Corner Southeast Corner
10 th and K	Northwest Corner
12 th and K	Northeast Corner Southwest Corner
13 th and K	Northwest Corner