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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 26, 2023
SUBMITTED BY: Rob Perry, City Administration
ITEM TYPE: Miscellaneous
AGENDA SECTION: NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL
SUBJECT: Bus Benches - Letter to Metropolitan Systems, Inc.
SUGGESTED ACTION: N/A

Is this item Quasijudicial?

No

Does this item require a public hearing?

No

EXPLANATION:

Since 1971 Metropolitan Systems, Inc., acquired by Creative Outdoor Advertising has held an exclusive license to place advertising benches within the public rights-of-way of the City.

The terms of the Agreement contained certain requirements including, but not limited to:

- Make application to the City for permission to place benches prior to installation
- Submit a Right-of-Way Use Permit application
- Install benches no more than 43" high, no more than 74" long, and no more than 28" wide
- No advertising to be affixed other than front or rear surface of backrest area no greater than 6' in length and 2' in height
- No bench may obstruct passage along any public way or create a hazard or

- be otherwise detrimental to the public safety, welfare, morals or health.
- No bench may be placed at an angle greater than 30 degrees, or closer than 18" to the face of the curb
 - To maintain the benches in a clean manner, free from damage.

On July 6, 2016, and again on September 23, 2016 our Public Works Department notified them of the various non-compliance issues and provided 60 days within which to bring all matters into compliance.

The Company has had seven years to address these issues and come into compliance with the terms of the Agreement. They have not taken any steps to do so at this point and many of the benches are in a state of disrepair. The City wishes to have all benches removed at this time and to have the agreement repudiated.

This letter was sent to notify the company of the repudiation.

FINANCIAL IMPACT:

N/A The removal of the existing benches is a cost that will be borne by Creative Outdoor Advertising of America, Inc., the entity who acquired Metropolitan Systems, Inc.

ATTORNEY REVIEW/RECOMMENDATION:

Attorney reviewed and approved

SUGGESTED MOTION:

N/A

ATTACHMENTS:

[Letter to Metropolitan Systems, Inc](#)