

RESOLUTION NO. 08-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FIRST AMENDED FRANCHISE AGREEMENT FOR RENEWAL OF THE BUS SHELTER FRANCHISE WITH CLEAR CHANNEL OUTDOOR, INC.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, City of Costa Mesa and Clear Channel Outdoor, Inc. ("Franchisee") entered into a Franchise Agreement ("Agreement") on November 1, 2003, for a bus shelter franchise to construct, install, operate and maintain transit shelters and benches with advertising displays at certain bus stops throughout the City of Costa Mesa; and

WHEREAS, the Agreement provided for a five (5) year term for the Franchise, which expires on October 31, 2008; and

WHEREAS, the Agreement and Costa Mesa Municipal Code ("CMMC") section 19-303 provides for the renewal of the Franchise for one (1) five (5) year renewal term upon compliance with the terms of the Agreement and the CMMC; and

WHEREAS, the City of Costa Mesa Public Services Department has prepared a report on the performance of Clear Channel Outdoor, Inc. under the terms of the Agreement and the CMMC ("Report"); and

WHEREAS, on October 21, 2008, the Report was considered and testimony and evidence were received by City Council on the performance of the Franchisee; and

WHEREAS, City Council finds the Franchisee to be in compliance with the terms of the Agreement and CMMC.

NOW, THEREFORE, BE IT RESOLVED that, the City Council of the City of Costa Mesa:

1. Approves the First Amended Franchise Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, for a renewal term of five (5) years, terminating on October 31, 2013; and

2. Authorizes the Mayor to sign the First Amended Franchise Agreement.

PASSED AND ADOPTED this 21st day of October, 2008.

Eric R. Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-____ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 21st day of October, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 22nd day of October, 2008.

JULIE FOLCIK, CITY CLERK

(SEAL)