

1 [Contract]

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3 **Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack**

4 **Agreement By and Between the City and County of San Francisco and Clear Channel**

5 **Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-**

6 **mounted newsracks on public property; approving an indemnification of the contractor**

7 **by the City for specified claims initiated by publishers or other specified claimants,**

8 **concerning the fixed pedestal program, the fixed pedestal units, their operation, or the**

9 **agreement with Clear Channel Adshel, Inc., and for specified claims including bodily**

10 **injury or property damage arising from the City's performance of said agreement; and**

11 **authorizing the Director of the Department of Public Works to make changes to the**

12 **Department of Public Works Director's Orders incorporated by reference in the**

13 **agreement with Clear Channel Adshel, Inc.**

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15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The Board of Supervisors hereby (a) approves the First Amended and

17 Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of

18 San Francisco and Clear Channel Adshel, Inc., in form substantially similar to that on file with

19 the Clerk of the Board of Supervisors in File No. 020466 , which is hereby declared to be a

20 part of this ordinance as if set forth fully herein, which allows for the provision, installation and

21 maintenance of pedestal-mounted newsracks on public property in exchange for the

22 Contractor's right to advertise on the back side of four hundred and eighty-five (485) such

23 newsracks; (b) Approves an indemnification by the City of the Contractor for claims initiated

24 by a publisher holding a permit for a newsrack box, by another publisher, by anyone acting on

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1 a publisher's behalf, or by another claimant asserting a right to receive information,
2 concerning the City's fixed pedestal unit program, the fixed pedestal units, their operation, or
3 the City's agreement with Clear Channel Adshel, Inc., as set forth in said agreement; (c)
4 Approves an indemnification by the City of the Contractor for specified claims, including bodily
5 injury or property damage, arising from the City's performance of the City's agreement with
6 Clear Channel Adshel, Inc., as set forth in said agreement; and (d) Authorizes the Director of
7 the Department of Public Works to enter into any additions, changes, or amendments to the
8 Department of Public Works Director's Orders concerning the pedestal-mounted newsracks
9 incorporated by reference in said agreement, a draft of which is on file with the Clerk of the
10 Board of Supervisors, as long as such additions, amendments or changes are in the City's
11 best interests, consistent with San Francisco Public Works Code Section 184.12 and the
12 City's agreement with Clear Channel Adshel, Inc., as approved under this ordinance.

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15 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

16 By: 
17 WAYNE K. SNODGRASS
18 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 020466

Date Passed:

Ordinance approving the First Amended and Restated Pedestal-Mounted Newsrack Agreement By and Between the City and County of San Francisco and Clear Channel Adshel, Inc., which allows for the provision, installation, and maintenance of pedestal-mounted newsracks on public property; approving an indemnification of the contractor by the City for specified claims initiated by publishers or other specified claimants, concerning the fixed pedestal program, the fixed pedestal units, their operation, or the agreement with Clear Channel Adshel, Inc., and for specified claims including bodily injury or property damage arising from the City's performance of said agreement; and authorizing the Director of the Department of Public Works to make changes to the Department of Public Works Director's Orders incorporated by reference in the agreement with Clear Channel Adshel, Inc.

April 22, 2002 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Peskin, Sandoval

Absent: 2 - Newsom, Yee

April 29, 2002 Board of Supervisors — CONTINUED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Noes: 1 - Yee

May 6, 2002 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Newsom, Peskin, Yee

Noes: 3 - Daly, Gonzalez, Sandoval

May 13, 2002 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Ammiano, Hall, Leno, Maxwell, McGoldrick, Peskin, Yee

Noes: 3 - Daly, Gonzalez, Sandoval

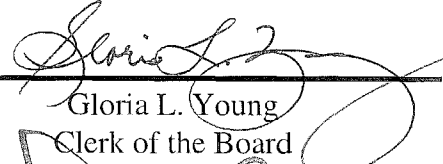
Absent: 1 - Newsom

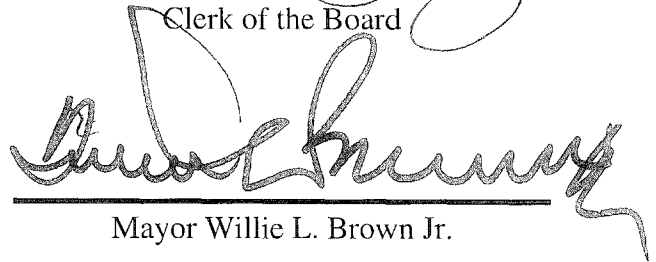
File No. 020466

I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 13, 2002 by the Board of Supervisors of the City and County of San Francisco.

MAY 17 2002

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.