

April 7, 2009

Ms. Susan Meyer
Chief Executive Officer
Spokane Transit Authority
1230 West Boone Ave.
Spokane, WA 99201

RE: Bus Bench Replacement

Dear Ms. Meyer:

Thank you for your time invested in finding a pragmatic solution to provide STA patrons with bus benches that comply with the Spokane Municipal Code regarding off-premises advertising.

This letter is to memorialize the strategy for replacement of non-compliant bus benches agreed upon at the April 6, 2009 meeting by you and City Council Members/STA Board Members Al French, Richard Rush, and Bob Apple.

The meeting yesterday built upon conversations between STA and the City going back at least to late 2007, specifically including conversations regarding bus bench replacement that I had with you and/or Council Member French (in his capacity as an STA Board Member) on December 28, 2007, March 4, 2008, June 12, 2008, and March 6, 2009.

Leading up to the present situation, in December 2007 and earlier, City representatives notified Sunset Outdoor Advertising and Lamar Outdoor Advertising that the existing bus benches with advertising must be removed from the public right-of-way. Believing that we had an agreement with STA in the summer of 2008 that new benches would be purchased by STA for approximately 100 locations where benches are most needed by STA patrons, the City notified both Sunset and Lamar via letter dated September 26, 2008 that all benches not included on STA's location list had to be removed by October 31, 2008.

The October 31 deadline ultimately was delayed as City staff elected to allow some flexibility with the advertising companies during inclement weather over the winter of 2008-09 and therefore required no benches be removed. However, at no time did we anticipate STA would defer purchase of the replacement benches that were agreed upon in the summer of 2008.

Also not anticipated was the current conversation regarding potential future sale of advertising on STA-purchased bus benches, which absolutely was not a factor in our 2008 discussions. I know this conversation is new to you as well. I believe it was both mutually understood and fundamental to our discussions that existing benches with advertising in the right-of-way do not comply with the code and will be removed.

Supporting my impression is the fact that, following our meeting and agreement, STA set aside money for purchase of benches, and researched vendors and styles for benches to meet patron needs.

As winter conditions became less of an impediment, public confusion about bus bench advertising arose during City Council deliberations on updating the City Sign code. At that juncture, I instructed staff to again delay removing the non-compliant benches until Council voted to amend the sign ordinance. Although off-premises advertising on bus benches in the public right-of-way is not an issue in the pending sign code revisions, this distinction is not widely understood and I wanted to avoid citizen confusion.

As issues related to the current sign code revisions progressed, Council action on the code has been deferred for several weeks, and Council Member French recently announced he is embarking upon a process that may lead to additional amendments to the code to allow advertising on bus benches in the right-of-way. Due to serious concerns about the ramifications of prolonging the period of non-compliance and non-enforcement of our current code, and specific complaints from competing outdoor advertisers about equal application of our sign code, we have made the decision to proceed immediately to enforce the law as currently enacted.

As we agreed yesterday, the City will immediately issue final notices to the sign companies with benches in the City's rights-of-way to give them 45 days to remove the non-compliant benches. Simultaneously, STA will actively seek purchase authorization from the STA Board in the earliest possible timeframe and thereafter proceed to purchase approximately 100 bus benches. (It was noted in the meeting that the cost to STA will be around \$33,000 and that benches purchased now can be rotated to other locations if different benches are acquired under some future bench-advertising-sales scenario.)

In the event the sign companies do not voluntarily remove the non-compliant benches within the deadlines given them, the City will remove and dispose of the benches in the same manner prescribed for any abandoned property within the City's rights-of-way. Based upon the availability of City resources, we very likely will have to remove any abandoned benches in phases. In designing any removal plan, the City will coordinate its efforts with the STA so as to leave any abandoned benches the STA may deem beneficial to its patrons in place until the final phase of the removal.

The comfort and convenience of bus patrons has been, and continues to be, an important factor to both STA and the City. We hope the coordination between the City and STA regarding the removal sequence of the noncompliant bus benches will either minimize or negate any inconvenience STA patrons may experience in the transition from the current bus stop seating to the new STA benches. However, if the advertising companies comply with the City's demand to remove the benches themselves, the City cannot accept responsibility for the sequence of bench removal by the advertising companies.

If you or any STA Board Members have questions regarding this matter, please let me know. I appreciate your willingness to assign STA staff to coordinate efforts with City staff to accomplish this transition as smoothly as possible.

Sincerely,

A handwritten signature in cursive script that reads "Mary B. Verner".

Mary B. Verner
Mayor

cc.: STA Board Members
Spokane City Council Members
Ted Danek, City Administrator
Dave Mandyke, City Public Works Director
Howard Delaney, City Attorney