



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF SEPTEMBER, 1993 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Harry Auerbach, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 1464, 1469, 1470 and 1471 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

1465 Accept bid of Alliance Corporation for Fenwick Corporation for Fenwick Basin Sump Project storm sewer system for \$493,877 (Purchasing Report - Bid 17)

Disposition: Accepted; prepare contract.

1466 Accept bid of DeWald Northwest Company for furnishing 150 six-section recycling sheds/shelters for \$54,900 (Purchasing Report - Bid 19)

Disposition: Accepted; prepare contract.

Mayor Vera Katz

1467 Confirm reappointment of Elizabeth Baxter and Minje Ghim, and the appointment of Lowen Berman to the Metropolitan Human Rights Commission (Report)

Disposition: Confirmed.

1468 Confirm appointment of Ernest Grigsby and Linda Barnes to the Building Code Board of Appeals (Report)

Disposition: Confirmed.

SEPTEMBER 15, 1993

Commissioner Earl Blumenauer

***1472** Call for bids for labor and materials to install a new traffic signal at West Burnside and Macleay/Tichner, and install traffic signal interconnect cable (Ordinance)

Disposition: Ordinance No. 166938. (Y-5)

***1473** Amend agreement with the Department of Environmental Quality to provide for oversight in connection with the N Marine Drive Project (Ordinance; amend Agreement No. 27727)

Disposition: Ordinance No. 166939. (Y-5)

Commissioner Charlie Hales

1474 Accept installation of new filtration system for Wilson swimming pool as complete and make final payment to McCoy Plumbing, Inc., of \$12,093 (Report; amend Contract No. 28548)

Disposition: Accepted.

Commissioner Gretchen Kafoury

***1475** Authorize the Purchasing Agent to sign a purchase order as a contract with Otis Elevator Company for maintenance/repair on The Portland Building elevators at the estimated amount of \$70,960 annually, for five years, without advertising for bids (Ordinance)

Disposition: Ordinance No. 166940. (Y-5)

***1476** Lease agreement with Bonneville Power Administration for Biddle Butte for 800 Mhz installation (Ordinance)

Disposition: Ordinance No. 166941. (Y-5)

Commissioner Mike Lindberg

***1477** Allow a scope change in the agreement with Brown & Caldwell Consultants with no change in cost (Ordinance; amend Contract No. 28387)

Disposition: Ordinance No. 166942. (Y-5)

SEPTEMBER 15, 1993

- *1478** Authorize a grant from the City of Chicago on behalf of the Urban Consortium Energy Task Force in the amount of \$50,000 for FY 1993-94 for the Resource Efficient Washing Machine Project (Ordinance)

Disposition: Ordinance No. 166943. (Y-5)

- *1479** Contract with DeWald Northwest for \$54,900 for multi-family recycling shelters and provide for payment (Ordinance)

Disposition: Ordinance No. 166944. (Y-5)

- *1480** Contract with Cascade Pacific Engineering, Inc., for professional engineering services and provide for payment (Ordinance)

Disposition: Ordinance No. 166945. (Y-5)

- *1481** Authorize a contract and provide for payment for the Albina Basin CSO Sump Project, Units 2-4 (Ordinance)

Disposition: Ordinance No. 166946. (Y-5)

REGULAR AGENDA

- *1463** **TIME CERTAIN: 9:30 AM** - Authorize towing of certain abandoned vehicles with 24-hour notice (Ordinance; amend Title 16.30)

Discussion: Commissioner Blumenauer noted the transfer, effective July 1, of abandoned auto in the right-of-way enforcement program to Transportation. He said he is very pleased what has been happening since then, including a reduction in the backlog for initial inspections and the increased coordination between bureaus. He said today they are seeking authority from the Council to deal with some gaps, noting that most of the regulations regarding abandoned automobiles are set by State statute which, if they work right, take about three weeks. He said in situations where there is an immediate danger they will be towing more than they have in the past. But there are other automobiles which, while not an immediate danger, are junked and abandoned and certainly a hazard to the community. This ordinance would permit a 24-hour notification in cases such as this. He said the hearing today also serves notice about the intent of the program so that the public knows what is happening to the neighborhoods.

Goran Sparrman, Director, Bureau of Traffic Management, said most of the credit for this goes to the Parking Patrol Division.

Nolan Mackrill, Supervisor, Parking Patrol Abandoned Auto Program, showed slides to illustrate the three classifications of autos subject to towing regulations. These include: 1) regular cars on the streets; 2) cars that pose a

SEPTEMBER 15, 1993

public danger and need an immediate tow and; 3) vehicles which this ordinance will allow to be towed within 24-hours.

Commissioner Blumenauer said these slides will be available to the public so that they know exactly what is intended.

Loise Hunter, 5260 NE 74th, 97218, supported the measure, stating that people have a right to drive but a duty to conduct themselves in a manner that maintains the health of the community.

Beverly Scott, 9717 N. Oregon Ave. 97203, said this is needed because many of the streets in St. Johns are filling up with abandoned autos and becoming undrivable.

Julianna Lansing, 380 SE 27th, #1, 97214, objected to the plan and said government should pay to fix cars for people who cannot afford to themselves and not force the homeless out of the of the cars they are living in. This will hurt no one but the poor or the harmless.

Dennis Richey, Chair, East Portland District Neighborhood Coalition, said they unanimously support this measure. He related his personal experience with abandoned autos, noting that in many cases the vehicles had been sold and not reregistered in the name of the new owner. This brings up the problem of unregistered automobiles and pressure should be put on the State Department of Motor Vehicles to clean up its act and get to the root of this problem.

Ron Fossum, Chair, Concordia Neighborhood Association, said their neighborhood has had a recurring problem with abandoned autos. In past response has been extremely slow but this ordinance and the transfer of responsibility for towing abandoned from the Bureau of Buildings to Transportation sends a good message about government. He said Concordia unanimously recommends passage immediately.

Nina Canfield, Foster Powell Neighborhood Association, said one problem in their neighborhood is the abandonment of vehicles in alleys. Some people are merely storing vehicles on the streets and there is no way to remove trash from the streets, plugging up City drains when it rains. She said people need to be educated to take care of their own property and not expect government to do it.

Willa Larson, Chair, Special Workers against Trash (SWAT), said she is appalled by the trash and unlicensed vehicles in her neighborhood. She said SWAT has tried to improve the reporting process and give moral support to those who do make reports. She said they appreciate the realignment of the abandoned vehicle program as they can actually see results now.

SEPTEMBER 15, 1993

Leora Mahoney, 9571 N. Tioga, 97203, said the St. Johns Neighborhood Association had no objections at all to this proposal as residents are tired of people parking junkers on their streets.

Bill Hermanson, 6525 NE 24th, 97211, SWAT, said the cars are unsightly, invite graffiti, are used as drug drops and even chicken coops. He said both people and animals are at risk from batteries, broken glass, etc. He said he also sees vehicles parked on parking strips and it is time to do something about them as they pose a danger to the public.

Sharon Bilyou, 7215 N. Mobile Ave., 97217, said she lives in North Portland where abandoned autos are an eyesore which affects property values and detracts from the attractiveness of the neighborhood. She said she hoped the plan included alleyways as many pickups are parked there and used for garbage cans.

Betsy Radigan, 37 NE Morgan, 97211, Piedmont Neighborhood Association, said they have been trying to eliminate drug houses and abandoned autos for four years. She said they continue to report 20 autos a month to the hot line. and this ordinance will help eliminate clearly inoperable autos which are a target for vandalism and send a very negative message to others about their community. She said abandoned autos need to be treated like graffiti, adding that she would like this ordinance to go further but appreciates this as a first step.

Joe Keating, United Community Action Network (UCAN), supported the ordinance as a way to increase the liveability of the neighborhoods.

Betty Walker, 3124 NE 17th, 97212, said the Sabin Neighborhood Association Board enthusiastically encourages passage. She said it seems impossible to keep ahead of the problem and perhaps this ordinance will help. She asked for assurance that it be enforced fairly so that those parking for short periods of time are not targeted.

Tom O'Keefe, UCAN, supported the ordinance, noting that his organization receives a lot of complaints about abandoned cars and often sends out its own notices to owners after checking through the DMV. The City is merely taking ownership of something no one else wants.

Tom O'Connor, PO Box 454, 97207, said this is another excuse to rip people off. He said he does not trust the City to do this correctly and 20 days is not enough notice.

Commissioner Hales asked about the fiscal impact, noting that fees would not be recovered from the abandoned autos.

SEPTEMBER 15, 1993

Commissioner Blumenauer said the attempt is to eliminate the backlog and have faster turn around so that you do not add to the cost because of multiple complaints about the same autos. He said the fiscal impact should be a wash although additional resources have been added because of coordination with street cleaning measures. He said the City gets \$19.60 for each car towed and is working to try to cut some of the paper work.

Commissioner Hales said because it is faster, some money is saved in staff time.

Commissioner Blumenauer said he thinks there will be an increase in business and in response at first but that after about a year the impact should be a wash and ideally there could be additional revenues although they are not counting on that. He said he will provide feedback and keep Council informed.

Mayor Katz asked about alleys.

Mackrill said the public part of alleys are covered but not the portion on private property, adding that at times it is hard to determine the line.

Mayor Katz asked how many vehicles.

Mackrill said 30-40 a month.

Mayor Katz acknowledged the field people who pushed this program and said it will be revisited during the budget process.

Commissioner Blumenauer said this is a very important indicator of neighborhood liveability. He said they do not want to catch anyone by surprise and would like people to understand their rights and responsibilities. The goal is to have faster turn around and pursue long term solutions as well. He said they are also coordinating with the Bureau of Buildings and Police Bureau on implementation, which may involve other issues such as illegal dumping and private property considerations.

Commissioner Hales said this is a very helpful tool for improving neighborhoods as it focuses on the old notion that use of the public streets for storing things is not a right.

Commissioner Kafoury said the City needs to be very clear that autos on private property pose a different enforcement problem, noting that staff is currently trying to find ways to deal with the problem of cars in driveways and backyards.

SEPTEMBER 15, 1993

Mayor Katz said the two top complaints to her office concern abandoned autos and abandoned trash.

Disposition: Ordinance No. 166947. (Y-5)

1464 Accept bid of Digital Equipment Corporation for 28 personal computers for \$75,517 (Purchasing Report - Bid 12)

Discussion: Cay Kershner, Clerk of the Council, said the Purchasing Agent had requested that this item be referred back to his office.

Disposition: Referred to Purchasing Agent.

***1469** Authorize a contract with Digital Equipment corporation for computer equipment for the Office of Finance and Administration (Ordinance)

Discussion: The Clerk noted that this also needed to be referred back.

Disposition: Referred to Commissioner of Finance and Administration

***1470** Contract with Simon and Company, Inc., for liaison services between City bureaus and the federal government (Ordinance)

Discussion: Mayor Katz noted the recommendation adopted during the budget deliberations to go out to bid on this contract and the one that follows. Due to a protracted, State legislative session, the Office of Government Relations did not have time to do that and this and the following ordinance simply allow contract extensions through December until the bids can go out.

Disposition: Ordinance No. 166948. (Y-5)

***1471** Contract with Ball, Janik and Novack for the consulting services of Victoria Cram on matters pertaining to the relationship between the City and the federal government (Ordinance)

Disposition: Ordinance No. 166949. (Y-5)

Commissioner Gretchen Kafoury

1482 Briefing on "Love Lights Our City" project (Report)

Discussion: Commissioner Kafoury asked that this be continued one week due to the illness of the project chair.

Disposition: Continued to September 22, 1993 at 9:30 a.m.

SEPTEMBER 15, 1993

- *1483** Call for bids to furnish certain FY 1993-94 replacement City vehicles, authorize a contract and provide for payment (Ordinance)

Disposition: Ordinance No. 166950. (Y-5)

- 1484** Amend City Code by changing the distance at which sound producing or reproducing equipment may be plainly audible, when operated on a public right-of-way (Second Reading Agenda 1454; amend Code Sections 18.12.020(b) and 14.12.160)

Discussion: Commissioner Kafoury said she wanted to make it clear that there was no attempt to close down street musicians, adding that she believes the key to successful resolution of the concerns lies in a group process. She said no amendments were made as they did not hear from anyone with a different proposal. She noted that Mr. Herman had provided information about what other cities do but found there is no definitive answer. For now she recommends this liberalization and commented that this has become not a noise problem, but an enforcement problem. She stressed that this is not an attempt to get rid of street musicians.

Commissioner Hales asked about the Police General Order.

Mayor Katz said the General Order has been rescinded and they are now reviewing it. She said the Police and street musicians are meeting this Friday, adding that all affected parties need to be involved in a good neighborhood agreement and begin setting some guidelines regarding time, rotation, etc.

Commissioner Kafoury asked what the General Order was.

Mayor Katz said the Police had been operating according to the Code when there were violations. She said there may be another way of responding to the language of the Code and she will be monitoring this.

Commissioner Hales said he does not think the distance means much; the devil is in the details. The problem involves more than the Police and the noise officer and he thinks the process proposed will help them come up with better solutions.

Commissioner Kafoury said the vast majority of complaints received are resolved collaboratively. She said she does not want to give the idea that when complaints are made those people are prosecuted or persecuted.

Mayor Katz said she is not happy with the designation of 50 feet but is pleased that everyone wants to resolve the enforcement issue and work on a

SEPTEMBER 15, 1993

better plan. She said the Metropolitan Arts Commission should be involved as well and hopes that within 60 days agreement will be reached.

Disposition: Ordinance No. 166951. (Y-5)

Commissioner Mike Lindberg

- *1485** Contract with Wetlands Conservancy/Urban Streams Council to carry out stream bank restoration work on a portion of the Columbia Slough (Ordinance)

Disposition: Ordinance No. 166952. (Y-5)

- *1486** Authorize the continuance of negotiations for the purchase of permanent and temporary sewer easements required for construction of the SE 45th Avenue and SE 46th Avenue Sanitary Sewer Project, authorize the City Attorney to commence condemnation proceedings and to obtain early possession (Ordinance)

Disposition: Ordinance No. 166953. (Y-5)

- *1487** Amend City Code to clarify definition of the term "residence" (Ordinance; amend Code Section 17.102.020)

Disposition: Ordinance No. 166954. (Y-5)

- *1488** Accept a \$470,000 grant from the National Endowments for the Arts to the Metropolitan Arts Commission and appropriate \$95,000 for FY 93-94 (Ordinance)

Disposition: Ordinance No. 166955 as amended. (Y-5)

- *1489** Contract with OTAK, Inc., for professional engineering services and provide for payment (Ordinance)

Disposition: Ordinance No. 166956. (Y-5)

City Auditor Barbara Clark

- 1490** Assess benefitted property for the costs of the improvements of NE Airport Way from NE 112th Avenue to the easterly line of Tax Lot 1, Sivars Industrial Park (Hearing; Ordinance; C-9720)

Disposition: Passed to Second Reading September 22, 1993 at 9:30 a.m.

SEPTEMBER 15, 1993

1491 Assess property for sidewalk maintenance through June 30, 1993 (Second Reading Agenda 1458)

Disposition: Ordinance No. 166957. (Y-5)

1492 Assess benefitted property for the costs of construction of street improvements on NW Belgrave Avenue from NW Aspen Avenue to its terminus (Second Reading Agenda 1459; C-9785)

Disposition: Ordinance No. 166958. (Y-5)

1493 Create the NW Doane Avenue and St. Helens Road Local Improvement district and provide for constructing a sanitary sewer (Second Reading Agenda 1460; C-9826)

Disposition: Ordinance No. 166959. (Y-5)

At 10:55 a.m., Council recessed.

SEPTEMBER 15, 1993

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF SEPTEMBER, 1993 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales and Kafoury, 4.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Pete Kasting, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

1494 TIME CERTAIN: 2:00 PM - Appeal of Brooklyn Action Corps against Hearings Officer's decision to approve application of Bruun Property Management and GTE Mobilnet for a conditional use with adjustments, in order to construct a monopole tower with antennas and an equipment building at SE 21st and Lafayette street (Hearing; 93-00267 CU AD)

Discussion: Pete Kasting, Senior Deputy City Attorney, read the procedures for the hearing and for filing an appeal.

Susan Feldman, Planning Bureau staff, said this is an appeal of a decision by the Hearings Officer to approve this application, which was also approved by staff which, however, requested two adjustments to reduce the required parking from two to zero spaces and to eliminate the landscaping. The Hearings Officer approved partial adjustment to require one parking space and also partially approved the adjustment for landscaping.

Ms. Feldman cited the applicable appeal criteria, noting four appeal issues raised by the Brooklyn Action Corps (BAC). The first contends that the tower will be detrimental to the character of the area. Both the Hearings Officer and staff disagree however because this is an industrial area with no height limit. Another appeal issue is incompatibility with the Brooklyn Neighborhood Plan. While the Plan has been adopted, however, looking at neighborhood plans is not an approval criterion to be weighed in this land use review. The BAC believes that tower sharing is the main issue and that sharing should be required to prevent this area from looking like a tower farm. At this time the City has no authority to require co-location although it could ask for more documentation that they have looked into the issue of tower sharing and give reasons why they cannot. She said there is an existing Cellular One monopole about 450 feet from this site which was approved in 1990. Ms. Feldman noted that a Radio and Television Facility Task Force is currently discussing tower sharing but any legislation resulting from these discussions would not apply to this case. She said the BAC recommends that since the Cellular One monopole was built at something

SEPTEMBER 15, 1993

less than the 150 foot pole approved by the City they take that down and build something larger to allow co-location of other facilities. However, their permit to do that would expire in October, 1993, so that does not seem likely. Staff thus recommends that Council deny the appeal but ask the applicant to provide more documentation as to why they cannot collocate and incorporate that into the findings.

Mike Hayakawa, Planning Bureau, showed slides of the site and the surrounding neighborhood.

John Kelly, Co-chair, Brooklyn Action Corps, asked for denial of the application and requested that the City ask for mediation between Cellular One and GTE Mobilnet regarding tower co-location. He argued that Cellular One, owner of the existing tower, should be receptive to this option because of the recent move by the City to develop a stronger policy on tower sharing. Secondly, the existing tower is an excellent place for sharing since there is already a tower there which was originally configured to accommodate a lattice tower, which the Brooklyn Action Corps objected to at the time. He suggested amending the current conditional use permit in a way to accommodate tower sharing, reminding Council that while the application was pending in 1990 Cellular One erected a 100 foot monopole which, after receiving the conditional use permit, they determined would serve their needs and did not replace it with the lattice tower that was subsequently approved.

The BAC position is that they would prefer a monopole with tower sharing but if a lattice tower is required to allow sharing, they would prefer that to having two monopoles and a tower farm appearance. He said he is prepared to rebut any arguments offered to prove that tower sharing can not be accommodated and clarified that he would expect GTE Mobilnet to pay the full cost of tower sharing, holding Cellular One harmless.

Mr. Kelly said they believe the application is not eligible for a conditional use permit because the facility will significantly lessen the desired character and appearance of the area. He said the existing and proposed tower are visible in the residential area and the Brooklyn Neighborhood Plan states "maintain and promote the area east of 17th as an industrial, manufacturing and distribution center while minimizing impacts on residentially zoned areas". He said if the City ignores the most "on point" policy on the desired appearance of the property as contained in the Brooklyn Neighborhood Plan, then why else have a plan. He said it makes no sense to ignore the Plan, as the Hearings Office did when he stated that the cumulative impact of the two towers is not significant.

Mr. Kelly also criticized the Hearings Officer's reliance on the assertion by staff that the applicant made a good faith effort to collocating at the Cellular One site. He said applicant made a feeble effort.

SEPTEMBER 15, 1993

Christina Simon, GTE Mobilnet, said they were sensitive to locating this tower in an industrial area and have limited the height to 100 feet even though there are no height limitations in that area.

Wayne Stewart, Planning Consultant for GTE Mobilnet, said whenever possible their preference is to find an existing structure to place their antennae. In this location, the signal strength is inadequate and there are no existing structures to support antennae. The second choice then is to build a monopole and they make every effort to locate towers in an industrial area. He said they believe they have selected the most appropriate site, in a general industrial zone, with the nearest residential property approximately 800 feet away. He contended that it would be hard to find a location with as little impact. He said the only reason they are here today is that in Section 2.74 of the Radio and TV Code there is wording which indicates that a conditional use is necessary if height of a proposed pole exceeds 50 feet. The IG zone, however, does not have any height limits at all so there is a large difference between the Code as it applies to them and the basic zoning. He noted that if they had requested a chimney, hose tower or any structure 100 feet tall they would simply pick up a permit.

Mr. Stewart said in the past they have tried to collocate with Cellular One but in many cases have found it inappropriate to share. Here, GTE is proposing a 100-foot tower, approximately 550 feet away from the Cellular One site and about a block and a half farther away from the residential area. He noted a number of very tall power poles in that area and showed photographs to illustrate that they can appear taller to a viewer in the residential area than the tower poles. He said calling for an even taller pole in order to allow tower sharing would have an even greater negative effect than the existing situation.

Mr. Stewart said mediation is ongoing between the companies but right now the conditions of the existing ordinances must be met. He said this is not the case to resolve the tower sharing issue and asked for Council to uphold the Hearings Officer's decision.

In rebuttal, Mr. Kelly said he has been told that there is no technical reason why tower sharing is not feasible. Regarding the photographs, he said it is all a matter of perspective and said the towers are not like power poles. He contended that the presence of two towers sends the wrong message about the kind of neighborhood Brooklyn is. He said the aesthetic impact concerns them and said he did not think they would have to go to 150 feet in order to share. He said Council has a tradeoff between going with the existing weaker policy about tower sharing or unfairly subjecting Brooklyn to a tower farm appearance for the indefinite future.

Commissioner Hales asked the distance was between the two towers.

SEPTEMBER 15, 1993

Ms. Feldman said between 400 and 450 feet.

Commissioner Hales noted that GTE stated the actual distance is 528 feet.

Ms. Feldman said that is the distance determined in a company survey.

Commissioner Hales asked if the exemption provision in Code Section 33.274.030 (j), regarding a 500 foot separation, would apply here.

Ms. Feldman asked if he meant they could just come in for a building permit and not be subject to land use review. She said if the towers are 500 feet apart and meet the height requirements of the base zone it sounds like this facility would be exempt from review under the new regulations. She said if they withdrew this application today in a month or so when the new regulations are in effect they could then come in and get a building permit. Ms. Feldman said staff was not aware until now that they were over 500 feet away. In a way that makes this case moot; if the applicants did not record it they would not be subject to the conditions unless they needed the adjustment. However this does not address Mr. Kelly's concern about establishment of a tower farm. She said Mr. Gerber indicates that it is highly unlikely that the FCC would allow more than two towers. She said perhaps Council should address this issue in the Code.

Mayor Katz asked if it were technically feasible to collocate.

Ed Menteer, 1600 SW 4th, 97201, Real Estate Manager, Cellular One, said the tower in Brooklyn was redesigned, at the request of the BAC, to minimally impact the aesthetics of the area and co-location would require the addition of another building which in turn would trigger the requirement for additional parking spaces.

Mayor Katz again asked if they could technically collocate at this site.

Mr. Menteer said without knowing the channel set, he did not know.

Ms. Simon said GTE Mobilnet found there is not enough space at the Cellular One site to locate an additional building required to house their equipment. She said when a site is large enough to house the technical equipment then co-location is applicable.

Mayor Katz said the question is how to get both companies to share information to see if it is technically feasible to collocate or not.

Ms. Simon said on this particular site their radio engineers contacted Cellular One and shared information to see if there is enough space. This particular site was not adequate.

SEPTEMBER 15, 1993

Mr. Menteer said he did receive a letter from GTE some months ago. They looked at the size of the site and found it could not accommodate co-location.

Mayor Katz said she would like to put something in the record stating why co-location is not possible at this site.

Ms. Simon said the newly formed Task Force will be addressing co-location issues. She said they looked at this site and co-location did not apply.

Mayor Katz said she still did not have a clear idea of what was needed to make a decision in terms of technical information.

Commissioner Hales said if Cellular One has already done some research which provides sufficient evidence that tower sharing would not be feasible in this case, it would be helpful if they could supply some written evidence to that effect.

Ms. Simon said she could provide that.

Commissioner Blumenauer said there are two different points about feasibility. He said you could probably stick another antennae on the existing tower but that, however, triggers other impacts regarding height, parking spaces, etc. That is why we have a committee to review this. He said he does not feel comfortable using a conditional use application as a hook to try to force something on the applicant that is of questionable legality. He said if more rigorous standards for tower sharing are desired, it is far better to come up with an overall policy such as the Task Force is examining.

Mr. Menteer said there are a whole range of engineering and neighborhood issues to be considered.

Mayor Katz said she thought this case would be a good opportunity to go through that process just for the record.

Mr. Menteer said he thought Tim Ramis left a packet outlining those considerations in terms of a co-location request.

Commissioner Hales said under current City standards, Council does not have sufficient ground to require co-location. The new information indicating that the facilities are 500 plus feet apart means that if the appeal was granted, applicant could turn around and simply get a building permit for the very same facility. He moved to tentatively deny the appeal and hold the record open (one week, until Sept. 22) for documentation regarding the feasibility of tower sharing.

SEPTEMBER 15, 1993

Disposition: Tentatively deny appeal; applicant prepare findings for October 6, 1993 at 2:00 p.m.

At 2:55 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council