



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JUNE, 1996 AT 9:30 A.M.

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

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

Agenda Nos. 927 and 939 were pulled from Consent. On a Y-4 roll call, the balance of the Consent Agenda was adopted as follows:

CONSENT AGENDA - NO DISCUSSION

919 Accept bids of All American Concrete Corp., W.D. Valdez, Inc., Ponce de Leon Contractors and Done Right Concrete to furnish sidewalk repair services for a total estimated annual amount of \$124,936 (Purchasing Report - Bid 124-A)

Disposition: Accepted; prepare contract.

920 Accept bid of General Equipment Company for multi-material business recycling roll cart containers for \$201,600 (Purchasing Report - Bid 141)

Disposition: Accepted; prepare contract.

921 Accept bid of Tice Electric Co. for improvements to emergency detection and control at various locations for \$243,695 (Purchasing Report - Bid 175)

Disposition: Accepted; prepare contract.

922 Accept bid of Brant Construction, Inc. for SW Corbett St. traffic calming project for \$105,790 (Purchasing Report - Bid 177)

Disposition: Accepted; prepare contract.

923 Accept bid of Brant Construction, Inc. for the Crystal Springs Rhododendron Garden pedestrian bridge for \$139,700 (Purchasing Report - Bid 182)

Disposition: Accepted; prepare contract.

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924 Accept bid of Copenhagen Utilities and Construction, Inc. for neighborhood traffic management improvements on NE 33rd and SE Milwaukie Avenues for \$336,402 (Purchasing Report - Bid 183)

Disposition: Accepted; prepare contract.

925 Accept bid of All Concrete Specialties, Inc. for the pedestrian safety project at SE 94th and Foster Road for \$54,693 (Purchasing Report - Bid 184)

Disposition: Accepted; prepare contract.

926 Accept bid of James W Fowler Company for Fiske Basin CSO storm sewer for \$822,210 (Purchasing Report - Bid 189)

Disposition: Accepted; prepare contract.

928 Accept bid of Clyde West, Inc. to furnish one 33,000 gvw cab and chassis with diesel powered 4.5 cy high dump municipal sweeper for \$128,934 (Purchasing Report - Bid 195)

Disposition: Accepted; prepare contract.

929 Accept bid of Brant Construction, Inc. for Lairhill Park improvements for \$214,800 (Return Item 892; Bid 156)

Disposition: Accepted; prepare contract.

930 Vacate certain portions of NE Irving Street, NE 49th and NE 52nd Avenues, under certain conditions (Second Reading Agenda 861; C-9904)

Disposition: Ordinance No. 170193. (Y-4)

Mayor Vera Katz

931 Confirm appointment of Bill Hart, Michael Doherty, Doug Macy, Julie Mancini and Kevin Kelly to the Regional Arts and Culture Council (Report)

Disposition: Confirmed.

932 Confirm appointment of Paul Elsner to the Civil Service Board (Report)

Disposition: Confirmed.

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***933** Agreement with Multnomah County Sheriff's Office, City of Gresham, City of Troutdale and City of Portland for fingerprinting and photographing juveniles (Ordinance)

Disposition: Ordinance No. 170194. (Y-4)

***934** Authorize extension to Legal Services Agreement with Lehner, Mitchell, Rodrigues and Sears (Ordinance; Contract No. 29111)

Disposition: Ordinance No. 170195. (Y-4)

***935** Authorize contract with Columbia Gorge Center, Hood River Sheltered Workshop, Inc., to furnish Fire Bureau duty clothes for \$263,862 for one year (Ordinance)

Disposition: Ordinance No. 170196. (Y-4)

***936** Intergovernmental Agreement with Multnomah County Sheriff's Office for multi-jurisdiction DUII enforcement education project (Ordinance)

Disposition: Ordinance No. 170197. (Y-4)

Commissioner Charlie Hales

937 Accept completion of Portland Tennis Center ADA improvements and authorize final payment to PHI Construction (Report; Contract No. 30248)

Disposition: Accepted.

938 Accept completion of Columbia Pool filtration and HVAC replacement and authorize final payment to PCI Mechanical Construction (Report; Contract No. 30253)

Disposition: Accepted.

***940** Contract with Brant Construction, Inc. for \$139,700 to replace lower pedestrian bridge at Crystal Springs Rhododendron Garden (Ordinance)

Disposition: Ordinance No. 170198. (Y-4)

***941** Authorize a contract and provide for payment for material and labor to construct Glenwood Park improvements (Ordinance)

Disposition: Ordinance No. 170199. (Y-4)

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***942** Amend Code Section 17.24.020, Fees for Street Use Permits, to provide for adjustments and establish an effective date (Ordinance; amend Code Section 17.24.020)

Disposition: Ordinance No. 170200. (Y-4)

***943** Authorize a contract and provide for payment for the neighborhood traffic management project on NE 33rd Avenue and SE Milwaukie Avenue construction (Ordinance)

Disposition: Ordinance No. 170201. (Y-4)

***944** Intergovernmental Agreement with Tualatin Valley Fire and Rescue Fire District to provide periodic hazardous materials assistance (Ordinance)

Disposition: Ordinance No. 170202. (Y-4)

***945** Authorize Intergovernmental Agreement with Salem Fire Department for fire information computer program (Ordinance)

Disposition: Ordinance No. 170203. (Y-4)

***946** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Self Enhancement, Inc. for site improvements to Unthank Park for the amount of \$245,000 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 170204. (Y-4)

***947** Authorize the Purchasing Agent to sign a Purchase Order as a contract with Dynamic Systems, Inc. for computer pen devices in the amount of \$74,984 without advertising for bids and provide for payment (Ordinance)

Disposition: Ordinance No. 170205. (Y-4)

***948** Contract and provide for payment for construction of the SW Corbett Avenue Traffic Calming Program project devices (Ordinance)

Disposition: Ordinance No. 170206. (Y-4)

949 Reduce fee for fire code plan review (Second Reading Agenda 872; amend City Code Title 31)

Disposition: Ordinance No. 170207. (Y-4)

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Commissioner Gretchen Miller Kafoury

950 Accept Printing & Distribution remodel 1995 project as complete and authorize final payment (Report; Contract No. 30002)

Disposition: Accepted.

***951** Contract with Multnomah County for \$100,000 for winter shelter programs and provide for payment (Ordinance)

Disposition: Ordinance No. 170208. (Y-4)

***952** Increase agreement with Central City Concerns for the CHIERS inebriate pick-up service by \$36,000 and provide for payment (Ordinance; amend Contract No. 30178)

Disposition: Ordinance No. 170209. (Y-4)

Commissioner Mike Lindberg

***953** Authorize extension of the contract date with Campbell DeLong Resources, Inc. for the scope of work to end December 31, 1996 (Ordinance; amend Contract No. 30189)

Disposition: Ordinance No. 170210. (Y-4)

954 Contract with Damon S. Williams to provide engineering services for the Columbia Boulevard Wastewater Treatment Plant wet weather treatment facility influent pump station and provide for payment (Ordinance)

Disposition: Passed to Second Reading June 12, 1996 at 9:30 a.m.

***955** Authorize a contract with US West NewVector Group, Inc. for portions of the Rose Parkway Water Bureau tank site for a monthly fee and other consideration (Ordinance)

Disposition: Ordinance No. 170211. (Y-4)

***956** Authorize contracts with Western PCS I for portions of the Rose Parkway, 105th and NE Fremont and Collins View Water Bureau tank sites for a monthly fee and other consideration (Ordinance)

Disposition: Ordinance No. 170212. (Y-4)

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***957** Authorize a contract with Sprint Spectrum L.P. for portions of the Rose Parkway, St. Johns and Patton Water Bureau tank sites for a monthly fee and other consideration (Ordinance)

Disposition: Ordinance No. 170213. (Y-4)

***958** Authorize a contract with Interstate Mobilphone Company, dba AT&T Wireless Services, for portions of the Rose Parkway Water Bureau tank site for a monthly fee and other consideration (Ordinance)

Disposition: Ordinance No. 170214. (Y-4)

***959** Authorize a contract with ONECOMM Corporation for portions of the Alma Water Bureau tank site for a monthly fee and other consideration (Ordinance)

Disposition: Ordinance No. 170215. (Y-4)

960 Amend City Code to streamline procedures for application to the Code Hearings Officer (Second Reading Agenda 886; amend Code Chapter 17.33)

Disposition: Ordinance No. 170216. (Y-4)

City Auditor Barbara Clark

961 Call a Special Election to fill the unexpired term of Commissioner, Position No. 2, on September 17, 1996 (Resolution)

Disposition: Resolution No. 35522. (Y-4)

***962** Contract with KPMG Peat Marwick LLP for financial audit and other professional services through FY 1995-96 and provide for payment (Ordinance)

Disposition: Ordinance No. 170217. (Y-4)

REGULAR AGENDA

927 Accept bid of Werbin West Contracting, Inc. for 8- and 6-inch water mains for the North/Northwest mains improvement project for \$296,659 (Purchasing Report - Bid 191)

Discussion: Cay Kershner, Clerk of the Council, said the amount shown in the title needed to be corrected.

Disposition: Accepted; prepare contract.

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939 Accept completion of Columbia Pool bath house ADA improvements and authorize final payment to Jim Miller Construction (Report; Contract No. 30290)

Discussion: The Clerk noted a request to continue this item one week.

Disposition: Continued to June 12, 1996 at 2:00 p.m.

***915 TIME CERTAIN: 9:30 AM** - Add Code Chapter Chronic Nuisance Property and repeal present Chapters (Ordinance introduced by Mayor Katz; add Code Chapter 14.110 and repeal Chapters 14.110 and 14.120)

Discussion: Commissioner Hales moved the amendments previously distributed. Hearing no objections, the Mayor so ordered.

Richard Rictor, North Precinct Police Commande, reviewed the proposed changes to the current Code and noted that one important change is elimination of the distinction between residential and business disruptions. Also, currently only three documented cases of nuisance activity or criminal conduct in a 30-day period were needed to designate a property a chronic nuisance. At that point the precinct commander may deem the property a chronic nuisance and sent that information to the Commissioner-in-Charge requesting that the City Attorney initiate a civil proceeding. Several additional checks and balances have been added to the proposed ordinance which will allow the property owner more opportunity to resolve the problems long before a recommendation reaches the City Attorney. Finally, previously the sanctions were tied to the number of times the violation occurred, with a maximum closure of 180 days and a civil fine of \$100 a day following notification that the property was a nuisance. That seemed excessively severe and the language has now been changed to fine the property owner only on those occasions when the nuisance activity occurs. A sunset clause has been included and the Bureau will report back within a year as to whether the ordinance is working as intended.

Vada Grimsrud, Crime Prevention Coordinator, North Portland, said the new chapter is a much needed tool to respond to situations which have caused neighborhood livability to deteriorate. She said the current ordinance does not work, frustrating citizens who try to deal with some very blatant problems.

Jim Hayden, Multnomah County Deputy District Attorney, assigned to North and Northeast Precincts, said the current ordinance is not sufficient to deal with drug activity. He said neighbors are often used to watch houses suspected of drug activity to provide data in support of a search warrant. But, in every incident where a search warrant has been served, the drug-selling activity begins again as soon as those involved are let out of jail. The neighbors do not understand that the matter still has to go before the judge. This ordinance will allow the

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Commander to close a house if a search warrant is executed and drugs are found. This would make the neighbors ecstatic. Also, drug activity is often not limited to just a house but spreads to the adjoining area, inviting other activities such as drinking, noise, curfew violations, etc. This ordinance provides another way of getting at that problem by identifying such behaviors as a nuisance.

Commissioner Hales noted the amendments proposed by the Bogle and Gates law firm that includes changes so that cooperative property owners who report incidents will not be penalized. He asked for an evaluation.

Command Rictor said that concern is misplaced as the Code includes adequate built-in safeguards and cooperative property owners will have an ongoing relationship with the precinct commander. However, if too many steps are added, the City may never be able to go before a court and let a judge decide whether the efforts have been reasonable. The safeguards include notice and opportunities for the property owners to meet with the police, with a demand that they come after the third violation occurs. After that, the Police will recommend closure to the Commissioner-in-Charge who will then decide if the abatement measures taken are reasonable or whether the matter should be referred to the City Attorney for independent review prior to filing a civil action.

Pam Arden, 1817 N. Winchell, a Kenton resident, said the changes called for here grew out of the frustration experienced by Kenton neighbors over the Club Ced situation and their inability to do anything about it under the existing ordinances.

Commissioner Kafoury asked why they did not work.

Ms. Arden said it was both the distance requirement and the inability to connect people causing the problems with the establishment.

Sharon McCormack, Office of Neighbors Crime Prevention program, said the present ordinance does not deal with some situations, such as kids acting out and neighbors being harassed, frustrating both Crime Prevention staff and neighbors. The proposed ordinance will give them a better solution. She said fears that this will be unfair to business or property owners are unfounded because people who want to change behavior or maintain their property have every chance to do so.

Dennis Nelson, Manager, License Bureau, said because other tools are not available, sometimes neighbors have been driven to use the liquor license process because that was the only tool they had to address community problems. That has led, in many cases, to an inappropriate and ineffective use of State liquor license laws. He said this ordinance gives the City an appropriate means to deal with community problems where liquor is not the primary issue. Also, neighbors are often frustrated because the liquor licensing process is a time-consuming one.

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Mayor Katz asked why the existing ordinance was no help in dealing with the Club Ced problem in North Portland.

Commander Rictor said under the current Code criminal behavior has to occur on the premises. The criminal activities had to take place inside and Police were not always called when such activities did occur. Second, use of the disruptive pattern of behavior on business property provision, which has a 50-foot buffer zone, is currently fairly limited.

Don MacGilvray, 2339 SE Yamhill, 97214, said this is a great ordinance and will benefit the Buckman Neighborhood which is still dealing with these problems.

Mark Whitlow, attorney representing the Southland Corporation, said they support the goals of the ordinance but would like more time to talk to the City about possible amendments. He said they believe this goes too far, is too broad and too subjective. As an example, business owners will be reluctant to call and report disruptive behavior in a "three strikes and you're out" situation.

Mayor Katz said there are actually four or five strikes.

Commissioner Hales asked if he is talking about a business owner who reports criminal activity but is not involved in an abatement plan. If there is an agreed-upon plan, no further steps are taken.

Mr. Whitlow said the starting point for entering the system is the number of incidents reported. He said screening should be used, not just the number of calls. There is no such distinction now. The intent is twofold. First, to prevent chronic criminal activity and second to be fair to responsible business owners who are a little shy on this point. They believe it falls short of the latter, almost assuming everyone to be guilty and shifting the burden of proof to the responsible property owner.

Madelyn Wessel, Deputy City Attorney, said she is comfortable that the constitutional concerns have been dealt with, citing the multi-step process at every juncture. Regarding the fear that self-reporting of criminal activity would be used against a property owner, she said that has been explicitly excluded as a possibility. The key is cooperation and reasonableness.

Commissioner Hales asked if any of Southland's 85 stores in the City had been subject to the existing ordinances in the past year, either a chronic nuisance property violation or a pattern of disruptive behavior.

Mr. Whitlow said he does not know.

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Paul Haggerty, Downtown Retail Council and general manager of the Mark Spencer Hotel, supported the changes. He said it will provide a more effective approach to dealing with activities that undermine livability and safety.

David Fidanque, Executive Director, American Civil Liberties Union of Oregon, PO Box 40585, 97240, supported the intent but called for Council not to place too much discretion in the hands of individual City officials. He said the City Code must be consistent with State statutes and asked that the safeguards contained there be included here. These include providing for jury trials and giving the court discretion not to close a property.

Ms. Wessel said the City Attorney's office disagrees regarding the preemptive power of the State statute. The ordinance requires interpretation in a manner consistent with State law and a determination would be made on a case-by-case basis regarding jury trials. This ordinance provides much more due process and more protections for individuals than those in the State statute. First of all there is a multi-step process, whereas under the State statute where just one incident could trigger action and prosecution of a closure action. She said the reasonableness of the property owner to abate the nuisance is explicitly outlined here as well and is more protective than what the State law provides. Staff believes what is in the ordinance is better from a civil liberties perspective.

Mayor Katz asked if there is anything in the State statutes that needS to be complied with that would surprise people in the community in terms of its effectiveness.

Ms. Wessel said the State statute is modeled on the City's original ordinance, which is of more limited scope and provides less civil liberties protections than this.

Mr. "I am not a lawyer" Fidanque agreed that this is a great improvement over the existing ordinances and State statute but they still want this to be the best it can be and are willing to work with the City to improve it further, prior to expiration of the Sunset clause.

Mayor Katz said Council is always open to making improvements. She and Chief Moose owe Council reports on how a number of similar ordinances, such as the drug-free zones, are working.

Sharon Lubbers, Kenton Neighborhood Association member, described the frustration of neighbors over the Club Ced situation where the liquor laws were violated and the owners threatened those who complained. She said this ordinance is needed to bring the current regulations up to date.

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Chris Girard, President, Plaid Pantry, said he fears unintended consequences that could lead to finger-pointing situations which overlook voluntary efforts to better things. He said the focus should be on cause and activity, not the number of incidents and the location. However, he is comfortable with the procedures to be taken prior to legal action. He cited a situation at the Broadway and Grand store where Plaid Pantry and the adjacent neighbors made extraordinary efforts to solve a problem but noted that it took quite a long time to do so.

Mayor Katz asked for a response, noting that in some cases there is only so much one can do.

Commander Rictor said the Police focus will be on whether the response is reasonable. The point of the ordinance is to bring people to the table, especially those who have been unwilling to do so.

Tom Cleary, Multnomah County, Deputy District Attorney, said he was a member of the team dealing with the situation at Burnside and Grand. He said Plaid Pantry was very cooperative and therefore no letter was sent by the Commander to the Mayor requesting action against the property owner.

Mr. Girard, said if someone came to him would have to classify his own store as a chronic nuisance. His concern is that this

Barbee Williams, Southwest Neighborhoods, Inc., Crime Prevention/Public Safety Problem Solving Chair, said the community unanimously supports this as the main aim is to get people to the table.

Melissa Delaney, Interbureau Task Force, said the Task Force did a careful assessment and this will be an effective tool.

Al Jasper, representing the Old Town/Chinatown Neighborhood Association, said the Association supports these regulations. He said there is a lot of activity within 200 feet of his premises which he does not sanction and perhaps no property owner could be held responsible for but this will allow them to sort such activities out.

Alison Stoll, Executive Director, Central Northeast Neighborhood Coalition, said this was not created in a vacuum but reflect input from many interested parties.

Commissioner Hales said this gives the Police Commander and other key officials more ability to exercise good judgment. If the Council and staff are awake this can work. He said he is open to changes but does not want to wait a year, until the sunset clause kicks in, the fix them. If a problem arises, this should be brought back to Council.

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Commissioner Kafoury said these regulations needed further refinement and it is troubling that it took so long to fix them. She said a way needs to be found to amend these without waiting another year for a review.

Commissioner Lindberg said the process has many elaborate steps which will prevent misuse.

Mayor Katz said it will be a sad day if the City cannot deal with properties it knows are tied to criminal activity. She is convinced this includes enough safeguards for property owners, noting that she is very careful about taking any action to close a facility and has done so only once.

Disposition: Ordinance No. 170218 as amended. (Y-4).

916 TIME CERTAIN: 10:30 AM - Accept Portland Today, an annual indicators report on the state of Portland's environment (Report introduced by Commissioner Lindberg)

Discussion: Commissioner Lindberg reviewed the results of the indicators. Areas of concern include the 40 percent increase per capita in Vehicle Miles Travelled in the last decade and the loss of salmon and steelhead stock. Energy use is also a concern and more focus is needed on conservation efforts. There is also a need for more fuel-efficient cars and more emphasis on the use of transit and bikes. Overall, this is a good document for setting environmental policy.

Bob Wise, Co-Chair, Sustainable Portland Commission, said this was a team effort undertaken with Portland State University (PSU), whose students have brought incredible energy to the project. The indicators complement the Portland/Multnomah County benchmarks.

Bill Becker, Director, PSU Center for Science Education, described the design of the course and noted that the work was done entirely by students.

Linda Ruck, Cheryl Callen and James Whitcomb, PSU students who made major contributions to the project, described various elements of the report.

Commissioner Lindberg said the numbers reported on the percentage of residents who recycle do not necessarily correspond to the City's. That is one thing to check out in future reports. Also, the City of Portland and the Metro region are used interchangeably, leading to confusion regarding some of the statistics cited. Overall, however, this is a great job.

Mayor Katz said the benchmarks and comparisons with the past one or five years should be folded in when the next report is done.

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Commissioner Hales said he learned a number of new things from reading this report which will be helpful in dealing with environmental issues and he also found it to be very user-friendly.

Mayor Katz said the Portland/Multnomah County benchmarks are due out soon and it is nice to know that someone else will be stewards of the environmental data.

Disposition: Accepted.

917 TIME CERTAIN: 10:45 AM - Men's Housing Facility programming task force - Final Report (Report introduced by Commissioner Kafoury)

Discussion: Commissioner Kafoury said she hopes this is the last piece of the reconfiguration plan. She updated Council on what already has been done, including the closure of Recovery Inn. She noted that even though this is a period of extremely low unemployment, there are still individuals who are not able to access the shelters. This shelter will replace "The Shack" which opened last winter and is running at capacity (104) with a fairly lengthy waiting list. She said previous estimates calling for shelters with 45 beds on each side of the river are probably unrealistic and they are now calling for an additional capacity of 45 so that the shelters can house up to 90 people. She said the ultimate goal is to find permanent housing but the first step is to get people into a managed program. She hopes that before she leaves Council she can report there is no need to run two shelters with 90 beds each.

David Nemo, Portland Development Commission (PDC), said PDC was given the responsibility for siting and managing the development of a permanent men's facility to replace the temporary shelter, "The Shack", at Union Station. He described the make-up and work of the 18-member task force and their recommendations regarding the temporary and permanent housing facilities needed to complete implementation of the shelter reconfiguration plan. He said the goal is to completely implement the plan and develop these facilities by March, 1998.

Commissioner Kafoury said she thought the goal should be to do that earlier.

Steve Rudman, Bureau of Housing and Community Development, said the overall goal is to focus more on transitional and permanent housing and put less public funds into shelter capacity. However, if people do not have adequate housing they tend to congregate in the downtown core area. He said many of the SRO housing built downtown rely on continuing HUD subsidies and currently an analysis is being done to make sure the City can preserve that housing stock. In the next 1-1/2 years the City needs to work with the County to make sure that there is a

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smooth transition when "The Shack" closes down and the two new shelters open. Also at that time, the Glisan Street transitional housing program will need to be relocated.

Don MacGillivray, 2339 SE Yamhill, said the Buckman neighborhood has been involved in this process for three years and finds this significantly different than what they were told a year ago. They were led to believe that, after locating the women's facility in their neighborhood, they would not have to absorb another one. He said the number of units has been greatly expanded and they are very concerned that these not become a chronic nuisance. He said it takes a significant amount of money to care for these people properly and they are concerned about what will happen to the neighborhood if more people show up than the facilities can handle. He said more public involvement is needed in this process.

Commissioner Kafoury said when the Recovery Inn (Baloney Joe's) was closed last year the agreement with the Central Eastside Industrial Council was to accept additional shelter capacity. She said other than upping the capacity all year round, rather than just in the winter, no changes were made from the earlier Task Force recommendations. She said she will be happy to meet with the Buckman neighborhood.

Mr. MacGillivray said he wishes a public hearing could have been held on this (other than the one before Council today) as this comes as a very great surprise to Buckman and is inconsistent with what they were told in the past.

Susan Emmons, Executive Director, Northwest Pilot Project, said lessons learned by designing other facilities should be applied to this building. The 90 units of permanent housing should be developed separately from the shelter and located on a separate site. It should be fast-tracked for completion by November, 1997, as the permanent housing is desperately needed to replace lost units. Rent levels should be no more than \$275 per month or the target of moving people from transitional to permanent housing will be missed because they will not be able to afford them. She said the 90 units should be designed to be permanent housing, noting that the recently built Peter Paulson facility is ranked as substandard by the Housing and Urban Development, and ineligible for Section 8 certificates, because there are no sinks in the bathroom.

Bob Durston, Executive Director, Transition Projects, 1201 SW Main, supported the recommendations but also noted that design details still need to be hammered out, including more work with the neighborhoods and potential operators. He said the community has learned to do shelters better, without a large impact on the neighborhood. Also, they have learned that the answer to homelessness is housing placement. This year alone Transition Projects has placed 400 people from the Glisan Street facility.

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Mayor Katz asked about the priority issue with regard to "The Shack" and its waiting list.

Mr. Durston said it is on a first come, first serve basis, on a waiting list with no preference system.

Mayor Katz said priority may need to be given to Portland residents who have lost jobs versus people who have come from outside. If there is a waiting list, who gets in?

Mr. Durston said they are also looking at whether a person using the facility multiple times should get the same consideration as the first-time user.

Casey Jones, Association for Portland Progress, read a letter from Board Chair Clayton Herring in support of creation of the new shelter and development of 90 beds of permanent housing in the Central Eastside. He said these will disperse homeless services out of Old Town and allow closing of "The Shack."

Cynthia Milbracht, Buckman Community Association, said only one person representing the entire Central Eastside neighborhood served on the Task Force. Buckman overwhelmingly supported 90 beds of permanent housing but did not support the temporary shelter in their neighborhood. She said they believe the more permanent housing there is, the less pressure there is on emergency shelters. She said the neighborhood was led to believe that fewer beds would be available and she believes building shelters is not the best use of taxpayer money.

Jim Atwood, 33 SW 3rd, asked Council to consider recycling Recovery Inn. He said it can accommodate 90 beds and can be ready for occupancy by November, 1996. He said rather than spending the \$2.6 million estimated for a new facility, Recovery Inn can be fixed for between \$500,000 and \$1,000,000. He asked Council to request PDC to begin negotiations.

Commissioner Kafoury said the City will issue an RFP for both the shelter and the permanent facility.

Mr. Nemo said PDC encourages proposals from the public and he will contact the Recovery Inn property owners.

Al Jasper, 19 NW 5th, Task Force member representing the Old Town/Chinatown Neighborhood Association, said there was not much input on programming or neighborhood impacts from business interests which have heavily impacted by such facilities. The focus of the Task Force was on siting. Neighborhood impacts must always be kept in mind when programming and operations are considered.

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Operators must have some accountability for the actions of their clients in the neighborhoods.

Mayor Katz said the Chronic Nuisance ordinance speaks to that issue and gives the City a tool it currently does not have.

Mr. Jasper said, however, that ordinance only deals with the first 200 feet. If programming and operations are addressed properly, it extends to the whole neighborhood. He said the neighborhood is still accessing the impact of "The Shack" but the operator has been very willing to meet and address the community's concerns.

Commissioner Kafoury said people are telling her that the two new facilities are light years better than the old ones. She said while things are not perfect, heavy case management and on-site managers at all times have made a tremendous difference.

Mayor Katz asked if the Police question the people they pick up in Old Town/Chinatown as to where they come from.

Mr. Jasper said they are currently doing an analysis to see where people on the street are coming from and if there is some linkage with the shelter. He said the operators know their clients and can identify those who are causing problems.

Commissioner Kafoury noted a letter from Greg Wentworth from the Central Eastside who shares Mr. Jasper's concern about having well-managed facilities.

Bob Costagna, Oregon Catholic Conference, supported the recommendations for expanding temporary shelter spaces on a year-round basis on the east side as they know that shelter capacity has been insufficient.

Pauline Jivanjee, Portland State University faculty member and Task Force member, said she supports expansion of the 90 emergency shelter beds to year round rather than winter only. She said they know from the November count that the demand far exceeds the availability. She also called for fast tracking the 90 units of permanent housing so that people can be moved out of transitional housing.

Disposition: Accepted.

- 918** Authorize and direct various City Bureaus to take specific actions to proceed with the development of permanent housing and homeless service facilities consistent with the adopted Shelter Reconfiguration Plan (Resolution introduced by Commissioner Kafoury)

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Disposition: Resolution No. 35523. (Y-4)

- 963** Vacate NE Halsey Street between NE 3rd Avenue and NE Martin Luther King, Jr. Boulevard, under certain conditions (Ordinance by Order of Council; C-9838)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

Commissioner Charlie Hales

- 964** Recommend that the remonstrance received against the LID street improvements of SW Palatine Street from SW 45th to SW 43rd be overruled and the Time and Manner Ordinance be passed (Report; C-9855)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

- 965** Authorize acceptance of a Conservation Easement in Foothills View Planned Unit Development (Ordinance)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

- *966** Continue negotiations for the purchase of one permanent slope easement and one temporary construction easement required for construction of the N Portland Road Bridge replacement project, begin condemnation proceedings if necessary, and obtain early possession (Ordinance)

Disposition: Ordinance No. 170219. (Y-4)

- *967** Contribute 10 percent towards the purchase price of the Marquam Woods property in southwest Portland along Terwilliger Boulevard (Ordinance)

Discussion: Commissioner Hales said this is an opportunity for celebration as it closes a chapter in the long effort to make real what people already consider to be a great park on Terwilliger. With purchase of the Escandarian and Maletis properties, it will be true, thanks to the Metro green space program and great advocacy by the Friends of Terwilliger.

Doug xx, Friends of Terwilliger, said the City went the extra distance to make this work as negotiations had been underway for five years on this property. It was under the option share of the Metro Green Spaces program and the City stepped in to work on the 10 percent, which really helped the whole deal happen.

Disposition: Ordinance No. 170220. (Y-4)

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Commissioner Gretchen Miller Kafoury

***968** Amend Taxicab Regulations relating to rates (Ordinance; amend Code Chapter 16.40.310)

Discussion: Dennis Nelson, Manager, License Bureau, described the proposed rate increases, the first since 1991. He said the Taxicab Board did both a demand and rate study and found that the recommended rate increases represent the increased cost of doing business and are within the norm of comparable cities. There is no increase in the number of cabs.

Mayor Katz asked why there is an increase for an extra passenger.

Mr. Nelson said this gives the driver a little incentive to add an extra passenger and recognizes the additional wear and tear on the driver when there is more than one rider. He said the average fare is between \$8 and \$10.

Steve Emmmler, Manager, Radio Cab Company and member of the Taxicab Board of Review, said this is a small rate increase, smaller than what the taxi cab representatives initially requested and the first in six years. He also noted that many times the extra passenger is never charged, although that is allowed in the meter rates. The suggested maximum is not automatic. The biggest increase is on the waiting time, which affects the amount of money the driver makes while standing or travelling slowly in traffic. In recommending these increases, the Taxicab Board wanted to make drivers more responsive to short trips.

Mayor Katz said she thinks the extra passenger charge is a terrible mistake as the goal is to encourage ridesharing.

Mr. Nelson said the cab drivers need to make a reasonable return on certain kinds of trips.

Mr. Emmmler said there is high demand for short trips with multiple riders but many drivers are not responsive to them. While cabs do not need to charge the maximums called for here, they also cannot ask for another increase for two years. He said fuel oil has gone up 30 percent in the last month and if things can change this rapidly, perhaps the cap is too low.

Commissioner Lindberg asked if they absolutely had to wait two years.

Commissioner Kafoury said they can look at that.

Disposition: Ordinance No. 170221. (Y-4)

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969 Establish 1996 - 1998 Fair Wage policy for formal service contracts (Second Reading Agenda 900)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

970 Rename Economic Improvement Fund as Property Management License Fund (Second Reading Agenda 901; amend Code Chapter 5.04)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

City Auditor Barbara Clark

971 Assess benefitted property for the cost of street and storm sewer improvements of the SW Dolph Street LID (Hearing; Ordinance; C-9872)

Disposition: Continued to June 5, 1996 at 2:00 p.m.

At 12:15 p.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5TH DAY OF JUNE, 1996 AT 2:00 P.M.

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

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

- 963** Vacate NE Halsey Street between NE 3rd Avenue and NE Martin Luther King, Jr. Boulevard, under certain conditions (Ordinance by Order of Council; C-9838)

Discussion: Phil Handley, representing J.C. Reeves, thanked Council for approving this street vacation.

Disposition: Passed to Second Reading June 12, 1996 at 2:00 p.m.

Commissioner Charlie Hales

- 964** Recommend that the remonstrance received against the LID street improvements of SW Palatine Street from SW 45th to SW 43rd be overruled and the Time and Manner Ordinance be passed (Report; C-9855)

Disposition: Withdrawn.

- 965** Authorize acceptance of a Conservation Easement in Foothills View Planned Unit Development (Ordinance)

Disposition: Passed to Second Reading June 12, 1996 at 2:00 p.m.

- 969** Establish 1996 - 1998 Fair Wage policy for formal service contracts (Second Reading Agenda 900)

Disposition: Ordinance No. 170222. (Y-4)

- 970** Rename Economic Improvement Fund as Property Management License Fund (Second Reading Agenda 901; amend Code Chapter 5.04)

Disposition: Ordinance No. 170223. (Y-4)

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City Auditor Barbara Clark

971 Assess benefitted property for the cost of street and storm sewer improvements of the SW Dolph Street LID (Hearing; Ordinance; C-9872)

Disposition: Passed to Second Reading June 12, 1996 at 2:00 p.m.

972 TIME CERTAIN: 2:00 PM - Sign Code Amendment Report - recommended draft (Report introduced by Commissioner Hales)

Discussion: David Knowles, Director, Bureau of Planning, said the agreement with the billboard companies, which has governed the number, location and size of billboards for the last 10 years, expires June 17. This has provided the impetus for these proposed amendments to the Sign Code which limit the size and number of signs in commercial and employment zones. Compared with other jurisdictions, the City's proposed Sign Code allows a fair amount of signage in those zones. New billboards could be constructed under it because the City does not distinguish between on- and off-premise advertising. The current Code also allows signs up to 300 square feet, the size of a billboard. In addition, the Planning Bureau and Planning Commission seek to promote a more pedestrian-scale urban environment in a number of areas, particularly in the town centers such as Gateway and Hillsdale. He noted that Gresham, Beaverton, Eugene and Redmond have maximum sign sizes smaller than what Portland now permits. He said the underlying assumption is that all signs in the City ought to be regulated by one zoning code and that should articulate the policy the City seeks to enforce.

Mr. Knowles described the public input process, noting that the initial proposal was issued 30 days in advance of the Planning Commission hearing and a public comment session was conducted prior to that. Mr. Knowles said he also met personally with representatives of the electric sign industry. The Planning Commission then held two hearings and subsequent meetings were held with representatives of the sign manufacturers, the petroleum industry and with Ackerley about the possibility of extending its current agreement with the City. As a result of those discussions, the recommendations to the Planning Commission were modified and staff backed away significantly from what was originally proposed. The direction to the Planning Commission was for a minimum amount of changes necessary to reduce sign sizes. He said a second public comment session was held on the revised proposal prior to the Planning Commission's second hearing, which produced the recommendation before Council today. He said staff believes it listened and responded to the concerns, modifying the proposal as a result.

Mayor Katz asked what the biggest changes were.

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Mr. Knowles said under the proposed amendments, sign sizes will be calculated on the size of the frontage. The current Code calls for one square foot of sign size for every linear foot of site frontage as measured on the property, not the building. He said they had proposed tying that to the building frontage which would have impacted sign sizes for all businesses as building frontage is typically smaller than the site frontage. After further discussion, it was clear the impacts were too great so that was dropped. As a result, the current proposal seeks only to limit the maximum sign sizes. There will be no impact on property owners in commercial zones with less than 200 linear feet as they are entitled to 200 feet anyway. The Planning Commission makes four recommendations to Council: 1) support smaller and fewer signs; 2) temporarily extend the current agreement with the billboard industry; 3) make the Code changes effective at the end of the extension period so that if there is no permanent agreement, the Code amendments governing sign sizes will be in place; and 4) use the intervening period for further discussion about extension of the agreement and other sign issues related to size and to billboards. He reviewed the items before Council, noting that the Resolution (Item 975) clearly states that the City's policy objective is to reduce sign size and number and directs the Planning Bureau to discuss this further with the business community to see if there are reasons to make exceptions in some cases, particularly to see if on- and off-premise signs should be treated differently and whether some freestanding signs or large painted wall signs should be permitted to exceed the sign size limit.

Mayor Katz asked if there was a difference in the way wall murals and sign advertising were treated.

Mr. Knowles said the City is not permitted to regulate based on the content of signs, for instance, whether it is advertising or not. The mural issue is one of the subjects that will be discussed during the intervening period. A long list of other sign issues, such as banners, temporary signs, bus shelter signs, will be addressed then.

Commissioner Kafoury said the focus today is only on the 90-day extension, not those other areas.

Mr. Knowles said the Resolution authorizes the Commissioner to appoint a task force to advise the bureaus on the issues identified.

Commissioner Lindberg asked if the net result will be a reduction in the size of signs and the number overall.

Mr. Knowles said there will be a reduction in the number of large, freestanding signs, as under the new Code regulations those larger than 200 square feet will become non-conforming and will eventually go away as property is developed.

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Commissioner Lindberg said, as he understands the proposed Code amendments, there is no real assurance of a reduction in the total number of signs.

Mr. Knowles said the total number will increase as the City grows or vacant property is utilized but the number of larger signs will diminish.

Mayor Katz said that Code amendment will be reworded to make that clear.

Jeff Rogers, City Attorney, discussed Item 975 which authorizes the City Attorney to negotiate a 90-day temporary agreement with the billboard companies. He said Ackerley has raised concerns that this will remove its legal authority to start construction on new billboards between now and June 17. He said under the current stipulated judgment they have the ability to construct relocated signs until then.

Mayor Katz asked how many.

Mr. Rogers said Ackerley may receive permits for five percent, or about 50 signs. They have already received permits for 48 sign faces. One condition for extending the agreement from June 17 to September 17 is that the billboard companies voluntarily agree not to begin construction on any additional signs between now and June 17. The idea of the ordinance is to state that during the 90-day period the City will look the same in terms of the number of billboards.

Commissioner Lindberg said the moratorium then is the 90 days plus the 12 days from now to June 17.

Mr. Rogers said one of the conditions states that the companies will not apply for any new or relocated sign permits during the period of the agreements. That only applies from June 17 to September 17 so there is nothing to stop them from applying for the permits they are entitled to in the 10-day period between now and then. What they have asked for and what this ordinance will allow is that any signs already under partial construction can be completed. The risk from the City's point of view is that they might start construction on a lot more in the next 10 days. All this does is state that the way things look now is the way things will look on September 18.

Becky Miller, 6049 SW Palatine Court, Chair, Hayhurst Neighborhood Association, said she had supplied Council members with a comparison chart of the impacts resulting from adopting the agreement and cited a declaration of concern signed by 23 neighborhood association presidents and land-use chairs, three neighborhood association boards, 15 business district associations and 23 other groups. The declaration calls for the new regulations to be tabled until a demonstrated need is found for the Code changes, a one-year extension of the

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billboard agreement and formation of a task force to review the agreements again. She said she believes billboards should be treated like all other signs and be included in the Sign Code but cannot support this proposal because there has not been enough time to study its impacts. She said this opens up many loopholes that could make the City less and not more livable. She said signs such as murals are not all the same and even though signs cannot be regulated based on content that does not mean they cannot be regulated as to type.

Ms. Miller described efforts in the Hayhurst and Hillsdale area to work with Ackerley to ensure that billboards located there met their livability needs. They agreed, for instance, not to place cigarette or alcohol ads on one sign, in deference to neighborhood preferences. Ackerley is also helping the neighborhood work out other billboard problems and she believes positive things can happen if neighborhoods work with, rather than at odds with, the billboard companies.

Commissioner Lindberg asked if they had discussed what would happen if the agreement were extended one year. If Ackerley has a bank of 250 billboards, could they all be erected during this time?

Ms. Miller said Ackerley has indicated they are willing to agree to a moratorium and not put up any new ones. She said Ackerley wants to coordinate their billboards with neighborhood livability concerns and is willing to work to relocate those that are truly found to be a problem. That would not happen under the Sign Code amendments.

Keith Claycombe, 3326 SW 13th, 97201, Oregon Roadside Council, said the Council endorses the May 24 recommendation draft with some reservations. They especially support regulating billboards like all other signs and limiting their size, height and number. They also support the recommended changes regarding freestanding signs and sign-free areas. They accept the philosophy of the Planning Commission which noted that the amendments provide direction and clarity and are a step towards achieving the desired character of Portland. The Roadside Council urges Council not to extend the existing billboard agreement. However, if it is extended, they believe it is imperative that the duration be limited, an inventory be conducted of the number and location of existing signs, that no new or replacement signs be permitted, enforcement provisions be added and that moving parts on signs be prohibited.

Mayor Katz said she would like staff to respond to the inventory question.

Tim Ramis, attorney representing the Oregon Electric Sign Association (the non-billboard part of the sign industry), noted that the Council had mandated a community-based process when major Sign Code rewrites were undertaken in 1986 and 1991 after the staff-designed process failed to reach consensus. He said

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the Association supports Ms. Miller's testimony and calls for tabling the current Code amendments, extension of the billboard agreement and creation of a task force. He said while staff felt it was in a crisis situation that justified abandoning community consensus for a short-circuit process, now that Ackerley has agreed to extend the current agreement, that crisis situation no longer exists and time can be taken to do the process correctly. He noted that the Planning Commission's vote was divided (4 to 2) and cited excerpts of their comments about the inadequacy of the process. He said the Planning Commission forwarded these amendments based on the argument that, under the Charter, failure to do so might leave Council in a position where it was unable to adopt any regulations if Ackerley failed to extend the agreement. With Ackerley's acceptance of the extension, that situation no longer prevails and it is no longer necessary to adopt this product of an inadequate and unfair process.

Frank Hammond, attorney also representing the Oregon Electric Sign Association, described flaws they perceive in the proposed ordinance, including failure to put a lid on the number of billboards in the City. So there is a danger of proliferation if just the Sign Code amendments go into effect. In addition, the City will lose the ability to exclude billboards from specific areas, such as the billboard-free zones allowed under the consent agreement. He said it also provides for less signage for retail centers with long street frontages. There is nothing to support this change or show this is a problem that needs reforming. He said staff says businesses can get adjustments if there are problems but this is an expensive, discretionary process to pursue. He said both business and community leaders oppose these regulations and agree with Ms. Miller's proposal to table these amendments.

Bruce Hagensen, President, Vancouver Sign Company and former mayor of Vancouver, WA, agreed that there were serious flaws in the process, which was driven by the expiration of the current agreement with the billboard industry. He said the on-premise sign industry was sucked along and the timeline was artificially contracted to meet the deadline, allowing only limited input from the industry, the business community and citizens. He recommended that the public hearing be continued one week with the understanding that a signed agreement would be completed by then. With that extension in hand, Council would preserve the existing rules with the billboard industry and give everyone more time for a meaningful and credible process. Mr. Hagensen said one policy question asked by the Planning Director was whether it makes good sense to separate billboard regulations from those for on-premise signs. His answer is definitely yes, as these are entirely different. He said in the urban landscape what is important is scale, not necessarily size, and how a sign relates to the surrounding environment. He said he is uncomfortable having Council pass pieces of ordinances that could just as easily be tabled without having any negative effect or passing pieces first and then having industry representatives come in and testify about them.

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Bob Frederickson, 2806 SE 75th, 97206, supported the Sign Code amendments while acknowledging that the process was too short. However, it is a good idea to bring all the sign regulations, including billboards, together under one set of regulations in the zoning code. Steps should also be taken to remove certain specific signs, particularly those erected illegally and some which were grandfathered in when the Code was rewritten in 1986. Signs on roofs, temporary signs and those in the right-of-way also need to be dealt with.

Holly Howard, YWCA Breast Cancer Outreach program, 1111 SW 10th, 97205, said they rely on billboard signs produced nationally to get their message out to the public. Those signs are larger than 200 feet and so could not be used locally, if the restrictions on size are adopted. She said many non-profit organizations would be cut off from access to national advertising if this passes.

Commissioner Hales noted that this does not affect already existing billboards and since Ackerley already has permits for 50 more, the number of non-conforming signs certainly will not be reduced quickly.

Mr. Knowles said there will be no reduction up to June 17.

Mayor Katz said over the next ten to 20 years, the number will be reduced as non-conforming signs go out of existence.

Mr. Knowles said under the proposed Code amendments any signs that do not meet the terms of the Code will become non-conforming. They may remain in place but, once removed, they can not be replaced. Over time there will be a reduction.

Commissioner Lindberg asked about the number of existing signs which are 300 square feet or larger.

Mr. Knowles said there are approximately 600 billboards in place now. Under the agreement, Ackerley could gain permits for approximately 50 more sign faces which would entitle them to approximately 50 new structures. There are two sizes -- one is approximately 300 square feet and the other is approximately 600 square feet.

Darryl Paulson, Vice President, Oregon Electric Sign Association and General Manager, Ramsey Signs, recommended tabling the proposed regulations and extending the agreement. He said the amendments mainly address auto-oriented signs, not those aimed at pedestrians, and limit the flexibility of retail centers to reach those customers. He said a more comprehensive and collaborative process is needed and a year would be a reasonable time to review the sign issues noted by Margaret Mahoney in the Bureau of Buildings.

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Rick Farasy, Able Sign Company, said many of his customers, most of whom are small business owners, do not end up using the total amount of square footage allowed. He said most rely on signs as their main source of advertising and some need larger signage because of their location. He called for tabling the regulations for nine months, if the billboard companies sign the agreement, to allow more time for input from those affected.

Commissioner Hales asked him how these amendments would affect his customers.

Mr. Farasy said he fears this would involve a lot of design review but is unsure.

Commissioner Hales said this does not change that. He asked how many signs he installs that are over 200 square feet.

Mr. Farasy said he has not had enough time to figure out the effect of this. He said his company does a lot of large painted wall signs.

Mayor Katz said those will be studied later but they are not included here.

Lloyd Keefe, former director, Bureau of Planning, urged Council to enact the Planning Commission proposals and Code amendments, not to extend the agreement and to work out a compliance scheme so that eventually all signs in the City will be treated alike. He said even with these amendments those signs already in place get to stay up forever unless there is a compliance scheme. He said Ackerley has already had a 10-year extension of this agreement and the court said then that all signs should be treated alike. That agreement effectively has exempted them, unlike any other businesses or land uses, from the zoning code for a decade. He said Ackerley is undeserving of special treatment as it has committed numerous violations. He cited a number of examples where billboards were not taken down when new ones were erected, as the agreement calls for. He said Ackerley put up five structures on the freeway system in the last 18 months and took down only one. He cited other violations and misstatements and said he cannot believe it has reduced the number of billboards over the last 10 years. Ackerley's 1986 printout showed it had 1,086 billboard faces up in the City, including the subsequently annexed area, and now it says the number is down to 831. He said he counted the billboards on Hawthorne, Division, Beaverton/Hillsdale and Barbur and found there were 60 on these four streets in 1987. Today there are 64. He said the only way to get equal treatment under the law is to not extend this agreement and set up a compliance schedule, even if it takes 20 years. He said all the billboards downtown were supposed to have come down by 1980 but all are still up. Perhaps the City could start there. There is plenty of precedent for amortization, which in 1969-71 got the number down to 130.

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Commissioner Lindberg asked if his support for treating billboards as part of the regular Sign Code regulations meant that a number of businesses or property owners in certain districts would be able to put up billboards of 200 square feet by right. He questioned whether this could have the potential for a tremendous proliferation of new billboards in places they do not exist now.

Mr. Keefe said the billboards would have to share the front footage formula with the businesses. They would probably not have any opportunity to put up billboards on a building.

Commissioner Lindberg asked what happens when a business decides to rent space to the billboard industry. He said it seems like that could mean millions of dollars of potential revenue for property owners.

Mr. Keefe said the company would have to have a frontage 200 feet long.

Commissioner Lindberg said no, it is the site size, not just the building size. He said to him it seems like there is a tremendous potential for proliferation of billboards.

Mr. Keefe said if there is that much vacant land in Portland it should be put in the sign-free area. He said there is a precedent for amortization, noting that in the 1960s the Oregon Roadside Council took 7,000 signs down on 3,300 miles of scenic highway. Through amortization, this did not cost the State a cent.

Commissioner Hales asked staff what could happen on vacant land where there are no buildings.

Mayor Katz asked Mr. Keefe about his statement that all downtown billboards had to be removed in the 1980s.

Mr. Keefe said Council passed an ordinance in 1977 requiring that 42 billboards in the Downtown Plan area be removed within three years.

Mayor Katz asked staff if that was legally binding.

Michael Holstun, Senior Deputy City Attorney, said the Downtown Plan was adopted by ordinance but was structured so that parts were advisory and parts were mandatory. He said he does not know what category the billboard provision fell into.

Mr. Keefe said he was very proud to have taken down 130 billboards.

Chuck Martin, President, Alliance of Portland Neighborhood Business

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Associations, said they have not had time to determine the economic impacts of the changes to the Sign Code and asked Council to table them for 90 days and appoint a task force to assess the impact. He also asked that the resolution be amended to allow for two representatives from the business community so that one would always be able to attend, especially during the summer months. He questioned the underlying theme here which finds that small signs are better and large signs are categorically bad. He said it is more a matter of scale, taste and effectiveness and under the proposed policy the City would lose such interesting signs as White Stag and Montgomery Park.

Len Bergstein, Ackerley Outdoor Advertising, said at the Planning Commission hearing Ackerley committed to participate in a process to modify and improve the existing sign control system and promised restraint in the way it conducts business. He said the Planning Commission President was not convinced that the zoning code regulations are the only way to achieve the City's objectives and the Commission wanted to ensure that the billboards were not driven out of business and so recommended a temporary extension of the current agreement. He said that agreement has provided 10 years of certainty and much has been accomplished during that time. For instance, there are 202 fewer billboard faces in the community and during the last three years Ackerley has removed 86 structures and built only 19. In addition, 17 billboard-free zones have been established which would not be preserved under the Code amendments. Replacement rules have provided the right incentives for replacing signs and ensured a percentage "cap" on relocations. He said the agreement fostered a litigation-free climate allowing negotiations between sign companies, neighborhoods and customers. He said the fundamental economics of the company and the interests of the City coincide in favoring a quality, not quantity, approach, avoiding the kind of confrontation that has marked the past.

Commissioner Lindberg asked Mr. Bergstein what will happen during the moratorium between now and June 17.

Mr. Bergstein said Ackerley has acted on the assumption that the agreement decreed by the federal court would go until June 17. After that, Ackerley does not plan to move forward except on those signs that have already been permitted. If by January, for instance, the company was still under a stipulated agreement and was supposed to get five percent more permits, they would not take them as a way of demonstrating to the City that they are not in the business of stalling. In the next 90 days, between June 17 and September 17, the company would act in a restrained manner, and the City would see a minimum number of the 48 billboards mentioned, probably 24, installed. That could be a condition of the agreement. He said Ackerley does not want to operate under a cloud of lawsuits and feels that it is being jackhammered on the period of 5 to 10 days. It has been very fair and does not understand the emphasis on June 5.

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Commissioner Lindberg said if there are 50 billboards in the pipeline, that seems like quite a steep jump in a short period of time and then if you add several dozen more during the moratorium, you are talking about 75 new signs while this is being worked out. It seems like quite a lot in relation to the total number of signs.

Mr. Bergstein said the company will also be taking some signs down, as many as a dozen. What is being missed in this numbers game is the notion that the City is changing, the economic locations are changing and the company wants to get out of locations that no longer make economic sense.

Terry Sandblast, Ackerley Outdoor Advertising, said the company is encouraged about the process that has been occurring and about the concept of the ordinance and resolution. They are concerned about the time period between June 5 and June 17. He said the numbers are bantered around because of the way the current agreement is worded. Realistically, Ackerley is looking at 23 structures between now and June 17. He said they currently have 824 faces and 614 structures within the City, that is a reduction over the length of the agreement of 270 faces and 224 structures. In the staff report, the testimony of the Roadside Council is included which indicates that 250 signs were removed prior to the agreement. That indicates a net reduction of well over 500 faces of billboards within the community. Another thing that screws the picture is that the number of signs in areas annexed to Portland since the agreement began in 1986 are rolled into the overall number of what Ackerley has so that the territories being compared are different. He said Ackerley wants to work with the City as best it can, while recognizing that at times there are difficulties. Their concern is with the permits they have and the economic relationships they must maintain.

Mayor Katz said technically the Code amendments will not go into effect until June 12 and the contract runs until June 17 so there is a difference of about five days.

Mr. Holstun said, as proposed in the amended non-emergency ordinance which would go to Second Reading next week, the code amendments then take effect on September 17.

Mr. Knowles said the emergency ordinance states that as a condition of extending the agreement, Ackerley must agree not to construct additional billboards from today on.

Mayor Katz asked when the clock starts ticking.

Mr. Sandblast said Ackerley has permits for 23 structures (48 faces) and would like to complete 20 of them.

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Commissioner Lindberg asked if this represented a burst of activity or was the normal process.

Mr. Sandblast said nine new structures per year is normal so this number represents a surge of activity. After June 17 no applications will be made and no billboards not already constructed will be completed even if they have the permits.

Commissioner Lindberg asked why a freeze is being requested as of today.

Mr. Knowles said to ensure that the billboard landscape will remain the same as it is today. Without that condition, Council would not know where those signs are or what they will look like.

Mayor Katz said but Ackerley plans to erect 24 billboards so the condition cannot be met. She asked Mr. Knowles what he recommended.

Mr. Knowles said if the ordinance was passed and construction began the City Attorney would not be authorized to extend the agreement and it would then expire June 17. There would be no extension and staff would probably return next week to ask Council to adopt the Code amendments by emergency ordinance so that they would become effective before termination of the agreement.

Mayor Katz said there may be a quorum problem next week.

Mr. Bergstein said Ackerley would like to make it clear that no billboards will be taken down during this period and some will go up.

Mayor Katz asked if 24 go up, will 24 come down.

Mr. Sandblast said Ackerley can make that commitment within the next week and can produce a document indicating which ones will go up and which will come down.

Mr. Bergstein requested that Council table the Code amendments ordinance until the task force can come back with a recommendation.

Commissioner Kafoury said Council could adopt those amendments and then if the process favors a different direction, Council could change them, rather than dragging this on for another 10 years.

Mr. Bergstein said some rogue billboard company could come in under the existing code and with no agreement and challenge the design review agreement. He said Ackerley gets the message very clearly that the City wants it to negotiate during the 90-day period.

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Mayor Katz asked when Ackerley took out these permits.

Mr. Sandblast said most were taken out over the last six months.

Commissioner Hales asked him what the future load looks like. He said his bias is for regulations rather than continued uncertainty for either the City or the businesses. Clear rules are in everyone's interest. He noted that the City is growing and encouraging a highly intense level of development. What is the place for billboards in that environment over the next 10 years? He noted the trend over the life of the agreement of a decline by some 200 faces, with higher quality locations but fewer of them. Will that declining trend continue?

Mr. Sandblast said he believes that trend (downwards) will continue. He looks on it as a kind of growth management. The company needs to manage its resource, the billboard structures. It knows that at some locations, such as 82nd, competing companies put up signs. That is not necessary today and they see a reduction in numbers along a particular street, focusing on the quality and, with a modicum of technology called Triavision, Ackerley will be able to maximize the utility of a given structure and have sufficient faces to cover the length of a street where previously there was a quantity of signs. They also recognize that because of the agreement, Ackerley was allotted a particular zone. Now the City over the years has rezoned some of those areas and he sees the signs there being removed and placed in the general employment, commercial and industrial areas. He also sees additional billboard-free areas, like Hillsdale, as long as there are some places in town to provide for distribution, client needs and coverage. This should bring about a reduction in signs, stability in the assigned locations and the flexibility to discuss, negotiate and resolve particular problems in the community. That is what he sees in the future.

Mayor Katz asked if Ackerley could identify the location of the 24 structures they have volunteered to take down so this can be monitored. When will they be taken down?

Mr. Sandblast said that information can be provided in the next few days. Within the 90 days they should be able to remove those that have been identified to be taken down.

Mr. Knowles said 48 sign faces (PPEs) yield 24 structures. He asked if Ackerley would be reducing the number of sign faces by 48 or by 23.

Mr. Sandblast said he needs to talk with the President but expects it would be quid pro quo.

Others testifying in support of extension of the billboard agreement included:

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Bert Streeter, 619 N. "E" Street, Springfield, OR 97477

Kate Ivory, Local Sales Manager, Ackerley Outdoor Advertising

Elizabeth Naciri, Media Director for Wobley Marketing, 2132 SE Salmon,
97232

Stacy Chellis, Regional Sales Manager, Ackerley Outdoor Advertising

Claire Lawson, Vice President, National Sales, Ackerley Outdoor

Advertising

They described the high demand for limited billboard space, the need for standardized sign sizes in order to sell products in the Portland market and the need to serve local business clients.

John Schlottman, President Elect, Oregon Electric Sign Association, called for more deliberation before changing the Sign Code, an extension of the timeline and consideration of the economic impact on the sign industry. He said while 300 square-foot signs are cost-prohibitive for small businesses, in zones with setbacks or along freeways that size is necessary if businesses are to advertise effectively. He also supported Ms. Miller's position.

Jason Powell, Oregon Petroleum Marketers Association, said the idea of turning over the whole City to pedestrian-oriented uses does not seem reasonable to them as many of the streets they do business on are auto-oriented and will continue to be so. In particular, they are bothered by the provision in the new Code stating that any business site will be allowed only one freestanding sign. The only time a business may have two is if it is on the corner of two arterial streets. He said gas stations often need more than one sign to indicate their prices and other information for customers. In addition, the map presented does not reflect reality and should not be used to determine where freestanding signs will be allowed. In the Kenton area, for instance, streets marked as local streets are functioning as major city traffic streets. Also, a railway bridge is shown as a neighborhood collector crossing North Portland harbor.

Linda Peplinski, 7204 N. Mohawk, representing Columbia Neon and CRM Sign Systems, objected to having to fight against a staff-driven agenda rather than participating in a process that worked towards a compromise, as has been done twice in the past. She noted that the Planning Commission's letter designated a one-year extension and now she is hearing about a 90-day extension for the first time today. That letter also cites the inadequate process and doubts about the need for changes. She believes the Planning Commission recommended approval only as a weapon in the billboard negotiations, putting those companies and the sign industry in a hostage situation. She said the proposed changes make false assumptions about signs, assuming that signs are too big for pedestrian viewing. However, in St. Johns, a pedestrian neighborhood, the neighborhood association itself lobbied the City to cut down all the street trees because they blocked the

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signs of the businesses. Staff says pole signs have no need to overhang sidewalks and yet along a major arterial like Broadway/Weidler, clearly a major arterial, one cannot see the signs from a block away nor can one see the businesses standing next to them. She said the current Code is equitable and easily understood, allowing signs with visibility to streets that abut the site, while the proposed amendments are an enforcement nightmare, placing responsibility on sign professionals to determine street classifications. She said the City must be kidding, especially since that section of the Comprehensive Plan will not be completed until December, 1997.

Commissioner Lindberg asked if the Planning Commission recommendation was for one year.

Mayor Katz said the letter did not give a specific time but the memo says no more than a year.

Mr. Knowles said the Commission recommended an agreement but did not specify a time. Ackerley said it would be willing to make certain concessions if the agreement were extended up to a year. Based partly on conversations with Council members, staff is recommending 90 days.

Commissioner Lindberg asked if Planning would be able to reach out to all affected groups during that 90 days.

Mr. Knowles said 90 days should be adequate if the scope is narrow and related only to billboards (or rather, all freestanding signs). That is why the resolution is so specific about the types of questions the task force would address and states who should be part of it.

Commissioner Lindberg said sign industry representatives testifying today say there are other complications. Could the Electric Sign Association have input during this time?

Mr. Knowles said the immediate issue is whether the agreement should be extended. Then staff will continue through the year dealing with other sign-related issues, including those identified by the Bureau of Buildings and those that Planning staff have identified as needing attention. Citizens will continue to be involved.

Michael Day, President and owner of Graphic Print Solutions, said reach, frequency and low cost are the major advantages of billboards but to keep their competitive edge a national standardized size must continue to be used. He said to be cost-effective a "one size fits all approach" is needed for both local and national markets.

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Mayor Katz said she heard some of these same arguments in the State legislature when the bottle bill was passed. Opponents asked how can you do this if the whole nation is not doing it. However, the earth did not stop moving and, while the concerns Mr. Day raises are legitimate in terms of the big picture, the legislature made some important changes in consumer products and the same concerns have always been raised.

Alex Pierce, Portland Beautification Association, reviewed the background that led up to the 10-year special agreement with Ackerley which made legal 122 illegal billboards plus 42 billboards in downtown Portland (which were to have been removed under the Downtown Plan) plus 16 billboards constructed without permit during a moratorium declared by the City Council. The City's rationale for this was to escape \$130,000 in court costs. Today the City has as many or more and larger billboards and has no accurate documentation of how many have permits or how many have been taken down for relocation. He said the Beautification Association believes the proposed amendments are very inadequate but applauds treating billboards like all other freestanding signs rather than giving them special treatment. He said Council should declare that all billboards are freestanding signs and will henceforth be regulated as such. They should also ask the City Attorney to prepare amortization language to allow companies to recoup their investment while gradually eliminating non-conforming signs. He said Council now has a unique opportunity to do something. He said the controversy about billboards has been going on since 1959 and will go on another 100 years if Council acquiesces to the billboard companies. Ackerley will go to court no matter what happens. He questioned whether the 23 structures Ackerley says it is taking down are new structures or those in the bank. Ackerley says its permits are based on their banked billboards, which no one can validate because no one ever saw when they were taken down or where they were. Or are these new structures that are to be taken down, starting tomorrow?

Remedios Rapaport, Cosmo Graphics and a professional sign artist, asked Council not to pass any of these amendments today without involving the people they affect. She said mixing different sign types and specifying a maximum size on a sign attached to a building directly affects her business. She said smaller is not necessarily better and size is not as important as other factors, such as quality of design and placement. She asked for a year's delay to allow a task force to work through all the different concerns. The billboard issue is different from the signs she makes for her business. She said she is shocked that the City does not know how many billboards are up, their location and which are being taken down. She said decorative, mural and sign painting often get mixed up and it is hard to define the difference. That is why it is important to have everyone represented.

Mayor Katz said that brings up the issue of not just content, but aesthetics. The issues of wall signs versus murals versus the amount of advertising allowed need

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to be addressed and are a part of the charge to the task force.

Ms. Rapaport said these regulations affect more than billboards and if sign companies cannot make money this summer the smaller, more creative ones may go under.

Commissioner Kafoury said it does not affect anyone until September.

Mark Bennett, OB Walls and Art Effects Murals, said the average person out there likes signs and does not mind large types of outdoor advertising. Those who do complain are a tiny minority. He said they did a 15,000 square-foot sign in Detroit which ended up on an official City of Detroit promotional brochure. He said 200 feet is not big and looks like a postage stamp outdoors. Outdoor advertising is part of America and people expect it in the cities.

Commissioner Hales noted that Beaverton has much tougher sign regulations than Portland is proposing. Its regulations call for 32 square feet for one sign face and 64 square feet on large sites. He asked Mr. Bennett how that is working out for the sign companies.

Mr. Bennett said Beaverton is a bedroom community and outdoor advertising is less harmful in the City. It would not be harmful there either as a restrictive Code is not representative of the people. He said perhaps another survey is needed.

Mayor Katz said she would guess such a survey would call for something far more restrictive than what is proposed here. She said Detroit probably needs 20,000 square feet signs to advertise itself.

Mr. Bennett said all the big cities have a lot of outdoor advertising and the variety and color that comes along with it.

Peter Fry, 722 SW 2nd, Suite 330, said in Times Square in New York they are demanding large signs. He said the sign community is concerned that it is being hit by collateral damage resulting from the war between the City and the billboard companies which has nothing to do with them. He said in 1990 a very creative Sign Code was created that reduced the need for billboards by creating painted wall signs. Now the City is talking about damaging one of the most creative provisions he has ever seen in any city's zoning code. The proposed provisions would lower the wall sign limit from 300 to 200 square feet. Also, they do not allow free-standing signs in business districts or adjacent to local streets. Third, these changes ignore directional signs for pedestrians and bicyclists and assume that directional signs would only be in place for cars. Mr. Fry also recommended adding a provision to retain landmark signs, such as Channel 12, Darigold, Montgomery Park and Corno's. He said the Channel 12 and Darigold signs speak

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to the health and vitality of the Central Eastside and Portland. Referencing a slide show of early Portland, he said Council would be surprised by the number and size of signs that existed downtown even when there were no cars in Portland. Finally, he clarified that Mr. Martin's request for two seats on the task force are for volunteers, not paid professionals.

Commissioner Lindberg asked Mr. Fry if he participated in the other hearings held in the last few months.

Mr. Fry said the 1990 process was a year long. This time only two workshops were held and concerned only billboards. He said art signs should not be hit as a side effect of dealing with billboards.

Mayor Katz said that point is valid in terms of missing some very creative opportunities.

Linda Manning, foster home recruiter, State Office of Child and Family Services, said Ackerley had been extremely generous in providing billboard space to publicize the need for foster and adoptive homes for children. She asked that the agreement be extended one year and that on- and off-premise signs be dealt with separately. She said because of the overwhelming response to the billboards, her agency put in an 800 number and has had over 1,000 phone calls for information.

Commissioner Hales acknowledged the complaints about the process but noted the heavy burdens that have been placed on both the Bureau and Planning Commission. He said the Planning Bureau was not asked to do a whole revision of the Sign Code but instead responded to the impending expiration of the agreements with billboard companies. Its answer was to put billboards into the zoning code and figure out what minimal changes were needed to make that work. He said there was not enough time for a massive revision of anything involving a large public process. That is why this route was taken.

Commissioner Kafoury said people are confused about this, however, because it does not deal with just billboards and they do not feel they were involved.

Mr. Knowles said this is because legally the City cannot distinguish in its Code between billboards and other kinds of freestanding signs. If the choice is to regulate billboards through the zoning code, the regulations must be consistent for both and that is why there is an impact on other kinds of signs.

Commissioner Kafoury said she worries that there might be more impact than anticipated on peripheral industries.

Commissioner Hales asked how a 200 square-foot restriction on a typical on-

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premise sign would hurt. He said he thinks that would be adequate and has not heard persuasive testimony otherwise.

Mr. Knowles said the major point made was that on some large sites where the buildings are set back from the street, larger signs may be appropriate, such as at Jantzen Beach and Hayden Island, where they are advertising to the freeway. In such cases, people can get adjustments to the sign sizes. The concern is that this will be a costly and time-consuming process. He said the need for a larger sign in exceptional cases was the only problem articulated at the hearings and he does not remember any business person testifying that their site would be unduly restricted.

Mayor Katz asked about the people who create the signs.

Mr. Knowles said there was some testimony at the hearings that reduced sign size means putting information together in other ways. There was more concern about that when there was talk of reducing sign height, something that is not being changed.

Commissioner Hales asked if there were different sign regulations for different zones, such as Storefront Commercial and General Commercial.

Mr. Knowles said yes, regulations are classified by zone. One change, about which there is some concern, is that the CS (Storefront Commercial) zone is being moved from the General Commercial and Employment category to CX, the pedestrian-oriented category. He said CS is most common where storefronts are right on the street, such as NW 23rd, Belmont and Division.

Commissioner Hales asked if there was a provision for historic signs.

Cary Pinnard, Planning Bureau, said several have landmarks status.

Commissioner Hales asked if a parcel is subject to design review, is the sign on that property also subject to design review.

Mr. Knowles said yes, unless the sign is smaller than 32 square-feet in size. Design review does not automatically apply in either CS or CM.

Commissioner Lindberg said while this process seems to be all about billboards, there appears to be an immense number of other issues regarding wall and wall signs, neon, etc. Are there immense changes here that trickle down and impact these areas or is there just a communications gap? Will 90 days be long enough to make people feel comfortable about these changes?

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Mr. Knowles said it is primarily a communications problem because of the relative speed with which this was done. In this case the kind of task force that would usually have been formed to consider major Code changes was not convened. Also, staff believes the changes are fairly modest and that the impact on free-standing signs business will be relatively small.

Mayor Katz asked if the concerns raised by Mr. Fry about creative design issues can still be addressed in 90 days.

Mr. Knowles said yes, there may be unintended changes that need attention.

Commissioner Lindberg said if the City gets too restrictive about signs it can end up with a sterile environment. While he generally opposes a proliferation of large billboards, he is concerned about possible consequences on other signs.

Mr. Knowles said he does not think a wholesale revision of the Sign Code is needed and does not see any major policy problems. Two issues need to be dealt with. One has to do with expiration of the billboard agreement and the need to provide some regulatory mechanism for them. Second, there are definition and enforcement problems with those signs identified by the Bureaus of Buildings and Planning. Those generally raise no major policy questions. However, there could be a consequence that is significant for the industry and Council would need to decide that.

Mayor Katz asked if it were correct to state that even if the agreement were extended with the billboard companies for a year, at that point the regulations would have to be incorporated with the zoning code.

Mr. Knowles said there are options for regulation. They can be regulated under the zoning code or, they believe, through a special agreement. Mr. Rogers is exploring that.

Mayor Katz asked what Council will see after 90 days.

Mr. Knowles said there could be some special arrangement for billboards, either in the zoning code or in a special agreement. He does not know if the City will be able to legally distinguish between billboards and freestanding signs. Vancouver has been able to do that but Oregon has different constitutional provisions.

Mayor Katz asked if it was possible that, as the 90 days passes, some issues may arise.

Mr. Knowles said that is possible. The scope of the work of the task force and Planning Bureau will be defined by the questions in the resolution, together with

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the content of the changes proposed to the zoning code. The scope will not include issues they did not propose to change.

Commissioner Kafoury said that is a different answer than she was given earlier.

Mr. Knowles said earlier he talked about just dealing with billboards and free-standing signs and Mr. Ramis asked him to clarify that.

Commissioner Kafoury said part of the communications problem seems to result from the possible impact the changes may have on signs other than billboards. She said she thought it was to be just the billboards for now and after the 90 days other issues would be addressed.

Mr. Knowles said he meant all issues related to the billboard regulations will be dealt with.

Mayor Katz said if the task force recommends changes in this document not supported by staff, it will up to Council to decide.

Mr. Knowles said while their goal is consensus, that is a possibility. In terms of the permanent agreement, the terms acceptable to Ackerley may not be acceptable to staff or to Council.

Mr. Rogers said they have no idea what the outcome will be. In 90 days the City will either have a recommended agreement with the billboard companies or no agreement. If there is no agreement, then the Code passed in June will go into effect in September and will govern the billboard industry unless Council decides to make some other changes at that time. He said no one can predict the likelihood of reaching an agreement with the billboard companies, although everyone will make a good faith effort to do so.

Commissioner Kafoury summarized by noting that nothing will be changed between now and September 17. This action is a stick to get people to address the issues. She said she is willing to approve these items today but there needs to be a lot of conversations afterwards.

Mayor Katz said Council members should also state today how they feel about this issue. She asked what happens in the next 12 days.

Mr. Knowles said they have drafted amendment language to reflect Council's direction, although Ackerley does not totally agree with it. The amendment is proposed for the resolution (Item 975) substituting new language for the second and third bullets. The first states that the companies will not apply for any permits for new or relocated signs between June 5 and September 18. The second

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states that the companies may build or relocate signs for which they have applied or received permits by June 5, 1996 (or 48 permits), if they agree to the following: 1) for each sign face built or relocated a sign face of the same size or larger is removed first; 2) for each structure built or relocated, at least one structure is removed first; and 3) the sign faces and structures removed must be within the City of Portland. He said Ackerley would like to get credit for signs it has already removed this year but staff, reflecting Council's direction, has said the time period is June 5 to September 17. There would be a net difference of 11 more signs going up. (Twenty-three new ones would go up and 12 would come down). The second issue is whether small signs would come down but be replaced by larger signs. He said no understanding was reached with Ackerley about how many of these 11 signs would be the larger ones.

Commissioner Kafoury asked what would happen after June 17 if an agreement is not reached.

Mr. Knowles said if the agreement expires, all signs will then be subject to the Code regulations in effect at that time, in this case the current code which allows signs up to 300 square feet. However, if no agreement is reached, the Bureau will ask Council to make the proposed new Code amendments effective immediately.

Mr. Bergstein said Ackerley believes the differences are fairly small. He said the company has been restrained but does believe it has the right to build the billboards it has permits for. He explained how Ackerley calculates the annual numbers. He said they have taken down 10 structures this year and will take down an additional 13 to get to the 1:1 ratio talked about earlier. He said Ackerley has existing contracts with customers and getting out of them would result in economic hardship.

Commissioner Lindberg said Ackerley wants the City to go back to January 1. If small signs come down and bigger ones go up, it seems as if the City is giving quite a bit away.

Mr. Bergstein said it is more a matter of scale within the urban context. The signs would go up in appropriate locations where they have received permits. He said the company does not have signs of a size to take down for those it has agreements to put up.

Randy Swain, Ackerley Outdoor Advertising, said the permits they have acquired have already been paid for in the sense that pre-existing signs have come down and are then apportioned out to the new permits. They believe the additional 13 structures that would come down are beyond those for which the permits have already been acquired.

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Mayor Katz said if there is no agreement within the next week, the Council can enact the new Code.

Mr. Bergstein said then the company would go ahead and build whatever it feels it has the right to build until September 17. There would be no agreement on the table and the City would end up without fewer structures, the result it wants, because the company has certain rights until the 17th as granted by the federal court.

Commissioner Hales asked if any of those 13 locations will cause the amount of turmoil that occurred at Shattuck Road on the Beaverton Hillsdale Highway.

Mr. Swain said no.

Mr. Rogers clarified that 23 new signs will go up and asked how many of those would be the large, 14 x 48, size.

Mr. Swain said 11 faces.

Commissioner Kafoury noted that Ackerley does not agree to the proposed amendments.

Mr. Bergstein said the first amendment (sign face for sign face) is causing a log jam as the company cannot comply.

Mr. Rogers said Council can pass this and then see if it can get an agreement with the billboard companies.

Mayor Katz suggested adopting the amendments to Item 975 and passing it today. That will give everyone a week to see what can be worked out and any changes could be made at that time if needed.

Roll call was taken on Item 972 and it was accepted. (Y-4)

Commissioner Hales moved to amend Item 973 to include the amendments in the May 31, 1996 memo from Barbara Sack and to change the effective date to September 17, noting that the amended version had an emergency clause that should not be there. The amendment was seconded and passed. (Y-4)

Mr. Knowles said these changes are additional findings that beef up the regulation ordinance. He said they do not change the Code, just the findings supporting adoption.

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Item 973 was passed to Second Reading. Item 974 (the resolution) was then adopted. (Y-4)

Regarding Item 975, Commissioner Hales moved to amend the ordinance to add two names to the list of companies -- Total Communications, Inc. and Clark Signs. Commissioner Kafoury seconded and, hearing no objection, the Mayor so ordered.

Commissioner Hales moved the amendments submitted by the Planning Bureau. Commissioner Kafoury seconded and roll was called, the amendments passing. (Y-4)

Commissioner Hales said several transitions are at work here. One is changing away from a street system turned over wholly to automobiles. As a result, some places in the City are no longer suitable for billboards and the City has to determine in what parts of the City they still make sense. That is what the task force can consider in the 90-day period. The second transition is changing from regulating through agreement to putting the rules in the Code. He said it is better for the City to have written rules that it can stick to rather than a 5- or 10-year agreement. He acknowledged the unhappy past history between the billboard companies and the City but said in the time he has been on Council, Ackerley has been a good corporate citizen and he is hopeful they can find something that works during the 90-day period.

Commissioner Kafoury said there have been a lot of misconceptions about when these will actually go into effect. Citing Mr. Keefe's before and after pictures, she said there is still a part of her that wants no billboards in the City. She said the City needs to be clear if it changes direction. She is also frustrated because the City knew all along when this agreement was expiring and she does not like all this scrambling around at the last minute.

Commissioner Lindberg said he favors having something in the code, remembering that back in 1980 and 1981 Council held hearings on every billboard, most them lasting about two hours each. He said that makes him agree with Commissioner Hales that there should be something in the Code and the 10-year agreement was certainly better than those hundreds of hours of hearings. This is a complex issue and in the past an arbitrary number has been chosen. But where billboards are appropriate, the City wants them to be as aesthetically appealing as possible and tie into the vision of the City, reflected in policies he hopes can be worked out over a period of time. It should not depend on an arbitrary number. He said all signage should not be considered a negative as some of the most sterile communities he has seen have been those where all buildings are painted the same color and all signs are the same size. He said signs can add vitality and the City should not just automatically accept the idea that the fewer signs there are, the better the community will be.

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Mayor Katz agreed with the other Council members and with Commissioner Lindberg on the need for flexibility about neon and wall signs. However, she still does not like billboards and believes their proliferation can have a negative impact. Visitors to Portland constantly remark on its beauty and cleanliness and consideration must be given to the effect of visual pollution. Although Ackerley has changed its ways over the years, she is very nervous about the proliferation of billboards in the wrong parts of the City. She said she hopes an agreement can be reached and regulations placed in the Code, with some allowance, however, for signs which are unique.

Disposition: Adopted. (Y-4)

- 973** Amend Title 33, Planning and Zoning, to change sign standards and define monument signs (Ordinance introduced by Commissioner Hales)

Disposition: Passed to Second Reading as amended June 13, 1996 at 2:00 p.m.

- 974** Direct Bureau of Planning to continue work to further evaluate sign regulations (Resolution introduced by Commissioner Hales)

Disposition: Resolution No. 35524. (Y-4)

- *975** Authorize the City Attorney to negotiate and sign a temporary agreement with billboard companies (Ordinance introduced by Commissioner Hales)

Disposition: Ordinance No. 170224 as amended. (Y-4)

Commissioner Charlie Hales

- 976** Amend zoning code to better implement Cultural Resources Protection Plan for Columbia South Shore (Second Reading Agenda 914; amend Title 33)

Disposition: Ordinance No. 170225. (Y-4)

At 6:00 p.m., Council adjourned.

BARBARA CLARK
Auditor of the City of Portland

Cay Kershner

By Cay Kershner
Clerk of the Council