



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF NOVEMBER, 1999 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

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

Tom O'Keefe, United Community Action Network, asked that all the items on the Consent Agenda be pulled and heard on the Regular Agenda.

REGULAR AGENDA

- 1561** Accept bid of Olympic Foundry, Inc. to furnish cast iron valve boxes, lids and extensions for \$169,630 annually for two years (Purchasing Report - Bid 99460)

Disposition: Accepted; prepare contract. (Y-5)

- 1562** Accept bid of Pacific Safety Supply, Inc. to furnish type I barricades for \$26,805 annually for two years (Purchasing Report - Bid 99506)

Disposition: Accepted; prepare contract. (Y-5)

- 1563** Vacate a portion of N. Ziegler Avenue north of N. Bank Street under certain conditions (Second Reading Agenda 1532; C-9965)

Disposition: Ordinance No. 173900. (Y-5)

Mayor Vera Katz

- *1564** Extend legal services agreement with Amburgey & Rubin PC (Ordinance; amend Agreement No. 32285)

Disposition: Ordinance No. 173901. (Y-5)

- *1565** Approve the re-appointment of Hilary Abraham, Jay Formick, Bruce Broussard and Ann Nickel to the Portland Utilities Review Board and their eligibility for a second full term (Ordinance; waive Code Section 3.123.050(B))

Disposition: Ordinance No. 173902. (Y-5)

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***1566** Accept a grant from the U.S. Environmental Protection Agency in the amount of \$500,000 to establish a Brownfields Cleanup Revolving Loan program (Ordinance)

Disposition: Ordinance No. 173903. (Y-5)

***1567** Authorize the Mayor to execute an Indenture of Trust and Custodial Agreement with the Chase Manhattan Bank (Ordinance)

Disposition: Ordinance No. 173904. (Y-5)

Commissioner Jim Francesconi

***1568** Terminate contract with Pacific Cascade Controls (Ordinance; Contract No. 31364)

Disposition: Ordinance No. 173905. (Y-5)

1569 Contract with Pepsi-Cola Company to receive revenue from soft drink sales at Portland Parks and Recreation sites (Ordinance)

Disposition: Ordinance No. 173906. (Y-5)

***1570** Increase contract with McBride Architects for professional services to the Portland Building east and west walls repair project and provide for payment (Ordinance; amend Contract No. 32067)

Disposition: Ordinance No. 173907. (Y-5)

***1571** Increase contract with McBride Architects for professional services to re-roof the Portland Building 2nd and 3rd floor loggia and provide for payment (Ordinance; amend Contract No. 32068)

Disposition: Ordinance No. 173908. (Y-5)

***1572** Authorize the purchase of moving services by the Bureau of General Services for relocation of the development service bureaus to The 1900 Building and provide for payment (Ordinance)

Disposition: Ordinance No. 173908. (Y-5)

Commissioner Charlie Hales

1573 Set hearing date for Wednesday, 9:30 a.m., December 8, 1999, for the vacation of a portion of SW Bertha Court south of SW Capitol Highway (Resolution; C-9974)

Disposition: Resolution No. 35840. (Y-5)

Commissioner Dan Saltzman

1574 Accept completion of the Columbia Slough consolidation conduit, construction Segment 1, Project No. 6181, and authorize final payment to Robison Construction, Inc. (Report; Contract No. 31521)

Disposition: Accepted. (Y-5)

1575 Accept completion of the N. Emerson Street and N. Michigan Avenue sewer rehabilitation project, Project No. 6355, and authorize final payment to Moore Excavation (Report; Contract No. 32232)

Disposition: Accepted. (Y-5)

Commissioner Erik Sten

1576 Accept contract with John L. Jersey and Son for water mains in SW Huber as complete, release retainage and authorize final payment (Report; Contract No. 32119)

Disposition: Accepted. (Y-5)

***1577** Contract with Global Action Plan for the Earth for \$50,000 to provide a sustainable lifestyle campaign for Portland residents (Ordinance)

Disposition: Continued to November 17, 1999 at 9:30 a.m.

***1578** Contract with Kenton Action Plan, Inc. for \$20,000 for outreach and technical assistance to residents and businesses to allow them to participate in redevelopment plans and activities in the neighborhood and provide for payment (Ordinance)

Discussion: Tom O'Keefe, United Community Action Network, said he does not envy Council's decision this afternoon about moving image signs. He said he pulled all the items off the Consent Agenda as an exercise in free speech to illustrate his belief that trying to regulate digital billboards should not be Council's job.

Commissioner Hales suggested that if he wanted to testify about signs, he should come at 2:00 p.m.

Disposition: Ordinance No. 173909. (Y-5)

1559 **TIME CERTAIN: 9:30 AM** – Consolidate existing erosion control regulations into one regulation, enact erosion control regulations and revise flood management regulations (Ordinance introduced by Commissioner Hales; amend City Code by adding Title 10 and amending Chapters 17.38, 24.50 and 24.70)

Discussion: Commissioner Hales said construction in this area requires special care to ensure that sediments do not negatively impact streams and fish population. He appreciates the efforts to put all the regulations into one Title which will allow the City to prepare a

guidebook for erosion control plans. This will make it easier for people to understand what they need to do. He also appreciates the attention being given to implementation, with training, workshops and increased inspections with the focus on prevention. He noted that Commissioner Saltzman and Bureau of Environmental Services (BES) staff have proposed amendments that would expand these regulations beyond development and construction activities.

Margaret Mahoney, Office of Planning and Development Review (OPDR), said this proposal is the result of efforts by six bureaus, the City Attorney's office and the excellent work of many staff members. This proposal adds a new Title to the Code, bringing together and expanding a variety of rules beyond what is in existence today. The Title will be jointly administered by four bureaus, the OPDR, BES, Water and the Portland Office of Transportation (PDOT).

Kermit Robinson, OPDR, said the current erosion control regulations are administered by four bureaus and in some circumstances, such as land divisions, four bureaus may be administering erosion control measure at the same time on the same development. In addition, the public now really does not know who to call to complain. Staff from the bureaus involved began meeting to resolve these problems and see if they could get onto the same page. External factors also must be considered. Under the City's NPDS stormwater permit, the City agreed to expand its erosion control efforts. Metro's Title 3 requires the City to impose erosion control measures Citywide and, because of the listing of salmon and other species as threatened, it is assumed keeping more erosion out of water will help those species recover. This proposal puts all these regulations in one title with OPDR reviewing private developments outside the right-of-ways and Water, BES and PDOT reviewing projects in the right-of-way so there is clear authority for each project. One erosion control manual will be used for all projects. The program is performance-oriented and if approved measures do not work in the field, more can be required to cut back erosion. New inspections are also proposed, the key ones being pre- and post-construction inspections. New enforcement options are also included although the emphasis is on voluntary compliance agreements. With regard to floodplain regulations, a balanced cut-and-fill approach is proposed plus adoption of the Metro 1996 inundation maps, both of which are required by Metro Title 3. Mr. Robinson described the public outreach process and noted that the regulations call for creation of a new administrative board to review alternatives to those in the handbook that might do better job of erosion control. A complaint line will also be set up along with appropriate procedures and fees. Once this process is completed, these regulations will be submitted for concurrence with Metro Title 3 and the National Marine Fisheries Service (NMFS) requirements. He said some issues remain to be addressed. For instance, in the erosion control area Metro requires a standard which states that no visible and measurable erosion shall leave a site. That is a very tough standard to meet. There is also Commissioner Saltzman's concern that this apply to all ground disturbing activity, whether there is a permit or not. In the flood plain management area, staff is trying to figure out at what distance the balanced cut-and-fill can occur and still not affect flood levels.

Commissioner Saltzman said next week he will offer amendments to apply the regulations in Title 10 to all ground-disturbing activities, not just permitted activities. He realizes there is a workload concern and to address that he will propose that BES basically handle all concerns that arise about the non-permitted, ground-disturbing activities. He said the amendment will also require that signage be posted by applicants indicating that they have

received a permit. He also just heard that the City Attorney's office has a technical concern that needs to be reviewed as well.

Ms. Mahoney said there are also some definitional questions OPDR wants to review. One concern has to do with the signs. She noted that it is not just permitted work under OPDR that is regulated under Title 10 but also all the public work activity undertaken by PDOT, BES and the Water Bureau. They may need to refine the wording about signs, particularly regarding where complaints should go. Another question concerns the cost impact of handling the complaint line and whether that cost should be shared by the four bureaus.

Commissioner Francesconi asked what the urgency is in doing this now.

Mr. Robinson said the City is required by Metro to adopt compliance regulations by December 17 although they do not have to be in force by then.

Commissioner Francesconi asked these regulations are above or below the Metro standard..

Mr. Robinson said Metro has indicated that they are happy with what is proposed. He said Metro thought the City's proposal was adequate but did not indicate whether it was below or above the standard. In terms of erosion, he believes this is right on the Metro standard. He said Metro is not specific about where the balanced cut-and-fill has to happen other than in the flood plain areas and the City wants to look at that specifically with respect to the Port of Portland's concern.

Commissioner Francesconi asked if there has been external discussion of what is being proposed in the amendments.

Mr. Robinson said the July draft included all ground-disturbing activity and sought public input on that issue. Some people felt applying these regulations to all ground-disturbing activity was going too far but there was not overwhelming testimony either way.

Commissioner Francesconi said he is concerned about having adequate input on this issue although perhaps it is not a significant addition. He asked what kind of activities Commissioner Saltzman's amendment addresses.

Commissioner Saltzman said the United Sewage Agency in Washington County has regulations that do include all ground-disturbing activities and there was considerable discussion about this by the committee. The amendment is aimed at such activities as farming and gardening, anything that produces sediment that goes into the water.

Commissioner Sten asked who was against expanding the regulations to cover all ground-disturbing activities. He said he understood both the development and the environmental committee favor treating permitted and non-permitted activities equally.

Laurie Graham, OPDR, said there was little or no response to this issue from the public. However, many expressed concern about how the City was going to be able to regulate gardening activity and wondered how much sediment is created by gardening and farming activities compared to construction activity. The answer is, staff does not know at this point. Finally, there is an enforcement concern.

Commissioner Sten asked if this will be enforced on a complaint basis and only when someone is producing enough dirt that someone notices.

Ms. Mahoney said yes but noted that the intent is to educate first.

Commissioner Sten in reviewing the committee report, it seems as if inclusion of non-permitted activities was intended initially but, due to staffing concerns about enforcement, it was pulled off the table.

Ms. Mahoney said it was discussed at length by staff, with relatively little response from the public.

Dennie Jurries, Stormwater Engineer, Northwest Region, Oregon Department of Environmental Quality, 2020 SW 4th Ave., Suite 400, Suite 97201, said he is very impressed with this document but has found several weak points in the proposal. He said since the purpose is to make sure that no visible or measurable sediment or pollutants exit a site, the City needs to take a closer look at what it defines as sediment or pollutants. He said the definition of pollutant needs to be changed to include colloidal solids, which make up 80 to 90 percent of the run-off from construction sites. He supported the proposed amendments, especially regarding signage and coverage of farming and other non-permitted activities.

Tom Cropper, Northeast Portland resident, questioned why the issue was not raised four years ago when there was so much flooding. The same is true for the problems with sewer gas, leaking water mains and basement flooding and he wishes he had heard more about it as he is sure developers know more about this than the general public. He said he strongly supports rational erosion controls as he fears excessive growth has already created a state of gridlock.

Lise Glancy, Regional Affairs Manager, Port of Portland, said the Port supports the City's goals and approach but has three areas of concern. First, because flood management areas include water bodies those regulations will apply to presumably unintended in-water construction activities, such as dredging. This is currently regulated by the Oregon Division of State Lands (DSL) and the US Army Corps of Engineers. She said the Port would like to either have the City explicitly exempt these areas or adopt the DSL and Corps standard which is consistent with DEQ regulations. Second, the Port believes application of the balanced cut- and-fill approach, which is intended to maintain in-flood storage capacity at existing levels, may not make sense in drainage districts or hydraulically controlled areas. She said the Port requests that the City clearly state the intent of balanced cut-and-fill and consider a waiver of those requirements where it can be shown that the fill will not impact flood levels and will be consistent with drainage district management plans. The Port also believes that the City proposes to adopt too narrow an interpretation of the flood plain management area for balanced cut-and-fill regulations to be achievable. Port staff have proposed that drainage sub-basins are a more appropriate area as certain areas are too small for balanced cut-and-fill to occur. Finally, the Port suggests formation of a technical committee to make revisions to the erosion control manual and would like City staff to hold a training session with the Port prior to implementation. She said the Port has no apparent concern with Commissioner Saltzman's amendments.

Ernie Francisco, Johnson Creek Watershed Council, said erosion has been the Watershed Council's issue since day one and the City can help most by monitoring Johnson Creek.

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She explained some of the problems encountered with erosion during development and attempts to prevent sediment from leaving a site. One problem is that some contractors can not afford to do what might be best to do. Education and enforcement are also very important. She said the Watershed Council appreciates the explicit booklets issued by BES which explain what citizens and developers need to do to prevent erosion.

Commissioner Francesconi asked what neighbors are doing, regarding non-permit activities, that the Watershed Council would like regulated.

Ms. Francisco said when Watershed Council members see sites where questionable activities are going on, particularly as is happening now in the Mt. Scott area, they visit those sites as concerned neighbors and talk to the developers. However, when it comes to normal home activities on individual lots, they do not have an answer at this point. She said at this point the Watershed Council is not advocating for more regulations.

Mayor Katz asked if the Watershed Council's issue is with the ability to enforce non-permitted activities.

Ms. Francisco said even for permitted activities there is not enough backup enforcement, if the neighbors do not want to do what the Watershed Council suggests.

Tom O'Keefe, UCAN, said every year the City is required to print a list of those who have been polluting the waterways. The list has been shrinking as it no longer addresses local discharge limits for sulfate and other pollutants. He said it would be better for the City to worry more about those and less about one neighbor picking on another because of a rototiller.

Linda Bauer, 6332 SE 158th, said she is very concerned about non-permitted activities that cause erosion that no one can do anything about now. She said the visible and measurable list includes three activities and questioned whether all three must occur or just one before they constitute erosion. She said the State has a 10 percent increase in turbidity limit which she would like to see on this list as well as that is the easiest way to measure sediment from an outfall directly into a creek. Overall, she believes this proposal is really a step forward.

Ms. Mahoney reviewed the issues raised. She believes the definitions of sediment and pollution and the standard of visible and measurable are adequate to catch the pollutants Mr. Jurries is concerned about. However, they will follow-up on that with BES to see what has been included on its list of pollutants.. OPDR does not have a separate definition of pollution. She said staff reviewed the Port's concerns and believes there may be some overlap in regulations and they will ask Metro and the other regulating agencies to take a look at this. She said the City needs to be sure that erosion is dealt with but it does not need to regulate in inappropriate areas. Regarding the balanced cut-and-fill approach as applied to the Port, she said there are some flood control areas in the Port area that are very small and, if Metro agrees, these could be looked at as sub-basin drainage areas. OPDR also supports formation of a technical advisory committee on the erosion manual.

Dawn Hottenroth, BES, said the list Mr. O'Keefe refers to is the industrial source control list, which sets out pollutant limits going to the treatment plant, not necessarily directly to water bodies. That list is adjusted every few years when what comes to the treatment plant is re-evaluated. Some things drop off the list because the treatment plant is able to handle

them and because the companies themselves are doing a much better job of controlling what they discharge.

Regarding Ms. Bauer's and Ms. Francisco's concerns, Ms. Mahoney said a number of the proposed provisions, i.e. the pre- and post-construction inspections on development activity, will help ensure all appropriate measures are in place. There will also be additional staffing to allow OPDR to respond to calls. The signage proposal will help the City respond to complaints more quickly as well. The training and educational efforts will help get materials out to small builders and indicate prescriptive requirements for individual jobs, such as driveways.

Commissioner Saltzman asked whether the three items listed under the visible and measurable standard were an "and" or an "or."

Mr. Robinson said it is an "or" as any one of those items constitute the visible and measurable standard. Regarding the 10 percent increase in turbidity, the question is whether that could be folded in as an equal partner. Staff will explore that as an option.

Commissioner Francesconi said it would be nice to have a clearer sense of the non-permitted activities the City is trying to regulate and the way those activities affect streams. He would also like to have a clearer idea of how BES would actually enforce them. He said some additional citizen input is needed as they are ones who will have to deal with neighbors next door who do not comply. Some neighbors should serve on the technical committee as well.

Disposition: Passed to Second Reading November 17, 1999 at 9:30 a.m.

***1560**

TIME CERTAIN: 10:30 AM - Adjust FY 1999-2000 Adopted Budget for Fall Budget Adjustments (Period 3 FY 1998-99) (Ordinance introduced by Mayor Katz)

Discussion: Jim Ruth, Office of Finance and Administration (OFA), said this is primarily a technical budgeting adjustment where encumbrances and grants are carried over from the prior year. However, there are new requests totaling approximately \$24 million, of which \$5.3 million is in the General Fund and about \$18.7 is in other funds. Of the ten positions requested by the Bureau of General Services, OFA is recommending approval of seven. OFA is also recommending approval of the five positions requested by OPDR, with some reservations. He said adding new staff needs to be approached with caution as the City's reserves are being drawn down about \$6 million this year to fund operations and there are also revenue declines in major activity areas. Council will need to improve fee increases to fund these positions.

Mayor Katz asked if these new positions were anticipated during the budget process or are they the result of external things that have happen.

Mark Murray, OFA, said there were external extenuating circumstances that led to these requests although there is some debate as to whether all of the positions could have been anticipated.

Ken Rust, OFA, said his office was concerned that some of the BGS positions were not necessarily the result of new work that was unknown prior to the start of the fiscal year and

should come through the normal budget process.

Mr. Ruth explained the other technical adjustments, including a \$750,000 increase in special appropriations for business license refunds as a result of a change in the business license quarterly payments. That money is being taken out of the encumbrance contingency carryover. There is also \$800,000 in compensation adjustments in general contingency due to the District Council of Trade Unions (DCTU) settlement. The minor supplemental budget adjustments are completely technical.

Mr. Murray said on the business license refunds, the BMP ordinance does incorporate OFA's recommendation to use the excess encumbrance carryover, the \$800,000 being moved from general contingency for the compensation set-asides is a way of protecting those funds if they are needed as a result of the DCTU settlement.

Commissioner Saltzman asked if the business license refunds resulted from moving to a quarterly payment system.

Mr. Murray said the City moved to quarterly payments a few years ago and as a result, the payment patterns have changed. There is not enough history yet to make either staff or the businesses comfortable with the way the payments come in. Businesses make their payments and then ask for refunds rather than leaving them with the City. This has become a cash management issue for both sides.

Mayor Katz asked where the money for any future bargaining settlements would come from.

Mr. Murray said if the .9 percent is given to other employee groups, the bureaus have been told they will have to manage the one-time increase out of their existing budgets.

Mr. Rust said bureaus have been informed that OFA will closely watch vacancy savings and expect that bureaus will not move money from that line item to any other item in their budget. Instead, those savings should be used to pay for the DCTU one-time costs this year as a protection against the contingency amount. With those measures in place, they believe they can manage the cost increase for this fiscal year and will build on that in the forecast.

David Viers, President of Self Help for the Hard of Hearing, PO Box 2112, 97208, requested Council funding of closed captioning to give the hard of hearing access to Council meetings.

Mayor Katz said Council will address this issue at the appropriate time.

Disposition: Ordinance No. 173910. (Y-5)

Mayor Vera Katz

*1579

Accept a grant from the Environmental Protection Agency in the amount of \$90,826 to conduct a reuse assessment for the McCormick and Baxter Superfund site (Ordinance)

Disposition: Ordinance No. 173911. (Y-5)

Commissioner Dan Saltzman

1580 Adopt a Waste Reduction program and enter into a Waste Reduction program with the Metropolitan Service District so the City can receive Metro Waste Reduction Challenge funds (Ordinance)

Disposition: Passed to Second Reading November 12, 1999 at 9:30 a.m.

Commissioner Erik Sten

***1581** Authorize Commissioner of Public Works to sign on behalf of the City an Administrative Order on Consent with the Environmental Protection Agency and Oregon Department of Environmental Quality regarding liability for East Multnomah County groundwater contamination (Ordinance)

Discussion: Commissioner Sten said today's agreement calls for the City to work with the Department of Environmental Quality (DEQ)) on strategies to limit its liability for groundwater contamination. He does not think the City is liable but law suits could tie up a lot of its time and some of the conversations with corporations could be hostile.

Terry Thatcher, Senior Deputy City Attorney, said the City has negotiated a de minimus settlement whereby the Environmental Protection Agency (EPA) and the DEQ agree that the City will make certain compensation to them and then the City will not be held liable for any contamination or the movement of plumes found in this area. The purpose is to eliminate any uncertainty about potential City liability and move on with a remedy.

Commissioner Francesconi asked when the City will get moving against the people who really caused the contamination.

Mr. Thatcher said very soon, particularly after this agreement has been signed.

Tom O'Keefe, UCAN, said the City has taken steps to protect any damage it might have caused by moving the plume. He described some of the settlements Boeing and Cascade have made with farmers, trailer-park owners and others but added that the City has not received one nickel from either company and, instead, the ratepayers are having to shoulder this burden. He said the City should just clean up the well field, giving citizens a reliable and clean source of water. This will limit city liability. He said it would be better to work together with Boeing and Cascade and get this thing settled.

Commissioner Francesconi said the City has tried to work with Boeing and Cascade but that has not succeeded so he thinks this is right approach.

Commissioner Sten said Mr. O'Keefe is on the right track about trying to work out a settlement with Boeing and Cascade. But this step needs to be taken first.

Disposition: Ordinance No. 173912. (Y-5)

- *1582 Contract with the Portland Development Commission for \$16,540,228 to undertake housing and economic development projects that benefit low and moderate income residents and provide for payment (Ordinance)

Discussion: Commissioner Sten said the biggest portion of this represents a block grant from the federal government. He said while this is a large amount of money, it fails in comparison to the need as this good economy is actually hurting the poor. This will help the City keep treading water.

Disposition: Ordinance No. 173913. (Y-5)

City Auditor Gary Blackmer

- *1583 Create a local improvement district to construct ornamental street lighting Local Improvement District (Ordinance; C-9973)

Disposition: Continued to November 17, 1999 at 9:30 a.m.

Communications

- 1584 Request of Linda Bauer to address Council regarding the Office of Planning and Development Review (Communication)

Discussion: Linda Bauer, 6232 SE 158th, addressed her concern about drainage problems on two lots in the MacGregor Heights development. She said neither property was part of the application, which included improper erosion control measures. She criticized the City for giving the developer the ability to go onto a property and begin work without prior notice. She noted that this has also been appealed to LUBA.

Ben Walters, Deputy City Attorney, said since this is on appeal to LUBA, it could be remanded to Council at some point and thus Council consideration today would constitute an ex parte proceeding. He cautioned that any comments by Council might complicate matters.

Ms. Bauer said since it was a Type II appeal, she did not think it would come to Council if it were remanded.

Commissioner Francesconi noticed that there are no ground rules regarding these communication requests.

Disposition: Placed on File.

At 11:50 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 10TH DAY OF NOVEMBER, 1999 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Hales, Saltzman and Sten, 5.

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

S-1587 Amend the Portland Comprehensive Plan and official Zoning Maps to reflect periodic review (Second Reading Agenda 1557)

Discussion: Cay Kershner, Clerk of the Council, said a Substitute has been filed.

Ruth Spetter, Senior Deputy City Attorney, noted a memo from her office indicating that Council definitely has the ability to modify decisions of the Planning Commission. That is what is reflected in the Substitute ordinance.

Commissioner Hales moved the Substitute. Commissioner Sten seconded and, hearing no objection, the Mayor so ordered.

Disposition: Substitute Ordinance No. 173914. (Y-5)

1585 **TIME CERTAIN: 2:00 PM** – Consider report and recommendation of the Hearings Officer for a Comprehensive Plan Amendment and Zone Change from R7 and R7c to R2 and R2c and Minor Subdivision requested by Capitola Partners Ltd. to create four lots at 4310 SW Galeburn Street (Report; LUR 99-00362 CP ZC SU)

Discussion: Kathryn Beaumont, Senior Deputy City Attorney, outlined the procedures for testifying today.

Duncan Brown, Office of Planning and Development Review (OPDR), outlined the approval criteria and the site characteristics of this 3.23 acre site in a largely undeveloped area, with frontages on both SW Dickinson and SW Galeburn Streets. He also described the existing zoning patterns in the area, which is near Capitol Highway, and noted that applicant's site is on the edge of existing R2 land. The proposed rezoning will rezone the center and eastern portion of the site to R2 while the property fronting SW Galeburn would remain R7 as would the portion on the eastern edge. He indicated what the proposed development would look like if the zone change is approved and described the site characteristics, including the existence of an environmental conservation zone on the eastern boundary where a conservation easement is proposed. He also noted the condition of the nearby streets and the existence of traffic problems at the intersection of SW Capitol Highway and Dickinson, which were one reason cited by the Hearings officer for his denial. The Hearings Officer also recommended denial because he found that the proposal did not meet a number of City goals and policies, particularly those regarding diversity of housing types. As staff person, Mr. Brown said he originally recommended denial but at the hearing the applicant provided new information about housing types and ownership that had been lacking before. On that basis, he approved it.

Mayor Katz asked what designation was recommended in the Southwest Community Plan.

Mr. Brown said he believes it was R2.5

Steve Pfeiffer, attorney representing applicant, noted the representatives of the applicant available to testify today.

Dan McNaughten, developer and applicant, said he is the developer of adjacent Capitola Commons, one of the few apartment complexes to be built in Southwest Portland in the last 10 years. He said it is attractive, affordable, popular and well designed and Southwest needs more multi-family housing of this kind, especially given its accessibility to transit.

Greg Winterowd, Winterowd Planning Service, 310 SW 4th, 97204, said after they provided new information to staff, staff found that that every Comprehensive Plan goal and policy relevant to this applicant was equally or better met. They analyzed a four square mile area outside Capitola Commons and found there were 260 vacant single-dwelling acres but only three vacant multi-dwelling acres. He said there is no way, within a mile of this site, to replicate what Mr. McNaughten has already built in a multi-family apartment complex. All the bureaus the applicant worked with support this and believe there are adequate services to the site. The Hearings Officer found that all but two policies and goals were met. Incredibly, he found the application did not meet the housing or urban diversity goals. If the R2 zone does anything, it allows more housing choice than R7 and clearly allows more affordable housing types. His reasoning was that only one housing type will be provided. However, in fact, the proposal includes single-family housing as well. The Hearings Officer then focused on neighborhood preservation policies but even those encourage preservation of neighborhoods within the context of higher density and greater diversity. They are not status quo policies that envision no change. The applicant made numerous design changes to accommodate the neighborhood rather than just plopping a development down here. However, the Hearings Officer found that apartments by their very nature necessarily reduce neighborhood stability as a class. He noted a letter in the record from the Community Alliance of Tenants (CAT) that strongly disagrees with that statement. The Hearings Officer also found that the proposal represented an intrusion into the heart of a single-family residential neighborhood. In fact, the property abuts an R2 plan designation and there is multi-family housing on two sides. He said there are no other vacant parcels like that in this four-square mile area and this was the only parcel recommended both by the Planning Bureau and the West Portland Park Neighborhood Association for R2 zoning. Ten months after making that recommendation the neighborhood decided that was a mistake, seemingly because of fears about spreading R2 development. To address that, the applicants reduced the area both to the north and southeast. The multiple-housing will abut only two single-family homes, hardly an intrusion into the heart of the neighborhood. They have also designed the project so that no traffic from this development will pass by any single-family homes to reach Capitol Highway. And, if Council desires, they can design the project so that none of the traffic goes out onto Dickenson, if that will help. He said there simply are no comparable parcels that better meet the criteria for R2 zoning anywhere within four-square miles.

Robert Lee, project architect, said the initial concept plan was modified to add two single-family lots, provide a pedestrian easement, modify the setbacks, provide a large open space in the northwest corner and set back the development by an additional ten feet along the conservation easement. The main design feature was to make the units look as much like townhouses as possible, with two stories and individual entrances and enclosed parking, so they would fit into the neighborhood.

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Commissioner Francesconi said the applicant has stated that only three acres of land are available but the Hearings Officer said that is not test; the test should be the total zoning. Why is the Hearings Officer wrong about that?

Mr. Winterowd said the Hearings Officer said that the applicants had not considered parcels with a single-family home on them and that a lot of those could be zoned R2. He was wrong, however, and the evidence in the record shows that.

Commissioner Francesconi said should not the test be how it is zoned, as opposed to what is on it.

Mr. Winterowd said it does not work to demolish homes and buy multiple parcels. There is no financial incentive to do that in single-family areas and it also tends to create a lot of negative feeling from neighbors. Their focus was whether there were sites capable of handling an apartment complex as opposed to scattered infill.

Commissioner Francesconi asked what the rents are.

Mr. McNaughton said they range from \$700 to \$1,100 a month, the most affordable rental housing one can build in Southwest without a subsidy. The average rent is \$890 and the predominant mix is two-bedroom units.

Supporters of the applicant included:

Sabra Baum, property manager, Capitola Commons complex ,
Janie Miller, Capitola Commons resident, 10706 SW Capitol Highway, 97219
Lloyd Hubbard, 4250 SW Huber, 97219
Linda Koser, 11339 SW 45th, 97219
Erin Shaw, 10706 SW Capitol Highway, #61, 97219
Tim Shaw, 10706 SW Capitol Highway, #61, 97219
Ken Klein, 15290-C SW Teal Blvd., Beaverton, OR 97007
Scott Matttern, 6127 SW Kruse Ridge Dr., 97219

Supporters testified that the current Capitola Commons apartments are well-managed and maintained and they would welcome the addition of new, and needed, quality units. They said there have been no problems with vandalism or graffiti and that it would be difficult to tell renters from homeowners. They noted that the whole area is surrounded by multi-family units and believe this development is a logical extension that will fit in rather than intruding on single-family homes. They said it makes a lot of sense to build here rather than build a whole new complex somewhere else.

Amanda Fritz, representing the West Portland Park Neighborhood Association (WPPNA) said this proposal does not encourage more housing diversity but merely adds many more identical units. She said there is nothing to show that R2 is more needed than R7. She said this area needs to increase home ownership and there should be more balance between home ownership and rentals. She questioned why more apartments should be added in this neighborhood while others in Southwest have none. She noted that the Hearings Officer said this application fails to prove that changing the zoning would not have an adverse impact on long-term residents. She cited the lack of nearby parks, inadequate transportation services, the lack of adequate street connections and an inadequate sanitary

sewer proposal as other reasons why this should be denied. She said the most important reason, however, to deny this is because it will encourage more families to move to the area, thus negatively impacting the neighborhood and the schools.

Ms. Fritz said originally WPPNA proposed R7 with an A overlay for this property in the Southwest Community Plan, thinking there might be some vacant parcels that could develop at R2.5. Unfortunately, there was a map error in the report and that was then corrected. The Planning Bureau proposed R2.5 on this property in the discussion draft report which caused such furor in Southwest. The Hearings Officer also found there was not enough evidence in the record to show that there is enough vacant R7 land in the neighborhood as the record shows that many of the sites applicant said were buildable have already been developed.

Commissioner Hales asked Ms. Fritz how, given the breakdown in the street grid in this area, she would foresee this developing with R7 lots and how any kind of an urban forum can be created here, whether multi- or single-family.

Ms. Fritz said single-family development would need more street frontage and there is not enough frontage on either Dickinson or Galeburn. There would have to be a cross street in order to sub-divide. The Hearings Officer found the subdivision code was not met because the middle lot could not be divided at R7 density without some sort of street.

Commissioner Hales asked if she foresaw more streets being built through this property in order to develop at R7.

Ms. Fritz said she believes many adjacent properties assumed there would eventually be some extension of 43rd and that single family homes would be built on both sides. A street, in addition to R2, would be the worst of all possible worlds for those neighbors.

Commissioner Hales asked about connecting Dickenson to Galeburn, as was shown in an earlier proposal. He asked why the neighborhood did not support that.

Ms. Fritz said they cannot figure out a way to make this work for the neighborhood. The applicants have probably done the best they can do for R2; but that is not acceptable. The neighborhood does not want a through street if there are apartments but they do want a through street if there are single-family homes. She said since this is a Comprehensive Plan amendment the Metro Title 6 spacing requirements for how frequently streets cross apply. If they want to develop at R7 they could do a cul-de-sac off Dickenson and would not have to provide a cross street.

Commissioner Sten asked if she expected the current zoning in the area would change under the Southwest Community Plan.

Ms. Fritz said the problem with this application is that it's partly based on Metro's designation of the Barbur/Capitol/I-5 intersection as a Town Center and there is a huge amount of controversy as to whether that will continue to be a Town Center. It was proposed for a Town Center because it is a horrible intersection, with a very bad service level of traffic. If it does not remain as a Town Center, no one knows when the traffic problem will get fixed so adding new units anywhere around there is problematic. The neighborhood does propose RH and R1 closer to that intersection to be more transit

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supportive but that will not work unless the whole Town Center concept goes through. The neighborhood believes Council should not make any Comprehensive Plan changes until the Southwest Community Plan is complete and the City has figured out what the policy is and how it is going to pay for infrastructure. The policies will be coming to Council soon and questions about whether to upzone near Environmental zones or before transportation and stormwater management problems are solved need to be answered first.

Commissioner Sten said he sees a factual basis for most of the neighborhood's arguments regarding transportation and stormwater policies. However, about half the neighborhood's argument seems to be based on the philosophical argument that half the people in Portland, the renters, are bad people. The Hearings Officer's statement that renters cause problems is very alarming. He said there is no factual basis relating to the percentage of households in the City with those who have kids – it is not close to 50 percent as the vast majority of homeowners these days do not have kids. He said a lot of statements are being thrown around as evidence that he will be supporting a balanced policy for kids by supporting home ownership. These read to him as a thinly veiled argument that the neighborhood does not like renters.

Ms. Fritz said she was only trying to convey that a balance is needed and that schools need families who are able to volunteer. She said no neighborhood should go too much one way or another. They want to be sure they have a mixture in all neighborhoods.

Commissioner Sten questioned whether it is realistic to argue that if a neighborhood is 10 percent off the average for homeownership that one or two developments should be turned down based on that logic. That is a dangerous basis for a Citywide policy

Ms. Fritz said the City's housing policy, which was just adopted, calls for expanding home ownership opportunities in neighborhoods with rates lower than the regional average. She said West Portland Park is 15 percent off the average for home ownership in the Southwest district and she believes it is doing its share to become a diverse neighborhood. Almost all the new apartments are at the upper end and the renters are fine, upstanding people. R2 is a rental zone while R7 offers a choice.

Mayor Katz said she thought the policy is aimed at making sure that new units are 50 percent multi-family and 50 percent single-family home ownership.

Ms. Fritz said the critical issue is that there are not many families among the renters.

Commissioner Sten said only about 30 percent of City households have children and he lack of families is a tough argument to base a specific land-use decision on.

Ms. Fritz said when City policies are determined, what is being done for kids needs to be at the forefront.

Mayor Katz said these are legitimate issues where more data is needed and they will be discussed with the community as a whole.

Commissioner Francesconi noted that since two sides of the site are already R2 there is some logic to having more.

Ms. Fritz said one side is zoned R2 but the other side was built out at R5 despite the designation.

Commissioner Francesconi noted the applicant proposes that single families be built close to the existing single family home, so the apartments will only be near two housing units.

Ms. Fritz said it does not matter if it is just two houses surrounded by apartments. This is spot zoning.

Commissioner Francesconi said 35 percent of the City's building permits are for construction east of 82nd where there is no infrastructure to support families. The applicant points out that this site is one of the few spots in Southwest where one can actually build an apartment complex to house renters. Yet the neighbors in this part of Southwest believe they have already done more than their share of accepting rental units. That leads to the question of whether there will be any rezoning elsewhere in Southwest that allows such units.

Ms. Fritz said no one has an answer to that now and that is why West Portland Park believes Council should go slowly today. She said the neighborhood has proposed many more appropriate sites for upzoning than this one, i.e. redevelopable sites on Capitol Highway. She said Metro's Goal 1 requires that Comprehensive Plan map amendments be done within a regional context.

Commissioner Saltzman asked about the level of service summary for the intersection where the only service deterioration is on the west leg of Dickenson, which is across the highway from the proposed development.

Ms. Fritz said there is no traffic light and four lanes of traffic. With more people coming out of Dickinson from the east side, people who try to come from the west will not be able to get out as easily as they could before. The point is this development causes the service level to go from E to F.

Commissioner Hales said while the City does level of service analyses for cars, it forgets to talk about transit in staff reports and Hearings Officer's decisions. He noted that this development is on the No. 5 bus line, which provides the best service in Southwest Portland. He questioned where else in Southwest Portland one would find that level of transit service for multi-family housing.

Ms. Fritz said they have identified other sites for upzoning closer to the Barbur intersection. One problem is crossing Capitol Highway. If and when this property is developed there should be a traffic light at Dickenson to allow transit users to cross the street.

Residents speaking in opposition to approval of the application included:

David Gens, 10644 SW 42nd Ave., 97219
Nancy Drais, Crime Committee Chair, West Portland Park Neighborhood
Association
Lilly Moore, 4123 SW Galeburn, 97219
Greg Olson, 4306 SW Galeburn, 97219

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John Alland, 10467 SW 53rd, 97219
Kirk Martin, 4334 SW Galeburn, 97219
Elizabeth Martin, 4334 SW Galeburn, 97219
Dave Johnson, Collins View Neighborhood Association
Dixie Johnson, 0550 SW Palatine Hill Rd., 97219
Robert Leith, 10741 SW 49th, 97219
Leonard Gard, Southwest Neighborhood office, get written
Carol Hartsook, 4354 SW Dickinson, Franciscan Condominiums
Mark Sieber, 4938 SW Canterbury, 97219
Marlin Wilson, 10715 SW 41st Ave., 97219

Opponents said R2 is intended for areas where good public services exist, which is not the case here. They said the development will add to traffic congestion and overtax already inadequate police and fire protection services. Several noted that SW Luradel, one block north of Galeburn, has the highest reported crime rate of any street in Southwest Portland, even though it is only three blocks long. They said since very few people with children live in these apartments, the site is much more likely to attract families if R7 zoning is retained. Many said Council should not make any piecemeal, spot zoning decisions but instead wait until the Southwest Community Plan is completed as that will guide development regarding diversity of housing types.

Commissioner Francesconi asked Mr. Alland how the Southwest Plan would handle neighborhoods that are out of balance the other way in terms of multi-family and home ownership.

Mr. Alland said once the policies are set to guide future map decisions then rezoning would be done overall, rather than on a spot zoning basis. He agreed that other areas are out of balance and do need more multi-family housing. That is where the battles will occur.

Commissioner Saltzman said he is skeptical about the Southwest community's ability to reach consensus on the Comprehensive Plan. He questioned what guarantees there would be that four years from now the plan will be done and developer will not face same problem.

Mr. Sieber said he believes the community is very close to consensus although contentious issues remain. He does not think the Plan will take another four years as the neighborhoods would like to move forward. He said the greatest concern is that all the policies work together.

In rebuttal, Mr. Pfeifer said the policy issue, if there is one, is the new and novel approach taking services as they exist and then applying A through F service level criteria. It would be bad policy to deny the Comprehensive Plan because one leg may fail. He noted that all City bureaus recommended approval across the board. While opponents ask Council to wait for Southwest Community Plan policies, the City already has extensive policies in place now. What is suggested is that Council declare a de facto artificial moratorium based on the suggestion that, four years into the Plan, it will be completed in just another year. He said it might be better to stimulate people to come together by going forward on a discrete basis now. Regarding providing for renters even though they do not have kids in schools, he said the fundamental basis for the Hearings Officer's decision is Policy 2.3, calling for the City to provide a range of housing types. The Hearings Officer concluded that R2 is likely to

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have adverse affect on current uses but provided no evidence, concluding that the mere fact that units are not home owned determines whether they are a positive contributing force to the neighborhood. Regardless of what Council decides on this case, it should not go down that road.

Commissioner Hales moved to uphold the Hearings Officer's decision and deny the Comprehensive Plan Map and Zone Change.

Commissioner Sten seconded.

Commissioner Francesconi voted aye but said it is an extremely close call as he accepts CAT's statement that rental housing opportunities are important and that neighborhoods should have a diversity of housing types. He does not accept the statement by the Hearings Officer that renters contribute to bad neighborhoods. He also believes there are adequate services and that Capitola is a good place to live. However, he will support the motion because the burden of proof is on the applicant to show that the zone change will equally or more higher support the Comprehensive Plan goals as a whole. He believe that test has not been met.

Commissioner Hales said he agrees with Commissioner Francesconi about the burden of proof but disagrees with the Hearings Officer's statement about renters or the level of service analysis as that is not the way to interpret adequacy of services. This is a close call for him because he believes this is as good a design as could be expected at this density at this site. However, people should be able to rely on the Comprehensive Plan as it stands and, to get over the burden of proof, the applicants have to show they are doing something special that will advance the Comprehensive Plan as a whole better than the current zoning does. This does not add any more flavors or ingredients to the mix that is already there.

Commissioner Saltzman agreed that this comes down to the burden of proof, especially regarding the level of service. He also takes issue with the Hearings Officer's statement about renters. He added that West Portland Park has supported more density and that distinguishes it from many other neighborhoods.

Commissioner Sten said Council has to decide if the change is equal or better to the current zoning and it is not clear in this case that it is. However, the neighborhood's argument that Council cannot process any changes until the Southwest Community Plan is finished makes him very nervous as they were the ones who slowed it down in the first place. He also objects to the anti-renter tone of much of the testimony heard today.

Mayor Katz said she wants the findings to reflect Council's feelings about renters and the home ownership issue. She said how and where to provide higher density, how neighborhood character can be maintained and the provision of services were issues raised today. She agreed that the City must find a way to respond to increasing density in areas where there is no infrastructure. She said the Bureau of Planning is attempting to move forward on the Southwest Plan but it will not be easy.

Disposition: Tentatively uphold Hearings Officer's recommendation and deny request; prepare findings for December 8, 1999 at 2:00 p.m.

Mayor Vera Katz

1586

Accept changing image signs follow-up summary report (Report)

Discussion: Mayor Katz said participants in the work group that was convened following passage of the changing image signs ordinance were unable to reach consensus. Council can decide whether it wants to accept the Report and should also outline any themes it would like staff to follow through on and develop some options for future consideration.

Stevie Greathouse, Bureau of Planning, said the report summarizes the work group meetings, provides an analysis of the concepts as requested by Council but does not propose any code changes at this time. She noted that in February and June, 1999 Council amended the Code to add prohibitions covering a broad range of signs previously permitted; i.e. flashing and rotating signs. Council then directed Planning staff to follow-up to see if there were any alternatives to prohibition. After holding three meetings, the work group found it was unable to reach consensus. Three concepts that would apply in non-residential zones emerged from its work: 1) allow signs to change without restriction; 2) allow up to 80 percent of a sign to change up to once per second and allow 15 percent of a sign to change with no restriction; and 3) allow up to 100 percent of a sign to change every 30 minutes. Staff developed two other concepts: 4) allow 15 percent of a sign to change at any rate in a designated bright lights district; and 5) allow 30 percent of a sign to change at up to once per second. Staff asks that Council consider the information and testimony but postpone any code changes until it explores any avenues it may be interested in and until it is determined whether these options are legally defensible.

Mayor Katz said Council may want to look at Concepts 4 and 5, get the reaction of the work group and try to determine if the City will get sued if one of them is chosen.

Commissioner Francesconi asked if there was anything in the report to show that electronic signs are a traffic hazard.

Ms. Greathouse said no one in the City has been directed to do such a study although some national studies are looking at this. She said nothing has been conclusively correlated because of the difficulty of attributing accidents to a particular cause.

Len Bergstein, representing A K Media, said Council should embrace this new technology in a way that supports the First Amendment. There is no evidence to show that these signs have a negative impact and Council should regulate according to impacts. A K Media is willing to work with the City to write a code that will regulate intensity, identify acceptable signal interval cycles and create incentives to encourage signs that have the least impact on the surrounding area.

Commissioner Francesconi said he is personally disappointed about the proposal that has been made. He asked if A K Media is willing to move any more, other than as indicated in its letter.

Mr. Bergstein said A K Media is trying not to negotiate against itself but is willing to enter into any mediation of a settlement. He said it wanted to address those areas where it thought the City had expressed concern. In the right setting, A K Media is willing to be better if the City is.

Commissioner Saltzman asked why A K Media does not support Concept 2.

Mr. Bergstein said there is broad consensus that signs do not belong in residential or pedestrian-oriented zones. But they do not believe trying to regulate the percentage of signs that can change is a good idea.

Paul Leistner, Research Director, City Club, said this not about working out a deal with the sign companies. He said it is important to look at the objectives of the sign code and determine the role signs should play in the community. He said there is an ongoing, inherent conflict between the sign industry and the community as the purpose of a sign is to draw attention to itself and it does so by being brighter, flashier and bigger than what is around it. However, that competes with the community's interest in not having those signs dominate the landscape. He said Council should look at other options as there is some flexibility, although not on flashing signs. It should also look at administrative fees and the amortization issue.

Dan Chandler, representing Oregon Electric Sign Association, said the industry thinks the City can regulate big, bright, fast-moving signs without violating Oregon's Constitution. He said the Association's proposal calls for a percentage of what is already allowed in a zone and would thus be tailored to specific zones. This can be done fairly simply.

Kevin Downing, 6202 SE 21st, 97202, said the issue is not with historic signs but with the new video signs that are really televisions. State law recognizes that the only home appliance prohibited inside a car is a television so it makes no sense to allow it outside. He said opponents are not technology-adverse Luddites but are concerned with appropriate use and location. He does not believe changing image signs belong in any neighborhood setting or in view of residences. While he recognizes the legal challenge the City faces, he believes signs should show that they present no hazard. He said he had studied the Oregon Department of Transportation reports for SE 17th and found a 20 percent increase in traffic accidents since the sign has gone in there.

Alex Pierce, 650 NW St. Helens Ave., 97229, read a statement from Oregon Roadside Council urging Council members to say "enough is enough" and deny all forms of changing image signs. If these are allowed, the City should be prepared for succeeding generations of dominating advertising technology and it is ludicrous to conclude that such signs do not divert drivers' attention from focusing on traffic.

Mayor Katz asked what Council would like to do..

Commissioner Hales said he could use feedback from Council but noted that the City is being sued again because of its sign regulations and it is pretty hard to negotiate in those circumstances. He asked if Council would like to explore establishing some sort of licensing.

Mayor Katz said she would like to poke around Concepts 4 and 5 to see if they are workable and can meet some of the criteria Mr. Leistner has identified. However, there is no sense doing that if no one interested.

Commissioner Sten said he does not think barring all moving signs is good for the City but

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did support the last ordinances because he hates these new signs. He said he would like to find a compromise that allows reasonable signs that move. If no compromise is possible then Council will have a difficult choice to make. As much as he hates the television signs, he believes it is inappropriate to prohibit all signs with moving parts.

Mayor Katz said video signs are not where she want to go although she does not want to lose some moving signs. The issue is whether a compromise will stand the legal test.

Commissioner Francesconi said he hates electronic signs in general and the one in Sellwood in particular. He noted that Sellwood is boycotting the advertisers and said such approaches may be more effective than government action. While he thinks these signs do degrade neighborhoods, the City has to stop talking about traffic accidents until it can document a relationship to the signs. If the City is unable to do that but keeps using that as a justification for banning such signs, it could be assessed punitive damages by the court. He would support exploring a compromise that allows small signs for small businesses. Decisions are coming down now that cost the taxpayers a significant amount of money and he would like to see if there is a legal solution to the lawsuits. The Court of Appeals has now ordered the City to get into a mediation process on one of the cases and, while this will probably be a waste of time given A K Media's position, it should at least be attempted. Then Council can make a decision and move on.

Mayor Katz said she will discuss the Court's request to mediate with the City Attorney. Regarding the report, she thinks she heard that the issue of small business signs needs to be addressed and also heard that Council could probably agree about some of the more urban moving signs. Whether the City can limit that kind of technology, the size of the sign, or set a percentage limit on what can move are issues she will work on. Then Council can decide what it wants to do.

Commissioner Hales said the sign industry clamors louder and louder with new technology to get people's attention. In the past, because of the City's weak Code, signs no one liked could be built. The only refuge is a Code that is completely clear and legally defensible. He thinks the City now has one and he does not want to weaken it.

Mayor Katz said she would like the sense of Council regarding permit fees as right now the City has no enforcement ability.

Disposition: Accepted. (Y-4)

At 5:10 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

Cay Kershner / 160

By Cay Kershner
Clerk of the Council