



TO: Elizabeth Pauli, City Manager
FROM: Peter Huffman, Director, Planning and Development Services
COPY: City Council and City Clerk
SUBJECT: Billboard Sign Code Amendments: Setting Public Hearing Date of November 14, 2017—
October 31, 2017
DATE: October 9, 2017

SUMMARY:

A resolution setting November 14, 2017, as the date for a public hearing on proposed amendments to the billboard sign code.

STRATEGIC POLICY PRIORITY:

This action is being requested because it supports the following strategic policy priority of the City Council:

- Assure outstanding stewardship of the natural and built environment.

BACKGROUND:

In 1997 the City Council enacted an ordinance imposing a ten-year amortization period for removing non-conforming billboards in Tacoma. In July 2007, Clear Channel sued the City alleging the City's sign code unconstitutionally regulated speech. In 2010, the City and Clear Channel settled the dispute and dismissed the lawsuit through a settlement agreement, allowing Clear Channel to re-file its lawsuit if the City Council did not adopt an ordinance allowing digital billboards. In Spring 2011, the Planning Commission and City Council rejected a proposed ordinance allowing digital billboards. In August 2011, the City filed a complaint for Declaratory Judgment to invalidate the settlement agreement, and adopted Ordinance No. 28009, implementing additional billboard regulations and prohibiting digital billboards. In August 2012, the City and Clear Channel entered into a Standstill Agreement and continued negotiation of a settlement. In September 2014 the Tacoma Billboards Community Working Group was convened to explore alternative options for billboard regulations and made its recommendations to the City Council in March of 2015. The City Manager was directed to work with billboard owners, community stakeholders and the Planning Commission to develop recommendations for removing and consolidating billboards. These efforts have resulted in a settlement agreement proposed by Lamar Advertising that would, if approved by the City Council, end the threat of litigation by the largest billboard owner in the City regarding the constitutionality validity of the billboard sign code. The Settlement agreement would require that the City Council adopt the proposed ordinance amending the provisions of the sign code regulating billboards.

ISSUE:

The City's sign code has been the subject of a lawsuit challenging the constitutional validity of provisions regulating billboards. In the summer of 2016, City staff began discussions of a proposed resolution regarding non-confirming billboards with Lamar, the owner of the vast majority of billboards in the City. These discussions concluded with Lamar's proposal in September 2017 to settle its constitutional claims conditioned upon passage of the proposed ordinance. The proposed public hearing would allow for all interested parties to be heard regarding the proposed ordinance.

ALTERNATIVES:

The City Council could decide not to set the date of November 14 for the public hearing.

RECOMMENDATION:

The recommendation is to set November 14, 2017, as the date for a public hearing on proposed amendments to the sign code.