



CITY COUNCIL REGULAR MEETING

MINUTES

February 21, 2012

Mayor Jack Hoffman called the regular City Council meeting to order on February 21, 2012, at 6:05 p.m. in the Council Chambers of City Hall, 380 A Avenue.

Present: Mayor Hoffman and Councilors Bill Tierney, Sally Moncrieff, Mike Kehoe, Jeff Gudman, Mary Olson and Donna Jordan

Staff / Media present: Alex McIntyre, City Manager; David Powell, City Attorney; Cate Schneider, City Recorder; David Donaldson, Assistant City Manager; Brant Williams, Director, Economic and Capital Development; Ed Wilson, Fire Chief; Hamid Pishvaie, Assistant Planning Director; Don Johnson, Police Chief; Dale Jorgenson, Police Captain; Jessica Numanoglu, Senior Planner; Leslie Hamilton, Senior Planner; Erica Rooney, Assistant City Engineer; Jordan Wheeler, Assistant to the City Manager; Christine Kirk, Public Affairs Manager; Kim Gilmer, Director, Parks & Recreation

Media Representatives Kara Hansen (*Lake Oswego Review*); and Everton Bailey (*The Oregonian*)

3. PLEDGE OF ALLEGIANCE

Mayor Hoffman led the Council and the audience in the Pledge of Allegiance.

4. PRESENTATION

4.1 Distinguished Service Award presented to Alex McIntyre

Mayor Hoffman presented the Distinguished Service Award to **City Manager Alex McIntyre**. He praised Mr. McIntyre's professional expertise, leadership and collaborative approach to City management. He observed Mr. McIntyre was leaving the City in better shape than he found it in. Mr. McIntyre accepted the award and thanked the Council for its support over the years.

5. OSWEGO LAKE DISCUSSION

Mayor Hoffman explained this item had been added to the agenda after the Council had begun to drift into a discussion of policy issues related to lake access during executive session. **Councilor Olson** had suggested the discussion should take place in a public meeting. **Mayor Hoffman** reported he, **Councilor Tierney**, **Mr. Powell** and **Mr. Donaldson** had met with some members of the Lake Corporation board on February 9. The Lake Corporation representatives had suggested some kind of boardwalk type feature, but had not made a specific proposal. The group had discussed in general terms whether it might be something the City might be interested in in the future. They had not talked about specifics. City officials had not offered any reaction.

Each of the Councilors then related his/her personal feelings about the lake access issue. **Councilor Olson** clarified that she had encouraged the Council to express its feelings for some time, but she had not requested this meeting. She noted the Planning Commission had chosen to ignore the CAC recommendation to not take up the issue and it had scheduled a hearing. Now the City Council had to wait and see what the Commission did or did not forward to the Council.

Councilors Tierney, Jordan and Moncrieff each agreed it was appropriate for the Planning Commission to continue to proceed with the process. **Councilor Kehoe** indicated it should continue because the process had already started down that path. **Councilors Tierney, Jordan and Moncrieff** each explained why their personal feelings were to support the status quo. **Councilor Tierney** observed that to date the City had taken the position of encouraging visual access to the lake. His personal opinion was that the community was best served today by maintaining the status quo as it was today. The Lake Corporation had done an excellent job of enhancing and preserving the quality of the lake. He declared that his property had easement access rights to the lake. He had never exercised them. **Councilor Jordan** related that she could use the Lake Grove Swim Park and she would be able to join an easement that would allow boat access to the lake. She noted the current Comprehensive Plan talked about access to the waters of the two rivers and the lake. The City had approached access in various, appropriate, ways. The City already had enough to try to take care of. **Councilor Moncrieff** noted that existing Comprehensive Plan goals and policies pertaining to the lake were strong and had worked well for the City. **Councilor Kehoe** remarked that he was bothered that the Planning Commission had not heeded the CAC decision not to take up the issue and that one member of the Planning Commission could create so much divisiveness and angst in the community.

Mayor Hoffman related he had heard the concerns of the citizens in emails; voice mails; telephone conversations; blogs; and newspaper articles. Some had accused him of seeking to make the lake public. He clarified that was not his position and he had consistently been in favor of the status quo. He clarified two 'urban myths' were untrue: 1) He had no connection with Lewis & Clark Law School professor Blum; and, 2) he had not 'hand-picked' a member of the Planning Commission to use as a 'pawn.' The Planning Commission member who was the subject of people's scorn and criticism had been interviewed by two other Councilors and the Planning Commission chair and then appointed by a 7-0 Council vote to fill an interim position in October 2010. He had been interviewed by **Mayor Hoffman, Councilor Gudman** and Chair Gustafson and then appointed by a majority of six Council votes to fill the position in June 2011. **Mayor Hoffman** described the system as 'bottom up,' not 'top down.' He advised that it was correct for the Planning Commission to talk about the lake because the Comprehensive Plan addressed it. The community surrounded the lake and the lake defined the community. Some blogs referred to an enclave of wealthy lake dwellers. But the community knew that was not the case. There were 700 homes around the lake. But approximately 13,000 (one-third) of the City's 30,000 residents had access to the lake either through easements or swim parks. All the children in Lake Oswego had access to the City Swim Park. The community could either use this as an opportunity to find a common solution to move the City forward or just keep throwing conspiratorial darts at the Planning Commission or the City Council. A move away from the relationship the City had with the Lake Oswego Corporation would change and further divide the community. The only definitive answer to the question of whether Oswego Lake could be accessed by the public and to what measure would come through expensive litigation. The City had never taken a public stance on the issue or chosen to test a theory of public access in court. It had remained neutral in its actions. It had just followed its Comprehensive Plan policy to create visual access over time. Remaining neutral worked to maintain the status quo. He had told reporters and he was telling everyone that he favored maintaining the status quo. He would leave the legal debate to some day in the future. It was not in the best interest of the community for the City to become a party to any expensive, community-dividing litigation. When **Councilor Olson** asked if his definition of 'status quo' was to remain neutral, **Mayor Hoffman** confirmed that. When pressed by an audience member to define 'status quo' he added that the 'status quo' was exactly the situation it was today, last year, and five and ten years ago. **Councilor Moncrieff** offered the audience member a copy of the lake access part of the Comprehensive Plan.

6. CONSENT AGENDA

Councilor Jordan moved to approve the Consent Agenda. **Councilor Tierney** seconded the motion and it passed with **Mayor Hoffman** and **Councilors Moncrieff, Jordan, Kehoe, Gudman, Olson** and **Tierney** voting 'aye.' [7-0]

6.1 RESOLUTIONS

6.1.1 Resolution 12-08, a Resolution for the City Council of the City of Lake Oswego Approving the Addition of the City of West Linn as a New Member of the Metropolitan Area Communications Commission

Action: Adopt Resolution 12-08

END CONSENT AGENDA

7. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

8. CITIZEN COMMENT

➤ **Paden Pritchard, 204 6th Street**

Mr. Pritchard, who served on the Evergreen Neighborhood Association board, encouraged the City to keep City Hall where it was; repair and retrofit it; and expand it toward the east to accommodate a police communications facility. The area at 3rd/Evergreen that the neighborhood considered its park should remain a park. That would save the trees there. Most of the traffic could access City hall from A Avenue.

➤ **Warren Bacon, 752 Lane Forest Dr.**

Mr. Bacon advocated making the open space at 3rd/Evergreen a City park. He read aloud from meeting documents which indicated the Evergreen Neighborhood had wanted it developed into a park for years. They noted it would complement Millennium Plaza, which was for larger community gatherings. It would also provide a resting space for City hall employees to enjoy during lunch hour.

➤ **Bill Gordon, 341 Third St.**

Mr. Gordon was president of the homeowners association of a townhome complex between City Hall and the Wizer block. The association strongly encouraged the City to look at expanding City Hall in some other direction than into the 3rd/Evergreen open space. It was concerned about the negative impact on livability and property value. It did not want to lose the park. It noted the preliminary Parks 2025 plan reported there was a significant lack of local neighborhood parks.

➤ **Diane Boom, PO Box 328, Lake Oswego (97034)**

Ms. Boom agreed with the previous commenters that the open space should remain a park. She clarified it would be fine with her if police communications relocated to the WEB. She noted with interest that the Group Mackenzie report drawings and elevations showed a lot of trees. They were 'putting back the green.' She thanked the Councilors for their service.

➤ **Darryl Boom, PO Box 328, Lake Oswego (97034)**

Mr. Boom related he resided at 6th/Evergreen. He observed that the City was talking about sustainability and looking ahead 30 years. As the neighborhood got denser over the years having the green space at 3rd/Evergreen would become even more important. He thanked the Councilors for their service.

➤ **Norma Pritchard, 204 6th St.**

Ms. Pritchard advocated keeping the 3rd/Evergreen open space as a park. The neighborhood valued it as a park. She related that she walked her dog there and she often saw families with children using it.

➤ **Joy Strull, 456 Lake Bay Ct. (97034)**

Ms. Strull reiterated that it was important to Evergreen neighbors to keep the 3rd/Evergreen green space. She confirmed that she would support adding more artwork there.

➤ **Bruce Brown, Co-chair of the Sustainability Advisory Board (SAB), 2323 Wembley Park Rd. (97034)**

Mr. Brown related that he and representatives from the Natural Resources Advisory Board (NRAB), Historic Resources Advisory Board (HRAB), Parks & Recreation Advisory Board (PRAB) and others, including a couple of Councilors, had met to discuss the issue of expanding the Urban Growth Boundary (UGB) primarily to accommodate potential construction of a new tennis center in the Luscher Farm area. The general consensus was that was premature. The City should complete the Luscher Area master plan and the Parks 2025 Plan and continue with the Comprehensive Plan update before rushing into consideration of expanding the UGB. The SAB was committed to moving the process forward and completing it within one year. With those plans in place the Council could decide if it wanted to consider expanding the UGB to bring in the entire Luscher Farm area in March 2013. The SAB wanted to keep Luscher Farm primarily urban farm use but it was open to working on out a compromise that would allow some other recreational needs to be folded into the overall area. That would have to be sensitively done with sustainability in mind.

➤ **Mary Ann Kunkel, 3085 Westview Cir.**

Ms. Kunkel explained she was familiar with the shortcomings of the existing tennis facility because some of her family members played there. They also enjoyed doing other activities in and around Luscher Farm. She questioned why the 'dream solution' of building a new facility on City-owned property using a revenue bond had been opposed at every turn. She questioned how farming and tennis could be considered mutually exclusive. She urged the Council to apply for the UGB change before the March 15 deadline. She volunteered her marketing services to help the City ensure that the entire community participated in the discussion.

➤ **Liz Lamande, 2486 Palisades Crest Dr.**

Ms. Lamande related that she had served on the golf and tennis siting study group in 2010. She and family members played tennis. She urged the Council to stick with its earlier vote and commitment to submit a UGB expansion application by March 15, 2012. She explained the tennis community had waited more than patiently and was tired of waiting. She suggested an alternative solution to waiting until the Luscher Farm master plan was completed so various stakeholders could reach consensus on use of the Farm. She reasoned that if the UGB application was really about jurisdiction, and if most of the usage issues had already been discussed by the public at length all last year at numerous round tables and open forum meetings, there was no reason not to submit the application this year and complete the Farm master plan on a parallel track. The City should not let the application window slip by again this year.

➤ **Thomas Holder, 481 Iron Mountain Blvd. (97034)**

Mr. Holder indicated that he represented a large community of tennis players who wanted the new indoor tennis facility to happen. They were not 'just a few people.' He disagreed with the SAB position that the process had been too short. He reminded the Council it had adopted a goal to complete the next steps for constructing a new indoor tennis facility by March 15 and to apply to Metro to bring all park properties currently located outside the UGB inside the UGB with certain exceptions. He urged the Council to 'stay the course,' submit the application, and not be sidetracked by competing issues. He noted the goal was not contingent on any other board's reservations or concerns. He indicated that submitting an application to Metro did not have to be contingent upon including a proposal for the Luscher Farm property. Any Councilors who had stated that had apparently already made up their minds.

➤ **Kay Kerr, 4 Gershwin Ct. (97035)**

Ms. Kerr indicated she was concerned about TriMet routes being canceled during morning and evening work shift times. She stressed the City needed bus service. They did not need to be big buses, but could be small buses for a just a few riders. She specifically asked if the City could arrange for a bus to go by the ACC.

Councilor Jordan assured Ms. Kerr that the City and the school board were fashioning a joint response to TriMet's cutting service times. They wanted to talk with TriMet about how to find a better service model for Lake Oswego without increasing costs. **Mayor Hoffman** encouraged Ms. Kerr to convey her request to **Councilor Jordan** via email so the Councilor could include it in the documents.

9. PUBLIC HEARING

9.1 Ordinance 2579, an Ordinance of the City Council of the City of Lake Oswego Reorganizing the Community Development Code (LOC Chapter 50); Consolidating the Community Development Code with Code Provisions Relating to Solar Access (Chapter 57), Historic Preservation (Chapter 58) and Fences (Article 45.15); Amending the Zoning Map and Comprehensive Plan Map to Reflect Changed Zone Names; and Adopting Findings (LU 11-0036)

Mayor Hoffman opened the public hearing. **Mr. Powell** outlined the applicable criteria and the hearing procedure. He asked the Councilors to declare any conflicts of interest. None were declared. When he invited them, no one in the audience challenged any Councilor's right to hear the application.

Staff Report

➤ **Jessica Numanoglu, Senior Planner/Project Coordinator; and Leslie Hamilton, Senior Planner/Project Co-Manager**

Ms. Numanoglu advised this was the first of two phases. The purpose was to make the existing content of the code more user friendly; update its structure from the existing 1960's model; and make the code more adaptable. The current proposal was to adopt a reorganized Chapter 50 and rename some of the zoning districts. She clarified that Chapter 50 content was reorganized, but not changed. Zoning names were to be changed for clarity and consistency. Phase 2 would address substantive issues. The staff was preparing an RFP for a consultant. The staff had worked with the Code Reorganization Work Group to determine if issues were substantive. A summary of all the issues the Work Group had been presented with was in the report. She described the public involvement process leading up to the Planning Commission recommending approval in January.

The staff had consolidated multiple documents into one document; reduced the existing 65 articles to 11 main sections; and reformatted text, headers, tables and graphics. They made minor text amendments while trying to avoid substantive changes. **Ms. Numanoglu** highlighted some of the changes. She explained the logical order of the proposed table of contents. She compared examples of old and new format. She offered an example of how existing graphics had been made more legible. She offered the Summary Procedures Table and the Reverse index as examples of some of the new user-friendly features in the code.

Ordinance 2579 called for adopting a new Chapter 50. It would also establish a temporary (three-year) code reorganization variance in case an inadvertent mistake during the code reorganization process would cause a different outcome for a development that would have been allowed under the old code. It provided that the City Recorder was allowed to make corrections to errors in clear and objective standards that were inadvertently made during code reorganizations. The variance process would be a simple process with a notice and appeal period.

Some issues related to the draft had been identified by staff and the public. Staff proposed to reword 'placeholder' text from 'insert new purpose statements' (page 23) and 'proposed new section' (page 501) to 'reserved.' SAB Co-chair Bruce Brown had commented that the solar access section lacked graphics and cross references and that the standards and exceptions should be consolidated into one

section. The staff had decided to wait to improve this section because they had flagged it for a complete rewrite during Phase 2. However, they recommended adding cross references now. They preferred to follow the consultant's recommendation to place all adjustments and exceptions to standards in one code section. Nan Binkley had offered comments in matrix format. Staff had highlighted the three of them that were within the scope of the code reorganization project. Staff recommended making them. They were to change the title, Zoning Map (page 12) to Zone Districts Map; fix a clerical numbering error (page 60); and consistently use the term, 'backlit' (page 139).

Ms. Numanoglu outlined the applicable criteria. She confirmed notice of the public hearings had been distributed to the public and to higher level jurisdictions and agencies. Staff recommended approval of the ordinance with the minor changes to the placeholder language; adding references to the solar access section; and making the three minor changes in the table provided by Nan Binkley.

Public Testimony

➤ **Jim Bolland, 804 5th St.**

Mr. Bolland recalled that both infill task forces and LONAC had recommended code reorganization. He commended the City for getting it done. He thanked the staff for a great effort.

Mayor Hoffman closed the public hearing.

Discussion

Councilor Jordan thanked **Mr. McIntyre** for getting the code reorganization done. **Ms. Numanoglu** confirmed for **Councilor Gudman** that the staff planned to include graphics in the solar section during Phase 2. **Councilor Olson** thanked the staff for great work. She pointed out that a section of Planning Commission minutes in Exhibit C-1 should not be crossed out (page 63). The staff agreed to check to ensure that proposed text related to minimum dimensions of a covered front porch (page 81) were consistent with those adopted in Ordinance 2525 (policy lite amendments) and email their confirmation to the Councilors.

Councilor Tierney moved to tentatively approve LU 11-0036 and direct staff to return with the final version of Ordinance 2579, including findings and conclusions, on March 6, 2012; to incorporate Option 1 of Mr. Brown's suggestions; to incorporate the staff recommendations regarding Ms. Binkley's suggestions; and to modify Exhibit C-1 as Councilor Olson indicated. **Councilor Jordan** seconded the motion and it passed with Mayor Hoffman and Councilors **Moncrieff, Jordan, Kehoe, Gudman, Olson and Tierney** voting 'aye.' [7-0]

The Council recessed for ten minutes and then reconvened.

10. REPORTS

10.1 Application to Metro to Adjust the Urban Growth Boundary

➤ **Kim Gilmer, Director, Parks and Recreation**

Ms. Gilmer reported that **Mayor Hoffman** had coordinated a meeting with several advisory board chairs so they could help the Parks and Recreation department work on a resolution. The group had indicated to him that they preferred that the City wait until the Luscher Area master plan was completed before submitting a UGB expansion application. Because of that the staff report contained a draft resolution but the staff did not recommend adopting it at this time. They recommended working on the master plan and submitting the UGB expansion application next March.

Councilors Moncrieff and **Jordan** supported submitting the application to Metro in March 2012. **Councilor Moncrieff** suggested the City could work on the master plan at the same time. She and **Councilor Jordan** observed there had already been a substantial amount of public involvement. **Councilor Jordan** recalled the draft farm plan had been revised and discussed with the Planning Commission, PRAB, NRAB and other boards. It was likely fairly close to what the community expected: A large part of the farm would be retained as a community farming operation; the community gardens would be expanded; and people would have the urban agricultural experience

they were looking for. The Council had already talked about how to zone and protect it in the future. She cautioned that if the City put off applying for UGB expansion until March 2013 Metro might take months to review it. That would delay the new tennis facility.

Councilor Olson suggested some reasons to delay the application. She had attended the Mayor's meeting with board chairs. They had made a commitment to the chairs that the Council would not submit the application in March and would instead work to address the concerns of some of the boards. She indicated the City could use the next year to prepare to move forward with the tennis center by refining the design and the financial analysis; doing the environmental studies; and holding neighborhood meetings. She understood that after the properties were brought into the UGB the county would still have jurisdiction and it would be able to change the zoning. She understood that Metro required completed plans for areas that were to be brought into the UGB. The City did not have a completed plan.

Councilor Moncrieff recalled there had been public outreach and engagement regarding the Luscher Area master plan since August 2010. The boards and commissions had looked at it on a couple of occasions. They all had an opportunity to provide feedback. Over the 18-month period almost 3,000 people had participated in the process online and at meetings. **Ms. Gilmer** confirmed that. She related that she got the impression from the chairs at the meeting that was the first time they had talked about it. She pointed out the staff report described the process that had been used since August 2010. It listed the outreach at events and concerts; stakeholders meetings; design charrettes, open houses and the three online comment periods. Boards and commissions and all the individual board and commission members had been invited to participate. Neighborhood associations had been invited to participate. Parks and Recreation had checked in with the Council in July after a series of public meetings to continue narrowing the plan down to a final plan. Each advisory group had been invited to provide input. After Parks and Recreation had a draft plan they brought it to Council and held a breakfast meeting with the chairs of the SAB, TAB, NRAB, and PRAB. The HRAB representatives could not attend the meeting, so **Ms. Gilmer** met with them individually. Then three boards invited Parks and Recreation staff to come to a board meeting to talk about the plan: SAB, HRAB and NRAB. Parks and Recreation staff presented to those boards during July and August and asked for their input. **Ms. Gilmer** reported that Parks and Recreation had developed a site plan. They were working on the narrative portion of the plan, but could not complete it until the site plan was confirmed. When they met with the Council in July the intent was to wait until they got Parks Plan 2025 underway.

Ms. Gilmer advised the real point of contention was athletic fields. The draft plan showed two fields to the south of the existing field. There was general agreement about the rest of the plan, including the trails, the natural area and the agricultural area. They could be tweaked a little bit. But the location of fields and how they impacted agricultural and historic use was the pinch point of the plan. That was why Parks and Recreation returned to Council to talk about athletic field use in January. The Council had provided helpful direction. Parks and Recreation would finalize that, refine the plan and bring it back to Council. There had been a tremendous amount of public outreach. More than any other master plan she had worked on during her 12 years with the City. Almost 2,500 people had participated in online comments and almost 500 people actually provided comments at public meetings or events.

Councilor Moncrieff wanted to know the size of the total area and the size of the area in contention. **Ms. Gilmer** reported the entire area was 189 acres and the area that people did not agree 100% about was about 25 or 26 acres. **Councilor Moncrieff** asked if the contention was primarily about the ball field. She noted the plan had been refined to preserve the historic farm part and to add more community garden space. **Ms. Gilmer** explained Parks and Recreation was now deciding how many ball fields there were to be and how they would be located related to the agricultural area. The Council had provided guidance in January about one field to the east of the existing field. That would mean the agricultural area was preserved. If the Council chose to increase the number of fields Parks and Recreation would have to figure out how to position them on the property.

Ms. Gilmer advised that the master plan would need to address where the historic overlay would be after the property was brought into the City. Under current county zoning there was a 22-acre historic overlay. That included the farm buildings and the general area where agriculture was occurring. But the agriculture area was actually larger than 22 acres. The 22-acre size had been well vetted during the 1997 planning process, which had expanded it from a six-acre area around the farm buildings to 22 acres. They recognized at that time how important it was to protect the historic value of the site.

Councilor Moncrieff asked what Metro required. **Ms. Gilmer** related that she understood the UGB application required a conceptual plan, which did not have to be a refined, detailed plan. It would show in general terms how the property was going to be used; access points; traffic impacts; and where the active recreational areas, open space, and natural resources areas were located. Metro did not need to see the details of how many parking spots or how many community gardens there were to be.

Councilor Jordan suggested the Council move forward with an application to Metro. She questioned why people would fight over the UGB process. Getting the area into the UGB was the first step of several that had to be taken. If the City did not take that step now it could be three years before the City could annex the area. The Council had a goal to start work on the tennis center this year and it already had a layout that might also include an athletic field. Everyone wanted to keep the farm. Those could be in the conceptual plan. There had already been a lot of public involvement in the process. The City should know if the property would be in the UGB before it spent a lot of money on engineering and architectural plans and environmental studies. It needed to make sure the new tennis center could actually be self-sustaining and funded through a revenue bond.

Councilor Olson indicated she was disappointed that Council might not honor the advisory board chairs' concerns. She referred to her notes from the meeting with the Mayor. PRAB representatives were concerned about timing and leap-frogging the process. They were concerned their credibility as co-chairs would be compromised because they had just received the ball field data. They felt it should be vetted by the advisory boards and folded into the process. They felt they needed to finish the parks master plan and the Luscher plan first. Commissioner Johnson had advised that there were advantages to finishing the plan first so the City was not in the position of having Metro or the county dictating what would happen on those properties. **Councilor Olson** clarified there had not been an 18-month process. It had been a 12-month process because there had been no meetings to work on it for the last six months.

Councilor Kehoe indicated he would respect the boards, wait until next year, and listen to them. He did not believe that rushing to make the UGB application (and perhaps skipping some steps) was necessary. He was not convinced it was the method to use to solve an illegal use problem or that it needed to be rushed because of the tennis center. As a business person he wanted to wait to see an analysis that showed the center could pay for itself and how many members it would lose to a new, competing, business that was to open in the fall.

Mayor Hoffman asked **Ms. Gilmer** how close the process was to a finalized plan. She answered that it was very close. She still needed the Council to tell her how many fields to put out in the Luscher area in order to finalize the plan. The public process showed there was a lot of agreement about the other aspects, but there was a 50:50 split on sports fields versus agricultural area. There could be one more field at Luscher Farm and a small field on the Rassekh property, but there was not enough property in the entire parks system to accommodate the community's need for fields. Once the decision about sports fields was made Parks and Recreation would finish the plan and figure out what the related transportation needs were. It knew that the primary entrance to the site would be at Overlook and there would need to be another access to the gardening area off Rosemont. **Mayor Hoffman** asked if the Council could use the advisory boards to get to a finalized plan. **Ms. Gilmer** hoped there would be sufficient willingness to compromise on everyone's part to get there. The City needed to honor the comments it received from everyone in order to put together a plan that balanced various needs of the community.

Councilor Moncrieff indicated it was time to move forward. She did not agree that the process was rushed or a surprise. It had begun in 2006 when the Comprehensive Plan was amended in order to bring the properties inside the UGB. The City owned the property. She was not concerned about the county changing the zoning because it was a City park. Parks and Recreation had asked the Council to bring the parks inside a year ago. She said she respected the boards and commissions. Lack of an agreement on one aspect of the entire park was no reason to throw out 18 months of solid, robust, public process. She anticipated the plan could be finished while the UGB application was being processed.

Councilor Olson moved to direct staff to work with four advisory boards (NRAB, SAB, PRAB and HRAB) to formulate and present for approval the Luscher Area Master Plan by the end of the year 2012. Councilor Kehoe seconded the motion.

Councilor Olson noted that was part of the recommendation in the staff report. **Councilor Gudman** indicated having agreement of all the groups would strengthen the case for expanding the UGB. **Councilor Tierney** questioned how the motion related to the UGB issue. **Councilor Olson** clarified it did not address that issue. **Councilor Tierney** recalled the Council had said it wanted to see the parks master plan first, then the farm plan. **Councilor Olson** related the board and commission chairs had expressed strong feelings at the recent meeting. They felt making a UGB application was premature. They recalled that months ago the Council had directed that the farm plan was to be delayed in order to complete the parks master plan. They were very surprised and taken aback that the Council had voted to move forward with the UGB application. Some questioned why they were even there and were ready to resign. They felt that was circumventing the process. They were in the middle of getting the new data on the ball fields. Everyone had come away from the meeting with an agreement about how to proceed. That was the basis for the staff report and recommendation and it was the basis for her motion. **Mayor Hoffman** indicated he favored moving ahead with the plan and with the UGB expansion application concurrently. He was convinced the best way to protect the urban agriculture in the Luscher area was to start the process of bringing it into the City while working with the advisory boards.

Councilor Moncrieff moved to amend the main motion to include concurrently applying to Metro to bring the Luscher properties inside of the UGB by the March 2012 deadline and to adopt draft Resolution 12-05. Mayor Hoffman seconded the motion.

When **Councilor Gudman** asked, **Mayor Hoffman** clarified that the chairs at the advisory boards meeting wanted to take the steps of working on the plan and applying for UGB expansion consecutively, not concurrently. **Councilor Jordan** held that adopting the resolution did not preclude participation of boards and commissions. **Mayor Hoffman** noted the motion referred to the draft resolution on pages 111-113. **Mr. Powell** observed that was draft Resolution 12-05 and it included a directive to submit an application to Metro by March 15, 2012 to bring Luscher area properties into the UGB. It was the version that had been sent to the advisory chairs before their joint meeting. After that there had been emails with suggestions about the language, but since the group agreed on not applying for UGB expansion this year and had not talked about resolution language at the meeting the staff was not recommending the resolution. **Mayor Hoffman** recalled the SAB and HRAB had suggested specific language that was not in the draft resolution.

Councilor Olson moved to amend Resolution 12-05 to include the changes that were later put into the draft resolution.

Mr. Powell explained that he was not sure he had seen all the emails that suggested changes. He did not know what all the suggestions were or if they were consistent. **Councilor Tierney** asked for specifics because he did not have the suggestions either. **Councilor Olson** then questioned why the Council should pass an inadequate resolution. She acknowledged she did not know if she had all of the suggestions that had been submitted. **Councilor Jordan** observed the draft resolution at least identified what the Council was trying to protect and preserve out there.

Councilor Olson then moved to amend Councilor Moncrieff's motion to amend by making the following changes to the draft resolution:

1. Add “and urban agriculture” the following paragraph:

Whereas following expansion of the Urban Growth Boundary and Urban Service Boundary, it will be appropriate to begin the process to establish a “Park and Natural Area” and urban agriculture zone designation on the Comprehensive Plan Map for the Luscher Area Properties other than Rassekh,...’

2. Add the following paragraph:

The City recognizes that automobile parking will have a negative impact on the quality of the land, the natural beauty of the rural environment and the long term sustainability goals of the City, the City shall minimize vehicular access to the site and encourage utilization of neighboring facilities outside of the Luscher Farm part of the complex.

3. Add the following sentence to the IT IS HEREBY RESOLVED section at the end:

Staff is directed to work with the City’s boards and commissions in applying the above mentioned park and natural area and urban agricultural zone designations to the Luscher area properties.

Councilor Kehoe seconded the motion.

Mayor Hoffman related he could not support the motion to amend because it got farther into the weeds than was necessary. The boards and commissions could work on it if there were parallel tracks. The current version of the resolution was broad enough for the time being. **Councilor Moncrieff** indicated that she would accept the version of the resolution in the packet. A lot of public involvement had gone into getting the process to so close to agreement on a final plan. Basically it was down to putting one athletic field east of Hazalia and leaving the urban agriculture untouched. **Councilor Tierney** related he would not support the motion to amend because it mixed planning concepts with direction and that was too confusing. **Councilor Kehoe** supported the motion to amend. He and **Councilor Olson** suggested if the boards and commissions had known that the Mayor was not going to follow up on his agreement with them they would have been at the City Council meeting to offer more input on amending the resolution.

A roll call vote was taken on the motion to amend Councilor Moncrieff’s motion to amend. It failed with Mayor Hoffman and Councilors Moncrieff, Jordan, Gudman and Councilor Tierney voting ‘nay.’ Councilors Kehoe and Olson voted ‘aye.’ [5-2]

Councilor Tierney remarked that he would support **Councilor Moncrieff’s** motion to amend the main motion because approving it would move the tennis facility forward, if it was financially feasible, and it would support the agricultural use as well. He indicated that City-owned property should be within the City limits. If the City did not take advantage of this year’s application window by March 15 it would have to wait an entire year to submit to Metro. He related that the Rassekh site had not been his first choice for a tennis center but he would support it now because a previous council had made a decision to put it there. **Mayor Hoffman** related that he would support the motion to amend. Since the meeting with the advisory boards he had discussed it with others and done some research on urban agriculture. Now he believed that moving forward concurrently on parallel tracks was the best way to find a win/win situation for all. The advisory boards could help facilitate moving forward and the City could apply to expand the UGB at the same time.

A roll call vote was taken on Councilor Moncrieff’s motion to amend the main motion. It passed with Mayor Hoffman and Councilors Moncrieff, Jordan, and Tierney voting ‘aye.’ Councilors Kehoe, Gudman, Olson voted ‘nay.’ [4-3]

Mr. Powell observed approval of the amended main motion would mean the Council would adopt Resolution 12-05 in the form it was in in the packet, and direct staff to work with the advisory boards (specifically the HRAB, NRAB, PRAB AND SAB) to formulate and present for approval a Luscher area master plan by the end of 2012. **Councilor Gudman** observed that the risk was that the advisory boards and the community would not be presenting a united front to Metro. **Mayor Hoffman** observed the Council’s and the staff’s challenge would be to get the boards together for the last part

of the Luscher area master plan. If they were already close to getting that done the City ought to be able to get it done relatively quickly. Councilors Jordan and Moncrieff observed the Council was united in its commitment to protecting the Farm's agricultural and historic resources and to have some active sports out there in accordance with the vision of the community. They were very close to having a Luscher Area master plan the entire community could embrace. The difference of opinion was not about the outcome, but timing - whether to move forward concurrently or consecutively.

Councilor Olson asked staff to outline the post-application process. **Ms. Gilmer** recalled it was detailed in the February 7 staff report. Metro staff would review the application and deem it complete. Then there would be a public hearing, decision and appeals period. The decision would likely be made between August and September. **Mr. Powell** described the City's process after the land was brought into the UGB. The Comprehensive Plan would need to be amended to extend the Urban Services Boundary to include all the properties except for Rassekh, which was already within the City and within the USB. At the same time the Council would likely propose a Comprehensive Plan zoning designation for those properties. There would be a hearing, Council decision, and an annexation vote. He confirmed for Councilor Olson that the hearing and opportunities for public testimony regarding the USB change and Comprehensive Plan zone designation could likely be combined. He would have to research whether or not the annexation hearing had to be done separately.

A roll call vote was taken on main motion and it passed with Mayor Hoffman and Councilors Moncrieff, Jordan, and Tierney voting 'aye.' Councilors Kehoe, Gudman, Olson voted 'nay.' [4-3]

11. STUDY SESSION

11.1 Police Safety Facility Site Selection Refinement Study

➤ **Brant Williams, Director, Economic and Capital Development Department; Jeff Humphreys and Brett Hanson, architects, Group Mackenzie; and Chief of Police Don Johnson**

Mr. Williams advised that the facility would house the Police, LOCOM and Municipal Court. The City Council had previously been presented with six potential sites and asked staff to further research two of them: the Evergreen site and the WEB site. The Council wanted to know the amount of office space and parking that would be needed and whether an Evergreen facility could be scaled down by keeping the Court at City Hall and minimizing the necessity of having to purchase additional property. Group Mackenzie had been hired to work on that assessment.

Mr. Humphreys and **Mr. Hanson** specialized in police and fire facilities. They reported they had examined the Police, IT, LOCOM and Municipal Court program elements and space needs and developed a program based on their experience and industry standards. Existing space for Police averaged 129 square feet per staff person. The new facility would be in line with the regional average of about 500 square feet per staff member for policing facilities. They described three different zoning options and two different design options for the Evergreen site, which was currently split into a PF and an EC zone. In addition to having two different sets of zoning requirements, the Evergreen site was also constrained by cross slopes and grade change. The architects showed conceptual design renderings. They confirmed that the City would not need to acquire any additional property to construct on Evergreen. They clarified that TL 9500 was only slightly larger than TL 9700.

The consultants reported finding that the pricing in Brian Jackson's report was in line with pricing of recently constructed facilities. They noted parking needs on the Evergreen site would have to be met with structured parking, whereas the WEB site was much flatter. Their final project cost summary assessment showed the costs of the two sites were fairly comparable. Group Mackenzie's study reduced the square footage of the facility and would increase the existing number of 136 parking stalls to between 174 and 180 stalls, depending on the option chosen.

Questions of Staff/Consultants

The consultants confirmed that the facility would meet the City's needs for the next 20 years.

Councilor Gudman remarked that he was delighted to see the drop in cost from \$29 million to just

under \$18 million. He asked what the cost difference would be to use the T-shape option instead of the L-shape option on Evergreen. The consultants related the construction costs should be comparable. The difference would be the cost of acquiring the additional lot and doing some excavation. **Mr. Williams** recalled Brian Jackson had estimated the cost of acquiring the lot would be around \$2 million. He related the cost of construction at the WEB site was about \$5 million to \$6 million less than on the Evergreen site. He confirmed that at the WEB the upper tier of the new facility would be built on the existing rear upper parking lot. **Mr. Williams** pointed out the staff report listed the benefits of both sites. His recommendation that the WEB site would probably be the best site for the facility was based on the costs and benefits. Because building at the WEB would raise other issues, including what to do with City Hall, he recommended deferring the actual decision until the Council had a chance to look at all of the other capital facilities when the staff presented in March or April.

Councilor Jordan commented that how the facility impacted the neighborhood and how useable it was for the Police were important factors. **Councilor Moncrieff** explained her priority was to provide the first responders with the best and most secure operating facility. The report said the WEB site had better access for police operations and could provide a more secure facility. **Mayor Hoffman** invited **Chief Johnson** to speak.

Chief Johnson advised the WEB site was more centrally located considering the demographics. The calls seemed to be out in that area. It would provide better access to the Police facility and the Court, if the Court moved there. There was a security issue in that it was in a residential neighborhood where there would be more walk-through traffic. His preference would be to be less obtrusive than right in a neighborhood, if possible. At a recent bike ride event he had heard people comment that the facility would be better located elsewhere. His preference regarding the two sites was to just get something built that met the needs of the City for many years to come. It seemed like the City was trying to shoehorn a facility into the Evergreen site when it might be more buildable out at the WEB where there were about 8 acres available.

Councilor Gudman related that he had talked with Evergreen Neighborhood Association board. He had been persuaded that maintaining Evergreen park provided greater value. He was delighted with the cost figures and the estimate that the L and T shapes were roughly comparable and could be financed without asking the taxpayers for additional funds.

12. INFORMATION FROM COUNCIL

12.1 Councilor Information

12.1.1 TriMet Service.

Councilor Jordan discussed TriMet service. The biggest issue was timing of service on routes #36 (South Shore), #37 (Lake Grove), and #38 (Boones Ferry Road). For example, if someone did not catch the first #37 bus from Portland after 5:00 p.m. they would not have any connection from the Lake Oswego Transit Center around South Shore. She recalled Ms. Kerr's issue was that busses that went through Mountain Park did not go to the ACC. The Councilors agreed that **Councilor Jordan** was to work with City and School District staff to prepare a joint resolution to work with TriMet to make route changes that were more efficient for City residents, but not more costly for TriMet

12.1.3 HB 4090

Christine Kirk, Public Affairs Manager, asked if the City Council wanted to take a position on HB 4090. None of the Councilors expressed interest in doing that. **Mayor Hoffman** reported Tualatin Mayor Lou Ogden had alerted him that it looked like it was dead in the Senate now, but it would come back next year.

12.2 Reports of Council Committees, Organizational Committees, and Intergovernmental Committees

13. REPORTS OF OFFICERS

13.1 City Manager

Mr. McIntyre recalled he had come to work in Lake Oswego with a starting theme song. He invited the Councilors to email him their suggestions for a parting theme.

13.1.1 Review of Council Schedule

13.1.2 Review of Council Digest

13.2 City Attorney

14. ADJOURNMENT

Mayor Hoffman adjourned the meeting at 9:35 p.m.

Respectfully submitted,

Catherine Schneider /s/

**Catherine Schneider
City Recorder**

APPROVED BY THE City Council

ON May 15, 2012

Jack D. Hoffman /s/

Jack D. Hoffman, Mavor