



CITY COUNCIL REGULAR MEETING
MINUTES
December 15, 2015

1. CALL TO ORDER

Mayor Studebaker called the regular City Council meeting to order at 5:01 p.m. on December 15, 2015, in the City Council Chambers, 380 A Avenue.

2. ROLL CALL

Present: Mayor Studebaker; Councilors Buck, Collins, Gudman, Gustafson, and O'Neill. Councilor Buck joined the meeting by phone.

Excused: Councilor Manz

Staff Present: Scott Lazenby, City Manager; David Powell, City Attorney; Anne-Marie Simpson, City Recorder; Jordan Wheeler, Deputy City Manager; Leslie Taylor, Police Communications Manager; Erica Rooney, City Engineer; Anthony Hooper, Support Services Manager; Chip Larouche, Chief Technology Officer; Scot Siegel, Planning and Building Services Director

4. EXECUTIVE SESSION

The Council convened in executive session at 5:04 p.m. under the authority of ORS 192.660 (2) (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing, and possibly (depending on time) under the authority of ORS 192.660 (2) (f) to consider records exempt by law from public exemption.

(Council recessed for a break from 6:19 p.m. until 6:33 p.m.)

The Council reconvened in open session at 6:33 p.m.

3. PLEDGE OF ALLIANCE

Members of Boy Scout Troop 127 presented the colors. **Mayor Studebaker** led the Council in the Pledge of Allegiance.

5. PRESENTATION

City Attorney David Powell was awarded a pin for his twenty years of service to the City of Lake Oswego.

5.1 Unsung Hero Awards

Mayor Studebaker presented the 2015 Unsung Hero awards. Recipients included William DeBuhr, Art Henderson, Mark Hoyt, Bob Liddell, and Stephanie Wagner.

Report

6. CONSENT AGENDA

Councilor Gudman moved to adopt the consent agenda. **Councilor O'Neill** seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Buck, Collins, Gudman, Gustafson, and O'Neill voting 'aye'. (6-0)

6.1 Approval of Meeting Minutes

6.1.1 October 20, 2015, Regular Meeting

6.1.2 November 3, 2015, Regular Meeting

6.1.3 November 10, 2015, Special Meeting

Motion: Approve minutes as written.

[Report and Attachments](#)

6.2 ORDINANCE

6.2.1 Ordinance 2705, An Ordinance of the City Council of the City of Lake Oswego Amending a Non-Exclusive Cable Franchise Granted to Qwest Broadband Services, Inc. D/B/A CenturyLink to Add the City of Beaverton

Motion: Move to Enact Ordinance 2705

[Report and Attachment](#)

6.3 RESOLUTIONS

6.3.1 Resolution 15-57, Approving Appointments to the Development Review Commission [Note: Vote by Councilors, only]

Motion: Move to Adopt Resolution 15-57

[Report and Attachment](#)

6.3.2 Resolution 15-59, Approving Appointments to the Historic Resources Advisory Board [Note: Vote by Councilors, only]

Motion: Move to Adopt Resolution 15-59

[Report and Attachment](#)

6.3.3 Resolution 15-60, Authorizing the Mayor to Sign Amendment No. 1 to an Intergovernmental Agreement with Washington County Consolidated Communications Agency and Clackamas County Communications to Jointly Acquire, Operate, and Manage a Regional Computer Aided Dispatch System

Motion: Move to Adopt Resolution 15-60

[Report and Attachments](#)

6.4 BUSINESS ITEMS

6.4.1 Construction Contract for the Iron Mountain Sanitary Sewer and Pedestrian Bridge Replacement – WO 163

Motion: Award a Construction Contract to Emery and Sons Construction Group for the Iron Mountain Sanitary Sewer and Pedestrian Bridge replacement in the amount of \$402,255.00

[Report](#)

6.4.2 Landscape Maintenance Contract for City-Owned Properties

Motion: Authorize the City Manager to Execute a Contract for \$240,036 to LandCare USA, LLC to Provide Landscape Maintenance at Various City-Owned Locations

[Report and Attachment](#)

6.4.3 Comcast Contract for Broadband Services

Motion: Authorize the City Manager to Sign a Contract in the amount of \$180,360 with Comcast for 2016-2020 Broadband Services

[Report and Attachment](#)

END CONSENT AGENDA

7. [CITIZEN COMMENT](#)

► **Zachary Seidel – 364 9th St., Astoria, OR 97103**

Mr. Seidel expressed concern about the inability of transients to sleep outside on public property in Lake Oswego and his desire to obtain a permit to do so. **Mr. Powell** indicated he would look into the matter and speak with Mr. Seidel.

► **Gary Buford – 415 State Street, Lake Oswego, OR (business address) – concern about trees in the sidewalk in front of a building he owns**

Mr. Buford noted that trees planted in the sidewalk sometimes damage the sidewalk. He has four trees in the sidewalk in front of the building he owns on State Street, and the sidewalk is beginning to rise. He believes it is a matter of time before the sidewalk begins to break up. He is also concerned for the basement of his building, which extends five feet in front of the building, under the sidewalk, and a few feet from the trees. He is concerned that the root systems of the trees will get into his basement. The wall of the basement is also a retaining wall and if affected by the trees could cause real problems. He first talked to Council regarding this matter on May 5, and again on May 19 and June 16. To date nothing has been done.

7.1 Prior Public Comment Follow-Up

There was no follow-up to prior public comment.

8. ORDERS

8.1 [Adopt Findings, Conclusions and Order for LU 15-0017 \(Substandard Lots\)](#)

Mr. Powell presented information on this item.

Councilor Buck moved to adopt the findings, conclusions and order for LU 15-0017, with the addition of the sentence “The Council notes that many of the concerns voiced by Hallinan residents pertain to impacts not exclusive to substandard lots” to the end of the first paragraph on page five. Councilor Gustafson seconded the motion.

A voice vote was held, and the motion passed with Mayor Studebaker and Councilors Buck, Collins, Gudman, Gustafson, and O’Neill voting ‘aye’. (6-0)

[Report and Attachment](#)

9. ORDINANCES

9.1 [Ordinance 2687, An Ordinance of the Lake Oswego City Council amending the Comprehensive Plan and Zoning Maps, the Comprehensive Plan Text, the Community Development Code, and Related Code Cross-References, to Create Changes to the Natural Resources Program and Sensitive Lands Implementing Regulations, and Adopting Findings \(LU 15-0019\)](#)

Mr. Powell presented brief background information on the ordinance.

Mayor Studebaker moved to enact Ordinance 2687. Councilor Gudman seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Buck, Collins, Gudman, Gustafson, and O’Neill voting ‘aye’. (6-0)

[Report and Attachments](#)

Mr. Lazenby indicated he thought this was a major step forward.

10. RESOLUTIONS

10.1 Resolution 15-61, Ratifying the Emergency Award of Contract to Emery & Sons Construction Group for the Westcott Court Storm Pipe Emergency Repair Project

Ms. Rooney noted that the City has hired a contractor, Emery and Sons, under the emergency rules, to repair a sinkhole and storm pipe. She presented information on the emergency contract.

Councilor Gudman moved to adopt Resolution 15-61. **Councilor Collins** seconded the motion.

A voice vote was held, and the motion passed with Mayor Studebaker and Councilors Buck, Collins, Gudman, Gustafson, and O'Neill voting 'aye'. (6-0)

Report and Attachments

11. STUDY SESSION

11.1 Audit of the Comprehensive Plan and Community Development Code

Mr. Siegel presented information on the audit. He noted that it originated from the Planning Commission in late 2014. The Planning Commission noted that the City had not reviewed the Development Code for consistency with the Comprehensive Plan in a comprehensive manner since the Plan was updated in 2013. The Planning Commission set this as a goal. The Planning Commission seeks Council direction. **Mr. Siegel** noted that the Comprehensive Plan is both an aspirational and regulatory document.

Mayor Studebaker had questions about whether this contributes to streamlining the Development Code. **Mr. Siegel** indicated that in some cases it did, in other cases it didn't. Streamlining the Development Code was taken into consideration in the audit, as were other Council goals such as neighborhood livability, economic development, having objective standards, maintaining good process, and property rights.

Mr. Siegel indicated the Planning Commission considered serial partitioning and private access lanes for flag lots vs. public streets.

Councilor Buck brought up the issue of standards and design of private access lanes. **Mr. Siegel** indicated that when the Transportation System Plan was developed, there was a lot of discussion of how much flexibility applied. Requirements are based on the character of the roadway and what is appropriate for the neighborhood. There is flexibility.

Mr. Siegel noted the issues of neighborhood livability and neighborhood plans.

Councilor Gustafson noted that it was a good time to give the Planning Commission direction on how Council feels about adding items to code and the importance of streamlining, so that the Commission doesn't do work Council doesn't want done.

Mr. Siegel noted the issues of mixed use developments; possible loss of flexibility with clear and objective standards; multidwelling housing standards; street improvement standards for ministerial development; infill design; and infill design review. **Councilor Gustafson** noted the importance of considering what could have been done under code when looking at infill design review.

Mr. Siegel noted issues of design of fences and retaining walls; residential demolition; and the nuisance code and noise, particularly as they relate to accessory structures and/or setback.

(Council recessed at 8:01 p.m. and reconvened at 8:10 p.m.)

Mr. Siegel noted issues of economic development; and adequate parking;

Councilor Buck asked for clarification of what problems needed to be addressed in downtown parking. He is not convinced that there is a problem with downtown parking.

Mr. Siegel indicated that the Planning Commission was looking for direction from Council on whether they should review the downtown redevelopment design review standards. **Councilor Gustafson** indicated he thought Council had decided to wait until the Wizer Block redevelopment

was complete to be able to evaluate satisfaction with that project and its permissibility by code. **Mayor Studebaker** concurred.

Mr. Siegel indicated issues of single family homes and parking for them; the natural hazards maps and standards; editing issues; pre-application issues and when to schedule one or more pre-application meetings with neighbors after changes are made to a development proposal following the first pre-application meeting; inconsistency between the Comprehensive Plan and zoning map; updating the Use Table in the Community Development Code; the Transportation System Plan action items and code updates.

Mr. Siegel reiterated that staff and the Planning Commission were looking for direction or concurrence.

Mayor Studebaker requested the slides be emailed to Council. Other Councilors indicated that some of the information was condensed in the staff report on pages 4 and 5. **Mr. Siegel** indicated the Planning Commission's short list, and noted that the Planning Commission did not rank priorities.

Mr. Lazenby recommended a priority setting process.

Councilor Buck indicated he would like to hear from staff what significant issues are being experienced by residents. If certain issues come up repeatedly, they should be made priorities. **Councilor Gudman** asked that emails from staff regarding the issues to be addressed group and identify the Planning Commission's short list, then group and identify other issues, and provide information regarding which issues most frequently affected citizens.

There was discussion of further work on this item to be done at a meeting in January.

[Report and Attachment](#)

12. INFORMATION FROM COUNCIL

12.1 Councilor Information

There was no Councilor information.

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

There were no reports.

13. REPORTS OF OFFICERS

13.1 City Manager

There was no report.

13.2 City Attorney

There was no report.

14. EXECUTIVE SESSION

The Council convened in executive session at 8:19 p.m. under the authority ORS 192.660 (2) (e) to conduct deliberations with persons designated to negotiate real property transactions; and ORS 192.660 (2) (h) to consult with legal counsel regarding the rights and duties of the public body with regard to current litigation or litigation likely to be filed; and under ORS 192.660 (2) (f) to consider records exempt by law from public inspection.

(Council recessed for a brief break.)

The Council reconvened in open session at 8.59 p.m.

Mayor Studebaker moved to approve the settlement with TRC Oswego Village for acquisition of permanent and temporary waterline easements for the sum of \$502,000, plus

attorneys' fees and costs totaling approximately \$27,500. Councilor Gudman seconded the motion.

Councilor Gustafson noted that this is a change from what the City originally estimated the acquisition to cost, not a new issue. Mayor Studebaker noted that the original cost estimate was \$250,000, and this is an increase of approximately \$270,000. It is a reasonable settlement and keeps the City within budget.

A voice vote was held, and the motion passed with Mayor Studebaker and Councilors Buck, Collins, Gudman, Gustafson, and O'Neill voting 'aye'. (6-0)

15. ADJOURNMENT

Mayor Studebaker adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Anne-Marie Simpson

Anne-Marie Simpson, City Recorder

APPROVED BY THE CITY COUNCIL:

ON January 19, 2016

Kent Studebaker

Kent Studebaker, Mayor