TO: Kent Studebaker, Mayor
Members of the City Council

FROM: Anne-Marie Simpson, City Recorder
City Manager’s Office

SUBJECT: Approval of Meeting Minutes

DATE: June 30, 2015

ACTION

Review and approve minutes.

ATTACHMENTS

1. April 21, Regular Meeting
2. May 5, 2015, Regular Meeting
3. May 19, 2015, Regular Meeting
Mayor Studebaker called the regular City Council meeting to order at 6:30 p.m. on April 21, 2015 in the City Council Chambers, 380 A Avenue.

Present: Mayor Studebaker; Councilors Bowerman, Buck, Gudman, Gustafson, Manz, and O'Neill

Staff Present: Scott Lazenby, City Manager; David Powell, City Attorney; Anne-Marie Simpson, City Recorder; Brant Williams, Redevelopment Director; Sean Cross, Finance Director; Paul Espe, Associate Planner

2. EXECUTIVE SESSION

The Council convened in executive session at 6:31 p.m. under the authority of ORS 192.660 (2) (d) to conduct deliberations with persons designated to carry on labor negotiations.

The Council reconvened in open session at about 7 p.m.

3. RECESS COUNCIL FOR LORA BOARD MEETING

Council recessed for the LORA Board meeting. LORA Board Meeting Minutes for agenda items 4 through 7 are approved at a LORA Board Meeting and posted to the LORA website.

8. RECONVENE CITY COUNCIL MEETING

The Council meeting was reconvened.

9. CONSENT AGENDA

Councilor Gudman moved the Consent Agenda. Councilor Gustafson seconded the motion. A voice vote was taken, and the motion passed with Mayor Studebaker and Councilors Buck, Gudman, Gustafson, Manz and O’Neill voting ‘aye.’ Councilor Bowerman voted ‘no.’ (6-1)

9.1 PROCLAMATIONS

9.1.1 Parkinson’s Awareness Month Proclamation

9.2 RESOLUTIONS

9.2.1 Adjusting the Budget for the Fiscal Year Commencing July 1, 2014 by Transferring Certain Appropriations

Motion: Move to approve Resolution 15-19

9.3 COUNCIL BUSINESS

9.3.1 Alder Creek Programming and Facility Use Agreement, Tryon Cove

Motion: Authorize City Manager to execute a 3-year License and Programming Agreement with Alder Creek Kayak and Canoe for operation at Tryon Cove Park.

END CONSENT AGENDA
**Councilor Bowerman** indicated she objected to the $250,000 set aside for the habitat enhancement program on the budget, which was set aside to a private entity for disbursement to other private entities, without measurables for accountability or results on the program.

**Mr. Cross** answered questions from **Councilor Manz** regarding setting up a line item for that allotment.

10. **ITEMS REMOVED FROM THE CONSENT AGENDA**

No items were removed from the consent agenda.

11. **CITIZEN COMMENT**

► **Gary Buford** – 5 Camelot Court, Lake Oswego, OR – Tree Code

**Mr. Buford** read code language from Tigard’s Tree Removal Code (Ch. 18.790 and following) into the record. He noted that Washington County Assessor’s office will let a property owner register with the County as “tax deferred” if there is a woodland on your property. He suggested that Lake Oswego not charge fees for tree removal on large forested properties.

► **Charles “Skip” Ormsby** – 170 SW Birdshill Road, Portland, OR 97219 – Chair, Birdshill Citizen Participation Organization (CPO) and Neighborhood Association (NA)

**Mr. Ormsby** spoke about the Waters of the United States and urged Council to take a position on the issue. He believes Lake Oswego should start setting money aside to provide for the impacts of the legislation. He believes the City should get the EPA and the Army Corps of Engineers in to explain the issues. There should be a Council report.

He would like a letter from Lake Oswego on the planning policy constructs of the Multimodal Mixed-Use Area (MMA), retracting the MMA, because it allows cut through traffic on roads that aren’t capable of handling it. The Oregon Department of Transportation (ODOT) should be informed, as should other parties involved in Highway 43. He would like a policy discussion and limitations, rules, and boundaries established on the use of LIDAR and remote sensing capabilities by City planners.

► **Roger Martin** – 1405 Cherry Crest Avenue, Lake Oswego, OR – representing Borland Area Neighborhood Association

**Mr. Martin** noted that HB 3211 was tabled today. The chairman of the committee urged counties, cities, and Metro to work out an agreement. If no progress is made by this fall, legislation will be introduced in the 2016 session. He urged Council to consider and take the lead in the south entrance area to Lake Oswego (Borland), be in charge of that area, and to act now.

**Councilor Bowerman** asked for more information on the issue.

**Mr. Martin** stated that a traffic study needs to be done and I-205 needs to be widened. He’d like the City to work with the County, Tualatin, and West Linn so the Borland area can logically be developed now.

12. **PRIOR PUBLIC COMMENT FOLLOW-UP**

**Mr. Lazenby** indicated that he met with Mr. Murphey after the last hearing. Mr. Scot Siegel also met with him

13. **PUBLIC HEARINGS**

13.1 **Ordinance 2665, Annexing One Parcel Consisting of 0.42 Acres and the Public Right of Way at 13885 Stampher Road; Declaring City of Lake Oswego Zoning Pursuant to LOC 50.01.004.5(a-c); and Removing the Territory from Certain Districts (AN 15-0002)**

**Review of hearing procedure**

**Mr. Powell** reviewed the hearing procedure. He asked if any member of Council wanted to make any declarations regarding any ex parte contacts, bias, or conflicts of interest. There were none.
He asked if any member of the audience wished to challenge any City Council member’s right to hear the application. There were none.

**Staff Report**

Mr. Espe presented the staff report. City zoning of R-10 will be applied to the property, consistent with the Comprehensive Plan and replacing County R-10. Sewer is available in Fielding Road from Portland. Properties there can connect to Portland sewer per an intergovernmental agreement between Lake Oswego and Portland. The water line and water system in the Fielding Road area was purchased from the Oswego Lake Water, Light, and Power Company. The road was constructed sometime between 1925 and 1964. The easement for this road has existed since at least 1907. The water line is not able to support additional uses without adversely affecting existing customers on Stampher Road. The system could be improved by boring under the railroad right-of-way and looping the system into Fielding Road.

This is a difficult access point to the Stampher Road area with the hairpin turn and the railroad bridge. That will affect the eight minute response time outlined in the Comprehensive Plan. This annexation has no effect on that time; however, future annexations in this area could compel the City to solve some other public service issues in this area. The annexation meets Metro code. Owners have consented to this annexation. Property will also be withdrawn from Dunthorpe-Riverdale Fire District and served by Lake Oswego, as well as Clackamas County’s Enhanced Sheriff’s Patrol District. Septic has failed, and this is the only option the property owners have. This is only adding one equivalent dwelling unit (EDU) to the sewer system.

**Testimony**

► Charles “Skip” Ormsby – 170 SW Birdshill Road, Portland, OR – Neutral testimony

Mr. Ormsby has noted that there need to be some changes to the graphics presented. He has issues with the report, Exhibit A-1, page 5, “Willamette Shore Trolley Trail.” There is no such trail, and trolley is spelled wrong on that page. Tryon Creek Bridge Replacement that needs to be corrected to Tryon Creek Bridge and Culvert Replacement. There should be reference to a report he believes was put out by Lake Oswego Parks and Recreation “Tryon Creek@Hwy. 43” That report should be put on the Lake Oswego website. Union Pacific should brief city planners about the crossings. On page 4, Exhibit A-1, it is very dangerous to cross from Stampher Road to Terwilliger across Highway 43. There are no pedestrian crosswalks, and traffic is 45 miles per hour. There needs to be an agreement so teenagers aren’t trespassing on Willamette Shoreline or Union Pacific rights-of-way. The 40” right of way is a concern and people use the railroad trestle bridge to cross. He indicated that the rockery needs a better catch basin, the road is eroding, and someone should take a look at it.

It was agreed that Mr. Ormsby’s maps would be made part of the record.

**Mayor Studebaker** closed the public hearing as there was no one wishing to provide additional testimony.

Councilor Gudman moved to enact Ordinance 2665. Councilor Buck seconded the motion.

A voice vote was held, and the motion passed with Mayor Studebaker and Councilors Bowerman, Buck, Gudman, Gustafson, Manz, and O’Neill voting ‘aye.’ (7-0)

**14. ORDINANCES**

14.1 Ordinance 2670, An Ordinance of the City Council of the City of Lake Oswego Relating to Marijuana Distribution Facilities

Mr. Powell explained what this ordinance means to the City. The City's moratorium on marijuana distribution facilities expires on May 1, 2015. The City wishes to extend that moratorium to study the developing industry. The ordinance number is wrong on the agenda and should be 2670.

**Mayor Studebaker** moved to adopt Ordinance 2670. Councilor O’Neill seconded the motion.
Councilor Gustafson indicated he doesn’t believe the City should interfere with residents in seeking medical treatments. He doesn’t support this ordinance.

Councilor Bowerman supports the ordinance.

Councilor Gudman indicated he was in favor of the ordinance, but noted that the citizens recently voted for legalization of recreational marijuana.

Councilor Manz noted that this opportunity gives the City the time to talk about ideas and have a solid plan in place.

Councilor Gustafson asked whether this should become a Council issue. Councilor Manz indicated it should be discussed at some point.

Councilor Buck indicated the City should hold off because it is discussing a plan to implement medical marijuana retail facilities. He supports the ordinance.

A roll call vote was held, and the motion passed with Mayor Studebaker and Councilors Bowerman, Buck, Gudman, Manz, and O’Neill voting ‘aye.’ Councilor Gustafson voted ‘no.’ (6-1)

15. STUDY SESSIONS

15.1 Future of Stafford Basin

Mr. Lazenby indicated the City has been formally invited by Metro President Hughes to enter a dialogue with West Linn, Tualatin, Clackamas County, and Metro on issues and concerns relating to the Stafford Basin, which affect Lake Oswego. Staff would also like direction.

Mayor Studebaker noted that the main issue related to development in the Borland area is traffic and congestion of I-205. He does not see a movement in the near future to make funds available for the expansion of I-205 after the failure of the Columbia River Crossing. Stafford Road is also a problem. There is also a lack of buildable land in the Stafford Basin; only about 2100 acres are buildable, and only about 1000 acres have owners willing to build.

Councilor O’Neill indicated he would like Lake Oswego to take the lead in planning and development for the Stafford Basin.

Councilor Buck asked if there had been discussions of jurisdictions taking a more active role in seeking funding for I-205 expansion. Mayor Studebaker indicated there had been no such discussion. Councilor Buck indicated he would be interested in having a discussion about seeking funding for I-205. He indicated he thought Lake Oswego should be involved in discussions of the Stafford Basin, and perhaps should take the lead.

Councilor Gudman indicated he thinks that unity among the cities and county is important. He believes Lake Oswego is the logical choice for governance of the area, but that is subject to a lot of other considerations that have been brought up. He noted there appears to be some consensus around the Borland area being developed.

► Jay Miner – 18300 S. Whitten Lane, West Linn, OR – Lives in the North Stafford area – on the board of Stafford Hamlet, past chair

► Dave Adams – 19621 Hazelhurst Lane, Stafford Hamlet, OR – on the board of Stafford Hamlet; past chair

Mr. Miner and Mr. Adams presented the Stafford Compromise, which has buy-in from eighty-five percent of the landowners in the Hamlet. They proposed rezoning all the properties north of the river to EFU 5 to 10 acres. Mr. Adams indicated that residents have gained understanding and knowledge over the years. If the cities, the County, the Hamlet residents, and Metro are all willing to compromise, the problem can be resolved.

► Rob Fallow – 2916 Bluegrass Way, West Linn and 91 Foothills Road, Lake Oswego, OR
Mr. Fallow indicated that the Stafford area and Borland have been in a state of uncertainty and flux. There has been lots of urbanization but no planning. They are looking forward to the traffic study by the County and construction excise tax (CET) funding from Metro for overall comprehensive planning. The area needs assurance by government bodies in the area. He asked Council to demand from the County and Legislature that the State do something about I-205. The cut-through traffic is terrible.

16. INFORMATION FROM COUNCIL

Mayor Studebaker presented his City Council goals chart to keep track of these items. The chart will be kept in the Mayor’s office. He invited other Councilors to come put sticky notes on it.

Councilor Manz indicated she attended the Adult Community Center senior prom.

17. REPORTS OF OFFICERS

17.1 City Manager

17.2 City Attorney

18. ADJOURNMENT

Mayor Studebaker adjourned the meeting at about 9:00 p.m.

Respectfully submitted,

Anne-Marie Simpson, City Recorder

APPROVED BY THE CITY COUNCIL:
ON ______________________________________

________________________________________
Kent Studebaker, Mayor
1. CALL TO ORDER AND ROLL CALL

Mayor Studebaker called the regular City Council meeting to order at 6:32 p.m. on May 5, 2015, in the City Council Chambers, 380 A Avenue.

Present: Mayor Studebaker and Councilors Bowerman, O'Neill, Gustafson, Manz, Buck, and Gudman

Staff Present: Scott Lazenby, City Manager; David Powell, City Attorney; Anne-Marie Simpson, City Recorder.

Others Present: Morgan Holen, Contract Arborist

Mayor Studebaker led the Council in the Pledge of Allegiance.

2. PRESENTATIONS

2.1 Arbor Day Poetry Contest Winners

Ms. Holen described the Arbor Day Poetry Contest and introduced the award winners in the three divisions:

1st - 5th Grade – Sephora Schoenheit, 1st place; Jenna Whipple, 2nd place; Maximus Chalpoutis, 3rd place.
6th – 8th Grade – Julia Yazhari, 1st place; Madison Michie, 2nd place; Sebastian Marin-Quirós, 3rd place.
9th – 12th Grade – Serena Zhang, 1st place; Adary Zhang, 2nd place; Meghan Taylor, 3rd place.

Mayor Studebaker and Councilor O'Neill awarded the students' prizes. Ms. Yazhari read her poem, "A Sonnet for My Tree", aloud.

3. CONSENT AGENDA

3.1 APPROVAL OF MEETING MINUTES
Motion: Approve minutes as written.

3.1.1 March 3, 2015, Regular Meeting

3.1.2 March 10, 2015, Study Session

Report and Attachments

Councilor Bowerman moved to approve the Consent Agenda. Councilor Gudman seconded the motion.

A voice vote was held, and the motion passed, with Mayor Studebaker and Councilors Bowerman, O’Neill, Gustafson, Manz, Buck, and Gudman voting ‘aye’. (7-0)

4. CITIZEN COMMENT

- Gary Buford, 415 N State Street

Mr. Buford discussed concerns related to his building at the State Street address. He described damage that is being caused by aggressive root growth of City-planted street trees, including potential effects on the building’s basement. Noting that City Code requires property owners to maintain the abutting sidewalk, he asked Council to consider the need to take action before the damage becomes serious. He challenged the sense of requiring the owner to pay for this maintenance when it was the City that had planted these trees in the public right-of-way.

In response to Mayor Studebaker’s request for clarification, Mr. Buford indicated that he wanted the City to provide written confirmation that the street trees may be removed. He and his wife also request that the City remove the trees.

- Skip Ormsby, 170 Birdshill Road, Portland 97219

Mr. Ormsby indicated that he was disturbed with the direction of revisions being made to Sensitive Lands ordinances and the related cost impacts. He requested a copy of a letter from a City Staff member to the Department of Environmental Quality. He also requested copies of Willamette Shore Line Consortium documents, including the organization’s bylaws and certain letters. All of these documents should be public documents posted on a website, he opined.

A brief discussion followed, with Mr. Lazenby indicating that the City could provide any letters that it has. Councilor Bowerman pointed out that a thorough analysis of Sensitive Lands was available on the Planning Department website in preparation for the upcoming meeting. Mr. Ormsby responded with additional concerns, including his difficulty in accessing the information.

4.1 PRIOR PUBLIC COMMENT FOLLOW-UP

No Public Comment follow-up information was presented.
5. INFORMATION FROM COUNCIL

No information from Council was presented.

6. REPORTS OF OFFICERS

No reports were made.

7. RECESS CITY COUNCIL MEETING

Mayor Studebaker recessed the City Council meeting at 6:53 p.m. Council members convened as the LORA Board until 8:45 p.m. LORA Board Meeting Minutes for agenda items eight through twelve are approved at a LORA Board Meeting and posted to the website.

13. RECONVENE CITY COUNCIL MEETING

The Council reconvened at 8:45 p.m.

14. EXECUTIVE SESSION: under authority of ORS 192.660 (2) (f) to consider information or records that are exempt by law from public inspection; and under authority of ORS 192.660(2)(e) to conduct deliberations with persons designated to negotiate real property transactions.

Mr. Powell reviewed the statutory basis for entering executive session and outlined the parameters. The Council recessed for executive session at 8:46 p.m.

The Council reconvened in open session at 9:17 p.m.

Councilor Buck reported that he and Cyd Fletcher of the Youth Action Council had visited Ms. Fletcher’s Beaverton counterpart and had compared programs. They learned that Beaverton youth have regular contact with the City Council and take part in event planning and community service. Beaverton has a Council liaison and the Mayor attends their formal meetings. Councilor Buck indicated that Lake Oswego youth does not feel the Council connection that Beaverton has. He wants to look into refining the City's current programming and getting students civically engaged.

Councilor Manz reported that she had attended the Lake Oswego School District's Citizen's Academy as Council liaison and had found it informative. She offered to bring team-building examples back to Council.

15. ADJOURN CITY COUNCIL MEETING

Mayor Studebaker adjourned the meeting at 9:24 p.m.
Respectfully submitted,

________________________________________
Anne-Marie Simpson, City Recorder

APPROVED BY THE CITY COUNCIL
ON: ________________________

________________________________________
Kent Studebaker, Mayor
Mayor Studebaker called the regular City Council meeting to order at 6:32 p.m. on May 19, 2015, in the City Council Chambers, 380 A Avenue.

Present: Mayor Studebaker; Councilors Bowerman, Buck, Gudman, Gustafson, and O’Neill

Excused: Councilor Manz

Staff Present: Scott Lazenby, City Manager; David Powell, City Attorney; Anne-Marie Simpson, City Recorder; Anthony Hooper, Support Services Supervisor; Paul Espe, Associate Planner; Jordan Wheeler, Deputy City Manager; Brant Williams, Redevelopment Director; Scot Siegel, Planning and Building Services Director; Anne MacDonald, Stormwater Quality Coordinator

Others Present: Jeannie McGuire, Chair, Historic Resources Advisory Board; Eric Eckfield, Day CPM; Tom Eiland, CFM Strategic Communications

Mayor Studebaker led the Council in the Pledge of Allegiance.

2. PROCLAMATION

2.1 Historic Preservation Month Proclamation and Presentation of the Historic Preservation Merit Award

Mr. Espe, on behalf of the Historic Resources Advisory Board (HRAB), requested that the City Council proclaim May 2015 as National Historic Preservation Month. He detailed the projects that received partial funding through Preservation Incentive Grants, and introduced George and Mary Glass, owners of the Richard Sundeleaf House at 16715 Phantom Bluff Court, who received a bronze house plaque for their historic property.

Ms. McGuire gave Historic Preservation Merit Awards to architect and HRAB member Don Ross, and former HRAB member Lynda O’Neill, for exemplary service in completing the Oswego Canal Headgate and other work in the field of historic preservation.

Mayor Studebaker proclaimed May 2015 National Historic Preservation Month.

3. CONSENT AGENDA

3.1 RESOLUTION

3.1.1 Resolution 15-16, Approving an Appointment to the Natural Resources Advisory Board (NRAB)

Councilor Gudman moved to adopt Resolution 15-16. Councilor Buck seconded the motion.

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

3.2 COUNCIL BUSINESS

3.2.1 Oregon Department of Transportation Local Agency Agreement for Boones Ferry Road Project Federal Grant
Mayor Studebaker moved to approve the Oregon Department of Transportation Local Agency Agreement for Boones Ferry Road. Councilor Gudman seconded the motion.

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

END CONSENT AGENDA

4. ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the consent agenda.

5. CITIZEN COMMENT

► Gary Buford – 415 N. State Street, Lake Oswego, OR – street trees damaging sidewalk

Mr. Buford indicated he would like to see the street trees removed in front of his business before damage is done to the sidewalk and the building basement underneath the sidewalk.

Mayor Studebaker welcomed four members of Boy Scout Troop 221 to the meeting.

► Diana Boom – 557 Evergreen Road, Lake Oswego, OR 97034 – Todd Prager and Planning Commission

Ms. Boom expressed concerns about the Mayor’s opposition to reappointing Mr. Prager to the Planning Commission. She believes appointments should be based on qualifications and character, and she believes Mr. Prager should be reappointed.

5.1 PRIOR PUBLIC COMMENT FOLLOW-UP

There was no follow-up to prior public comment.

6. PUBLIC HEARINGS

6.1 Resolution 15-22, Authorizing the Construction Manager/General Contractor (CMGC) method of contracting in lieu of competitive bidding for construction of the Public Works Operations Center Public Hearing Process

Mr. Powell reviewed the hearing procedure and explained the nature of the hearing. He noted that criteria under state laws are met.

Staff Report

Mr. Hooper presented the staff report. A collaborative approach to building the Operations Center will be used. Finding of fact has been advertised and made available to the public. Requests for proposal (RFPs) will be advertised on Wednesday, May 27. This process has been used previously for Millennium Plaza Park and the Lake Oswego Interceptor Sewer (LOIS) project.

Councilor Buck asked about risks. Mr. Eckfield indicated he was following ORS requirements using the RFP process, strict language, and total control of process. Contractors follow the rules of the State, including prevailing wage.

Mayor Studebaker asked about the difference between this technique and how the City might normally do this process. Mr. Eckfield described the differences between this method, which allows for much more teamwork, and the “hard bid” process.

Councilor Bowerman had questions about the process. Mr. Eckfield clarified the process.

Councilor Gustafson asked what the incentive is for a contractor to deliver a good value. Mr. Eckfield indicated costs plus fee will be submitted during the RFP process. Changes to the original plan are included in the original costs plus fee amount.
Councilor O'Neill recently used this process and thought it worked well for the owner; who saved quite a bit of money. Mr. Powell indicated that the guaranteed maximum price is negotiated with the contractor.

Testimony
There was no testimony.

Mayor Studebaker closed the public hearing.

Councilor Gudman moved to adopt Resolution 15-22 authorizing the use of the CMGC procurement method for the operations center project. Councilor Gustafson seconded the motion.

Councilor Bowerman indicated that an affirmative vote is a reflection of only the CMGC method but not of the report. She has previously expressed concern for using utility fees as a funding source.

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

7. COUNCIL BUSINESS

7.1 Resolution 15-23, Approving Appointments to the Planning Commission

The resolution appoints Mr. Bill Gaar and Mr. Robert Heape to the Planning Commission.

Councilor Buck was on the interview committee and liaison to the Planning Commission. Mr. Todd Prager was recommended by the interview committee to serve an additional four year term. Councilor Buck believes it is best for the Planning Commission to retain Mr. Prager. With the tasks assigned to the Planning Commission, it would be advantageous to have Mr. Prager serve. He believes it is a disservice to place a new person on the committee at this time.

Councilor Gustafson indicated it is the Mayor’s duty to appoint. He understands that the Mayor’s rationale for not accepting the recommendation of the interview committee is that he doesn’t believe Mr. Prager has the best interests of the city at heart. Mayor Studebaker confirmed that was part of the reason. Mayor Studebaker indicated that Mr. Prager wants to give the public access to Lake Oswego through a small portion of the lake that the City has access to. Past Councils have agreed with keeping the public off the lake because the City does not have the staff to monitor the lake and it did not want the liability or the increase in cost of liability insurance. There will be a negative impact to property values and a loss of revenue if the public is allowed on the lake. Safety rules of the lake are enforced through property ownership and the Lake Corp. The general public would not be so obligated by safety rules. Mr. Prager’s lawsuit has cost the City more than $1 million.

Councilor Gustafson indicated it was Mr. Prager’s right to disagree with the rules of lake access. He is paying a political price for expressing his opinions. It doesn’t impact the way he performs as a planning commissioner. He supported Mr. Prager as planning commissioner.

Councilor Buck concurred with Councilor Gustafson. Government agents shouldn’t be in a position of punishing people for exercising their rights. Mr. Powell clarified that through the Charter Section 19 process, the Mayor does make the appointment with the approval of the Councilors. Technically it requires a majority vote of the Councilors.

Councilor Buck moved to delay the vote on Resolution 15-23 until Councilor Manz has returned at the next meeting. Councilor Gustafson seconded the motion.

A roll call vote was held on the motion to delay the vote, and the motion failed, with Councilors Buck and Gustafson voting ‘aye.’ Mayor Studebaker and Councilors Bowerman, Gudman, and O’Neill voted ‘no.’ (4-2)
Councilor Gustafson noted that Councilor Gudman had been on the interview committee. Councilor Gustafson reviewed the audio of the interview committee and read a quote of Councilor Gudman’s from the meeting where he endorsed Mr. Prager. Councilor Gustafson continued to endorse Mr. Prager as a member of the Planning Commission. He indicated it was an issue of good governance.

Mayor Studebaker indicated he wanted to do what is best for the City.

Councilor Bowerman indicated that the Planning Commission affects Sensitive Lands and the Comprehensive Plan Healthy Ecosystems chapter. The Lake is central to much of the city, therefore will be discussed by the Planning Commission. She supports Mayor Studebaker.

Councilor Buck noted that the Planning Commission will discuss Sensitive Lands; Mr. Prager is the only member of the Planning Commission with that expertise. He believes it is a disservice not to recommend him to continue to serve. He is also concerned there is now no alternate.

Councilor Bowerman moved to adopt Resolution 15-23. Councilor O’Neill seconded the motion.

A roll call vote was held on the motion to adopt Resolution 15-23, and the motion passed with Councilors Bowerman, Gudman, and O’Neill voting ‘aye.’ Councilors Buck and Gustafson voted ‘no.’ (3-2)

8. PRESENTATION

8.1 Community Survey

Mr. Wheeler indicated the Council conducts a survey every two years both by phone and online. He thanked Councilors Manz, O’Neill, and Buck for their assistance in creating the survey. Mr. Eiland indicated the phone survey is a statistically valid survey; the results were reviewed. Twelve hundred people responded online. The survey addressed quality of life. It addressed satisfaction with City government, why people were satisfied, and why they weren’t. There was an increase in satisfaction from two years ago. Budget issues rating priorities include street maintenance 70 percent; maintenance of parks and open spaces 62 percent; communication with citizens 57 percent; public library 57 percent; paths and sidewalks 46 percent. Other volunteered priorities include improve street and biking paths, growth and development, and West End property. There were tree code regulation questions. Regarding the question of whether to expand City Hall hours, 70 percent thought it made no difference or should be kept the way it is. As far as a fiber optic network, six in ten favor a public/private partnership. There is a cost of service response. The City should be cautious in how these statistics are used. If the City wants to move ahead, there should be additional research. Top sources of information for residents are the Lake Oswego Review and city-managed media such as Hello LO. Demographics of survey respondents were reviewed. In general, people in Lake Oswego are happy, and opinions of local government have improved. The top priority is street maintenance, but there are other priorities as well. People are divided about the City’s tree code.

Councilor Gudman asked what would be good to add if traditional forms of communication aren’t working. Mr. Eiland indicated that social media and getting out and talking to the community were good ways to communicate. Hello LO works well.

2015 City of Lake Oswego Community Survey:

(Recess 8:01-8:10)

9. STUDY SESSION

9.1 Update and Direction on Options for Program to Reform Sensitive Lands Regulations
Mr. Siegel updated Council on where the City is in the process of reforming Sensitive Lands regulation, and the approach being taken to complying with Metro’s requirements. The Planning Commission met to discuss the Sensitive Lands program the day the City received comments from the state and Metro. The NRAB has not had an opportunity to review the draft. Mr. Jeff Condit and Mr. Tom Lindley have been retained as outside counsel. Mr. Siegel reviewed Metro’s comments on the draft revised regulations. Mr. Lazenby noted that staff is looking for high level and strategic input from Council this evening. The hope is to keep Council’s desired reforms intact as the City works to comply.

Councilor Buck asked about development setbacks. Mr. Siegel clarified the difference in how the setbacks are measured. Staff is looking at whether the City’s proposed changes comply, and what the differences are. The RC districts proposed to be removed are those that comply with Metro’s de minimis test. Metro has concerns about a voluntary and non-regulatory approach that is based on incentives. Oregon Department of Fish and Wildlife doesn’t think the City should rely on incentives, as it is a new, unproven approach. Councilor Bowerman asked for clarification on tonight’s objective. Mr. Siegel indicated the question was how to proceed with the program revision and comply with the requests. Staff is looking for direction on options in moving forward with the Sensitive Lands program and feedback on the City’s Total Maximum Daily Load (TMDL) plan.

Mr. Siegel provided examples of properties and how they would be designated under the existing and proposed programs.

Options presented included:

Option 1: Combine Resource Protection (RP) and Portion of Resource Conservation (RC) to meet Title 3.

Option 2: Combine RP and Portion of RC to meet Title 3 and apply it to corrected stream mapping.

Option 3: Remove Upland RC Districts only.

Mayor Studebaker expressed frustration that the regulatory agencies keep raising the bar. Councilor Gudman asked if the Planning Commission had an opinion on the options. Mr. Siegel indicated the Planning Commission wanted Council and NRAB to weigh in first. Councilor Gudman asked where the program was simply the law and where it is based on the judgment or interpretation of the agency. Mr. Siegel indicated that Metro code implements State planning goals. Mr. Powell added clarification. Mr. Lazenby indicated the City must show it is not harming water quality. He believes the City is making good progress with its revisions. The voluntary option has the potential to make a considerable difference in a built-out city. Councilor Gudman asked about the differences between options one and two. Mr. Siegel indicated it was an equity issue.

Councilor Bowerman brought up questions of water temperature and regulated shade. Overall it does not appear the City is making it better. Mr. Siegel and Ms. MacDonald clarified.

Mr. Lazenby indicated the City’s task is do to keep water quality intact and provide relief to landowners where possible. Councilor Buck noted the need for healthy ecosystems. He asked about identifying tree groves individually to regulate. He noted the City isn’t getting anywhere despite the work it has done.

Councilor O’Neill suggested that on the question of water temperature versus water quality, the City should focus on what it can control. He noted the problem of septic tanks that drop pollution into the water system. Mr. Siegel noted that temperature is the issue that needs to be addressed in the Sensitive Lands program.

Ms. MacDonald noted that much of TMDL is implemented through stormwater permits. Shade is used as a surrogate for temperature, although temperature is also measured.

Councilor Gudman indicated that option 3 did not seem viable. He prefers option 2, which gets closer to applying regulations equally across the board. Councilor Bowerman asked if Metro
would accept a proposal that is only option 1. **Mr. Siegel** indicated that Metro says the City’s current proposal doesn’t comply. He isn’t comfortable with option 3, but perhaps option 1 or option 2. Option 2 would likely bring additional properties into the program based on corrected stream alignments.

A straw vote showed an even split on Council between option 1 and option 2. **Councilor Gustafson** indicated he believes staff knows better which option is the best one. **Mayor Studebaker** indicated he wanted to add as few properties as possible to the Sensitive Lands program. **Councilor Buck** indicated he thought Council should go forward with a proposal they knew Metro would accept. **Ms. MacDonald** indicated that option 2 provided more assurance that the City was intending to meet water quality standards.

**Councilor Bowerman** asked about the definition of stream. **Mayor Studebaker** supports option 2; **Councilor Bowerman** doesn’t. Four of five preferred to go ahead with option 2. **Councilor Buck** asked what input Council wants from NRAB. The Planning Commission values NRAB’s input on all of the natural resources and healthy ecosystems chapter of the Comprehensive Plan, including Sensitive Lands and the tree code. **Councilor Bowerman** asked how many people would now receive letters about Sensitive Lands. **Mr. Siegel** indicated he could not estimate at present. All owners of Sensitive Lands properties will receive the same update and direction; owners of properties that are newly designated as Sensitive Lands will receive more specific letters, citing regulatory requirements.

10. **INFORMATION FROM THE COUNCIL**

There was no information from Council.

11. **REPORTS OF OFFICERS**

There were no reports.

11.1 **2015 Council Goals Quarter One Status Report**

There was no report.

12. **EXECUTIVE SESSION**

Council recessed at 9:50 p.m.

The Council convened in executive session at 9:55 p.m. under the authority of ORS 192.660 (2) (e) to conduct deliberations with persons designated to negotiate real property transactions.

Executive Session adjourned at 10:44 p.m.

13. **RETURN TO OPEN SESSION**

The Council reconvened in open session at 10:49 p.m.

14. **ADJOURNMENT**

**Mayor Studebaker** adjourned the meeting at 10:49 p.m.

Respectfully submitted,

APPROVED BY THE CITY COUNCIL: ON __________________________

________________________________________
Kent Studebaker, Mayor

Anne-Marie Simpson, City Recorder

City Council Regular Meeting Minutes
May 19, 2015