

**CITY OF LAKE OSWEGO**

**January 4, 1994**

**CITY COUNCIL MINUTES**

**REGULAR MEETING**

**I. CALL TO ORDER**

Mayor Alice L. Schlenker called the regular City Council meeting of January 4, 1994 to order at 7:00 p.m. in the City Council Chambers.

**II. ROLL CALL**

Councilor Chrisman, Mayor Schlenker, Councilors June, Klammer, Puskas, and Anderson were present; Councilor Holstein was excused.

**III. CONSENT AGENDA**

**A. WRITTEN COMMUNICATIONS**

R. Gerald Todd resigning from the Neighborhood Traffic Advisory Board

**ACTION:** Accept resignation with regret.

**B. REPORTS**

**1. Acceptance of pathway easements:**

- a. 3600 Upper Drive
- b. 3652 Upper Drive
- c. 3650 Upper Drive

**ACTION:** Information only. The City Manager has accepted these easements on behalf of the City Council.

- 2. Award of bid for Work Order No. 80014 to construct street and alley improvements; and, to provide, install, and/or construct site furnishings, play equipment, paving, lighting, landscape materials and irrigation at Rossman Park.**

ACTION: Award bid to Paul Brothers, Inc. for \$168,814.00

C. ORDINANCES

Second Reading by Title Only and Enactment

1. 2084, A general ordinance of the City Council of the City of Lake Oswego amending LOC 13.010, Powers of Municipal Judge; LOC 13.020, General Penalty. Continuing Violation; LOC 31.145, Animal Regulations, Disposition of Animals, Penalties; LOC 32.640, Crossing Private Property; LOC 34.045, Discharge of Weapons; LOC 34.052, Placement of Tobacco Product Vending Machines, Penalty for Violation; LOC 34.081, Penalties; LOC 34.145, Enforcement; LOC 42.360, Fishing on Bridges Prohibited; adding new provisions to LOC Chapter 34 (Crimes and Civil Infractions) relating to Interference with Assistance, Search and Rescue and/or Therapy Animals; Throwing Objects off of Bridges and Overpasses onto Roadways, Pathways or Waterways Prohibited; Placing a Public Safety Worker at Risk of Bloodborne Pathogens; and adding a new provision to LOC Chapter 32 (Uniform Traffic Code) relating to designation of painted curbs and parking restrictions.

ACTION: Enact ordinance.

2. 2085, a general ordinance of the City Council of the City of Lake Oswego amending LOC Chapter 47, (Sign Code) to eliminate portions which could be unconstitutional and renumbering section numbers.

ACTION: Enact ordinance.

D. RESOLUTIONS

1. R-93-88, a resolution of the City Council of the City of Lake Oswego authorizing the City Manager to enter into a fire contract with the Riverdale Fire District.

ACTION: Enact resolution.

2. R-93-89, a resolution of the City Council of the City of Lake Oswego authorizing the Mayor to sign an amendment to the Regional Water Supply Plan Phase II (RPAG) intergovernmental agreement.

**ACTION:** Enact resolution.

**E. APPROVAL OF MINUTES**

1. December 7, 1993, regular meeting

**ACTION:** Adopt minutes as written.

2. December 15, 1993, special meeting

**ACTION:** Adopt minutes as written.

Councilor Anderson moved for the Consent Agenda. Councilor Chrisman seconded the motion. A roll call vote was taken and the motion passed with Councilor Chrisman, Mayor Schlenker, Councilors June, Klammer, Puskas, and Anderson voting in favor.

Mayor Schlenker read Ordinances 2084 and 2085 for Second Reading by Title Only and Enactment. She noted for the record that Ordinances 2086 and 2087 were not considered at this meeting.

**END CONSENT AGENDA**

**IV. CITIZEN COMMENT - None**

**V. RECOGNITION/PRESENTATIONS - None**

**VI. ITEMS REMOVED FROM THE CONSENT AGENDA - None**

**VII. BUSINESS FROM THE COUNCIL**

- A. Election of Council President for 1994.

Mayor Schlenker thanked Councilor Chrisman for her support as the backup person for the chair.

Councilor Chrisman moved that Councilor Mary Puskas be the next Council President. Councilor Anderson seconded the motion. A roll call vote was taken and the motion passed with Councilor Chrisman, Mayor Schlenker, Councilors June, Puskas, and Anderson voting in favor; Councilor Klammer abstained.

Mayor Schlenker reviewed the new seating arrangement for the Council.

B. Appointment of Council Committees for 1994.

Councilor Anderson moved to adopt the City Council committee list. Councilor Klammer seconded the motion. A roll call vote was taken and the motion passed with Councilor Chrisman, Mayor Schlenker, Councilors June, Klammer, Puskas, and Anderson voting in favor.

C. Appointment of James A. Kronenberg to Neighborhood Traffic Advisory Board

Mayor Schlenker moved to appoint James A. Kronenberg to the Traffic Advisory Board. Councilor Puskas seconded the motion. A roll call vote was taken and the motion passed with Councilor Chrisman, Mayor Schlenker, Councilors June, Klammer, Puskas, and Anderson voting in favor.

D. Appointment of Elected Representative to CREG (See Committees list)

#### VIII. REPORTS FROM BOARDS/COMMISSIONS

Recommendation from the Ad Hoc Committee on City Council Expense Allowance to review LOC 12.060.

This item was rescheduled for January 18.

#### IX. WRITTEN COMMUNICATIONS

Randy Walter, Site Acquisition Representative, GTE Mobilnet, requesting approval of a cellular telephone facility on Cook's Butte.

Mr. Walter addressed the Council and made the following points:

- Introduced Christina Simon, GTE Mobilnet;
- Addressed specific concerns discussed by the Parks and Recreation Advisory Board at the October 1993 meeting after his presentation;
- The other high points used by the competition did not meet GTE's needs from a radio engineering viewpoint:
  - The Cellular One site on Mt. Sylvania at Jefferson One Parkway was not a site GTE had or would consider because of the various radio engineering problems associated with it;

- The Cellular One site on Lower Boones Ferry Road was below the level of the trees and did not "see" into the area for which GTE sought to provide service;
- The Cook's Butte site was the only site that "saw" clearly into that portion of Lake Oswego along South Shore Blvd, Lakeview Blvd, and portions of Iron Mountain Blvd;
- Using a wooded area on which to build the facility was the best land use they could make of the area;
- GTE customers could not afford to wait until 1998/99 when a master plan was scheduled to be developed for the park:
  - A master plan would be guided by the land 1975 deed which restricted use of the land to park uses and public utilities;
- GTE would be creating an additional viewpoint in the park, similar to the one created by construction of the water tank:
  - The facility was designed to be buried in the hillside in imitation of the water tank shape;
  - This berming of the facility would landscape and enhance the site without removing current vegetation; and will change its character;
  - Though built within 50 feet of the water tank, the facility would not interfere with city water tank operations;
  - Used a graphic to demonstrate his points;
- The facility would not interfere with either the existing or future uses of the park as a viewpoint or with the jogging or nature trails;
- The Co-location Task Force for the City of Portland, investigating the issue of competitors sharing sites, had found no regulations or ordinances requiring co-location:
  - Co-location was not a viable solution as it created other special problems;
- The ridge line would not be altered:
  - His evaluation and the surveys conducted in the Pallisades Crest Drive area had generated no comments to the homeowner's association;
- The staff report indicated that GTE's application met all the Comprehensive Plan and Development Code requirements:
  - GTE has spent time and money to develop a design that was 100% compatible with existing and future uses of the area;
  - He saw the long term use of the park as open space in response to concerns about traffic, slope steepness, and soil stability.

### COUNCIL QUESTIONS

1. What impact would this have on citizens' health concerns (i.e. pacemakers, etc.)?

Mr. Walter stated that there were no known health effects to pacemakers or any kind of home appliances. He cited a technical study done by a bioengineer that concluded that this site posed no health effects to the public. He commented that other sites were located near schools and commercial buildings, and still met all governmental requirements.

2. What would happen to the site if, in the future, it was no longer needed or GTE ceased to function?

Mr. Walter commented that GTE was investing in wireless technologies because they would be critical to communications in the future. He noted that all of their lease agreements included a statement that the company would remove the improvements to site if they no longer needed it for their communications network. Ms. Simon clarified that they would restore the site to its natural state.

3. Wouldn't leasing this site to GTE give the company an unfair advantage over its competitor?

Mr. Walter said that currently Cellular One had three sites in the area and GTE Mobilnet only had one. He further explained that FCC regulations limited the number of service providers in any metropolitan statistical area to two; currently they were GTE Mobilnet and Cellular One.

4. Was this a good use for the park?

Jeff Condit, City Attorney, explained to the Council that this was a multi-part decision, and that tonight they only needed to decide whether or not to allow GTE to apply for a conditional use permit. He said that the application process included a public hearing before the Planning Commission, at which time GTE had to address the compatibility and neighborhood impact issues. He commented that allowing GTE to apply for a conditional use permit did not mean any Councilor had to vote for the conditional use in the case of an appeal. He said that negotiations for the lease agreement dealt with fees and the site restoration issue. He concurred that the deed did allow park and public utility uses.

5. What was the height of the pole?

Mr. Walter said the two poles were between 55 and 65 feet high. He explained that two poles were needed because transmitting and receiving required

separation. He stated that, if the best site were not available, GTE would have to go to a three site situation similar to Cellular One's current operations. He did not believe this was the best use of the land, and that doing so would create more problems than it solved. He reiterated the excellence of the Cook's Butte site and the lack of impact the facility would have on the park remaining as open space. He reviewed some of the other potential sites, pointing out their problems.

6. What would the tower look like?

Mr. Walter directed attention to the drawing, and said that the poles were approximately 55 to 60 feet high, with antenna surfaces of 24 by 35 inches.

7. How high would they project over the trees?

Mr. Walter said they would project approximately 10 feet above tree canopy.

8. What was the ratio of customers in Lake Oswego that would benefit from GTE having the site?

Mr. Walter explained that, according to industry standards, cellular penetration was between 1% to 2% nationally but that Lake Oswego was unique because the usage ratio was between 30% to 40% of all homes. He noted that GTE's purpose in requesting this site was to provide its Lake Oswego customers with a clear, high quality call, and that they wanted to do so through the minimum number of cell sites necessary. He commented that this was the best single site plan GTE could devise to meet everyone's requirement (to meet both GTE's and the public's need), and not to impact the park. He also pointed out that this site would facilitate the routing of 911 calls in the Lake Oswego area.

9. Did staff concur that 911 capability would be enhanced?

Staff stated that the fire chief had said this proposal would help 911.

10. What would GTE require from the city in terms of maintenance or assistance with this project?

Mr. Walter stated they would only require access to the locked gate at the end of Palisades Crest Drive, a matter that was normally taken care of during lease negotiations. He said that the site would be vandal proof, incorporating precautions similar to those used by the city at the water tank. He noted that

the poles were very slender and unclimbable.

11. Explain further what problems were raised by co-location.

Mr. Walter explained that two different radio systems required separate antenna systems, located 20 to 30 feet apart. He cited the Cellular One site on Boones Ferry, saying that in order for it to work for both carriers, the 45 to 50 foot monopole would have to be 30 feet taller, substantially stronger, and would require reengineering. He noted that co-location resulted in a larger visual mass, which raised more concerns.

12. What could the City of Lake Oswego do if they wanted the site back in 20 to 30 years?

Mr. Walter explained that lease agreements with public agencies commonly included a reversion of the structure and improvements back to the city at the end of the lease period.

13. What was the square footage and the height of the building?

Mr. Walter said that the height of the building was about eight to ten feet; the building was approximately 12 by 30 feet.

Mr. Condit reiterated the procedures required for GTE's facility to be built, and noted that Council would have final say on the lease agreement also.

Councilor Puskas moved to authorize application for a conditional use permit in Cook's Butte Park, and that Council instruct the City Manager to negotiate the terms and agreement as a condition of the Council's approval if the land use approval is given. Mayor Schlenker seconded the motion. A roll call vote was taken and the motion passed with Councilor Chrisman, Mayor Schlenker, Councilors June, Klammer, Puskas, and Anderson voting in favor.

## X. REPORTS OF CITY OFFICERS

### A. City Manager

1. Year end report

Mayor Schlenker commented on the excellence of the year end report, and



thanked Mr. Schmitz and his staff for creating this report of the community's activities in 1993.

2. Traffic counts

Mr. Schmitz reported on the staff comparison of traffic counts between State Street in Lake Oswego and Front Street in Portland, noting that they were very similar:

- State Street north of the railroad tracks: 26,105 per day
- State Street south of the railroad tracks: 31,090 per day
- Front Street north of Market Street: 25,268 per day
- Front Street south of Market Street: 32,572.

3. Botticelli Pathway appeal

Mr. Schmitz confirmed with Council that they would take a tour of the proposed Botticelli pathway in Mountain Park on January 24, prior to the appeal hearing.


XI. EXECUTIVE SESSION

Mayor Schlenker recessed the meeting to Executive Session pursuant to ORS 192.660(1)(e), Real Property Transactions at 7:44 p.m. The Executive Session was adjourned at 8:13 p.m.

XII. ADJOURNMENT

The City Council meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

  
Kristi Hitchcock, City Recorder

APPROVED BY COUNCIL:

  
Alice L. Schlenker, Mayor