



# City of Tualatin

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Approved By Tualatin City Council

Date 3-8-10

Recording Secretary Maureen Smith

## TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 22, 2010

**PRESENT:** Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike City Engineer McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Brad King, Police Captain; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Will Harper, Associate Planner; Dayna Johnson, Project Engineer; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

**ABSENT:** None.

***[Unless otherwise noted, MOTION CARRIED indicates all in favor.]***

### **A. CALL TO ORDER**

Mayor Ogden called the work session to order at 4:30 p.m. and immediately went into executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

Mayor Ogden continued with the Work Session at 5:01 p.m.

*Council reviewed the Consent Agenda with no changes.*

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

#### **1. Water Issues Update**

City Engineer Mike McKillip presented information on water issues and possible future water sources. City Engineer McKillip reviewed the water agreement the City has with the City of Portland. The rates are calculated annually and are based on three major components, appreciation on investments, return on investments, and operation and maintenance. Tualatin does not pay for the waterlines for Portland, only for a certain part per the agreement. The City just completed working with Portland on rates. After five years, Portland did an audit of all their assets to make sure everything is where it should be. Calculations are included for peak season, June through the end of September, and also for three peak days.

Council reviewed with City Engineer McKillip a map indicating purchase price plus debt service over the years up to 2031/32. The map showed projections of what to expect with regards to costs versus projected costs. It was asked and answered what the cost is charged to the residents. Rates include operation, etc. not just water. What is not accounted for that could affect our rates is if other wholesale customers leave. City Engineer McKillip explained that if a portion of wholesalers drop out of the contract, the percentages would shift. He explained what some of the other jurisdictions are looking at for additional water sources to minimize their reliance on Portland. City Manager Lombos said staff believes this is a realistic forecast. Councilor Harris mentioned that is why the

Council decided to go with a 10-year contract with Portland instead of a 20-year. It was asked what the projections might be from the other jurisdictions and that it would be interesting to know how Tualatin compares to other scenarios in the region. It was asked by Councilor Maddux the reasoning for remaining with Portland. City Engineer McKillip and Operations Director Boss said the City has huge investment and for water quality.

City Engineer McKillip said in response to Councilor Davis' question that there is an amendment in the City's Charter about not using untreated Willamette River water, and requires a vote of the people. It was noted that it is only for "drinking" water.

City Engineer McKillip spoke on water future needs of Tualatin. The City Water Demands map was reviewed and City Engineer McKillip explained the water demand and how many gallons per day would be used and the south Tualatin area which includes the City's local aspirations, went from 17 to 12 gallons per day. City Engineer McKillip said the actual peaking factor is less than what has been projected, and has gone down over time. What is presented is showing the "worst case scenario" Community Development Director Rux explained the rationale of the possible acreage that could end up in the City. City Manager Lombos said the map wasn't meant as a policy statement. Councilor Beikman said the map is not reflective of the Council's determinations of the local aspirations, and suggested that the map should indicate it's a "worst case scenario." City Engineer McKillip said the way it is progressing now, he does not believe future demands will be as high as it was in the past. Discussed what are the rates and structures from other jurisdictions.

City Engineer McKillip mentioned the Aquifer Storage and Recovery (ASR) project. The City has been working on this project for the past three or four years, and at a point of not projecting or withdrawing any water. He explained there is a biological problem in the well where it was drilled. Water has all ingredients to grow bacteria and algae, and staff is certain that it is on the screens in the well and can't get water down well and into aquifer because the algae has plugged the screens. Staff has been looking at second round of testing and have talked with other cities that have ASR. Beaverton doesn't have the same problem, and Tigard has not had the same problem, although it is less clear why they haven't because they have the same amount as Tualatin. They do have a higher chlorine level and they are using an old well that had been used for domestic water purposes.

City Engineer McKillip said they hope to be able to inject again in fall. Essentially the well will need to be taken apart and the screens cleaned, then flushed and scrubbed along the faces of the aquifer, and do some changes in our well site. When the water is injected back in it will be a higher chlorine content, and should be enough to stop the organisms. The work will likely start around June and should be ready to start to reinject in the fall. It was asked and explained where and how the algae is being created, which is from a variety of sources. Mayor Ogden said that those that aren't using Portland water do not have the same problem. It was asked by Councilor Truax and answered that it will cost approximately \$300,000 to do the work. It was asked and answered how the work would be done in terms of equipment, etc. Councilor Maddux said after attending the home owner association meeting there was going to be an open house and asked what will be done now. City Engineer McKillip said there will be community outreach in the form of mailers, hold an open house, etc. City Manager Lombos said the consultant is not necessarily sure that this will work, and it was briefly discussed what would happen if it does not work. City Engineer McKillip said we have to at least do this process to find out if the problem will return. It was asked by Mayor Ogden and answered by Operations Director Boss that the ASR does meet standards, just can't get to it because of the filter problem.

City Engineer McKillip moved on to a discussion of Sherwood's waterline. Sherwood ended up coming in at half the cost than what was projected and are looking to other jurisdictions to buy a piece of the pipe. It would cost approximately \$45 million for Tualatin's share. Discussion on the costs and whether to go for the \$45 million option with Sherwood, and City Engineer McKillip said Tualatin could build a system at \$60 million option.

Councilor Davis expressed concern about water quality, and commented by doing this, spending \$45 million, would still require a vote of the people to be able to use Willamette River water. Discussion followed on various options for water. It was asked about the financial part of why Tualatin would take up Sherwood's offer for \$45 million instead of doing a \$60 million option in the future. Discussion followed. City Engineer McKillip said it is more of an opportunity that was presented to us, and if we want to have two water sources and not be totally depended on one source of water.

Mayor Ogden said, along with Councilors Beikman and Maddux that they haven't heard a good reason to split pipe and share, water quality issue aside. Councilor Harris noted there wasn't any information about the Clackamas River and City Engineer McKillip said it wasn't considered, and noted the further away the higher the cost. Councilor Harris said he didn't want to address this at this discussion, but asked if staff could provide information about the Clackamas River. It was noted there should be some public involvement as it is a big decision on what will residents want for Tualatin's future water sources.

City Manager Lombos said staff will come back to Council with the next steps with the Portland water agreement and provide Clackamas River information.

## 2. *Legacy Health Systems Development Agreement*

City Manager Sherilyn Lombos began the discussion and noted Alyson Anderson, CEO of Legacy Meridian Park Medical Center, and Larry Hill of Legacy Health Systems were present.

Associate Planner Will Harper explained some of the changes that have been done in the Development Agreement (DA). He also reviewed five additional questions and ideas Council had of the DA. Mr. Harper reviewed (page 3) what those additions were, as stated in the staff memorandum.

Mayor Ogden said of what the scale is today and what the expansion would be in the future what is the impact of Legacy in the future, with or without the expansion. The concern is how Legacy handles that. Mayor Ogden said he wants to be upfront about what is the long term goal of the city. Mr. Hill said he understands the dilemma, when the Medical Center (MC) planning district was set ten years ago or so, trying to project what would an MC district look like.

Mr. Hill said the idea is predicated on how big will Tualatin get in the surrounding area and be able to provide medical services. Legacy Good Samaritan and Emanuel hospitals do not have much land to expand. Legacy Meridian wants to be able to provide a range of services and do all they can, which will require some additional buildings. Mr. Hill said their capital is tight and it is hard to predict what will happen, and they cannot necessarily take into consideration what traffic issues would be when it is not known what Legacy will be building. It was asked about the current site and how tall could a building be. Councilor Barhyte said he doesn't believe that constructing as high as a 95 foot building fits the character of the neighborhood. Mr. Hill replied that building a 45 foot building wouldn't make sense for them, although he's not saying 95 feet is right answer. Asked and answered the height of one of currently buildings. Mr. Hill said Emanuel and Meridian Park are the only two in the state that have an MC planning district zone. Discussion followed on

what the building heights might or could be on the site. There will be a setback of 300 feet, which is a little more than half into the property.

Ms. Anderson said it is difficult, what with not with knowing what they actually plan for the site. They want it to be good for the hospital and the community. Councilor Barhyte said the issue remains that whether a 95 foot building would be compatible with the neighborhood.

Discussion followed. Council set the MC district designation and put the hospital in the position. Mayor Ogden said if there had been development on the 20 acres residentially, as the rest of Fox Hills, we probably would have had these types of discussion then. Councilor Truax said we need to decide what kind of hearing to have and have it. Councilor Maddux said she is with Councilor Truax on this. Mayor Ogden said it is worth the effort to try and get there. Mr. Hill said it seems there are four or five issues that are big and with no specifics, he can't alleviate the concerns. At the end of the day Tualatin has a community hospital that's been there for 40 years, and while they can't know now what they will be building, Legacy wants to work with the neighborhood.

Discussion followed, and City Attorney Braden interrupted and noted Council is moving away from the DA discussion, and there is an ongoing public hearing. Councilor Beikman suggested bringing the DA to the next meeting as it is presented tonight, and take a vote on it at that meeting. Council quickly reviewed the five suggestions and Mr. Hill said Legacy is fine with Nos. 2-3, but it isn't sure about Nos. 1, 4 and 5.

Mayor Ogden asked how in the purview of the process, without being ex parte, if there is a methodology to have a Council subcommittee, and City Attorney Braden said it couldn't be done without being ex parte. Staff will bring back on March 8, 2010, and add Nos. 2 and 3 to the DA.

**C. CITIZEN COMMENTS – N/A**

**D. CONSENT AGENDA**

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

**E. PUBLIC HEARINGS – *Legislative or Other***

N/A

**F. PUBLIC HEARINGS – *Quasi-Judicial***

N/A

**G. GENERAL BUSINESS**

N/A

**H. ITEMS REMOVED FROM CONSENT AGENDA**

N/A

**I. COMMUNICATIONS FROM COUNCILORS**

*None.*

**J. EXECUTIVE SESSION**

It was noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation was held before the start of the Work Session.

**K. ADJOURNMENT**

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

  
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# City of Tualatin

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Approved By Tualatin City Council  
Date 3-8-10  
Recording Secretary [Signature]

## TUALATIN CITY COUNCIL MEETING MINUTES OF FEBRUARY 22, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Carina Christensen, Assistant to the City Manager, Maureen Smith, Recording Secretary

ABSENT: None.

***[Unless otherwise noted, MOTION CARRIED indicates all in favor.]***

### **A. CALL TO ORDER**

Mayor Ogden called the meeting to order at 7:07 p.m.

The Pledge of Allegiance was led by Councilor Beikman..

### **B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS**

1. *Update Tigard-Tualatin Family Resource Center* – Interim Director Katie Scaief  
Interim Director Katie Scaief introduced herself and said she has been with the Tigard-Tualatin Family Resource Center since 2009, and is interim director while Catherine West is on maternity leave. Also present were Rachel Molitor, and family resource specialist Becky Padron. Becky has been with the Center since September, and is also bilingual and the first contact with clients. Ms. Scaief said on behalf of the Center they wanted to express their gratitude to the City of Tualatin for their donation, and in addition to thank the employees of the city of Tualatin for their donation of \$720, which will be used for hygiene, gas and bus ticket vouchers. Ms. Scaief especially wanted to thank Councilor Maddux for her support and participation on the Center Board. The support of organizations and volunteers make a difference. The Center is also partnering with the Oregon Food Bank to offer some classes on nutrition and healthy eating habits and receive a nutritional cookbook.

Mayor Ogden thanked the Center representatives for their update, and asked if the nutritional offering could be part of the City's upcoming Health Fair in April. Councilor Maddux noted the Center does a lot of work with the very small space they work with. There are many resources out there that are available to people. With her work with the Washington County Commission on Children and Families, Councilor Maddux said the resource centers are a success and she thanked the Tigard-Tualatin Resource Center for their hard work and dedication.

2. *Tualatin Tomorrow Presentation Key Focus Area – Arts, Culture and Education (ACE)*  
Larry McClure, Tualatin Tomorrow representative, presented a PowerPoint on the focus area of arts, culture and education. He started with a brief history of Tualatin and the diversity of the city. He noted 12% of the population has difficulty with English, and there are approximately 47 different types of languages spoken. The Latino population has increased over the years, and all information provided by the School District is in Spanish. The first Latino has been appointed, to fill a position, on the Tigard-Tualatin School District Board. The City of Tualatin is a major player, particularly the Library and there is currently information displayed on diversity, and many events are provided in Spanish. The arts programs offer diversity and music, arts program, the Student Visual Chronicle. The Willowbrook Summer Arts program is also offering scholarships for the Tualatin Latino community.

Mayor Ogden thanked Mr. McClure and the focus area group for the work they are doing and the statistical information provided. He suggested it be made available on the City's website.

3. *2009 Heritage Center Annual Report (heard at this point in the agenda)*

#### **C. CITIZEN COMMENTS**

*Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR*, was present and said she was pleased on the Water presentation that was given at the Work Session, and also that water use has decreased in the City. Ms. Newcomb also thanked staff for responding on an urban renewal issue and she noted the upcoming forum on March 1, 2010 on the Tualatin Road expansion and its impact to residents.

Ms. Newcomb said she had a question of urban renewal and the costs on the projects, and has been doing research on other cities. She has asked staff to provide more information to her. Ms. Newcomb said she believes the Central Urban Renewal District should end in June and start another district. She also had a question on the financing and asked staff for information. City Manager Lombos said she was unclear as to what Ms. Newcomb was requesting, and Mayor Ogden asked Ms. Newcomb to provide her request in writing and submit to staff.

#### **D. CONSENT CALENDAR**

Staff noted on the second page of the TriMet Intergovernmental Agreement (Packet Page 31), Paragraph 1c, last sentence, should read "*Boones Ferry*" Road Pedestrian Crossing.

MOTION by Councilor Barhyte, SECONDED by Councilor Harris to adopt the Consent Agenda as amended and read:

1. Approval of the Work Session and Meeting Minutes of January 11, 2010 and February 8, 2010
2. Resolution No. 4958-10 To Approve an Intergovernmental Agreement to Collect and Remit Construction Excise Tax Between the Lake Oswego School District and the City of Tualatin
3. Resolution No. 4959-10 Relating to Parking on Martinazzi Avenue Between Boones Ferry Road and Seneca Street and Rescinding Resolution Nos. 752-80, 1036-81, and 1153-82
4. Resolution No. 4960-10 Authorizing an Amendment to the Intergovernmental Agreement

with TriMet and Washington County Regarding  
WES Train Horn Noise Mitigation Funding

5. Community Involvement Committee Appointments
6. Approval of Liquor License Renewals for 2010

MOTION CARRIED.

**E. PUBLIC HEARINGS – Legislative or Other**  
*None.*

**F. PUBLIC HEARINGS – Quasi-Judicial**  
*None.*

**G. GENERAL BUSINESS**

1. *2009 Heritage Center Annual Report*

Tualatin Historical Society members Larry McClure and Yvonne Addington were present and gave a PowerPoint presentation reviewing the events and accomplishments of the Heritage Center this past year. It was noted the Center runs on a low budget, with help from program fees and donations, and also with the help of the City, in particular the maintenance of the Center by the City. Events and programs that take place at the Center were reviewed.

Mayor Ogden thanked the members of the Historical Society for for all the work they have done with the Heritage Center.

Yvonne Addington, Tualatin Historical Society president, also wanted to give an official announcement on some of the prehistoric "citizens" of Tualatin. She gave a background on the recent discoveries of bones, in addition to the mastodon the City has. Ms. Addington displayed bones of a prehistoric dinosaur which has now been correctly identified as a "Harlan Ground Sloth." She noted that are many more sites that have been finding various prehistoric bones which has generated a lot of interest. Mayor Ogden thanked Ms. Addington on the history and artifacts that are being discovered.

**H. ITEMS REMOVED FROM CONSENT AGENDA**

*Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.*

**I. EXECUTIVE SESSION**

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation was held before the Council work session.

**J. COMMUNICATIONS FROM COUNCILORS**

Councilor Maddux noted the Student Visual Chronicle is Thursday, 7:00 p.m., at the Juanita Pohl Center and encouraged everyone to attend.

**K. ADJOURNMENT**

MOTION by Councilor Barhyte SECONDED by Councilor Harris to adjourn the meeting at 8:08 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith 