



CITY OF TROUTDALE

AGENDA

TROUTDALE CITY COUNCIL - REGULAR MEETING
COUNCIL CHAMBERS
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. -- MARCH 9, 1993

NOTE: All times listed are approximate; items may not be considered in the exact order listed.

- 7:00 (A) 1. PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE
- (A) 2. CONSENT AGENDA:
2.1 Accept Minutes - Regular Session 1/26/93; 2/9/93; 2/23/93
2.2 Business Licenses - Month of February, 1993
- (I) 3. PUBLIC COMMENT: Please restrict comments to non-agenda items at this time.
- 7:15 (A) 4. APPOINTMENTS: Budget Committee and Planning Commission
- 7:20 (A) 5. REVIEW: Wastewater Management Galloway
- 8:00 (A) 6. RESOLUTION: Accepting the Engineer's Report on Access Road [Extension of Kendall Avenue] and Adopting the Recommendation Made Therein. Galloway/Gazewood
Declarations, Challenges, Ex Parte Contact
- 8:10 (A) 7. RESOLUTION: Authorizing the City to Participate in the Regional Providers Advisory Group Phase II Regional Water Supply Plan and Authorizing the Mayor to Sign an Intergovernmental Agreement Pertaining Thereto. Galloway
Declarations, Challenges, Ex Parte Contact
- 8:20 (A) 8. RESOLUTION: Affirming City of Troutdale Support for a Draft Environmental Impact Statement for the Mt. Hood Parkway Galloway

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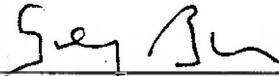
- 8:40 (A) 9. PUBLIC HEARING: City Administrator Evaluation Standards
9.1 Open Public Hearing
9.2 Staff Report
9.3 Questions of Staff
9.4 Opportunity for Public Comment*
*(Restricted to input on Performance Standards Criteria Only)
9.5 Council Deliberation

There will be extra copies of questionnaire available for the public.

- 9:45 (A) 10. DEPARTMENT REPORTS:
● Finance
● Public Safety
● Community Development
● Public Works
● City Attorney
● Executive

- 10:00 (A) 11. COUNCIL CONCERNS AND INITIATIVES

- 10:15 (A) 12. ADJOURNMENT.



Gene Bui, Mayor

Dated: March 3, 1993

MINUTES
TROUTDALE CITY COUNCIL - REGULAR MEETING
TROUTDALE CITY HALL
104 SE KIBLING AVENUE
TROUTDALE, OR 97060-2099

7:00 P.M. – MARCH 9, 1993

ITEM #1: PLEDGE OF ALLEGIANCE, ROLL CALL, AGENDA UPDATE

Mayor Bui called on Councilor Burger-Kimber to lead the pledge of allegiance.

City Recorder, Valerie Raglione, called the roll.

PRESENT: Bui, Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson,

STAFF: Barker, Christian, Collier, Galloway, Gazewood, Raglione

PRESS: Web Ruble, Oregonian
Lynn Nakvasil, Outlook

GUESTS: Mr. Sercombe, Sean Christian, Shanon Christian, Jodi Rogers, Paula Goldie,
James R. Jensen, Larry Nicholas, Pat Smith, Walt Postlewait, Sally
Wakeman, Clay Moorhead

Mayor Bui addressed agenda updates. There were none.

ITEM #2: CONSENT AGENDA

Mayor Bui called this agenda item.

City Recorder Raglione stated the complete minutes for January 26, February 9, February 23, March 9 would be available at the next meeting. Due to the length of the verbatim testimony, it was included for Council information ahead of the complete minutes.

MOTION: Councilor Thompson moved and Councilor Prickett seconded the motion to approve item 2.2 [Business Licenses for month of February, 1993.]

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]

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NAYS: 0
ABSTAINED: 0

ITEM #3: PUBLIC COMMENT

Mayor Bui called this item.

Walt Postlewait, 1624 SE Ct., Troutdale. Statement read into record [see attached].

Ed Lopes, 3322 SW Larson. Lopes stated he had attended all meetings since the new administration and found the Mayor and Council to be fair, competent and compassionate. The problem doesn't lay with Mayor and Council. He suggested if a pay raise came along they should be lucky enough for it to hit the front page of the newspaper.

4. APPOINTMENTS: Budget Committee and Planning Commission

Mayor Bui called this agenda item. A memorandum was before Council listing the appointments as resulted from the interviews held on Saturday, March 6th at Troutdale City Hall.

Councilor Thalhofer asked for an executive session.

MOTION: Councilor Thalhofer moved to adjourn to Executive Session.

Jennings stated he needed to inquiry as to the reason for purpose of determining if there should be an adjournment for Executive Session. After brief discussion it was determined Councilor Thalhofer would need Counsel consultation.

Councilor Thompson seconded the motion.

Councilor Ripma questioned whether there was enough criteria to justify an executive session.

Jennings stated he would need to know the reason for consultation in order to meet in executive session.

Councilor Ripma stated the ORS had pretty narrow criteria in order to have an executive session. He would go along with it, as long as it met with the necessary criteria.

Councilor Thalhofer and Jennings asked for a brief recess to meet and clarify if the criteria was met by ORS to qualify for calling an executive session.

Ripma move to withdraw

MOTION: Councilor Thalhofer moved to recess to meet with City Attorney. Councilor Ripma seconded the motion.

Mayor Bui recessed the meeting at 7:15 and stated the meeting would reconvene at 7:25.

Mayor Bui reconvened the Council meeting at 7:25.

Mayor Bui read the names selection to fill the vacancies on the Budget Committee.

MOTION: Councilor Ripma moved to appoint Sheryl Maydew, Raymond DeCamp, Pat Smith, Doug Daoust, Marvin Schreifels, Jim Kight for the Budget Committee vacancies and for the Planning Commission Position #1 Glenn Stoll, Position #5 Raymond Regelein, and Position #2 Don Lloyd.

Councilor Thalhofer moved for division of question.

AMENDED

MOTION: Councilor Ripma moved to amended his motion to accept the appointments to the Budget Committee as Sheryl Maydew, Raymond DeCamp, Pat Smith, Doug Daoust, Marvin Schreifels, Jim Kight. Councilor Prickett seconded the motion.

FRIENDLY AMENDMENT:

Councilor Burger-Kimber moved for a friendly amendment to include the appointment of an alternate Ken McManus to the Budget Committee.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

MOTION: Councilor Ripma moved to appointment to Planning Commission Position #1 Glenn Stoll, Raymond Regelein Position #5 [filling the remaining term of Ripma]; and Don Lloyd to Position #2. Councilor Prickett seconded the motion.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]

5. REVIEW: Wastewater Management Galloway

Mayor Bui called this agenda item and turned the item over to Jennings, City Attorney.

Jennings stated the negotiation efforts were concluded with Waste Water Management. On March 4, the parties agreed that there were fundamental differences on some issues, but as close

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as it could be was completed. A discharge agreement addressed the quantity of flow and payment for that quantity of flow. Along with a discharge permit which would deal with spill containment and compliance with the pre-treatment ordinance was yet to be negotiated. The final decision was before Council whether to approval or reject as presented.

Zupansic, representing Wastewater Management, endorsed Jennings comments regarding state of negotiations. He stated it wasn't perfect but was a good compromise that both could live with. He then focused discussion to the document[s]. The arrangement would afford 5 separate levels of protection for the City. 1] the company agrees to comply with all laws; install equipment for odor abatement; pay back taxes in an effort to show good faith; revenue for City is eviction or money damages; 2] limit flow that enters city's filtrate system w/penalties for the company; 3] city would issue a temporary permit including frequent filtrate testing; batch testing protection. Violation would include revocation of permit which would preclude company entering into city system. 4] adoption of city pre-treatment ordinance; 5] company operates under DEQ permit, which is necessary due to nature of business.

Jennings stated it would be appropriate to hear from the individuals that were participants in the negotiations. In addition to the three members of the negotiating team, Councilor Ripma had been in attendance and could comment.

Councilor Ripma stated they had hammered out an agreement and tried to reach an agreement acceptable to Council. There were still a couple of issues remaining fundamental. Level of protection argument was not what he wished to focus on. Financially the company was shaky, they were in bankruptcy and as far as eviction money damages under the lease in 1984, in 1989 they should have been evicted for not paying taxes. Sanctions - testing was a concession but is after the fact discharge would have already been made into the system. He had attempted to negotiate a higher liability but the company didn't have enough money - The \$1 million in liability wouldn't cover the risk there was. Without having to pay, additional capacity. Final issue [Harding brought up] holding tanks idea. But, there isn't enough money for the company to do that.

Councilor Thompson reiterated points previously made. Testing issue - in this regard by time test result gets back the discharge would have already gone through system and done the damage. Real property taxes not paid; monetary damages for failure to whatever -- The Company is in Chapter 11 and there is no certainty that City could derive any money from this Company. He understood bankruptcy laws and the company could get out of them without paying anything. He was not satisfied with lease of the property.

Councilor Thalhoffer spoke in favor of the lease. Wastewater Management had been involved in the process of treating sludge since 1984. He had reservations at that time but was assured the City wouldn't need the land and it was a safe process which could be used for benefit of the City. There had been a series of stormy personnel relationships between the Company and City. However, during the past 6 months he had seen a complete change in Wastewater Management.

They had negotiated in good faith and there was a different attitude now. It was time to put aside past history and begin anew.

Councilor Thalhoffer believed the Permit letter was adequate protection to the City, as well as a Pre-treatment ordinance with sanctions included to allow eviction of the company and ability to shut down the business if necessary. The Public Works director has authority if plant was fouled to shut their flow off. There was a tremendous capital investment by the Company. The dollars are substantial more increase liability insurance and most companies wouldn't be able to afford those increased costs. There had been no damage to the City's plant since 1984 of any major consequence. Wastewater Management would be paying for the 10-15 tests per year.

Councilor Thalhoffer also stated the Company deserves a chance to operate at 68,000 gals/week. to give them the opportunity to see if they can make a go of it. If they violate the lease and discharge into plant foul wastes, he would be the first to come down on them.

Jennings stated he and Galloway were prepared to respond to Council questions. A Resolution either to approve or not approve could be prepared for action at the next meeting. He needed Council direction.

Councilor Ripma stated there was a Lease offered for Mayor to enter into or not. Current status was in bankruptcy protection an eviction proceeding was pending. A Lease/discharge agreement was offered to the City at this time and no action would leave the Company to their own devices. A final action or decision by Council would be his preference.

MOTION: Councilor Thalhoffer moved that the City enter into a new lease with discharge agreement and papers promulgated to effect the action. Councilor Burger-Kimber seconded the motion.

DISCUSSION:

Councilor Ripma asked Councilor Thalhoffer if that was without any further changes?

Councilor Thalhoffer responded yes.

YEAS: [3] [Burger-Kimber, Prickett, Thalhoffer]

NAYS: [3] [Ripma, Schmunk, Thompson]

Mayor Bui voted to break tie YEA: [1] [Mayor Bui]

MOTION PASSED

Jennings stated he would prepared the discharge agreement for Mayor signature and lease agreement would be prepared within a week.

Zupansic asked about the 68,000 gallons in the meantime because it was critical to the Company.

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Jennings stated there was need for Wastewater Management to discharge at 68,000/week for a few days before the actual lease documents are signed.

MOTION: Councilor Thalsofer moved to approve Wastewater Management discharging at 68,000 gallons a week until the lease documents are signed. Councilor Prickett seconded the motion pending signatures on the lease document[s] by the Mayor.

YEAS: 5 [Burger-Kimber, Prickett, Ripma, Thalsofer, Thompson]

NAYS: 1 [Schmunk]

ABSTAINED: 0

MOTION PASSED

6. **RESOLUTION:** Accepting the Engineer's Report on Access Road [Extension of Kendall Avenue] and Adopting the Recommendation Made Therein.

Mayor Bui called this agenda item and read resolution by title.

Galloway stated that once the engineers report called for a determination from the firm that the cost would be in excess of \$300,000 for the entire road and it was equitable to distribute the costs by forming an LID. The cost to each party would be \$100,000. The Finance Director and Galloway believed it would be difficult for other parties to be included due to the bankruptcy protection of Wastewater Management [one of the benefiteres]. The other party had not been timely with making previous payments to cities. The other property owners involved had been contacted and they were not willing to share in the costs of improvement due to the high costs involved. It was therefore his opinion that an LID not be formed and construct the road to meet only the City needs.

Councilor Ripma asked if the portion was built only for City needs, was the State financing the road?

Galloway stated there was concern expressed regarding the arrangement with the State OECD - there was a lone agreement for improvements Phase I and Phase II of the Treatment plant. Any further improvements would be above and beyond the purpose of the loan granted to the City.

Gazewood added that the costs for the road to the Plant were included in the grant. It would cost the City more because the \$3.8 million with an outright grant of \$262,000 to the City. The remainder are bonds sold on behalf of the City by the State and the City would be responsible for paying that amount. The amount that was stated as the cost of road is part of those bond payments. Part of the City's proposal to construct and repay the amount of road construction was to form an LID. If the City constructed the road only to serve the Plant that is the City responsibility and would be paid out of the bonds. To serve two other properties under an LID if they became delinquent the City would still be responsible for paying the amount due on the bonds.

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MOTION: Councilor Thompson moved for adoption. Councilor Ripma seconded motion.
YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]
NAYS: 0
ABSTAINED: 0 **MOTION PASSED**

7. **RESOLUTION:** Authorizing the City to Participate in the Regional Providers Advisory Group Phase II Regional Water Supply Plan and Authorizing the Mayor to Sign an Intergovernmental Agreement Pertaining Thereto. Galloway

Mayor Bui called this agenda item and asked the City Recorder to read the resolution by title.

Galloway stated there were 27 providers that still wish to participate to year 2050. The City share would be just under \$40,000 over a three year period of time. The City would participate and needed authorizing for the Mayor to sign.

Mayor Bui asked if the City had the money?

Galloway stated yes, it was included in the budget.

Councilor Ripma asked if the money came from water system revenues or the general fund?

Galloway stated it was appropriate to come from the water improvement fund, not from water rate payers at this point.

Councilor Ripma asked if this would give any rights for future development?

Galloway stated no rights per se but being a participant in the Study would place the City in a better position to find an alternate source.

MOTION: Councilor Thompson moved to approve the resolution. Councilor Burger-Kimber seconded the motion.
YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]
NAYS: 0
ABSTAINED: 0 **MOTION PASSED**

8. **RESOLUTION:** Affirming City of Troutdale Support for a Draft Environmental Impact Statement for the Mt. Hood Parkway

Mayor called this agenda item.

Galloway stated there were three resolutions before Council for review. Exhibit A included Councilor Ripma's comments and addressed the study of the Hogan Corridor only; Exhibit B was in response to Councilor Thompson's comments reaffirming support and proceed with DEIS - reaffirming Troutdale Rd. opposition.; Exhibit C addressed Councilor Thalhoffer's comments - Troutdale corridor City affirms support and recommends ODOT proceed but, was silent on recommendation for either Hogan or Troutdale Corridor.

Councilor Thalhoffer stated the previous resolution[s] regarding Troutdale's opposition to the Troutdale option stood and always would. He would join in support of Exhibit B. ODOT would not hold up progress of building Hogan Parkway to remain as Exhibit B.

Galloway stated Moorhead was present if there were any questions.

Mayor Bui asked which resolution Gresham would prefer?

Moorhead: Quite obviously resolution "C" because of the greatest amount of flexibility. Prior resolution stands on books unless removed or overridden by other work or action. Understanding Troutdale perspective they could live with Exhibit B.

MOTION: Councilor Thompson moved to adopt resolution [Exhibit b]. Councilor Prickett seconded the motion.

Councilor Thompson stated Council was still in opposition and since there was a new Council since that resolution had been passed and this way everyone knows that it still stands.

Councilor Burger-Kimber reaffirmed Councilor Thompson statements. She had recently attended a Parkway meeting and was told by an ODOT representative that Councils change and philosophies do as a result. I stated there was a commitment to the previous resolution.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhoffer, Thompson]

MAYOR CALLED FOR A 5 MINUTE BREAK.

9. PUBLIC HEARING: City Administrator Evaluation Standards

Mayor Bui called this agenda item and convened a public hearing.

9.1 Open Public Hearing 8:30

Mr. Sercombe, legal counsel for Council from the firm of Preston, Thorgrimson, Shidler stated on February 20 at a Council Work Session was asked to be legal counsel for the City Administrator evaluation process. A hearing was set for standards to be set. Council was advised and sample evaluations were provided. Records of the City had been reviewed by him and he expressed his appreciation to the City Recorder for obtaining the documents needed.

First step. There were two objectives before Mayor and Council. 1] Receive public input and determine standards to be used and 2] determine process for staff and others in that evaluation.

Evaluations of City Administrator/Manager differ depending upon size, role of City; and political context in which evaluation takes place. Informal feedback process [each council member meets with Mayor and City Administrator and gives standards]. An outside survey where information gathered is passed on to Mayor and Council.

In this case, the City Administrator has not been evaluated for 8 years [1985]. Regardless of the process for evaluation Council must be sensitive to 4 things: 1] fairness to City Administration; 2] Clearly communicate to her; he urged they jointly enter the process and let the process take its course. Views may change and be corroborated which could change throughout the process. 3] Be fair to city staff in the process. Solicit information from them during course. Treat with confidence. Writing comments is a public record but subject to disclosure --- ORS; 4] Consider best interests of city. This is not a popularity process. Technical/personal/judgement for Council alone.

Sercombe stated it was his judgement that the City Administrator had no entitlement to the position by the Charter. It was Council choice where to go regarding commendation, salary, etc. following the evaluation process.

He outlined 6 traditionally used steps in an evaluation process.

1. Define purpose of evaluation [for discussion tonight, examine weaknesses and strengths].
2. Define responsibilities in process and expected schedule for evaluation process. Seek input from City Administrator senior staff/department heads/yourselves and public as well as previous employees. Ask her to keep information relevant to evaluations; dept. heads complete questionnaire; interest of preserving confidence for staff and dept. heads.

Funnel evaluations through Sercombe, City Attorney or someone else; then provide summary of comments for Council and City Administrator.

3. All complete evaluation questionnaire, circulate among selves.
4. Public provide input directly to Council as seen fit. No formal hearing where public comment is received. One to one basis w/anyone wanting to comment. Public hearing poses risk of unfairness and divisive. Process can be as long as Council wish -- as short as two weeks. Have report from city staff; determine at Council meeting or prepare time at that meeting. Set a Council meeting to discuss the received information. That could be an executive session or open session as Council or City Administrator wish. Sercombe recommended an Executive Session as the best format to exchange views.
5. Develop evaluation criteria. Individual packets included several forms other cities used. Suggested keeping comments on criteria on proposed process open public comment on content.

A letter was distributed from Mr. Busse, City Administrator's attorney. He preferred rating of job performance rather than an evaluation of personal skills. He stated Council may wish to expand or modify to rate more objectively the skills or performance. Sercombe cautioned skills of Chief Officer necessarily involve lots of subjective evaluation. Assessment of leadership and characteristics. The person must be able to work with a variety of persons in several contexts.

Following the process there were a range of options. Take action, defer action, benchmark adaptations.

6. Come back and evaluate process itself to determine whether the same one should be used in the future or a different one. Set a timetable to the issue.

Sercombe stated the City Administrator or City Attorney may wish to comment at this time. Then open for public comment on evaluation criteria.

Councilor Ripma asked if the evaluation [sample] - is that the evaluation criteria?

Sercombe: Yes.

Councilor Ripma: There would be a period when City Administrator and Department Heads could provide information. Would they use the same form?

Sercombe: Yes. Same as used for Dept. Heads/Council/City Admin.

Council consensus was to use the form from the City of Hillsboro.

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Sercombe stated the public should be allowed to comment on what they feel is important to determine the needs of City Administrator.

Councilor Ripma asked Sercombe if there were questions that he had with the Hillsboro statements? His recollection from Attorney Busse's discussion was it was acceptable.

Councilor Schmunk stated it would be difficult for the new Council members to evaluate on. Once filled out by Council/May/Dept. Heads/sub dept. heads/...Who evaluates them? Two weeks was not unacceptable at all. Maybe they should go through the budget process before doing this. There were a lot of things others can't answer.

Mayor Bui asked if picking things from each form would be more acceptable to Councilor Schmunk?

Councilor Burger-Kimber stated as a new Council member there were things she would be unclear to respond to and wouldn't respond at all on those items. She would leave that portion of her evaluation out and the evaluation should then be received as such.

Sercombe stated two weeks was not a recommendation. First decide on the questionnaire and the process to be collected and then report back within two weeks; take enough time to determine whether or not there was enough information to proceed and not to proceed. Then, decide to go forward and schedule a time for the evaluation itself.

Councilor Thalhoffer stated it was important to select one to use every six months from here out. According to the ordinance an evaluation with performance standards should be done every six months. It should be agreed to by City Administrator and Council. This should have been done from the start and hasn't been. Now the process would be set and should continue on as stated in the ordinance. He believed that two weeks was a little too soon. He wasn't sure of an acceptable time period but it should be so there was sufficient time to gather information and ensure a fair process for all. He wanted to know what the City Administrator's thoughts were since she was supposed to be involved in the process.

Christian stated she wanted it clear for the record that Mayor Cox had done an evaluation individually rather than with the Council as a whole. She didn't know if there were copies made of that evaluation for the Council. She knew that her entire file had been copied but didn't know what had that information. She stated that the evaluation form used by the City of Troutdale was currently in the group of samples.

Christian stated she was confused regarding the reference of two weeks -- was that two weeks to solicit comments to the evaluation form or two weeks to perform the evaluate of her. She had no problem with soliciting information from all the City employees. She felt comfortable standing on her record. But, it should be clear at what level of staff opinion would be solicited. It should be open to an entire range not just a selected few from a range.

Christian's concern with the Hillsboro form would only be those addressing Council goals and objectives -- there had been none set so that would be impossible to evaluate. Other than that, she had no problem with the Hillsboro form being the form used to evaluate her. This Council had held two work sessions and no goals had been set yet. An agreement on how to work as a Council and whose responsibilities were whose. They should be solidified, written down and defined so there were no 'moving targets'.

Christian stated yes, in fact she had hired an attorney -- at the suggestion of two Council members. She didn't feel she needed an attorney and she had worked at the City for 15 years. While nobody was perfect, she had apologized or atoned for mistakes she had made. She was willing to use the Hillsboro form with the few exceptions outlined [Council goals and timeframe]. She was willing to stand on the love and commitment she had for the City of Troutdale. She voiced objection to a two week timeframe. And, employees, though not always timely, were evaluated once per year. As Ed Kubicki had stated -- when employees are here for 15-20 years, it's hard to come up with new ways to say 'outstanding and all is okay'. The City evaluation forms had been changed to 'reformat' the wording but the results are still the same.

Councilor Burger-Kimber asked Christian is achieving should be removed?

Christian stated achieving can't be met until the goal is set. Council should clearly set expectations before judging -- whether personal/objective/subjective or anything else.

Mayor Bui stated the public comments would be received. He asked that comments be restricted to remarks on what you think Council should be evaluating.

Max Maydew, 2857 SW Court, Troutdale. Perhaps each category, whatever is important and give a weighing scale. Maybe one thing is of less importance than public relations. Strong/Very Strong and use a 10 point scale; 10 excellent 0 terrible, 5 in the middle. If the evaluation is between 5-7 on category that's acceptable; between 3-5 requires major counseling; below 3 - goodbye. That is very objective and extends a better chance of being fair.

Councilor Ripma stated his understanding wasn't that it was a mathematical evaluation.

Sercombe stated that was not his vision. There are disadvantages to that method also.

Councilor Ripma asked Maydew if there was something he had in mind?

Maydew stated establishing a criteria of weighing on how important you feel things are - a way to do it is put a number behind it. It rids a lot of subjectivity and helps to agree to criteria.

Councilor Thompson stated ultimately how an individual rates in a particular characteristic is totally subjective and where you draw the number is subjective. That isn't a miracle problem solver.

Councilor Burger-Kimber stated Maydew's point about weighing priorities and Council determining what was most important helps in a calculation process and neutralizes areas of little concern, emphasizing those of more concern. She appreciated his comments.

Jim Jensen, 2726 SE Hicklin Ct., spoke to a letter written to Council. He stated he believed this is being done for the best interest of the City. He asked that it be done as a legitimate process rather than vendetta or an inquisition. Those people campaigning solely on basis of removing Pam should remove themselves in this process because of the inability to be impartial. Third, request was to ask the Mayor to consider setting up a citizen review committee to work in conjunction with the Council in the evaluation process of City Administrator.

Councilor Ripma stated one problem with a Citizen participating in this process is the real risk of jeopardizing fairness of the process. It begins to be very public and perhaps Pam doesn't want it public. There is a risk of jeopardizing her rights. There are areas which govern, by strict laws, and the Council intends to follow them.

Councilor Ripma stated he was not one who ran on any -- not once had he said anything about the City Administrator and he stated he had not run on that platform. The individuals that did and were elected on that platform weren't necessarily doing a personal venditio. Councilor Burger-Kimber ran in a contested election and he wasn't sure it wouldn't compromise government for her to step down. She did give her opinion and he didn't believe she had a personal vendetta. They had made a statement and were elected.

Jensen stated on the issue of citizen involvement, he understood what Council Ripma stated -- his job consisted of negotiations. He wished to allow Pam to have a say if she chose to say to have a citizen that wasn't a Council member to sit in on the evaluation; object to them, or whatever. Council has stated their encouragement of citizen participation. All of us as citizens, regardless of what we serve on, have a very important say as to the City Administrator. His recommendation was if that could be worked out with Pam, it would be in the best interest of the City.

Jensen stated in regards to Councilor Burger-Kimber, refer to the newspaper - not questioning the fact that her constituency voted for her and that she had campaigned for having Pam removed - whether it be a venditio or whatever - it should be considered. The fair and impartial evaluation was what was important. He stated he didn't know how somebody [Councilor Burger-Kimber] could be impartial or be objective based on her campaign stances - anymore than he could be on his letter to the Mayor.

Councilor Burger-Kimber stated she respected his right to his opinion. She had listened to his comments and appreciated his input. She had been known to state her opinions on various issues. She would like to think she was not a one agenda person, she believed she had more depth than that. However, if that was your perception, she hoped in time he would learn that wasn't true. She cherished Troutdale and had been a community member a long time. She valued honesty

and integrity and was one of 6, or 7 that made decisions. She wanted to be a part of that body, provide services in other areas and improve the City. She stated the vote was unanimous to proceed with a performance evaluation process. She didn't stand alone, and had encouraged this process and encouraged Council in the process to not go off in a wild tangent. She had pledged to herself and the community to represent the situation and conditions fairly. She stated she felt if she couldn't adequately respond and be fair -- then she would step down. She believed herself to be a better person than that and this process should help that and provide guidance. She was hopeful that she could be included in the process and hoped Jensen could be open minded in that process also.

Jensen stated he was trying to ensure that the evaluation of Pam would be done on the fairest basis possible without any prejudicial biases. He state she was the only person that can determine whether she could fairly judge Pam.

Paula Goldie, 23200 NE Sandy Blvd, Wood Village. Goldie stated she had been an employee of the City for 11 1/2 years and had held three separate positions within the City. Wonder whether how many really - evaluating top person that guides us all in this City and yet most of you don't even have knowledge of the smallest person that keep city running. How can you, unless you start from the ground floor and work up can you even imagine all that goes on in the City? Two months ago Dave [Ripma] didn't even know we had a Municipal Court. Karen [Burger-Kimber] asked what services we offer. Talk to everybody - talk to the people that keep the City rolling and then you can get an overview of Pam and the administration and where your information is coming from. There isn't anyone I don't admire their work ethic. Department. Heads don't think up everything. Start at the bottom. Talk to us, we'll give you our opinion. Don't start at top or you won't see what keeps the City rolling.

Mayor Bui asked if Goldie had comments regarding criteria?

Goldie stated to ensure an evaluation as fairly as she had been over the past 11 1/2 years.

Councilor Thompson stated it would be as fair and objective as it could possibly be. The City was in a bad position because of unfair publicity and past actions. The evaluation process was designed to counter those types of things. He stated he would love to hear from anybody and the employees weren't intentionally ignored.

Councilor Thalsofer stated he favored every employee being involved in filling out an evaluation form.

Goldie asked with or without their name?

Councilor Thalsofer stated without.

Councilor Burger-Kimber stated it would be at the individual's discretion.

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Councilor Thalsofer stated Goldie had made a good point. It was unknown what or who all employees were and there were more important perspectives than maybe what Council had. It might take more time for all employees to be involved but more worthwhile and more fair.

Councilor Ripma stated this was echoing Pam's request.

Goldie stated the current political climate wasn't the most optimum to approach Council members. A questionnaire with signature optional and mean it would suffice.

Councilor Burger-Kimber expressed her appreciation of Goldie's comments. She stressed the public hearing was an effort to ensure and develop a fair process and open up communication.

Councilor Prickett stated he had worked with Goldie and appreciated her comments. Even generals remember that Sergeants run the Army.

Pat Smith, 1200 SW Kendall Ct. Troutdale. Smith stated it was important to remember there was a change in command. President Clinton hadn't kept President Bush's staff but, if it was found they were doing a good job there was nothing wrong with keeping them. She did believe employees would give true answers if questionnaires were filled out by them. There were a couple people that were good friends of the City Administrator. Others would fear losing their jobs if the responses got back. She had been involved in her past work experience with a similar questionnaire and if they were filled out and sent back they were discriminated against and they would know who sent it.

Discussion of reluctance in filling out forms and concerned about a neutral party receiving the information and summarizing it for further review.

Sercombe suggested questionnaires go to him and he would summarize them for Council.

Ed Lopes, 2232 SW Larson. The last job appraisal I got a pay raise and termination at the same time. If not getting along he believed it was fair for the City Administrator to step down.

Sue Barker, 1310 SW 28th St. A City employee for over 13 years and had been evaluated by department heads and the City Administrator. She believed evaluations had been dealt with honestly and not necessarily always pleasurable. She would expect honesty from employees. If City employees don't want to identify themselves that was fine. She believed weaknesses and strengths could be given honestly. She had total faith that the City employees would be honest.

The Mayor closed the testimony.

● Council Deliberations.

Sercombe summarized stating there were a number of issues received during the public testimony. 1] Timeline for evaluation process; 2] who is solicited for evaluations - entire, in part; 3] encouraged Council to deal with materials confidentially -- that should be maintained to protect the employee in the conveyance of information. He cautioned not all employees evaluations are going to be employee relevant - some work a great deal with the City Administrator and some not.

Councilor Burger-Kimber asked if Sercombe recommended the questionnaire be distributed to employees -- could a supplemental sheet be attached to identify or determine the level of employee, range? Ask frequency of contact there is with the City Administrator? What pay level? In distribution of questionnaire to people she didn't understand where the questionnaires would come from... former employees? dept. heads? weighted by an independent to weight someone works with her at a greater stand now rather than 10 years ago?

Councilor Thalsofer asked about a human relations expert developing rating scales - have that person do the rating and accounting. He stated it would depend on how much you want to put into the process. This wasn't an exercise in addition/multiplication. The evaluation of Chief Executive Administrator of the City and one for the City Council/Mayor; there should be a summation of several questionnaires to develop some input that might be helpful in the process but shouldn't be the 'meet all end all' to the procedure.

Councilor Ripma asked what questionnaire should be used? How long before results should be expected back? Who would be asked to respond? How would the information be handled? For purpose of initiating discussion he recommended the questionnaire used by the City of Hillsboro -- with the understanding that any questions having to do with Council goals should be discounted.

MOTION: Councilor Ripma moved to use the City of Hillsboro evaluation form discounting questions dealing with Council Goals [since none had been established at this point]. Councilor Thompson seconded the motion.

Mayor stated City Administrator has a voice.
Christian had no problem with the motion.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalsofer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

Mayor Bui asked who will be asked to respond?

MOTION: Councilor Thalsofer moved to distribute an evaluation form to each and every employee with a place for additional comment[s]. Identification of

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employees was not required. The evaluation form was only for current employees only. Councilor Ripma seconded the motion.

Christian stated due to concerns of possible retribution, the League of Oregon Cities offers a service regarding compilation of evaluation comments. This would be in lieu of looking for a consultant. If interested in the opinions of employees there are 25 ranges with 54 employees and it would be easy to eliminate who is in what range. Management ranges were 23-25; it could be divided into pieces for general layers of staff.

Councilor Thompson felt it was important to know how closely the employee[s] worked with Pam.

FRIENDLY

AMENDMENT: Councilor Ripma stated question directed to how often/closely the individual worked with Pam should be included on a cover sheet and the evaluations should be submitted to Mr. Sercombe.

Christian stated an expectation was already set by hiring an attorney outside of the normal process and already set in some circles of opinion - sides. She would ask employees to submit comments to a person who is perceived as representing the Council interest not as an objective in this process.

Schmunk asked how they would be evaluated in the end? She opposed Mr. Sercombe as being the individual collecting the responses. He had talked to individual Council members when hiring him hadn't even been thought of. A memo came in the mail that he spoke with Council and the Mayor. There is no trust with this process as it has gone. She don't feel he had led Council on the path as fair, equal.

Councilor Thalhofer stated he did not accept the friendly amendment.

FRIENDLY

AMENDMENT: Councilor Ripma favored including how closely the employee worked with Pam in the questionnaire/evaluation.

Christian stated that was fair to know how closely the lines of supervision were to her.

Councilor Thalhofer accepted the friendly amendment.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhofer, Thompson]

NAYS: 0

ABSTAINED: 0

FRIENDLY AMENDMENT TO BE INCLUDED IN MOTION

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Mayor Bui asked about the timeframe and who should collect the questionnaires?

MOTION: Councilor Burger-Kimber moved to distribute the material within 7 days; give the process three weeks from the date the evaluation forms go to designated people to return the forms; 1 week to collate and summarize responses and distribute responses the 4th week.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalhoffer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

Discussion resulted in Gazewood would check with the League and the City Auditor about an individual summarizing the information.

Councilor Schmunk stated this would a fair process but Council was out of the loop. Council would evaluate together along with results of questionnaire. Information would be used to assist Council in making their evaluation. This time needed to be included in the timeframe.

Sercombe: 1] However questionnaire goes out; a cover letter would be structured to preserve the record so as not to be subject to public disclosure. He would draft that letter; 2] Function of compiler - range as to how closely work with Pam -- list - classify closeness then list or tabulate responses/grades and list responses on sub classes.

Councilor Ripma stated a questionnaire/cover letter should be available at the next Council meeting with instructions that it go out the next day.

Councilor Thompson stated Counsel will prepare the appropriate cover letter.

KBK based on timeline outlined i previous motions Council have deliberation on final performance evaluation on April 7 to allow 5 weeks timeline and 2 week evaluation process after receipt of compilation of reports.

Christian: What does that mean, is that the end or does it continue on? Sercombe's memo at end of 7 weeks decide whether I'm going to stay, room for improvement and the opportunity to improve; or anything in between or far out. I don't see the purpose in terms of what are you judging 2] given situation as it exists Extremely tense, disruptive, demoralizing for most of city staff. I'm not sure this is the atmosphere conducive to any kind of evaluation.

Councilor Thompson: Agreed, any suggestion?

Christian: Clear understanding between Council and self to use evaluation to identify areas I have an opportunity to improve on or otherwise that's fine. If using this first evaluation process

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as a tool or otherwise to take action then not only are you doing me a discredit and wasting time but also demeaning evaluations for every city employee of Troutdale. If an evaluation, be honest say it isn't an evaluation, it is an area of identifying performance standards for me and be honest about it. But you are setting up for failure an entire personnel system if using to set standards and make a decision by.

Councilor Thalsofer: I envision receipt of input from employees - each Council evaluate you and go over strengths/weaknesses and give an opportunity to bring up to speed any concerns we have and evaluate at a later time to see if conformance to standards has been met.

Councilor Burger-Kimber stated 7 days as of today's date to get questionnaires out; 3 weeks out to employees for filling out and get it to collator; 1 week for collation and assembled [5th week]; 2 weeks for Councilors to review material and develop their own performance evaluation. [7 weeks] We would be prepared to come to you and now how do you want it conducted? Executive Session or public process. Then on 7th week determine the method and then set date for evaluation itself.

Councilor Burger-Kimber withdrew the motion.

Sercombe [Tape 4, Side 7] come out of meeting [if in exec. session] to take action [set benchmarks for next 6 months; fine here's a raise; begin termination process - several options.

Will there be further public comment?

Schedule, executive session and decide on what action for future we want to take.

MOTION: Councilor Ripma moved that the questionnaire be decided by the Mayor and Pam and request that they be returned to the address within 10 days, results are to be made available to Council and be ready to conduct a Special Executive session or open session after consultation with Pam after the April 13 meeting.

AMENDMENT: Councilor Ripma amended his motion to read special meeting of the Council Executive session or not, to be determined later on Saturday April 17 at 1:00 p.m.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalsofer, Thompson]

NAYS: 0

ABSTAINED: 0

MOTION PASSED

The Public Hearing was closed at 10:35 p.m.

10. DEPARTMENT REPORTS:

- Community Development materials regarding construction related debris for Council direction were included in packet.

Councilor Ripma hoped to focus on abatement -- he would like to require builder's to have a dumpster and port-a-toilets. A builder should have a dumpster and a port a toilet - general contractor.

Mayor Bui stated there was currently a bill before the legislature that was addressing this issue now.

- Executive

Christian corrected report stating unbalanced budget - but the full budget and review of revenues is done and there is a balanced budget with no cuts. This is due to requests to maintain level of service/maintenance/capital equipment. Decision needed as to Council desire to have a work session with Budget Committee prior to formal budget meeting. Budget law requires notice 8 days in advance for the Budget message and a balanced budget will be presented to full budget committee. Work session I am referring to is not a bound budget at the work session. Have looked at it in terms of setting priorities.

Councilor Burger-Kimber asked if that was balanced with or without cash carryovers? Estimated cash carryover 94-95 \$330,000 -- if revenues are less than expenses, that wasn't a balanced budget.

Councilor Thalhofer - Point of Order. There was a need to determine to have a work session or not?

Council consensus was to schedule Tuesday, March 30 at 7:00 p.m. An indoctrination for new members would be a good idea.

WORK SESSION/BUDGET 3/30/93 7:00 P.M.

11. COUNCIL CONCERNS AND INITIATIVES

Councilor Thalhofer stated his reasons for consulting with the City Attorney earlier in the meeting was because he was disturbed with appointments to committees. He had served on the committee for selections of positions to the Budget Committee and Planning Commission appointments. He had asked for a division and voted to approve for the sake of unity. However, what he had agreed to on Saturday were not the same people as had been presented for appointment this evening. He wanted direction when a committee meets and votes to nominate

somebody to a committee; can the Mayor appoint whomever he wants -- after the nominations from the interview committee?

Jennings would issue a written opinion on this item.

Councilor Thompson also expressed concern and favored interviews being done in public meetings.

Councilor Ripma stated the Mayor recommends and Council confirms. The reason to select/interview is to make a recommendation to the Mayor.

12. ADJOURNMENT.

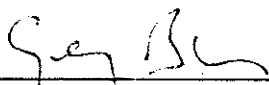
Mayor Bui called this agenda item.

MOTION: Councilor Ripma moved to adjourn the meeting. Councilor Prickett seconded the motion.

YEAS: 6 [Burger-Kimber, Prickett, Ripma, Schmunk, Thalsofer, Thompson]

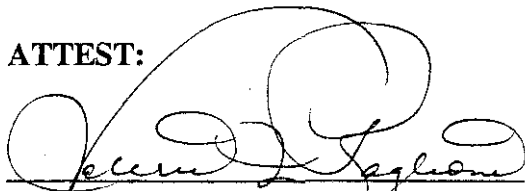
NAYS: 0

ABSTAINED: 0



Gene Bui, Mayor
Dated: March 27, 1993

ATTEST:



Valerie J. Raglione, CMC
City Recorder
E:\MINUTES\030993CC.MIN

MEETING DATE: 3-9-93

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE COMPLETE THE FOLLOWING:

PRINT NAME	ADDRESS	PHONE #
Brent Colier	Troutdale Police Dept	665-5175
Jim Galloway	Troutdale City Hall	665-5175
PATTI POLLY	Troutdale	
Tim Sercombe	111 SW 5th Portland 97201	228-3200
Michael Martin	TROUTDALE	
Spencer Thompson	Troutdale	
Sheryl Maydew	2867 SW Faith Ct. Troutdale	666-6783
Agnes	... 11	..
MAX MAYDEW	2867 SW Faith CT	666-6787
ED LOPES	2232 S.W. LARSSON	—
Pat Smith	1200 Kendall St	666-8912
Don Anderson	2151 25th NOC	—

MEETING DATE: March 9 1995

THIS IS A PUBLIC ATTENDANCE RECORD. PLEASE COMPLETE THE FOLLOWING:

PRINT NAME	ADDRESS	PHONE #
Sean Shannon Christian		
Jodi Rogers	2151 SW 26TH AVE	—
PAULA H. Goldie	—	—
JAMES R. JENSEN	2226 SE Hickory Cr.	
Tim Sprinkle	111 SW Fifth Pkwy	278-3207
Larry Nicholas	1120 NE 239th Pl	661-4205