



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 7TH DAY OF SEPTEMBER, 1994 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Blumenauer, Hales, Kafoury and Lindberg, 5.

OFFICERS IN ATTENDANCE: Cay Kershner, Clerk of the Council; Kathryn Imperati, Senior Deputy City Attorney; and Chuck Bolliger, Sergeant at Arms.

Agenda Nos. 1445, 1446, 1449 and 1457 were pulled from Consent. On a Y-5 roll call, the balance of the Consent Agenda was adopted as follows:

**CONSENT AGENDA - NO DISCUSSION**

**1439** Cash investment balances for July 28 through August 24, 1994 (Report; Treasurer)

**Disposition:** Placed on File.

**1440** Accept bid of Familian Northwest for furnishing tapping sleeves for \$29,577 annually (Purchasing Report - Bid 16-A)

**Disposition:** Accepted; prepare contract.

**\*1441** Authorize the Commissioner of Public Affairs, upon approval of the Portland Development Commission, to execute a Change Order with Koll Construction, Inc. in the amount of \$385,000 (Ordinance introduced by Mayor Katz and Commissioner Kafoury; amend Contract No. 28973)

**Disposition:** Ordinance No. 168073. (Y-5)

**Mayor Vera Katz**

**1442** Confirm reappointment of Dennis Batke, Richard Caplan, Rebecca Mowe and D. W. Owens to the Adjustment Committee (Report)

**Disposition:** Confirmed.

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- \*1443** Contract with CAPE Counseling Services for provision of Employee Assistance Program services (Ordinance)

**Disposition:** Ordinance No. 168074. (Y-5)

**Commissioner Charlie Hales**

- 1444** Accept contract with Berning Construction Co. for parking lot and landscape improvements at Eastmoreland golf course as complete, authorize final payment and release retainage (Report; Contract No. 29135)

**Disposition:** Accepted.

**Commissioner Gretchen Kafoury**

- \*1447** Intergovernmental Agreement with Oregon Department of Transportation (ODOT-2A) for access to the City's 800 MHz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 168075. (Y-5)

- \*1448** Intergovernmental Agreement with Oregon Department of Transportation (ODOT-2B) for access to the City's 800 MHz trunking radio system (Ordinance)

**Disposition:** Ordinance No. 168076. (Y-5)

- \*1450** Contract with Andrea Bainbridge Design to conduct space planning for City tenants within the PacWest Center; waive consultant selection procedures in Code Section 5.68.020 (Ordinance)

**Disposition:** Ordinance No. 168077. (Y-5)

- \*1451** Contract with the Council for Prostitution Alternatives for \$17,500 for domestic violence services and provide for payment (Ordinance)

**Disposition:** Ordinance No. 168078. (Y-5)

- \*1452** Contract with Outside In for \$10,000 for the Needle Exchange Project and provide for payment (Ordinance)

**Disposition:** Ordinance No. 168079. (Y-5)

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**Commissioner Mike Lindberg**

**1453** Accept recommendations for contract awards to conduct City Customer Billing Information System review and programming (Report)

**Disposition:** Accepted.

**1454** Accept completion of the SW 29th Avenue and Texas Street sanitary sewer system project and authorize final payment to Battan's Building Management & Construction (Report; Contract No. 29163)

**Disposition:** Accepted.

**1455** Accept completion of the Alameda Park sewer reconstruction project and authorize final payment to Robertson Utilities, Inc. (Report; Contract No. 29190)

**Disposition:** Accepted.

**\*1456** Authorize a contract and provide for payment for the N Geneva Avenue and N Arlington Place sanitary sewer extensions project (Ordinance)

**Disposition:** Ordinance No. 168080. (Y-5)

**1458** Amend Solid Waste and Recycling Collection Chapter of the City Code to create consistency between language and practical application of the franchise hauler program (Second Reading Agenda 1421; amend Chapter 17.102)

**Disposition:** Ordinance No. 168081. (Y-5)

**\*1459** Call for bids for the construction of an 8-inch water main in NE Marine Drive and NE 185th Drive (Ordinance)

**Disposition:** Ordinance No. 168082. (Y-5)

**\*1460** Authorize a contract with High Tech Sports Associates for injury prevention and stretching classes (Ordinance)

**Disposition:** Ordinance No. 168083. (Y-5)

**REGULAR AGENDA**

**\*1438** **TIME CERTAIN: 9:30 AM** - Approve the Fire Bureau's Fire Fighter Trainee Program and authorize transfer of funding from Contingency in the First Trimester Report (Ordinance introduced by Commissioner Hales)

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**Discussion:** Commissioner Hales said this addresses a key issue in the Fire Bureau -- diversifying the work force. He said Chief Wall is both committed to this objective and experienced in making it happen. This training program is a strong affirmative action program, addressing a priority which all Council members share. He said they are requesting Contingency funding for several reasons. First, during the budget process the Fire Bureau agreed to reduce its budget by \$500,000 even though that amount would have been warranted by the new service area the Bureau took on through annexations. Secondly, the new Chief arrived with the understanding that he would be given the ways and means to accomplish the Bureau's key objectives. Third, the symbolic importance of this program should be considered. He said this proposal will comply not only with the letter, but with the spirit of the law and tell everyone in the community that the door is open.

Fire Chief Robert Wall said he learned, when he first came to Portland, the importance both Council and the community placed on achieving diversity of the work force. Input from other bureaus, Commissioners' staffs and the community has been a key component of the trainee program but has also taken time, thus requiring this approval outside the regular budget process. The focus of this outreach program is definitely to reach minorities and women, where underrepresentation has been clearly documented. However, this remains an equal opportunity program, open to everyone, and he will personally participate in the selection process. One creative aspect of the program is the participation of 16 young people in a firefighter trainee program who he envisions becoming role models for the community, much like Peace Corps volunteers. He noted that over the next five years, the Bureau anticipates 100 hiring opportunities because of retirements.

Chief Wall, noting that this request is for Contingency funds, which are usually reserved for emergencies, said he believes taking a creative step for youth and equal opportunity can help change a few lives and have a positive impact on the community where the future of young people is pretty much in an emergency condition. A more diverse force is a stronger work force because of the closeness of firefighters to the people they serve. Something special happens, he said, when women and minorities involved in fire or emergency situations connect with women and minority firefighters.

William Kendrix, President, Portland Black Firefighters Association, said they have tried to get support for this pre-employment program since 1992 and since the appointment of Chief Wall, changes in the Bureau are gradually taking place. This is probably the single most aggressive and innovative approach to the inclusion of women and minorities he has seen since his entry into the Bureau in 1974.

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Donald C. Lewis, Black Firefighters Association, said the firefighter trainee program is both altruistic in its goals and practical in its application.

Larry Harper, Black Firefighters Association, said, as the trainer for candidates in the pre-employment program, he is intent on proving the need, purpose and success of this program. With everyone working together, this program will make a good Fire department a better one.

Lucinda Tate, 6933 N. Williams, 97217, Affirmative Action Outreach Recruitment Coordinator for Portland and Multnomah County, said while the Police Bureau is reaching its minority and women hiring goals, the Fire Bureau still is underrepresented for blacks, women and Native Americans. Hispanics show parity in the Biddle and Associates utilization report but because these numbers are taken from the 1990 census, they are not representative of the minority populations. She said 300 protected class citizens have been invited to apply for this program. She asked for approval of the program to provide access for these historically underrepresented populations.

Rick Lee, Executive Assistant to the Affirmative Action Office, said they have reviewed the training program and believe it provides a proactive approach to diversifying the Fire Bureau.

Vincent Wannasay, 1828 SE Tibbets, American Indian Association of Portland, said they view this program with skepticism as they have a trust problem with the City going back many years. However, they do support this program as a start.

Lowen Berman, Metropolitan Human Rights Commission (MHRC), 5908 NE 32nd Avenue, said they believe this program is an appropriate and positive step in response to the emergency need to have a Fire Bureau that truly represents the communities it serves. However, a long term change in recruitment, training, hiring and the culture of the Bureau is also required. He said a onetime firefighter training program cannot begin to address the problems of diversity within the Bureau, nor is this program enough. The Commission is concerned that the training team be sufficiently sensitive and skilled in handling issues that may arise in working with culturally-diverse trainees. He said in the future the Bureau should hire from an unranked list of fully-qualified applicants in order to address the diversity needs. The culture of the Bureau needs to be changed so that the women and minorities who are hired are welcomed and supported. Gays and lesbians also need to be welcomed and identity groups, such as the Association of Black Firefighters, should be allowed release time for bureau-related activities. Mr. Berman said the Commission requests that the written test be examined for bias and stressed that the benefits of diversity fall, not only on the women or

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minorities hired, but also on the Bureau and the community at large. He cited the clear advantages of having women and multicultural firefighters available and said MHRC will continue to monitor Bureau attempts to increase diversity.

L. J. Azula, Job Training and Partnership Director, Confederated Tribes of the Siletz, 1718 NE 82nd, 97220, said the ultimate goal of their program is for its participants to enter into unsubsidized employment. She is happy with this effort to recruit women and minorities as firefighters but asked about the three firefighters identified as being Native Americans and whether they are enrolled tribal members or descendants.

Tina Villalobos, Employment Counselor, Confederated Tribes of the Siletz, 1718 NE 82nd, 97220, said establishing mentorships is an important issue to consider regarding the firefighters trainee program. She noted that many minority children have few if any mentors who are working professionals and, because so many minorities work in non-professional or minimum-wage positions, this limits the hopes of the children. By providing equal access to training, the City will create waves of hope and pride in minority residents.

Maceo Pettis, Portland Coalition of Black Men and Unity Breakfast Committee, 30 N. Webster, Suite D, 97211, said he shares the optimism of all the other speakers about this program although there has been a 15-year period of neglect regarding minority representation. He said it will not be necessary to have such a program 20 years from now.

Lilly Walker, 564 29th NE, Salem, OR 97301, said the Fire Bureau has always had a powerful image and this program will include young people without making them feel that they are second class.

Randy Leonard, President, Portland Firefighters Association, said a more appropriate name for this program would be an apprenticeship program. He complained that he did not receive a copy of this program until after Commissioner Hales released it to the press. However, last week the City did inform the Association at the bargaining table that it was considering such a program. He said he does not believe this proposal should be discussed until the City and the Association have concluded the current contract negotiations and is deeply troubled about the lack of opportunity for review. He said that concern is more symptomatic, however, of the Firefighters Association's relationship with Commissioner Hales than an indictment of this program. Mr. Leonard cited his major concerns about the program, First, the failure to state that this program is open to all citizens regardless of color or sex is a fatal flaw if the City does intend to hire only citizens of color and women. He said the program should be targeted to all working class families where economic circumstances have created a cycle of not allowing family members to go to college. All

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working-class families must be given a chance for economic security. Second, the physical fitness standards must be job-related and artificial standards will not suffice if they allow persons to be hired who have physical limitations that prevent them from performing emergency rescues and operations. Third, the entrance exam must be open and competitive, testing all equally, and the written exam should not be less than what any other firefighter is expected to pass. Finally, medical coverage should be included for the trainees.

Grace Gallegos, Portland businesswoman, said this program is an important first step.

Gale Castillo, Hispanics in Unity for Oregon, 5750 SW Alfred, said they do support the program but are concerned because there was no discussion with the Hispanic community regarding it. They were also surprised to learn there is parity within the Hispanic community as they find no Hispanic presence in the City work force. She said they believe the numbers in terms of work force availability are skewed and based on misinformation. She said Council should question the data and check the availability numbers, particularly in light of the increasing numbers of Hispanics in the City.

Ms. Gallegos called for all groups to be included at the discussion stage.

James Moore, Employment Outreach Coordinator, Urban League of Portland, read a letter from the League strongly endorsing this program.

Helen Cheek, 5114 NE Wisteria Drive, representing the National Association for the Advancement of Colored People, said they are supportive of this program.

Commissioner Lindberg asked Chief Wall to respond to Randy Leonard's concerns.

Chief Wall said the program will be open to all applicants, regardless of race or gender although the focus is clearly to reach out to minorities and women. Both the written and physical fitness test will ensure that the standards are upheld and applied fairly to all applicants. Medical insurance was not included because usually temporary employees are not provided with such coverage. The Bureau checked on the cost and believes it would cost \$3,400 per trainee, adding \$55,000 to the total cost.

Commissioner Hales asked him to explain what happens next regarding community outreach as well as the statistical underrepresentation for Hispanics based on current census data.

Chief Wall said the Bureau will recheck the numbers but in no way did it

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mean to imply that it would not reach out to the Hispanic community. He said if you want to attract a diverse group of applicants, you have to extend your hand over and over again.

Commissioner Lindberg asked if the outreach efforts involved discussions with the Firefighters Union.

Chief Wall said one of the Union officers was part of the group that met at the beginning of the process. He said failure to get Mr. Leonard a copy of the program sooner was an oversight but that he had been supportive of the process earlier.

Mayor Katz asked the City Attorney if the ordinance passed muster in terms of its inclusiveness.

Kathryn Imperati, Senior Deputy City Attorney, said yes.

Commissioner Blumenauer said ever since he has been on Council he has heard assurances that the mix at the Fire Bureau would be changed and he hopes that taking this extraordinary step will pay off and end eight years of frustration.

Commissioner Hales said while this program creates a pathway that should have existed earlier, the next step is the most critical -- making sure that people are invited to climb the ladder that this program represents.

Commissioner Kafoury said this program is greatly needed but approving it is a very bad fiscal decision at this time. As the Office of Finance and Administration has pointed out, it is very early in the season to start tapping Contingency and sends a very bad message to other bureaus which rearranged their budgets to reflect their highest priorities. She said she believes the resources are there, either in the Fire Bureau budget of \$55 million, or in some other bureau, and it is not appropriate to take it out of Contingency. However, she said, a "no" vote would be interpreted as an anti-civil rights vote and would reinforce the notion that once again Commissioner Kafoury was squabbling with the Council. She said she will be looking in next year's budget to find ways to recover the Contingency tap from the Fire Bureau budget.

Commissioner Lindberg said he is pleased that the Chief stated that diversity is the highest Bureau priority. The work force should mirror the population it serves and for decades the Fire Bureau has failed in having this diversity. He said there is a crisis in parts of the community and the City needs to recognize that excellence requires diversity. He said some of the fiscal points raised by Commissioner Kafoury have merit but overall he is very supportive.



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Mayor Katz said it was probably was a mistake not to place some money for this program in Contingency during the budget process but she did not think the Bureau would be ready to go with this program this year. She said in fairness it should be noted that the Bureau has not been hiring in the last few years and that is one reason the record is so poor. With upcoming retirements and annexations, there is an opportunity to expand the work force and take a different approach to bringing diversity into the community.

**Disposition:** Ordinance No. 168084. (Y-5)

- 1445** Identify the acceptable standard of local preparedness and investigate and recommend the optimal organizational structure to provide emergency management planning with Multnomah County (Resolution)

**Discussion:** Paul Richmond, PO Box 454, 97207, said in the past such programs have been utilized for a lot of things they were not supposed to, infringing on civil liberties. He asked that this be given more consideration.

**Disposition:** Resolution No. 35309. (Y-5)

- \*1446** Contract with the State of Oregon for regional hazardous materials emergency response team services (Ordinance)

**Discussion:** Mr. Richmond said he is very concerned that citizens receive adequate notification of hazardous materials being transported through the State. He asked for more time to examine the contract.

Mayor Katz said that would be covered under the State's right-to-know statutes.

**Disposition:** Ordinance No. 168085. (Y-5)

- \*1449** Enter into a sublease for space at the PacWest Center, 1211 SW 5th Avenue (Ordinance)

**Discussion:** Commissioner Kafoury asked the Director of General Services to explain why this particular location was chosen.

David Kish, Director of Bureau of General Services, said this lease is for 9,900 square feet of space in the PacWest building. He noted that the City is at least 200 people over capacity in the Portland Building now and more space is needed to take care of additional staff hired because of annexations and population growth. He said they began looking for space for the Combined Sewer Overflow program for the Bureau of Environmental Services (BES) in June and PacWest offered them a

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package slightly less than offered elsewhere. BES rented the eighth floor and now other City bureaus have expressed interest in moving into space that would allow them to better serve their customers. PacWest offered half of the 11th floor at \$15.00 a square foot with a tenant improvement allowance of \$16.15 a square foot, which is \$1.50 less than space in the Portland Building and also less than other spaces that were looked at. This move will help about 10 different bureaus, allowing pent up demand in several bureaus to expand within the Portland Building. He said this is a good financial package and they believe the difference in the rental rate and the fairly substantial tenant improvement allowance will allow them to help finance this.

Commissioner Kafoury said this move should allow the Bureau of Buildings and Planning Bureau to better serve customers in the Permit Center, which has been on the top of the list for additional space.

Commissioner Hales asked which bureaus, besides BES, would use the PacWest space and under what circumstances the City would pay for parking for those housed there.

Mr. Kish said the bureaus are Risk, Energy and Cable at this point. He said the same parking policy would apply here as it does to anyone working for the City.

Mayor Katz said she expects the old federal building will be turned over to the City and when this lease runs out the City should seriously consider moving some offices there, assuming the rents are competitive.

**Disposition:** Ordinance No. 168086. (Y-5)

**\*1457**

Authorize a contract with the lowest responsible bidder for the atomic absorption spectrophotometer, Bid No. 8, and provide for payment (Ordinance)

**Discussion:** Paul Richmond, PO Box 454, 97207, said alarm bells went off at the thought that there would be heavy metals in the City's water supply.

**Disposition:** Ordinance No. 168087. (Y-5)

**Commissioner Mike Lindberg**

**1461**

Accept completion of the Kenton Basin CSO sump Units 1-3 project and authorize final payment to Brundidge Construction, Inc. (Report; Contract No. 29071)

**Disposition:** Accepted.

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- 1462** Intergovernmental agreement with Multnomah County for Water/Sewer Bill Discount Program eligibility verification administration (Previous Agenda 1422)

**Discussion:** Jane Burke, Bureau of Environmental Services, said this ordinance is for an intergovernmental agreement with Multnomah County, which was selected as the agency best suited to screen residents for eligibility for the low-income bill discount program. The program is expected to serve about 10,000 people.

**Disposition:** Ordinance No. 168088. (Y-5)

**City Auditor Barbara Clark**

- 1463** Assess benefitted property for the costs of the HCD improvement of N Buffalo Street (Hearing; Ordinance; C-9788)

**Discussion:** Dan Vizzini, Auditor's Office, said they received no written remonstrances or phone calls about the final assessments on this recently-completed subsidized street project.

**Disposition:** Passed to Second Reading September 14, 1994 at 9:30 a.m.

- 1464** Assess benefitted property for the costs of the HCD improvement of N Saratoga Street (Hearing; Ordinance; C-9789)

**Discussion:** Mr. Vizzini said they received no written remonstrances on this project.

**Disposition:** Passed to Second Reading September 14, 1994 at 9:30 a.m.

- 1465** Assess benefitted property for the costs of street and storm sewer improvements on SW 7th Avenue and SW Orchid Street (Hearing; Ordinance; C-9797)

**Discussion:** Mr. Vizzini said two written remonstrances were filed. The Engineer and Auditor recommend that they be overruled and that this be passed to Second Reading.

Lucille Beck, 1430 SW Englewood Dr., Lake Oswego, 97034, said she has a rental property at 9205 SW Terwilliger on the corner of Orchid. She said a fire hydrant was improperly installed in her lawn and should be moved across the street.

Mayor Katz read the Engineer's report, noting that Water Bureau staff verified that the fire hydrant was installed at the wrong location. It will be relocated at their expense prior to the end of the year. Regarding the

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issue raised about fill material, the Mayor said Transportation staff verified that the fill was not top soil as specified. It will be removed and replaced at no cost to the property owner after the fire hydrant is moved.

Ms. Beck thanked Council.

Mr. Vizzini said the final assessment is consistent with City assessment policies and recommended that the remonstrance be overruled.

Commissioner Hales moved that the remonstrance be overruled. Hearing no objections, the Mayor so ordered.

**Disposition:** Remonstrances overruled. (Y-5) Passed to Second Reading September 14, 1994 at 9:30 a.m.

Commissioner Lindberg moved acceptance of an item on the Four-Fifths Agenda. Hearing no objection, the Mayor so ordered.

#### **FOUR-FIFTHS AGENDA**

**\*1466**

Enter into a lease for space at Village Square, 16022 SE Stark to be occupied by the Mid-County Sewer Project office (Ordinance; introduced by Commissioner Kafoury)

**Discussion:** Commissioner Lindberg said this is necessary as a result of the displacement of the Project's current offices.

**Disposition:** Ordinance No. 168089. (Y-4; Blumenauer absent)

At 11:12 p.m., Council adjourned.

BARBARA CLARK  
Auditor of the City of Portland

*Cay Kershner*

By Cay Kershner  
Clerk of the Council

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**WEDNESDAY, SEPTEMBER 7, 1994, 2:00 P.M.**

**DUE TO THE LACK OF AN AGENDA**

**THE MEETING WAS CANCELLED**