

<b>PORTLAND CITY COUNCIL AGENDA</b> <b>City Hall - 1221 SW Fourth Avenue</b> <b><u>WEDNESDAY, 9:30 AM, NOVEMBER 07, 2018</u></b>		<b>Disposition:</b>
<b>TIMES CERTAIN</b>		
<b>1141</b>	<b>TIME CERTAIN: 9:45 AM</b> – Proclaim November to be Native American Heritage Month (Proclamation introduced by Mayor Wheeler) 30 minutes requested	No fiscal impact.
<b>1142</b>	<b>TIME CERTAIN: 10:15 AM</b> – Proclaim November 11, 2018 to be Veteran’s Day (Proclamation introduced by Mayor Wheeler and Commissioner Fish) 15 minutes requested	No fiscal impact.
<b>1143</b>	<b>TIME CERTAIN: 10:30 AM</b> – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements and construct a mast arm traffic signal at the NE 42 <sup>nd</sup> Ave and Columbia Blvd intersection in the NE 46 <sup>th</sup> Ave and Saratoga Ct Local Improvement District (Resolution introduced by Commissioner Eudaly; C-10065) 20 minutes requested	Total project cost is an estimated \$12.8 million. The local improvement district (LID) would contribute an estimated \$11.6 million and PBOT would contribute \$1.2 million in overhead funding for this project. The project is not currently in PBOT’s five-year capital improvement plan. 25% of the LID revenue (\$2,908,561) would be added to FY18-19’s budget and the remaining 75% of the LID revenue (\$8,725,683) would be added to FY19-20’s budget.
<b>1144</b>	<b>TIME CERTAIN: 10:50 AM</b> – Consider the appeal of Deborah A. Byrne against the Hearings Officer’s decision to approve a Conditional Use Review for a new eight-space parking lot on Imago Dei Ministries property at 1404 SE Ankeny St (Previous Agenda 1115; Findings; Report introduced by Mayor Wheeler; LU 18-174083 CU) 5 minutes requested	No fiscal impact.
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Ted Wheeler</b>		
<b>1145</b>	Reappoint Allan Warman as co-chair of the Portland Utility Board for a term to expire June 30, 2019 (Report)	No fiscal impact.

<b>Office of Government Relations</b>		
<b>1146</b>	Update Administrative Rule 3.01, Coordination of Government Relations to reflect the central coordination of State, Federal and Tribal Programs (Second Reading Agenda 1125; amend ADM-3.01)	No fiscal impact.
<b>Office of Management and Finance</b>		
<b>*1147</b>	Authorize a grant agreement with Metropolitan Public Defender Services, Inc. to provide legal services to people affected by marijuana related arrests and prosecutions, in an amount not to exceed \$154,000 (Ordinance)	This grant agreement was awarded as a FY 2017-18 Special Appropriations grant. Funding for this agreement is budgeted in the FY 2018-19 recreational cannabis tax fund.
<b>Commissioner Chloe Eudaly</b>		
<b>Bureau of Transportation</b>		
<b>*1148</b>	Approve a license agreement and its renewal with infoUSA Marketing, Inc. and authorize payment of an invoice in an amount not to exceed \$15,000 for the purchase of mail lists (Ordinance)	Total contract amount is not to exceed \$15,000 for one calendar year beginning February 2018 through February 2019. This amount is included in the bureau's FY 2018-19 operating budget and serves multiple programs for PBOT.
<b>City Auditor Mary Hull Caballero</b>		
<b>*1149</b>	Amend contract with NAVEX Global, Inc. for extension of Fraud Hotline services for one year for an amount not to exceed \$5,000 (Ordinance; amend Contract No. 30003085)	The \$5,000 amendment will bring the total contract amount to \$47,120 and will be paid for out of the Auditor's Office's current existing budget, which is funded by the General Fund.

<p><b>*1150</b> Assess property for system development charge contracts, private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0834, K0176, T0192, T0194, W0061, Z1205, K0177, T0193, Z0835, W0063, P0155, P0156)</p>	<p>Current lien revenues will be generated for the following funds by the listed amounts:</p> <ul style="list-style-type: none"> <li>• Transportation Operating Fund: \$7,886</li> <li>• Parks Capital Improvement Program Fund: \$54,226</li> <li>• SDC Sewer System Operating Fund: \$3,867</li> <li>• SDC Water Construction Fund: \$11,230</li> </ul> <p>Future lien revenues will be generated for the following funds by the listed amounts:</p> <ul style="list-style-type: none"> <li>• Transportation Operating Fund: \$83,611</li> <li>• Sewer System Operating Fund: \$70,685</li> <li>• SDC Sewer System Operating Fund: \$172,788</li> <li>• Parks Capital Improvement Program Fund: \$210,858</li> <li>• SDC Water Construction Fund: \$36,492</li> </ul>
<p><b>*1151</b> Authorize permanent bonded lien interest rates for installment payment contracts financed by the Limited Tax Improvement Bonds, 2018 Series A (Ordinance)</p>	<p>No fiscal impact to the City. The effects of adjustments to interest rates will be experienced by property owners.</p>
<p><b>REGULAR AGENDA</b></p> <p><b>Mayor Ted Wheeler</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>1152</b> Grant residential solid waste, recycling and composting collection franchises in the City (Second Reading Agenda 1023)</p>	<p>See below.</p>
<p><b>1153</b> Authorize compliance and enforcement measures for the Bureau of Planning and Sustainability Administrative Rules for Energy Efficient Building Requirements for Planned Development Bonuses (Second Reading Agenda 1128; amend ENB-14.10)</p>	<p>See below.</p>

<b>Office of Management and Finance</b>		
<b>1154</b>	Amend the Heavy Vehicle Use Tax Code to remove the four-year revenue target (Second Reading Agenda 1130; amend Code Section 7.02.500)	See below.
<b>Commissioner Nick Fish</b>		
<b>Parks &amp; Recreation</b>		
<b>1155</b>	Amend the Parks and Recreation System Development Charge Code to clarify language and improve program implementation (Second Reading Agenda 1133; amend Code Chapter 17.13)	No fiscal impact.
<b>Commissioner Dan Saltzman</b>		
<b>Portland Fire &amp; Rescue</b>		
<b>*1156</b>	Accept and appropriate a grant in the amount of \$2,053,728 from the Department of Homeland Security through its Federal Emergency Management Agency for the purchase of new self-contained breathing apparatus (Ordinance) 10 minutes requested	See below.
<b><u>WEDNESDAY, 2:00 PM, NOVEMBER 07, 2018</u></b>		
<b>*1157</b>	<b>TIME CERTAIN: 2:00 PM</b> – Adopt the FY 2018-19 Fall Supplemental Budget and make other budget-related changes (Ordinance introduced by Mayor Wheeler) 1 hour requested	See below.
<b>1158</b>	<b>TIME CERTAIN: 3:00 PM</b> – Accept Portland Utility Board Annual Report (Report introduced by Commissioner Fritz) 10 minutes requested	No fiscal impact.

**THURSDAY, 2:00 PM, NOVEMBER 08, 2018**

**\*1159**      **TIME CERTAIN: 2:00 PM** – Amend ordinance for interim use of the Multiple-Unit Limited Tax Exemption Program for affordable housing in housing developments not subject to Inclusionary Housing to be in accord with Multnomah County modifications (Ordinance introduced by Mayor Wheeler; amend Ordinance No. 188869; replace HOU-3.02) 15 minutes requested

The MULTE Program has an annual cap limiting the approval of new property tax exemptions to no more than \$3 million of new estimated foregone revenue, which is calculated on a 5-year rolling basis. Applications approved under these provisions are included within that total. The City will collect a total of \$17,000 from applicants in processing and application fees for each MUL TE application approved, \$9,000 of which the City will pay to Multnomah County as an application activation fee.

**\*1160**      **TIME CERTAIN: 2:15 PM** – Authorize the Commissioner in Charge of the Police Bureau to order content-neutral time, place and manner regulations for demonstrations held in the City (Ordinance introduced by Mayor Wheeler) 2 hours 45 minutes requested

There are no direct fiscal impacts as a result of this ordinance. However, this ordinance may have a financial impact upon implementation. This potential impact is currently not quantifiable.

**1152 – Grant residential solid waste, recycling and composting collection franchises in the City**

CBO Analysis: This ordinance allows the City to grant collection franchises for residential garbage, recycling, and composting collection to twelve grantees. It is a renewal franchise agreement for the City’s current franchise system, extending the agreement from 10 to 12 years. There are no direct fiscal impacts as a result of the renewal as it will not change personnel associated costs or the 5% fee BPS receives from franchises. However, if Council does not grant these franchise renewals, BPS would be required to identify and establish another system for ensuring proper collection, which could result in increased staff time or external services. The funding source for these associated costs is the Solid Waste Management Fund.

**1153 – Authorize compliance and enforcement measures for the Bureau of Planning and Sustainability Administrative Rules for Energy Efficient Building Requirements for Planned Development Bonuses**

CBO Analysis: This ordinance approves the Bureau of Planning and Sustainability's (BPS') Administrative Rules related to Energy Efficient Building Requirements for Planned Development Bonuses, authorizes the Director of BPS to periodically amend these rules, amends the Bureau of Development Services (BDS) Enforcement Fee and Penalty Schedule, and requires the enforcement of BPS' Administrative Rules by BDS. The rules require standards of energy use intensity (EUI) for these developments. A monthly penalty of \$.10 per square foot of total building floor area for noncompliance with City Code and these rules will be enforceable by the Bureau of Development Services as a zoning violation. The maximum amount of the penalty is a percentage of project valuation based on the extent of EUI Reduction. This ordinance results in various potential fiscal impacts for the City. The provisions in this ordinance result in the levying of substantial penalties that, if a violation occurs, the City could collect, increasing City revenues. However, BPS notes that these are infrequent developments, and the enforcement mechanisms of this ordinance are created to encourage compliance. However, this ordinance may also result in increased staffing costs and workload for BDS regarding additional criteria for zoning code enforcements. The amount of this impact is unknown at this time. In addition, there may be increased legal work required from the City Attorney's Office if developments found to be non-compliant protest.

**1154 – Amend the Heavy Vehicle Use Tax Code to remove the four-year revenue target**

CBO Analysis: The net impact of this Ordinance is recognizing anticipated reduced revenue of \$2.0 million for the Heavy Vehicle Tax Program.

In 2016 the revenue target for the Heavy Vehicle Use Tax (HVT) was \$10.4 million over the planned four-year period: \$400,000 for program collection expenses and \$10.0 million for projects to be split – 56% for maintenance projects and 44% for safety projects that complement the voter approved Fixing Our Streets Program (FoS). The estimated tax rate was set prior to the implementation of the tax, and is now under review based off revised estimates from actual collections.

In order to reach \$10.4 million, the bureau estimates that the tax would need to increase to at least 4.5%, up from 2.8% (a 60% increase for rate payers) for the remaining two years. Without the proposed increase, the bureau estimates netting \$8.0 million for projects, and will hold off on one \$2.1 million maintenance project and various other freight safety projects for the time being to keep the program within planned revenues while maintaining a 56%/44% revenue expenditure split between maintenance and safety project expenditures.

**1156 - Accept and appropriate a grant in the amount of \$2,053,728 from the Department of Homeland Security through its Federal Emergency Management Agency for the purchase of new self-contained breathing apparatus**

CBO Analysis: The total projected cost of this project, as provided by the Fire Bureau, was \$3 million. The bureau received \$2.4 million in budget appropriation in FY 2018-19, arrayed as follows:

- \$1.1 million in Capital set-aside funds;
- \$642,511 in one-time GF resources;
- \$707,000 in Program Carryover funding from FY 2017-18,

With the grant funding appropriated through this ordinance, the bureau will have \$4.5 million in funding available for this project. This grant funding may thus reduce the general fund obligation of the project. However, until the solicitation process is completed, CBO recommends the following:

- The bureau should retain all funding until the full cost of the project is contracted and covered;
- The bureau should not expend the excess General Fund resources appropriated for this purpose, as council may direct that that funding be returned.
- The bureau may propose a use related to major maintenance for available excess funds. If the Capital Set Aside funding is re-appropriated for a different internal project, the City Budget Office

should be notified and the proposed change should be highlighted for council.

**1157 - Adopt the FY 2018-19 Fall Supplemental Budget and make other budget-related changes**

CBO Analysis: Approval of the exhibits to this ordinance reflect appropriation changes in 44 funds by a total of \$188.4 million, including a total of \$34.9 million in increased appropriation to the General Fund; this includes a net \$12.4 million growth in General Fund contingencies. These changes are summarized in Exhibit 2. Additional detail is available on the CBO website: <https://www.portlandoregon.gov/cbo/77734>.

This legislation includes a net increase of 36.3 positions. This includes net increases of 30.1 new regular positions, 6.0 limited term positions, and 0.2 part-time positions. Changes in positions by bureau are provided in Exhibit 5.