

PORTLAND CITY COUNCIL AGENDA City Hall - 1221 SW Fourth Avenue <u>WEDNESDAY, 9:30 AM, JANUARY 29-30, 2020</u>		Disposition:
TIMES CERTAIN		
64	TIME CERTAIN: 9:45 AM – Venture Portland Annual Report to Council (Report introduced by Mayor Wheeler) 45 minutes requested	No fiscal impact to accept the report. The General Fund-supported budget for Venture Portland in Prosper Portland’s FY 2019-20 budget is \$567,478, including \$17,000 in one-time resources to support Prosper’s management of the contract.
65	TIME CERTAIN: 10:45 AM – Amend the Introduction, Modal Plans, Implementation Strategies, and Glossary Chapters of the 2035 Transportation System Plan (Resolution introduced by Commissioner Eudaly) 45 minutes requested for Items 65 and 66	See below.
66	Amend the 2035 Transportation System Plan and the 2035 Comprehensive Plan in compliance with the Regional Transportation Plan; adopt findings of compliance (Ordinance introduced by Commissioner Eudaly; amend Ordinance Nos. 187832, 188177 and 188957)	See below.

<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>		
<p>*67</p>	<p>Pay bodily injury claim of Anna Corrie in the sum of \$15,000 resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance)</p>	<p>Total cost to the City to settle the claim is \$22,732.37; \$7,732.37 has already been paid to the Hartford due to an Intercompany Arbitration judgment against the City. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.</p>
<p>*68</p>	<p>Pay bodily injury claim of Tracy Hartse in the sum of \$50,000, resulting from a motor vehicle collision involving the Portland Bureau of Transportation (Ordinance)</p>	<p>Total cost to the City to settle the claim is \$50,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.</p>
<p>Commissioner Amanda Fritz</p> <p>Water Bureau</p>		
<p>69</p>	<p>Amend contract with Analytical Services, Inc. for a no-cost extension to provide back-up Cryptosporidium laboratory testing in support of Portland Water Bureau's Bilateral Compliance Agreement with Oregon Health Authority (Ordinance; amend Contract No. 30004436)</p>	<p>The not-to exceed value of the existing Analytical Services, Inc., contract is \$1,200,000 with sufficient funds remaining for the next five years. The contract currently has approximately \$650,000 remaining. The Water Bureau anticipates spending approximately \$80,000 per year. Funding for services are available in the FY 2019-20 Budget and will be requested in the FY 2020-21 through FY 2024-25 Budgets.</p>

<p>70</p>	<p>Authorize an Intergovernmental Agreement with the Board of Governors of the Colorado State University System for laboratory services for Cryptosporidium wildlife scat analysis in an amount not to exceed \$400,000 (Ordinance)</p>	<p>The not-to-exceed value of this Intergovernmental Agreement is \$400,000. The Water Bureau anticipates spending up to \$80,000 per year. Funding for the services is available in the FY 2019-2020 Budget and will be requested in the FY 2020-2021 through FY 2024-25 Budgets.</p>
<p>Commissioner Chloe Eudaly Bureau of Transportation</p>		
<p>*71</p>	<p>Authorize an Intergovernmental Agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, for Wildlife Damage and Conflict Management Services (Ordinance)</p>	<p>The cost of this IGA is capped at \$12,500 per year over the next five years. Funding is included in PBOT's FY 2019-20 budget and subsequent budget requests.</p>
<p>*72</p>	<p>Authorize an Intergovernmental Agreement with the Oregon Department of Transportation for right-of-way services for the NE Halsey Street Bike/Ped/Transit Improvements Project (Ordinance)</p>	<p>This ordinance authorizes an IGA with ODOT for right-of-way services on NE Halsey Street. The costs associated with this IGA are included in the Bureau's FY 2019-20 Revised Budget and Five Year CIP. The total project budget included in the Bureau's Five Year CIP is approximately \$4.88 million for Bike/Ped and transit improvements on NE Halsey Street.</p>

<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p>		
<p>73</p>	<p>2020 Joint Terrorism Task Force Report (Report) 30 minutes requested</p>	<p>No fiscal impact. This City Council report is the first Portland Police Bureau report since the withdrawal of the City of Portland as a full partner in the Joint Terrorism Task Force. The report to City Council outlines the parameters of cooperation since the withdrawal.</p>
<p>Office of Management and Finance</p>		
<p>74</p>	<p>Authorize an Intergovernmental Agreement between the Office of Management and Finance, the Office of Equity and Human Rights and Prosper Portland to pilot the administration of the Community Opportunities and Enhancements Program (Second Reading Agenda 32)</p>	<p>See below.</p>
<p>75</p>	<p>Authorize the Office of Management and Finance to utilize funds from the Water Bureau Washington Park Reservoirs Improvements Project in the amount of \$1,120,000 to support the Community Opportunities and Enhancements Program (Second Reading Agenda 33)</p>	<p>The Ordinance authorizes OMF and OEHR to collect the \$1,120,000 from the Washington Park Reservoirs Improvements Project and disburse it to Prosper Portland for piloting the administration of the COEP as outlined in Council Item #74. The \$1,120,000 of funding from the Washington Park Reservoirs Improvements Project has been budgeted in the Water Bureau's budget for the Project.</p>
<p>Commissioner Amanda Fritz</p> <p>Water Bureau</p>		
<p>76</p>	<p>Declare surplus real property at six Water Bureau locations and request authorization to dispose of these properties (Ordinance) 15 minutes requested</p>	<p>According to this resolution: Six properties will be sold for the best price, terms, and conditions in accordance with City Code. Net proceeds from the property sales will be distributed to the Water Fund.</p>

Commissioner Chloe Eudaly Bureau of Transportation		
77	Amend Sidewalk Repair Program to update the appeals and hearing process (Second Reading Agenda 57; amend Code Section 17.04.010 and Chapter 17.28)	There are no financial or budgetary impacts as a result of this code change. The ordinance updates the appeals and hearing process so that appeals for sidewalk repair assessments are heard by the Code Hearings Officer. Appeals for sidewalk repair assessments will no longer be heard at City Council.
78	Authorize a contract for \$4 million with Conduent State & Local Solutions, Inc. to provide ongoing photographic traffic enforcement services for the City's current photographic enforcement system (Second Reading Agenda 58)	The estimated contract value is a not to exceed amount of \$4 million. The contract is funded by receipts of citation fine and class fee revenues from the photographic traffic enforcement system.

<u>WEDNESDAY, 2:00 PM, JANUARY 29, 2020</u>		
79	TIME CERTAIN: 2:00 PM – Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Title 33 Planning and Zoning to revise the Single-Dwelling Residential designations and base zones (Previous Agenda 50; Ordinance introduced by Mayor Wheeler; amend Code Title 33 and Comprehensive Plan and Zoning Maps) 2 hours requested	See below.
80	TIME CERTAIN: 4:00 PM – Proclaim February 2020 to be Black History Month (Proclamation introduced by Mayor Wheeler) 1 hour requested	No fiscal impact.
<u>THURSDAY, 2:00 PM, JANUARY 30, 2020</u>		
81	TIME CERTAIN: 2:00 PM – Update on the Broadway Corridor (Report introduced by Mayor Wheeler) 1 hour requested	See below.
82	TIME CERTAIN: 3:00 PM – Authorize the Office of Community & Civic Life to convene an internal multi-bureau work group to develop a plan for updating cross referenced responsibilities for public involvement and commit to renewing District Coalition Office contracts through June 2023 (Previous Agenda 24; Resolution introduced by Commissioner Eudaly) This item is being Referred back to the Commissioner’s Office.	No immediate fiscal impact. The bureau has indicated that they may be requesting additional resources in FY 2020-21 budget development to continue the code change work. Should the Resolution pass, Civic Life would return to Council to extend the District Coalition Office contracts (funded at approximately \$2.5 million in FY 2019-20; these resources are part of the bureau’s ongoing General Fund budget).
83	TIME CERTAIN: 3:30 PM – Appeal of the Portland Japanese Garden against the Hearings Officer’s decision of approval with conditions limiting the Garden’s office use in the house at 369 SW Kingston Ave to four years (Hearing introduced by Mayor Wheeler; LU 19-192268 CU) 1.5 hours requested	This is not a legislative action. There are no ongoing costs to the City associated with this quasi-judicial land use review. The required land use review fees and appeal fees were paid by the applicant.

74 Authorize an Intergovernmental Agreement between the Office of Management and Finance, the Office of Equity and Human Rights and Prosper Portland to pilot the administration of the Community Opportunities and Enhancements Program

This Ordinance authorizes an Intergovernmental Agreement between the Office of Management and Finance, the Office of Equity and Human Rights, and Prosper Portland for a pilot administration of the

Community Opportunities and Enhancements Program (COEP). As part of initial COEP development, Resolution 37331 stated that 1% of hard construction costs for several pilot large public improvement projects be set aside to support low-income, disadvantaged, minority and women workers in the construction trades and the development and growth of firms certified by the Office for Business Inclusion and Diversity (COBID). Pilot projects included the Portland Building Reconstruction Project, 10th and Yamhill Garage, and Washington Park Reservoirs Project. It also directed OMF and OEHR to work with infrastructure bureaus and CBO to establish mechanisms for collecting 1% from all City public improvement construction contracts moving forward. At the time of the resolution, estimates of the resources for this program were between \$1-2 million per year.

This Ordinance directs \$2,234,786 million in currently available set aside resources from the three pilot public improvement projects listed above to Prosper Portland for administration to pilot COEP. Projects and resources are broken out as follows:

- Portland Building Reconstruction Project: \$986,793
- Washington Park Reservoirs Project: \$1,120,000
- 10th and Yamhill Garage: \$127,993

The Pilot Project funds are to be initially allocated, after administrative and other permitted operating costs, at twenty five percent (25%) towards grants to assist D/M/W/ESB/SDVBE firms and seventy-five percent (75%) to assist diverse workers. The agreement outlines that Prosper will receive \$150,000 for its services during the term of this Agreement, until June 30, 2021. This resolution authorizes only the disbursement of pilot project funds by Prosper. At this time, ongoing resources for the COEP program have yet to be adopted by Council or articulated in administrative rules. Further action by Council will be required to amend the IGA with Prosper to disburse ongoing/future funding received via COEP.

Although this Ordinance identifies the framework for the COEP pilot project funds, there are several existing questions regarding the future of the COEP that remain unclear; notably there remains uncertainty about what constitutes as an eligible funding source and estimated total eligible dollar amounts in a given year for COEP activity. The results of these decisions could have impacts on the City's General Fund. The Procurement Division states that the City Attorney's Office is currently in final revisions of a COEP funding eligibility matrix. This Ordinance does direct the CAO to work with the infrastructure bureaus who execute public improvement construction contracts to establish Portland City Code and Administrative Rules to further outline the details of the COEP including how the 1% of hard construction costs is to be collected from the infrastructure bureaus by OMF, how those funds will be administered, and how the Program will be implemented.

As CBO has previously noted, several areas of uncertainty have resulted in severe delays of the implementation of this 1% charge since the COEP was created by Council in 2017. Bond counsel and the City's Debt Manager determined that project specific tax-exempt financing is not an allowable funding source for the COEP, meaning that the 1% charge cannot be paid directly from debt proceeds. Infrastructure bureaus have some tools at their disposal to address this issue, including funding a 1% charge from cash resources. There is remaining uncertainty about whether the 1% charge would be applied to General Fund projects that are funded with limited tax-exempt bond financing or voter approved GO bonds. If these projects are included, this will result in unanticipated General Fund impacts, as a General Fund subsidy would be required equal to the 1% of project costs. For example, the Parks bureau does not currently budget or plan for 1% of the cost of public improvement projects to be redirected to COEP. Council may see future General Fund one-time requests from Parks (and other bureaus) to cash fund the cost of 1% of public improvement projects, or could direct bureaus to absorb this cost within their existing resources (creating unanticipated constraints within bureaus budgets). Ultimately, the impact will not be fully understood until OMF and the Attorney's Office make final determinations on funding eligibility.

79 Amend the Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Title 33 Planning and Zoning to revise the Single-Dwelling Residential designations and base zones

This Ordinance revises Zoning Code development standards in Portland's single-dwelling zones (Chapter 33.110) and associated regulations in other Zoning Code chapters as part of the Residential Infill Project (RIP). The amendments also make related changes to the Zoning Map and the Portland Comprehensive Plan and Comprehensive Plan Map. The amendments include Zoning Code regulations that will be

administered by the Bureau of Development Services and development bonuses for affordable housing that will be administered by the Housing Bureau.

The Zoning Code amendments increase the number of residential dwelling units allowed in ~68% of Portland's single-dwelling zoned land and provide development bonuses for projects that include affordable units. An economic feasibility analysis (Residential Infill Project, Volume 3, Appendix A) indicates that the changes enable the development of duplexes, triplexes and fourplexes and could generate as much as \$871 million of additional construction investment if the market supports demand for these housing types.

This Ordinance has the following direct fiscal impacts for the City:

Bureau of Development Services

These changes will impact BDS in terms of staff time for administration and review. One-time costs include staff training, creation of public information, and permit system updates. These costs are currently unknown. Additional ongoing staff time will be necessary as a result of applying floor area ratio (FAR) limits and for increased input from infrastructure bureaus as a result of lot confirmation zoning code amendments. BPS estimated the impacts to BDS staffing and found that there was an increase in permit review time of 555 hours (0.27 FTE) and an increase in lot confirmation/property line adjustment reviews of 223 hours (0.11 FTE). BPS states that the increase in permit review time increases the cost of providing services by an amount equivalent to a 3-cent increase per \$1,000 in valuation to the land use plan review fee. BDS plans to address the fee in an ordinance closer to the effective date of these changes. Due to the small increased costs in lot confirmation/property line adjustment reviews, BDS plans to use existing resources to cover those costs.

Portland Housing Bureau

The new affordable unit bonus provision will require additional PHB staff time to develop administrative rules for both ownership and rental units, as well as administer and monitor the bonus and compliance with the associated rules. The impact is uncertain as it is not known how many projects will use this bonus; PHB intends to monitor and ascertain staffing needs after the ordinance has been in effect

65 Amend the Introduction, Modal Plans, Implementation Strategies, and Glossary Chapters of the 2035 Transportation System Plan

66 - Amend the 2035 Transportation System Plan and the 2035 Comprehensive Plan in compliance with the Regional Transportation Plan; adopt findings of compliance

Adopting the update will not have any immediate budgetary impact. The update adds new projects to the Major Projects List. The update adds new projects to the TSP's Unconstrained Major Projects list. Unconstrained Projects are not included in the TSP's financial plan. These projects do have a cost to implement and increase the demand for limited transportation funds available to the City over the next 20 years.

81 Update on the Broadway Corridor

There are no direct financial or budgetary impacts as a result of this update on the Broadway Corridor. Prosper anticipates that its development partners will need to secure about \$1.0 billion in outside capital to deliver on the project. Acquisition and site preparation costs are estimated to be about \$128 million, while streets, open spaces, and utilities are estimated to cost about \$75 million. Affordable housing is estimated to cost \$200 million, and the Portland Housing Bureau will need to identify additional cross matching funds to deliver its portion of affordable housing. In addition, there are costs for community benefits that will require additional investment and will need to be found from discounts to the price of land or bring other additional resources to bear. During the Feb. 4th executive session, Prosper will review sources and uses, as well as identify gaps in funds. It and the City are currently in negotiations with development partners.