

<b>PORTLAND CITY COUNCIL AGENDA</b> <b>City Hall - 1221 SW Fourth Avenue</b> <b><u>WEDNESDAY, 9:30 AM, MARCH 4, 2020</u></b>		<b>Disposition:</b>
<b>TIMES CERTAIN</b>		
<p><b>*177</b></p>	<p><b>TIME CERTAIN: 9:45 AM</b> – Amend the FY 2019-20 Budget and authorize construction financing in an amount not to exceed \$2,177,000 to DePaul Treatment Centers, or affiliate, to construct a new treatment facility at SE 102nd Ave and SE Cherry Blossom Dr (Ordinance introduced by Mayor Wheeler) 30 minutes requested</p>	<p>This action will move \$500,000 allocated by Council in the FY 2019-20 Fall BMP from Special Appropriations to the Portland Housing Bureau to include in the overall disbursement for the project. The total \$2.1 million loan from PHB will include Gateway Urban Renewal dollars and Cannabis Fund resources.</p>
<p><b>178</b></p>	<p><b>TIME CERTAIN: 10:15 AM</b> – 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 (Previous Agenda 125; Findings introduced by Mayor Wheeler; LU 19-192268 CU) 10 minutes requested</p>	<p>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.</p>
<p><b>*179</b></p>	<p><b>TIME CERTAIN: 10:25 AM</b> – Approve revisions to the Human Resources Administrative Rules related to workplace harassment, discrimination, and retaliation, recruitment, employment of retirees, inclement weather, compensation, performance management, and prohibited conduct (Ordinance introduced by Mayor Wheeler; amend HRAR 2.02, 3.01, 3.06, 4.01, 4.11, 8.02-8.04, 9.02 and 11.02) 25 minutes requested</p>	<p>See below.</p>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Ted Wheeler</b>		
<p><b>180</b></p>	<p>Reappoint Pam Knowles and Sho Dozono to the Community Budget Advisory Board for terms to expire December 31, 2022 (Report)</p>	<p>No fiscal impact.</p>
<b>Parks &amp; Recreation</b>		

<p><b>*181</b></p>	<p>Authorize the Director of the Bureau of Parks and Recreation to execute a Temporary Road Crossing Agreement, amendments and similar agreements with Union Pacific Railroad necessary for the completion of the Gateway Green Development and Restoration Project, if approved by the City Attorney's Office (Ordinance)</p>	<p>The license fee for this agreement is \$10,000, which will be funded through grant resources from Metro and System Development Charge funds.</p>
<p><b>Commissioner Chloe Eudaly</b> <b>Bureau of Transportation</b></p>		
<p><b>*182</b></p>	<p>Authorize application to Oregon Department of Transportation for two grants in the amount of \$34,996 to develop and implement transportation safety programs, outreach, and education to improve transportation safety knowledge, awareness and experience of people walking, biking, and driving in Portland (Ordinance)</p>	<p>This grant has a 20% match requirement. If the grant is received, the match of \$13,918 would be provided by a combination of PBOT (GTR funds), Civic Life (General Fund) and community volunteer time.</p>
<p><b>*183</b></p>	<p>Authorize the Director of the Bureau of Transportation to sign an agreement with the Burlington Northern and Santa Fe Railroad for construction services for the North Rivergate Overcrossing Project (Ordinance)</p>	<p>This contract has two parts: \$208,313 to support inspector and coordination related services from the railroad during construction and approximately \$305,163 for the cost related to flagging services for the duration of the project. The total cost for the project is \$25.9 million (low confidence level) which is included in the bureau's current year and FY 2020-21 Requested Budget and five year CIP.</p>
<p><b>REGULAR AGENDA</b> <b>Mayor Ted Wheeler</b> <b>Bureau of Environmental Services</b></p>		
<p><b>184</b></p>	<p>Amend the Sewer and Drainage Facilities Design Manual and delegate authority to make future revisions to the Director of the Bureau of Environmental Services (Ordinance; amend Portland Policy Document ENB-4.14) 10 minutes requested</p>	<p>Updated technical engineering standards and materials are expected to have minimal to no impact on Capital Project or Permit Projects. No budget changes or additional costs are expected to result from this Ordinance.</p>

<p><b>185</b> Amend contract with HDR Engineering, Inc. for additional construction support services for the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project No. E10033 for \$229,000 (Second Reading Agenda 167; amend Contract No. 30003218)</p>	<p>The high confidence level requested contract amendment in the amount of \$229,000 will bring the total revised contract amount to \$1,745,810 and is within the revised project budget of \$20,093,440. When the Renewal Natural Gas Facility is complete and operational in 2020, it is expected to generate revenue in the range of \$3 million to \$10 million a year. The expected simple payback for the project is within 4 to 8 years.</p>
<p><b>186</b> Amend contract with McClure and Sons, Inc. for additional compensation to complete additional contract work due to design modifications and changed conditions for the Columbia Boulevard Wastewater Treatment Plant Renewable Natural Gas Facility Project No. E10033 for \$4,452,012 (Second Reading Agenda 168; amend Contract No. 30006166)</p>	<p>The moderate confidence level requested contract amendment in the amount of \$4,452,012 will bring the total revised contract amount to \$14,131,688 and is within the revised project budget of \$20,093,440. When the Renewal Natural Gas Facility is complete and operational in 2020, it is expected to generate revenue in the range of \$3 million to \$10 million a year. The expected simple payback for the project is within 4 to 8 years.</p>
<p style="text-align: center;"><b>Office of Management and Finance</b></p> <p><b>187</b> Amend Revenue and Finance Code to streamline the procurement and contracting process (Second Reading Agenda 1186; amend Code Chapters 5.33, 5.34 and 5.68)</p>	<p>This Ordinance amends three chapters of the City's Revenue and Financial Code in order to streamline the procurement and contracting process. There is no direct fiscal impact from these changes; however, the bureau believes that the revisions included will enable bureaus to execute contracts in a more streamlined manner and accomplish work more efficiently.</p>

<p><b>188</b></p>	<p>Authorize an Intergovernmental Agreement between Bureau of Revenue and Financial Services-Procurement Services, Multnomah County, Washington County, Metro and the Port of Portland for the development and administration of the regional Clean Air Construction Program for approximately \$136,000 annually for seven years (Second Reading Agenda 170)</p>	<p>See below.</p>
<p align="center"><b>Parks &amp; Recreation</b></p>		<p>In the FY 2019-20 Council authorized a \$59,000 transfer from Portland Parks &amp; Recreation to PEN 1 including (\$31,344 from the Golf Fund and \$27,656 from the Portland International Raceway Fund). There is a portion of this request that has not previously been authorized by Council, \$1,000.</p> <p>BES has \$260,000 currently budgeted and available in the Sewer System Operating Fund to meet the FY2019-20 request. The existing IGA for Stormwater Management allows for additional task orders to be submitted for additional funding, but requests above \$50,000 require approval of City Council.</p>
<p><b>*189</b></p>	<p>Authorize Portland Parks and Recreation to transfer \$60,000 and the Bureau of Environmental Services to transfer \$260,000 to the Peninsula Drainage District #1 for operational and capital expenses in FY 2019-20 (Ordinance) 10 minutes requested</p>	
<p align="center"><b>Portland Housing Bureau</b></p>		

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<p><b>*190</b> Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for 82nd Ave Multi-Use located at 1750 NE 82nd Ave (Ordinance) 10 minutes requested</p>	<p>This action would result in estimated foregone property tax revenues to the City totaling \$22,787 over ten years for 5 units affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$69,054. The estimated value of the tax exemption for the first year is \$7,498 (all jurisdictions), which equals approximately \$1,500 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City will pay Multnomah County the \$4,250 application activation fee if the application moves forward.</p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz</b></p> <p><b>*191</b> Amend the Open and Accountable Elections Program to permit the Director to reduce the total public contribution for special elections if the amount in the Open and Accountable Elections Fund is insufficient (Ordinance; amend Code Section 2.16.090) 15 minutes requested</p>	<p>See below.</p>
<p style="text-align: center;"><b>Commissioner Jo Ann Hardesty</b></p> <p style="text-align: center;"><b>Bureau of Emergency Communications</b></p> <p><b>*192</b> Authorize a support and maintenance gap contract with Versaterm, Inc. for the Computer Aided Dispatch System used by the Bureau of Emergency Communications not to exceed \$2 million (Ordinance) 10 minutes requested</p>	<p>This contract will cover at minimum one year and up to two years of maintenance and support from Versaterm while a new master contract is developed. BOEC budgets these expenses annually in their external materials and services budget with existing resources.</p>
<p style="text-align: center;"><b><u>WEDNESDAY, 2:00 PM, MARCH 4, 2020</u></b></p>	

**193**      **TIME CERTAIN: 2:00 PM** – Neighborhood Prosperity Network  
Seven-Year update (Report introduced by Mayor Wheeler) 60  
minutes requested

No fiscal impact to accept the report. The seven-year update provides background for the community-driven economic development activities that have occurred over the last seven years and a look forward for the program. It does not request an increase of funding for the Network.

**179** Approve revisions to the Human Resources Administrative Rules related to workplace harassment, discrimination, and retaliation, recruitment, employment of retirees, inclement weather, compensation, performance management, and prohibited conduct

This ordinance makes a number of revisions to the Human Resources Administrative Rules, some of which will impact personnel costs. HRAR 9.08, Performance Management revises the amount of merit pay increase from a maximum of 4.1% or to the top of the range for their classification, whichever is less, to an amount based on available resources and determined annually by City Council. This effort, in coordination with the implementation of SuccessFactors, will help to mitigate the City’s total exposure to rapidly rising personnel costs. Other noteworthy changes to HRAR that could impact personnel costs are revisions to 8.03 that allow exempt employees in rare circumstances to be eligible for pre-approved overtime or compensatory time off for additional hours worked when there is an urgent business need. HR 8.02 is also revised that will allow BOEC Supervisors serving on 24 hour schedules to be eligible for overtime based on all hours paid over forty in a workweek, excluding paid sick leave.

**188** Authorize an Intergovernmental Agreement between Bureau of Revenue and Financial Services-Procurement Services, Multnomah County, Washington County, Metro and the Port of Portland for the development and administration of the regional Clean Air Construction Program for approximately \$136,000 annually for seven years

This Ordinance authorizes an IGA between the City of Portland, Multnomah County, Washington County, Metro and the Port of Portland for the development and administration of the regional Clean Air Construction Program. As of now, this IGA has only been signed by the Port of Portland. The IGA terms allow for it to be executed in several counterparts. This Ordinance grants approval for the Chief Procurement Officer (CPO) to sign the IGA, but also acknowledges that associated funding is pending approval of the FY 2020-21 budget process, for which Procurement Services has requested \$136,184 is requested additional General Fund resources to cover their share of the program.

However, the IGA does outline financial and legal obligations for the City and is a commitment through June 30, 2027. The IGA cost share calculation includes a base fee that all parties pay, which is 25% of the projected CAC Regional Program budget divided by the number of participating agencies and a sliding scale fee, which is calculated based on the Agency’s annual budget. All parties are expected to pay the City as the City is the lead agency on the Clean Air Construction program. Expected IGA payments for FY 2020-21 are as follows:

<b>Agency Name</b>	<b>CAC Regional Program Cost Share</b>
Multnomah County	\$53,000
Port of Portland	\$49,000
Washington County	\$42,000
Metro	\$40,000
City of Portland	\$120,000

However, payments are contingent on Agency’s budget approval via their budget processes and are not final. If an Agency’s funding fails to materialize, the City may be required to provide additional funding than outlined in the IGA in FY 2020-21. Additionally, payment amounts are contingent on the amount of agencies that are part of the regional program and the program budget, and could change in future fiscal years. This could impact the City’s General Fund. Impacts are currently unknown.

Procurement Services states it has a high degree of confidence that the resources will materialize; however, if the resources to fund the program do not materialize, the draft IGA between jurisdictions gives the City the authority to “make a unilateral decision to reduce Program activities or other related expenses in order to operate the Program within available funds.”

Procurement Services states that if the requested additional General Fund resources are not approved in the FY 2020-21 budget development process, the Clean Air Construction Standard will not be implemented, or implementation will be significantly delayed until another agency assumes the lead agency role. CBO notes that this item was filed incorrectly and the original Impact Statement states that this item amends the budget. It does not as resources are contingent on the FY 2020-21 budget process; an amended Impact Statement is expected to be presented to Council.

**191** Amend the Open and Accountable Elections Program to permit the Director to reduce the total public contribution for special elections if the amount in the Open and Accountable Elections Fund is insufficient.

CBO Analysis:

There is no immediate fiscal impact. This Ordinance gives the Open and Accountable Elections (OAE) Director the authority to reduce the public contribution match cap for special elections only. The current cap amounts are:

**Commissioner/Auditor Cap:**

Primary election: \$200,000

General election: \$240,000

**Mayor Cap:**

Primary election: \$304,000

General election: \$456,000

With the unanticipated special election in 2020, there are concerns that the current budget for FY 2019-20 of \$3.4 million in the OAE Fund may be insufficient for the possible 21 candidates across all elections. The current OAE assumptions reflect a total potential need of \$5.5 million for both the regular and special elections for both the primaries and general elections, which will span both FY 2019-20 and FY 2020-21 Fiscal Years. The FY 2019-20 Revised Budget for the OAE totals \$3.4 million with \$3.1 million available for public contributions (budgeted in external materials and services), which is \$2.4 million short of the total potential need. The bureau currently has an additional \$1.3 million allocated in their base budget for all program costs in FY 2020-21, but there may be a timing issue due to the possibility that matching funds for the general election will be required before the start of FY 2020-21 in July. These costs are conservative estimates and are contingent upon the final number of candidates that certify for the program (expected to be known on March 24), as well as how much funding each candidate raises.

This Ordinance does not propose a new cap, rather it gives the OAE Director the authority to reduce the cap for the remaining 11 special election candidates yet to qualify only. The OAE program is considering several different scenarios pending the action coming before Council next week requesting additional resources. The Commissioner of Public Utilities will bring forward another Ordinance for Council’s consideration on March 11th to increase the OAE Fund appropriation to help meet the possible demands on the fund. At this time the proposed increased appropriation is \$750,000, but this may change.

Even with the additional appropriation, the fund may experience a shortfall if a significant number of anticipated candidates get certified and raise funding up to the capped limit. The intent of the OAE is to ensure diverse public participation, remove barriers to entry for candidates, and ensure broad public engagement in Portland government. The OAE Director conducted public outreach and stakeholder engagement with current candidates to discuss the possible reduction of the cap amount. With the additional \$750,000 the external materials and services budget for FY 2019-20 would be \$3.8 million. Some scenarios under consideration would result in:

- Retaining the current \$200,000 cap would fully support 6 certified candidates of the 13 candidates participating in the special election,
- A reduced \$150,000 cap would fully support 8 certified candidates of the 13 candidates participating in the special election,
- A reduced \$125,000 cap would fully support 10 certified candidates of the 13 candidates participating in the special election (the number the program projects given data from the regular election),

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- A reduced \$110,000 cap would fully support 11 certified candidates of the 13 candidates participating in the special election, and
- A reduced \$100,000 cap would fully support all 13 candidates, if all 13 were certified for the special election.

There are many possible outcomes and upcoming deadlines that will impact this rough estimation. This Ordinance gives the OAE Director the authority to ensure there are enough public resources for this election season.