

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, MAY 13, 2020**

Disposition:

Please note, City Hall is closed to the public due to the COVID-19 Pandemic.

Under Portland City Code and state law, the City Council is holding this meeting electronically. All members of council are attending remotely by video and teleconference, and the City has made several avenues available for the public to listen to the audio broadcast of this meeting.

The meeting is available to the public on the City's YouTube Channel, eGov PDX, www.portlandoregon.gov/video and Channel 30. The public can also provide written testimony to Council by emailing the Council Clerk at cctestimony@portlandoregon.gov.

The Council is taking these steps as a result of the COVID-19 pandemic and the need to limit in-person contact and promote social distancing. The pandemic is an emergency that threatens the public health, safety and welfare which requires us to meet remotely by electronic communications. Thank you all for your patience, flexibility and understanding as we manage through this difficult situation to do the City's business.

Provide Public Testimony: City Council will hear public testimony on resolutions and ordinances (first readings only). Public testimony will be heard by electronic communication (internet connection or telephone). Please identify the agenda item(s) you want to testify on, and then visit the Council Clerk's agenda webpage to register, www.portlandoregon.gov/auditor/councilagenda. Provide your name, agenda item number(s), zip code, phone number and email address. Individuals have three minutes to testify unless otherwise stated at the meeting. Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. **The deadline to sign up for the May 13, 2020 Council meeting is Tuesday, May 12, at 4:00 p.m.**

Email the Council Clerk at cctestimony@portlandoregon.gov with any questions.

TIMES CERTAIN

***356 TIME CERTAIN: 9:45 AM –** Adopt the FY 2019-20 Spring Supplemental Budget and make other budget-related changes (Ordinance introduced by Mayor Wheeler) 1 hour requested

Approval of this ordinance reflect appropriation changes in 62 funds by a net increase of \$55.6 million, primarily resulting from truing up beginning fund balance and other resources. There is a net increase of \$1.8 million to General Fund contingency accounts. These changes are summarized in Exhibit 2. Additional detail is available on the CBO website: <https://www.portlandoregon.gov/cbo/79802>.

CONSENT AGENDA – NO DISCUSSION	
Mayor Ted Wheeler	
Bureau of Environmental Services	
357 Authorize the Bureau of Environmental Services to enter into an agreement with The Water Research Foundation and CDM Smith to evaluate the occurrence, the transformation of, and the fate of poly and perfluoroalkyl substances in U.S. wastewater treatment plants for an amount not to exceed \$10,000 (Second Reading Agenda 342)	Funds for the \$10,000 cash-contribution for the two-year study are available in BES's FY 2019-20 budget in the Sewer System Operating Fund.
Office of Management and Finance	
*358 Pay property damage claim of Paul Erickson in the sum of \$7,931 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)	Total cost to the City to settle the claim is \$7,931.11. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.
*359 Pay property damage claim of Robert Hatfield Jr in the sum of \$39,150 involving the Portland Bureau of Environmental Services (Ordinance)	Total cost to the City to settle the claim is \$39,149.83. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.
*360 Pay settlement of James Mattox bodily injury lawsuit in the sum of \$22,882 involving the Portland Police Bureau (Ordinance)	Total cost to the City to settle the lawsuit is \$22,882.23. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.
*361 Pay property damage claim of Larry Plumb in the sum of \$8,900 involving the Portland Water Bureau (Ordinance)	Total cost to the City to settle the claim is \$8,900. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.
*362 Pay property damage claim of Scott Tillman in the sum of \$38,743 involving the Portland Bureau of Environmental Services (Ordinance)	Total cost to the City to settle the claim is \$38,743.28. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

***363** Amend Intergovernmental Agreement with Metro to add five years and an additional \$280,000 for Light Detection and Ranging data and aerial imagery (Ordinance; amend Contract No. 30003993)

This ordinance authorizes the execution of an amendment to an intergovernmental agreement to acquire LiDAR data and aerial imagery from Metro for an additional five (5) years, and add \$280,000 in ongoing payments, for a new not to exceed total of \$560,000, and a new expiration date of September 30, 2024. The estimated total cost of the project in the current FY is \$147,000 and these resources are available in the current FY 2019-20 BTS budget as a capital project funded from GIS reserves and do not require additional allocations. The additional \$135,000 in the amendment will be used over the next four years for the annual project to collect air photos with the Metro. The actual costs vary each year, but this estimate is four times the yearly average. These resources will be included in BTS' future year operating budgets and will be funded through interagency rates.

<p>364 Assess property for system development charge contracts, private plumbing loan contracts and safety net loan deferral contracts (Ordinance; Z0842, K0184, T0201, W0070, Z1208, K0185, T0202, Z0843, W0071, P0163, P0164)</p>	<p>This legislation will increase current Lien Revenues as follows:</p> <ul style="list-style-type: none"> • \$323,771 in the Transportation Operating Fund • \$977,765 in the Parks Capital Improvement Program Fund • \$636,734 in the SDC Sewer System Operating Fund • \$13,397 in the SDC Water Construction Fund <p>This legislation will also increase future Lien Revenues as follows:</p> <ul style="list-style-type: none"> • \$191,260 in the Transportation Operating Fund • \$73,995 in the Sewer System Operating Fund • \$317,868 in the SDC Sewer System Operating Fund • \$784,315 in the Parks Capital Improvement Program Fund • \$8,832 in the SDC Water Construction Fund
<p style="text-align: center;">Commissioner Chloe Eudaly Bureau of Transportation</p> <p>*365 Authorize application for the 2020 Better Utilizing Investments to Leverage Development federal transportation discretionary grant for the Portland Intelligent Networked Transportation Infrastructure Project totaling \$18 million (Ordinance)</p>	<p>This ordinance authorizes the submission of a grant with a total cost of \$18 million. The \$18 million project includes \$3.6 million that is already budgeted in local capital improvement projects. The primary source of the local match is the \$2.5 million of Build Portland funding. Additional local match funding is provided by funding for signals and street lighting.</p>

<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p>		
<p>366 Proclaim May 2020 to be Asian American and Pacific Islander Heritage Month (Proclamation) 20 minutes requested</p>		No fiscal impact.
<p>Bureau of Environmental Services</p>		
<p>367 Authorize a contract with Landis & Landis Construction, LLC for the construction of the SE Hawthorne Blvd Pipe Reconstruction Project No. E10369 for an estimated cost of \$2,900,000 (Ordinance) 10 minutes requested</p>		The \$2.9 million estimated cost has a moderate level of confidence. Funds are available in BES's FY 2019-20 Capital Improvement Plan budget in the Sewer System Operating Fund.
<p>368 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Goose Hollow Sewer Rehabilitation Project No. E10683, for an estimated cost of \$5,949,000 (Second Reading Agenda 348)</p>		The proposed project estimate has been assigned a high confidence level. This project is part of BES's Large Scale Sewer Rehabilitation Program, which BES has requested funding for in FY 2020-21 and will request funding for in FY 2021-22.
<p>Office of Management and Finance</p>		
<p>*369 Ratify a successor collective bargaining agreement between the City and the Portland Police Commanding Officers Association relating to the terms and conditions of employment of Police Lieutenants for 2020-2023 (Ordinance) 10 minutes requested</p>		See below.
<p>*370 Ratify a successor collective bargaining agreement between the City on behalf of Portland Fire & Rescue and the Portland Fire Fighters Association relating to the terms and conditions of employment of represented employees in the Portland Fire Fighters Association bargaining unit for 2019-2022 (Ordinance) 10 minutes requested</p>		See below.
<p>*371 Ratify a successor collective bargaining agreement between the City and the Portland Police Association relating to the terms and conditions of employment of represented employees at the Bureau of Emergency Communications for 2019-2022 (Ordinance) 10 minutes requested</p>		See below.
<p><u>WEDNESDAY, 2:00 PM, MAY 13, 2020</u></p>		

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<p>372 TIME CERTAIN: 2:00 PM – Council to convene as Prosper Portland Budget Committee to receive the Proposed Budget for FY 2020-21 (Mayor convenes Council as Prosper Portland Budget Committee) 90 minutes requested</p>	<p>The FY 2020-21 Proposed Budget includes \$210.1 million, 81 full time positions, and updated estimates for project and program expenditures that were included in the Requested Budget.</p>
<p>373 TIME CERTAIN: 3:30 PM – Authorize \$548,094 total in grant funds for the 2020 Cannabis Social Equity Grant Program in the Office of Community & Civic Life (Ordinance introduced by Commissioner Eudaly) 20 minutes requested</p>	<p>Civic Life received \$1.3 million in the FY 2019-20 Adopted Budget for Cannabis Social Equity Grants. This Ordinance issues the remaining grant allocations/awards to recipients from these resources. This \$548,094 is included in the bureau’s current fiscal year budget.</p>
<p><u>THURSDAY, 2:00 PM, MAY 14, 2020</u></p>	
<p>374 TIME CERTAIN: 2:00 PM – Amend Planning and Zoning Code, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project (Ordinance introduced by Mayor Wheeler; amend Title 33) 90 minutes requested</p>	<p>See below.</p>

374 TIME CERTAIN: 2:00 PM – Amend Planning and Zoning Code, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project

CBO Analysis

This Ordinance implements recommendations from the Expanding Opportunities for Affordable Housing (EOAH) project, including amendments to Title 33 (Planning and Zoning Code). The recommended EOAH amendments allow institutions regulated through the Zoning Code as “Conditional Uses” to add housing without a new Conditional Use Review, if relevant conditions and standards are met. They also allow more flexibility for small increases in non-residential floor area, allow site area to be reduced, and allow removal of some parking for the development of housing, without a Conditional Use review. The recommendation also includes rezoning and changing the Comprehensive Plan map designations on 20 community-based sites to further housing opportunities, including affordable housing.

There are no direct financial impacts resulting from the adoption of this Ordinance; however, in the long term, the EOAH code and map changes could impact City finances and budgets through impacts to BDS fees and workloads, and to the number of affordable housing projects in the PHB pipeline. These are discussed more in depth below.

BDS Impacts: The code changes being made with the EOAH project will likely reduce the number of Conditional Use applications that the BDS Land Use Services Division handles. This will reduce BDS revenue, but also reduce BDS workloads by a corresponding amount. BDS expects an increase in applications from institutions for either an Early Assistance Appointment or a Tier 3 Zoning Confirmation letter to verify that they are meeting these new requirements. Currently, this determination is done as part of the Conditional Use review. BDS, therefore, expects a shift in workload from Conditional Use Reviews to Early Assistance Appointments and Zoning Confirmation requests.

PHB Impacts: The EOAH amendments support the voluntary production of regulated and non-regulated

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affordable housing by community-based organizations. The ordinance may increase the number of faith-based organizations seeking funding from various PHB programs. The EOHV ordinance does not allocate any funds to these organizations, but the passage of more flexible zoning regulations could cause more inquiries to PHB from these organizations, with some staff time impacts to answer questions and guide these organizations toward partnerships with experienced affordable housing developers.

***369** Ratify a successor collective bargaining agreement between the City and the Portland Police Commanding Officers Association relating to the terms and conditions of employment of Police Lieutenants for 2020-2023 (Ordinance) 10 minutes requested

CBO Analysis

The collective bargaining agreement with the Portland Police Commanding Officers Association covers the terms and conditions of Lieutenants, of which there are 31 authorized position in the Police Bureau. The term of the proposed contract is from July 1st 2020 through June 30th 2023. The total ongoing cost of the agreement is estimated to be \$794,748 by year three of the agreement. Cost elements are broken down as follows:

- Estimated Cost of Living Adjustments (COLA), \$427,367
- Five additional holidays, \$144,455
- Premium pay, \$222,926, comprised of:
 - Longevity pay, \$190,035
 - Education premiums (1% for bachelor and 2% for masters), \$32,891

CBO notes that the FY 2020-21 COLA estimate is \$89,900 for PPCOA members. The FY 2020-21 Mayor's Proposed Budget eliminates budgeted resources to support cost of living increases for all City employees.

No new or additional resources are allocated to the Police Bureau as a result of ratification of this agreement. Resources have been budgeted centrally as part of the Mayor's Proposed Budget to support the higher costs of this negotiated agreement, but have not yet been incorporated into the bureau's budget.

The Police Bureau has identified that the ratification of this agreement may lead to wage compression issues between lieutenants and higher (non-represented) ranks. The Police Bureau estimated that wage increases across non-represented command staff would total approximately \$400,000 in order to adjust for wage compression between ranks. This issue is somewhat peripheral to ratification of the bargaining agreement itself, but bears noting as part of the overall discussion.

***370** Ratify a successor collective bargaining agreement between the City on behalf of Portland Fire & Rescue and the Portland Fire Fighters Association relating to the terms and conditions of employment of represented employees in the Portland Fire Fighters Association bargaining unit for 2019-2022 (Ordinance) 10 minutes requested

CBO Analysis

The Bureau of Human Resources costing of this labor contract is arrayed as follows:

Driven largely by compounding cost of living adjustments, bargained increases in staff eligible for the paramedic premium, a 3 point increase in the technical rescue team premium (from 6% to 9%), an increased vacation accrual rate, tuition reimbursement, and paid release overtime backfill, this contract increases ongoing Portland Fire & Rescue **General Fund** obligations to the City of Portland by

- \$544,565 million in FY 2019-20
- \$2.86 million in FY 2020-21
- \$2.94 million in FY 2021-22.

Driven mostly by workweek reductions, wage-driven benefits related to cost of living adjustments, overtime, and additional hours worked due to bargained increases in Kelly Days off generated by the workweek reduction, this contract increases ongoing **Fire & Police Disability & Retirement Fund** obligations by

- \$47,887 in FY 2019-20
- \$409,186 in FY 2020-21
- \$511,924 in FY 2021-22.

Driven by the cost of conducting National Fire Protection Agency (NFPA) physicals, the contract also

increases ongoing **Health Insurance Operating Fund** obligations by

- \$364,510 in FY 2019-20
- \$431,031 in FY 2020-21
- \$465,493 in FY 2021-22.

CBO notes that the FY 2020-21 COLA estimate is approximately \$2.3 million for PFFA members (though alternative cost reductions are being discussed). The FY 2020-21 Mayor's Proposed Budget eliminates budgeted resources to support cost of living increases for all City employees.

This contract also mandates the creation of a Health & Wellness Coordinator (Coordinator I) position (estimated at \$119,000 ongoing) and a contract with OHSU (estimated at \$70,000 ongoing) that are to be absorbed into the Fire Bureau's existing budget.

***371 Ratify a successor collective bargaining agreement between the City and the Portland Police Association relating to the terms and conditions of employment of represented employees at the Bureau of Emergency Communications for 2019-2022 (Ordinance) 10 minutes requested**

CBO Analysis

BHR costing of this labor contract forecasts an increase in ongoing total obligations to the Bureau of Emergency Communications (BOEC) by

- \$533,068 in FY 2019-20 (including a 3.9% increase retroactive to July 1, 2019)
- \$1.04 million in FY 2020-21 (including a presumptive 2.9% increase on July 1, 2020)
- \$1.39 million in FY 2021-22 (including a presumptive 2.6% increase on July 1, 2021)

These forecasted costs are driven largely by annual compounding cost of living adjustments, which will be calculated based on the West Region Size A Consumer Price Index (a rate dependent on macro and microeconomic forces) calculated by the Bureau of Labor Statistics. The City of Portland's General Fund obligation is calculated at 65% of total net fiscal impact (the percentage of the bureau's total budget that is currently funded by the General Fund). BHR calculates the General Fund obligation of the net fiscal impacts, driven by non-COLA related costs such as longevity and holiday premiums, total

- \$59,000 in FY 2019-20 (to be absorbed within the bureau's existing resources due to personnel underspending driven by vacancies)
- \$164,000 in FY 2020-21
- \$178,000 in FY 2021-22

CBO notes that the FY 2020-21 COLA estimate is \$785,200 for PPA-BOEC members. The FY 2020-21 Mayor's Proposed Budget eliminates budgeted resources to support cost of living increases for all City employees.

This contract also increases annual vacation leave accrual rates for bargaining unit members and introduces annual increases in accrual rates, rather than 5-year steps as outlined in the previous contract. Increased accrual rates can lead to an increase in vacation leave taken which can result in increased overtime costs for the bureau, as overtime will be required to backfill the straight-time hours paid while on leave.

This labor contract retains the 11% coaching premium and 9.5% back-up coaches premiums, which may generate a substantial cost during periods of concerted recruitment to fill vacancies. However, the bureau may be in a better position to absorb such costs given increases in State 911 Tax revenue which have been budgeted to better capture actual costs of both recruiting and retaining emergency communications operations staff.