

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, JUNE 10, 2020**

Disposition:

Notice of Office Closure – The Council Clerk’s Office will be closed Friday June 5, 2020 for a furlough day due to the COVID-19 Pandemic. If you need immediate assistance, please contact Josh McNeal at 503-865-6171 or Joshua.mcneal@portlandoregon.gov.

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 June 10-11, 2020 Council meetings is Tuesday, June 9, 2020 at 4:00 p.m.**

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

COMMUNICATIONS		
TIMES CERTAIN		
431	TIME CERTAIN: 9:35 AM – Proclaim June of 2020 to be Portland Pride Month (Proclamation introduced by Mayor Wheeler) 30 minutes requested	No fiscal impact.
432	TIME CERTAIN: 10:05 AM – Appoint John Casey Mills, Alejandra Cortes, Alejandro Orizola, David Staczek, Juan Piantino, and Punneh Abdolhosseini and reappoint Paul Agrimis and Mike Elliott to the Portland Parks & Recreation Board (Report introduced by Mayor Wheeler) 15 minutes requested	No fiscal impact.

433 **TIME CERTAIN: 11:00 AM** – Amend Planning and Zoning Code, the Comprehensive Plan Map, and the Zoning Map to implement the Expanding Opportunities for Affordable Housing project (Second Reading Agenda 410; Ordinance introduced by Mayor Wheeler; amend Title 33) 10 minutes requested

See below.

CONSENT AGENDA – NO DISCUSSION

Mayor Ted Wheeler

Bureau of Planning & Sustainability

***434** Accept a grant in the amount of \$12,000 from the Oregon State Historic Preservation Office to support historic preservation activities (Ordinance)

This Ordinance accepts a \$12,000 grant from the Oregon State Historic Preservation Office to support historic preservation activities within BPS for FY 2020-21. The bureau plans to use the resources to nominate one property to the National Register of Historic Places under the recently-completed African American Historic Resources of Portland, Oregon, Multiple Property Documentation report. A local match of \$12,000 is required and will be provided by the Bureau of Planning and Sustainability Urban Design Program in the General Fund for FY 2020/21. Match activities include project management, planning, review, public education, and land use activities associated with the Bureau of Planning and Sustainability's historic resources program. Resources will be in the form of salary, benefits, and materials and services.

***435** Authorize a three year master Intergovernmental Agreement with Portland State University to partner on waste reduction and climate-related engagement research and analysis projects not to exceed \$500,000 (Ordinance)

BPS has had three long standing ongoing IGA's with Portland State University (PSU) to support the research and implementation of waste reduction programs, which total ~150,000 per year. Via task order through the master IGA in this ordinance, BPS will be extending funding for the multifamily waste reduction program (expired 4/1/20) and provide funding for collaborative climate research and analysis. As the two remaining IGAs expire, the bureau plans to execute the work through task orders issued under this agreement. BPS base budgets for FY 2019-20 and FY 2020-21 include \$40,000 per year to support this portion of the master IGA from the Solid Waste Management Fund. The bureau states that there are no changes to staff time or positions with this legislation.

JUNE 10-11, 2020

<p>436 Amend Intergovernmental Agreement with Metro to accept an additional \$80,000 and extend the expiration date for administration of the Master Recycler Program (Ordinance; amend Contract No. 30003529)</p>	<p>This Ordinance amends an Intergovernmental Agreement with Metro to accept an additional \$80,000 and extend the administration of the Master Recycler Program for FY 2020-21 and FY 2021-22. Local match in the amount of \$40,000 per year will be provided by the Solid Waste Management Fund in the FY 2020-2021 Bureau of Planning and Sustainability budget. The match will be in the form of salary, benefits, and materials and services. There are no changes to staff time or positions with this legislation.</p>
<p style="text-align: center;">Office of Management and Finance</p>	
<p>*437 Pay settlement of Ryan Aasland bodily injury claim for the sum of \$85,000, resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)</p>	<p>Total cost to the City to settle the claim is \$85,000. 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>*438 Pay settlement of Natasha Lester bodily injury claim for the sum of \$35,000 involving the Portland Police Bureau (Ordinance)</p>	<p>Total cost to the City to settle the claim is \$35,000. 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>*439 Pay property damage claim of Mark Quemada in the sum of \$7,209 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)</p>	<p>Total cost to the City to settle the property damage claim is \$7,209.48. 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>*440 Pay settlement of bodily injury lawsuit of Vincenza Scarpaci in the sum of \$150,000 involving the Portland Bureau of Transportation (Ordinance)</p>	<p>Total cost to the City to settle the lawsuit is \$150,000. The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.</p>
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<p style="text-align: center;">Parks & Recreation</p> <p>*441 Accept and appropriate a \$20,000 grant from Oregon Department of Education Community Nutrition Program Start-up and Expansion Grant for the At-Risk Afterschool and Summer Meals Program (Ordinance) 10 minutes requested</p>	<p>No General Fund fiscal impact. This ordinance provides grant funding for the Summer Lunch and Play program administered by the Parks bureau. This ordinance will increase the FY2020-21 Parks bureau Grants Fund budget by \$19,999.75.</p>
<p style="text-align: center;">Commissioner Eudaly</p> <p style="text-align: center;">Bureau of Transportation</p> <p>442 Amend Driveways Code to update and add clarification for the permitting and condition of driveways (Ordinance; repeal Code Section 17.28.100 and replace 17.28.110)</p>	<p>This ordinance updates and adds clarifying language to Title 17 related to driveways. The bureau does not expect these changes will have a budgetary impact.</p>
<p>443 Authorize an Intergovernmental Agreement with Metro to support analysis and coordination as part of the Regional Congestion Pricing Study and authorize transfer of \$50,000 to support technical analysis activities (Second Reading Agenda 417)</p>	<p>This project is included in PBOT's FY 2019-20 operating budget. Specific pricing policies that are recommended for implementation from the Pricing Options for Equitable Mobility project could have significant financial and budgetary impacts, which will become clearer as the work progresses.</p>
<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler</p> <p>Office of Management and Finance</p>	

<p>*444 Authorize a borrowing of not more than \$42 million in anticipation of the Fire and Police Disability and Retirement Fund levy for FY 2020-21 (Ordinance) 10 minutes requested</p>	<p>This ordinance allows FPDR to sell Tax Anticipation Notes to cover bureau expenses (pensions and disability claims) to bridge the revenue gap between the depletion of beginning fund balance and property tax revenue collected in November. The TANS are sold and repaid in the same fiscal year, and are budgeted annually in the bureau's budget.</p>
<p>445 Amend contract with Marsh USA Inc. for insurance brokerage services for Owner Controlled Insurance Phase VI (Ordinance; amend Contract No. 30004804) 15 minutes requested</p>	<p>This amendment adds five years to the contract term and \$555,195 for a new not-to-exceed amount of \$1,190,415. The Chief Procurement Officer is also authorized to execute subsequent amendments for an amount not to exceed \$194,805 for owner contingency. Funds have been requested in the FY 2020-21 budgets in the Water Fund and the Sewer System Operating Fund and will also be requested in these funds' budgets in the years up to FY 2025-26.</p>
<p>Parks & Recreation</p>	
<p>446 Accept the 2019 Title 11 Trees Trust Funds report (Report) 10 minutes requested</p>	<p>No fiscal impact.</p>
<p>447 Approve the designation of thirteen trees as City of Portland Heritage Trees and remove the Heritage Tree designation from one tree (Ordinance) 10 minutes requested</p>	<p>No fiscal impact.</p>

<p>Commissioner Chloe Eudaly</p> <p>Bureau of Transportation</p>		
<p>*448 Authorize a contract with the lowest responsible bidder for the NW Cornell Tunnel Rehabilitation Project for an estimated \$3,180,000 (Ordinance) 15 minutes requested</p>		<p>The total budget for this project is \$3,180,000 (low confidence estimate) of which \$2.3M is from General Fund Capital Set Aside, \$880,000 is from preventive maintenance funding. The project is budgeted in PBOT's FY 2019-20 and FY 2020-21 budget and CIP.</p>
<p>Office of Community & Civic Life</p>		
<p>449 Increase fee schedule for the Office of Community & Civic Life Noise Program for noise variance applications in the amount of 5% as permitted by Code Section 18.14.020.B. (Ordinance) 15 minutes requested</p>		<p>This Ordinance, if approved, reflects Civic Life's planned schedule for the Noise Program for FY 2020-21 Adopted Budget.</p>
<p><u>WEDNESDAY, 2:00 PM, JUNE 10, 2020</u></p>		
<p>450 TIME CERTAIN: 2:00 PM – Certify that certain services are provided by the City to establish eligibility for State Shared Revenues (Resolution introduced by Mayor Wheeler) 90 minutes requested for items 450-453</p>		<p>The resolution makes the City eligible for an estimated \$25,024,268 in cigarette, liquor, and state marijuana taxes in FY 2020-21. These resources are included in the FY 2020-21 Adopted Budget ordinance.</p>
<p>*451 Approve accepting funds from the State of Oregon under the State Revenue Sharing Program for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (Ordinance introduced by Mayor Wheeler)</p>		<p>See above.</p>

<p>*452 Adopt the annual budget of the City and establish appropriations for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (Ordinance introduced by Mayor Wheeler)</p>	<p>The ordinance adopts a total budget of \$5,606,308,596 including program expenses of \$2,901,859,724. The ordinance anticipates a variety of revenues and expenditures, but does not directly generate those revenues or incur the expenses. The ordinance also creates, eliminates, and reclassifies many positions. In total, a net of 6.58 positions are added in the FY 2020-21 Adopted Budget compared to the FY 2019-20 Revised Budget</p>
<p>*453 Approve levying taxes for the City for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (Ordinance introduced by Mayor Wheeler)</p>	<p>The ordinance will raise an estimated \$490,985,831 (net of compression, delinquency, and discounts) in City property taxes for FY 2020-21. This revenue is included in the FY 2020-21 Adopted Budget ordinance.</p>
<p>454 TIME CERTAIN: 4:00 PM – Amend Street Access Code and Transportation Administrative Rules to align with changes to the Residential Infill Project (Ordinance introduced by Commissioner Eudaly; amend Code Section 17.88.090 and TRN-1.26) 1 hour requested</p>	<p>This ordinance modifies code and administrative rules so that the configurations of housing units under the Residential Infill Project (RIP) are subject to the Local Transportation Improvement Charge (LTIC) program. The bureau estimated that the code changes to accommodate (RIP) would generate approximately \$1.5 million in revenue a year, however, the estimate was generated prior to COVID-19. The economic impact of the public health crisis is expected to reduce the revenue generated from the program.</p>

<u>THURSDAY, 2:00 PM, JUNE 11, 2020</u>	
<p>455 TIME CERTAIN: 2:00 PM – Authorize \$1,623,850 for grant agreements to be divided among the five non-profit neighborhood District Coalitions to support Neighborhood Associations and community engagement activities from July 1, 2020 through June 30, 2021 (Ordinance introduced by Commissioner Eudaly) 40 minutes requested for items 455-456</p>	<p>This Ordinance, if approved, reflects Civic Life’s grant expenses within its Neighborhood Outreach and Support Program. This amount is \$343,709 less than budgeted for in the FY 2020-21 Adopted Budget, as the bureau is planning for further bureau-wide reductions to meet Fall BMP Guidance to reach a total budget reduction of 5.6% for the fiscal year.</p>
<p>456 Authorize \$851,646 for grant agreements with Center for Intercultural Organizing-Unite Oregon; Latino Network; Immigrant Refugee Community Organization; Native American Youth and Family Center; Momentum Alliance; and Urban League of Portland for the Diversity and Civic Leadership Organizing Project for July 1, 2020 through June 30, 2021 (Ordinance introduced by Commissioner Eudaly)</p>	<p>This Ordinance, if approved, reflects Civic Life’s grant expenses within its Diversity and Civic Leadership Program. This amount is \$16,998 less than budgeted for in the FY 2020-21 Adopted Budget, as the bureau is planning for further bureau-wide reductions to meet Fall BMP Guidance to reach a total budget reduction of 5.6% for the fiscal year.</p>
<p>457 TIME CERTAIN: 2:40 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 (Second Reading Agenda 429; Ordinance introduced by Mayor Wheeler; amend Code Title 33 and Portland Comprehensive Plan and Zoning Maps) 2 hours requested</p>	<p>See below.</p>

433 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 EOH 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.

Bureau of Development Services Impacts:

The code changes being made with the EOH 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.

Portland Housing Bureau Impacts:

The EOH amendments support the voluntary production of regulated and non-regulated affordable housing by community-based organizations. The ordinance may increase the number of faith-based organizations seeking funding from various PHB programs. The EOH 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.

457 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

CBO Analysis

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 Impacts:

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 Impacts:

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.