

**PORTLAND CITY COUNCIL AGENDA  
City Hall - 1221 SW Fourth Avenue  
WEDNESDAY, 9:30 AM, JULY 15, 2020**

**Disposition:**

**Notice of Office Closure** – The Council Clerk’s Office will be closed Friday, July 17, 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](mailto: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](http://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](mailto: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](http://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 July 15, 2020 Council meetings is Tuesday, July 14, 2020 at 4:00 p.m.**

Email the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov) with any questions.

**CONSENT AGENDA – NO DISCUSSION**

**Mayor Ted Wheeler**

**559** Reappoint Whit Middlecoff to the Portland Adjustment Committee for a term to expire July 19, 2024 (Report)

No fiscal impact.

**Office of Management and Finance**

**\*560** Pay settlement of Homes with Style, Inc.’s property damage claim in the sum of \$16,000 involving the Portland Bureau of Development Services (Ordinance)

Total cost to the City to settle the claim is \$16,000. The source of funding is the City’s Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

<p><b>Commissioner Chloe Eudaly</b></p> <p><b>Bureau of Transportation</b></p>	
<p><b>561</b> Authorize a Subrecipient Grant Agreement to Oregon Walks in the amount of \$33,000, Community Cycling Center in the amount of \$30,000, OPAL in the amount of \$24,000, and Portland Community Reinvestment Initiatives in the amount of \$15,000 for FY 2019/20, FY20/21 and FY21/22 for the SmartTrips, Connected Communities Transportation Demand Management program (Ordinance)</p>	<p>This grant money is previously approved through an IGA with Metro for the full grant of \$1,048,009. These monies are included in PBOT's budget for the current fiscal year and will be included in subsequent fiscal years through the term of this grant. The total award is \$102,000 from July 1, 2019 to July 31, 2022.</p>
<p><b>562</b> Authorize application to the Oregon Department of Transportation and Department of Land Conservation and Development for one Transportation and Growth Management program grant in the amount of up to \$300,000 for transportation planning (Ordinance)</p>	<p>If the grant is awarded, the total estimated cost to complete this plan is \$300,000 over roughly two years. The bureau states that changes to appropriations will be addressed if the grant is awarded. The Transportation and Growth Management program grant will pay up to an estimated \$264,000. Local match in the amount of \$36,000 will be provided by staff time funded by General Transportation Revenue in PBOT's FY 2021-22 and FY 2022-23 operating budgets.</p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>563</b> Accept and appropriate \$128,401,261 in 2020 Coronavirus Aid, Relief, and Economic Security Act Funds and delegate authority to the Program Bureau Directors to execute contracts and agreements funded under the program (Ordinance introduced by Mayor Wheeler and Commissioners Eudaly and Fritz) 30 minutes requested</p>	<p>See below.</p>
<p><b>Mayor Ted Wheeler</b></p>	

<p><b>564</b> Appoint Caryn Urata and Ezra Hammer to the Portland Adjustment Committee for terms to expire July 14, 2024 (Report) 10 minutes requested</p>	<p>No fiscal impact.</p>
<p><b>Bureau of Environmental Services</b></p>	
<p><b>*565</b> Authorize application to Environmental Protection Agency for a grant in the amount of up to \$300,000 to fund a portion of the Organic Waste Receiving Facility to be constructed for the Bureau of Environmental Services (Ordinance)</p>	<p>The EPA funding opportunity awards amounts to between \$50,000 and \$300,000, and no local match is required. However, BES will provide up to \$10,222,937 in voluntary cost-share to leverage the grant funds. Cost-share shall be in the form of salary, benefits and capital outlay in BES's FY 2021 – FY 2024 Adopted and proposed budgets in the Sewer System Operating Fund. If BES is awarded funds, they will be utilized to reduce the total project costs.</p>
<p><b>566</b> Amend contract with Brown and Caldwell, Inc. for professional engineering services for the Force Avenue Wastewater Pump Station Remodel Project No. E10611, in the amount of \$317,072 (Ordinance; amend Contract No. 30005421) 10 minutes requested</p>	<p>The original not to exceed value of this contract was \$1,074,370 with a contracted term of five years. This amendment will add \$317,072 and increase the contract to \$1,414,819, an increase of 31.7% over the original contract amount and extend the contracted term an additional five years to complete the work. The confidence level is high. Funds are available in the BES's FY 2020-21 budget and will be requested in the FY 2021-22 through FY 2025-26 budgets in the Sewer System Operating Fund.</p>

<p><b>567</b> Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Organic Waste Receiving Facility Project No. E10804, for an estimated amount of \$7,821,000 (Second Reading Agenda 533)</p>	<p>The engineer’s final estimate of the probable cost of construction for this project at the 95% design is \$7,821,000. The level of confidence in the estimated cost of construction is moderate. The estimate at 100% is anticipated to be within 10% of the 95% estimate. Funds are available in BES’s FY 2020-21 budget in the Sewer System Operating Fund. As a new system at CBWTP, the OWRF will slightly increase O&amp;M costs at CBWTP. This is being planned for in future budget requests and will be more than offset by the expected savings in natural gas and power purchases and revenue from tipping fees.</p>
<p><b>568</b> Authorize the Bureau of Environmental Services to acquire certain permanent and temporary property rights necessary for construction of the Goose Hollow Sewer Rehabilitation Project No. E10683, through the exercise of the City’s Eminent Domain Authority (Second Reading Agenda 534)</p>	<p>The cost of acquiring the needed property rights will be determined by an independent appraisal during the Eminent Domain process. Funds are available in BES’s FY 2020-21 budget in the Sewer System Operating Fund.</p>
<p style="text-align: center;"><b>City Attorney</b></p> <p><b>*569</b> Approve settlement agreement in the matter of City of Portland v. Monsanto et al. and authorize expenditure of settlement funds (Ordinance) 15 minutes requested</p>	<p>See below.</p>
<p><b>Office of Management and Finance</b></p>	

<p><b>570</b> Approve findings to authorize an exemption for a class of public improvement contracts from the competitive bidding requirements and authorize the use of the alternative contracting method of Job Order Contracting for alterations construction services (Ordinance) 20 minutes requested</p>	<p>The findings note that the benefits of JOC include faster project delivery through streamlined engineering, design and procurement processes; assurance of cost reasonableness; more opportunities for local small and disadvantaged businesses; and improved partnering relationships with general contractors. The findings report notes that “The JOC delivery method’s standardized cost information achieves firm, objective, consistent pricing that results in overall bureau operating and capital budget savings. This delivery method also reduces administrative costs associated with procurement, contracting, and project management activities,” although no quantitative details are provided.</p>
<p><b>Portland Housing Bureau</b></p>	

<p><b>571</b> Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Pepsi Blocks-Phase 1A, Building A located at 827 NE 27th Ave (Second Reading Agenda 546)</p>	<p>This action would result in estimated foregone property tax revenues to the City totaling \$181,280 over ten years for 44 units affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$549,333. The estimated value of the tax exemption for the first year is 59,647 (all jurisdictions), which equals approximately \$1,249 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 \$9,000 application activation fee if the application moves forward.</p>
<p><b>Portland Parks &amp; Recreation</b></p>	

<p><b>*572</b> Authorize Portland Parks &amp; Recreation to enter into an Intergovernmental Agreement with TriMet to facilitate construction of its Redline Max capital improvements and related park improvements on Park property at Gateway Green Park (Ordinance)</p>	<p>This Ordinance cedes 0.7 out of 25 acres of the under-construction park Gateway Green Park to TriMet for improvements to the MAX Red Line. In return TriMet has agreed to develop a multi-use access path connecting Gateway Green park to the Gateway Transit Center. The Gateway Green Park was funded with a combination of SDC funding (\$6.9 million); a grant from Metro (\$1.0 million); and General Fund Resources (\$250,000) for a total cost of \$8.15 million. The bureau does not anticipate any adverse service level or budgetary impacts from the loss of land (it was mostly unusable for park), the Red Line extension, or access path construction. No increased O&amp;M costs are anticipated as a result of this ordinance.</p>
<p style="text-align: center;"><b>Commissioner Chloe Eudaly</b></p> <p><b>573</b> Amend Evaluation of Applicants for Dwelling Units to make technical clarifications (Ordinance; amend Code Section 30.01.086) 15 minutes requested for items 574-575</p>	<p>This Ordinance amends the Fair Access in Renting (Fair) code, section 30.01.086, which was originally passed by City Council in June 2019 as Ordinance No. 189580 to provide technical clarifications. There is no direct financial impact from these changes.</p>
<p><b>574</b> Amend Security Deposits; Pre-paid Rent to make technical clarifications (Ordinance; amend Code Section 30.01.087)</p>	<p>This Ordinance amends the Fair Access in Renting (Fair) code, section 30.01.087, which was originally passed by City Council in June 2019 as Ordinance No. 189580, to provide technical clarifications. There is no direct financial impact from these changes.</p>
<p style="text-align: center;"><b>Bureau of Transportation</b></p>	

<p><b>575</b> Amend Title 17 and Transportation Administrative Rules to update and add clarification for the permitting and condition of driveways (Ordinance; repeal Code Section 17.28.100, amend 17.28.110; replace TRN-10.40) 15 minutes requested</p>	<p>The revised text and its associated administrative rule (TRN-10.40) have been updated to provide greater clarity on where this code applies and includes a consolidation of driveway widths, location and operational requirements, and conditions for shared driveways. New graphics accompany the text for additional clarity. The bureau states there will be no financial impacts as a result of this change.</p>
<p><b>576</b> Authorize an Intergovernmental Agreement with TriMet for Friends of Frog Ferry funding in the amount of \$40,000 as part of local match for the State Transportation Improvement Funds discretionary grant in the amount \$200,000 to develop the Frog Ferry Operations and Finance Plan (Second Reading Agenda 549)</p>	<p>PBOT's FY 2020-21 Adopted Budget includes \$40,000 for the City's local match to develop the Frog Ferry Operations and Finance Plan. The total cost of the plan is \$250,000. In addition to the \$40,000 City local match, Friends of Frog Ferry is providing \$10,000 and a grant award of \$200,000 is provided via the Statewide Transportation Improvement Fund to TriMet to pass to Friends of Frog Ferry.</p>
<p><b><u>WEDNESDAY, 2:00 PM, JULY 15, 2020</u></b></p>	
<p><b>577</b> <b>TIME CERTAIN: 2:00 PM</b> – Rename a portion of N Lombard to N Columbia Blvd between N Burgard Rd and N Kelley Point Park Rd to improve wayfinding in the Columbia-Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly) 30 minutes requested for items 577-585</p>	<p>See below.</p>
<p><b>578</b> Rename N Burgard Rd to N Lombard St to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)</p>	<p>See below.</p>
<p><b>579</b> Rename a portion of N Columbia Blvd to N Johnswood Dr from west of N Oswego Ave to east of N Buchanan Ave to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)</p>	<p>See below.</p>

**JULY 15, 2020**

<b>580</b> Rename NE Lombard Pl to NE Lombard Ct to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)	See below.
<b>581</b> Rename NE Portland Hwy to NE Lombard St to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)	See below.
<b>582</b> Rename NE Columbia Pkwy to NE Columbia Blvd to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)	See below.
<b>583</b> Rename a portion of NE Columbia Blvd to NE Columbia Ct between NE Columbia Pkwy and NE 92nd Dr to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)	See below.
<b>584</b> Rename a portion of NE Columbia Blvd to NE 92nd Dr between NE 92nd Dr and NE Killingsworth St to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)	See below.

**JULY 15, 2020**

**585** Rename a portion of NE Killingsworth St to NE Lombard St from east of NE Cully Blvd to east of Interstate 205 to improve wayfinding in the Columbia – Lombard corridor (Hearing; Ordinance introduced by Commissioner Eudaly)

The estimated cost of this street renaming is \$448,557. ODOT will contribute 33% of the funding (\$150,000) representing one-half of construction costs for freeway signage. This funding will be accepted through a separate and subsequent Ordinance prior to commencement of construction. A pending agreement is being drafted and anticipated for Council review by the end of the calendar year. Work by PBOT on behalf ODOT is contingent upon their funding. 29% of the remaining portion of the funding (\$127,953) is from Quick-Build funding and 38% of the funding (\$170,604) is from Heavy Vehicle Use Tax (HVUT) funding. Finally, \$2,743 in costs have been incurred to date and the remaining costs of \$445,814 will be incurred in FY21-22.

**THURSDAY, 2:00 PM, JULY 16, 2020**

**DUE TO LACK OF AGENDA THERE WILL BE NO THURSDAY 2:00 PM MEETING**

**563** Accept and appropriate \$128,401,261 in 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds and delegate authority to the Program Bureau Directors to execute contracts and agreements funded under the program (Ordinance introduced by Mayor Wheeler and Commissioners Eudaly and Fritz)

CBO Analysis:

The ordinance as filed includes high-level appropriations of the \$128.4 million in federal CARES Act resources, as follows:

- \$82.90 million in the Portland Housing Bureau
- \$41.45 million in the Office of Management and Finance
- \$3.50 million in the Bureau of Planning and Sustainability
- \$0.55 million in the Portland Bureau of Transportation

This allocation includes \$114 million in CARES Act resources from the US Department of Treasury and \$14.4 million in CARES Act Emergency Solutions Grant resources from the Federal Housing and Urban Development Department. These resources are intended to be used for the following programs:

- \$46.4 million for Household and Housing Stability including household assistance, rent assistance,

- BIPOC mortgage assistance, and mortgage counseling – this includes the \$14.4M in ESG funds);
- \$16.5 million for Joint Office of Homeless Services COVID-19 Response;
- \$15 million for Business Support, including small business relief funds and block grants, and funding for venues and small businesses;
- \$20 million for Multnomah County's COVID public health response;
- \$17.1 million for the City's COVID response budget, including food security and hygiene programs, ECC and bureau response costs;
- \$5.5 million for East Multnomah County Cities COVID response;
- \$4.4 million for Arts and Culture programs, including funding for Portland's, BIPOC Artist Grants through RACC, and for venues;
- \$3.5 million for Digital Divide technology kits; and
- \$0.55 million for Community Outreach including a public health campaign and cares wheels.

All funds are available on a one-time basis, and Treasury resources must be expended by December 30, 2020. Based on the information currently available, CBO is unable to provide a detailed fiscal impact analysis of specific projects. Bureaus have signaled an intent to leverage existing bureau resources or staff time to complete many of the projects. The volume of funds being disbursed will likely represent a substantial increase in resources being passed through nonprofit organizations, which could require additional support and infrastructure to deliver the funds quickly. Additional support and infrastructure may also be required at the City level to develop, procure, and administer the contracts, including monitoring program delivery and the expenditure of funds.

While the funding is one-time in nature, some of these allocations support a program or expense that extends beyond December 2020, posing a financial risk to the City unless future federal resources become available. This risk is most prevalent with the allocation for **homelessness response** where associated costs are currently expected to continue through the rest of the fiscal year and beyond. Depending on FEMA reimbursement levels as well as various expense side factors that are still in development (e.g. what operations may be transferred to providers versus retained by the County), there may be a sizable funding gap which could require the City to reduce discretionary resources from other City bureaus or services to continue supporting current service levels. It is also possible that the funding for **digital divide technology kits** will require future City funding to continue current service levels and/or community expectations of service. The **community outreach** proposals may also lead to future costs to continue service through the duration of the pandemic.

The ordinance directs the PDX-CARES Task Force to review monthly status reports to ensure that projects are meeting the agreed-upon outcomes, which are not defined in the ordinance itself. The ordinance also does not define how the City will manage its data collection and evaluation strategy in order to provide the information needed to complete the monthly reports.

**569** Approve settlement agreement in the matter of City of Portland v. Monsanto et al. and authorize expenditure of settlement funds

#### CBO Analysis

This ordinance will have a positive budgetary impact, although the amount is currently unknown. The Settlement Agreement provides that Monsanto will pay \$550 million to over 2,500 public bodies, of which the City of Portland is one. Although the City has pursued this litigation pursuant to a contingent fee arrangement with outside counsel, the City has had to devote some staff and attorney time to support the litigation. The settlement funds will be disbursed in four annual payments as follows: Year 1: 40%, Year 2: 20%, Year 3: 20% Year 4: 20%. The distribution process will begin after the court certifies the class action, the class members are notified, the administrative process to make claims concludes and the court approves the Final Approval Order for the case. These steps are anticipated to be completed within the next 12 months. Attorney fees and costs of administering the settlement fund distribution are paid from separate funds and do not diminish the amount of benefits to the class members. The City has full discretion to direct how the settlement funds may be used. Acknowledging the disproportionate effect that PCB contamination in City waterways has had on Black, Indigenous, people of color, immigrant and refugee communities, and the need for environmental cleanup within those communities, this ordinance provides for settlement funds awarded to the City to be focused on creating a process with impacted communities to determine how the settlement funds will be spent.

**Ordinances 577, 578, 579, 580, 581, 582, 583, 584**

The total cost for all eight ordinances considered together is \$49,944 or \$6,243 for each individual ordinance. Of the total cost, 43% of the funding is from Quick-Build funding and 57% of the funding is from Heavy Vehicle Use Tax (HVUT) funding. Funding for this project is included in the FY 2020-21 Adopted Budget.