

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, OCTOBER 14, 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). Testimony is not taken on communications, reports, second readings, proclamations or presentations in accordance with Code 3.02.040 F. and G. 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.

The deadline to sign up for the October 14, 2020 Council meeting is Tuesday, October 13, 2020 at 4:00 p.m.

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

TIMES CERTAIN

811 TIME CERTAIN: 9:45 AM – Accept 2019 E-Scooter Findings Report and authorize next steps regarding a solicitation from shared micromobility providers to operate in a permanent program (Resolution introduced by Commissioner Eudaly) 1 hour requested

There is no cost associated with this resolution and no additional funding is being requested. There may be future costs depending on how PBOT seeks to execute contracts in the next 6-8 months with one to three shared micromobility companies to provide e-scooters in Portland.

CONSENT AGENDA – NO DISCUSSION

Mayor Ted Wheeler

812 Reappoint Vernie Santos to the Plumbing Code Board of Appeal for a term to expire September 19, 2023 (Report)

No fiscal impact.

Office of Management & Finance

***813** Pay settlement of Leigh Crain bodily injury lawsuit in the sum of \$28,750 involving the Portland Bureau of Transportation (Ordinance)

The source of funding is the City's Insurance and Claims Fund. All cost of the settlement is in the current fiscal year.

Commissioner Chloe Eudaly

Bureau of Transportation

***814** Authorize application to Better Bike Share Partnership Living Labs Grant to develop and implement a Prescribe a Bike program in partnership with Multnomah County Racial and Ethnic Approaches to Community Health program in the amount of \$200,000 (Ordinance)

The grant application is for \$200,000 over 2.5 years for PBOT to develop and implement a Prescribe a Bike program in partnership with Multnomah County REACH. PBOT and REACH are each providing \$10,000 (\$20,000 total) over the 2.5 year grant period in the form of BIKETOWN ride credits and memberships to supplement the grant funding for participant rides. This is being funded through the BIKETOWN Sponsorship Funds.

Commissioner Amanda Fritz

Bureau of Environmental Services

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815 Authorize an Access Permit with PacifiCorp for the NE 33rd Drive Pump Station Upgrade, Project No. E10910 (Ordinance)

This legislation authorizes the Access Permit, including indemnification language. BES agrees to indemnify, defend and hold harmless PacifiCorp, its officers, directors, partners, members, employees, agents, successors and assigns them from and against any and all liability, loss or expense, including attorneys' fees, arising in connection with any federal or state statute, law, ordinance, regulation or judgment related to the existence, disposal or release of contaminants or pollutants brought onto the Premises by BES or its representatives. In addition, BES expressly assumes all risk in connection with its use of the Premises and Property.

REGULAR AGENDA

Mayor Ted Wheeler

Office of Management & Finance

816 Update Loss Control and Prevention Code to streamline coordination and implementation of citywide loss prevention activities and remove the Loss Control and Prevention Advisory Committee (Ordinance; replace Code Chapter 3.54) 20 minutes requested for items 816-817

Proposed changes to Chapter 3.54 should not result in financial and budgetary impacts as City bureaus and offices will still be required to develop a Loss Prevention Plan.

817 Amend Administrative Policy, Loss Prevention Policy, to streamline bureau Loss Prevention Plan procedures and implementation (Ordinance; amend Administrative Policy 11.01)

See below.

Commissioner Amanda Fritz

Bureau of Environmental Services

<p>818 Authorize Price Agreement for Pump Station Improvements for professional engineering design services for a total not-to-exceed amount of \$15 million (Ordinance) 10 minutes requested</p>	<p>The total not-to-exceed amount of \$15.0 million will be funded over the five-year program period through annual appropriations in the BES budget. The project is included in BES's FY 2020-21 Adopted CIP budget. Funding for the project is also included in BES's FY 2021-25 forecast in the Sewer System Operating Fund.</p>
<p>819 Update Drainage and Water Quality Code provisions to facilitate the implementation of the Stormwater Management Manual and the Source Control Manual (Second Reading Agenda 805; replace Code Chapter 17.38)</p>	<p>This ordinance does not propose new substantive requirements for the bureau to implement. No budget changes or additional costs are expected to result from this Ordinance.</p>
<p>City Auditor Mary Hull Caballero</p>	
<p>820 Direct City Attorney to represent the City in litigation involving campaign finance regulations (Resolution) 15 minutes requested</p>	<p>See below.</p>

817 Amend Administrative Policy, Loss Prevention Policy, to streamline bureau Loss Prevention Plan procedures and implementation

CBO Analysis

As the requirement to have a Loss Prevention Plan currently exists, there should not be additional staff hours required to coordinate, develop, and implement the plan. However, plan development has not been consistently and uniformly completed across all bureaus and offices. For this existing requirement, bureaus will need to dedicate staff time to coordination, development, and implementation of their Loss Prevention Plans. Risk Management estimates this will require from bureaus the following staff time:

- Coordination – 6 to 10 hours
- Development – 3 to 6 hours
- Implementation – will be dependent on what the bureau identifies as their loss prevention efforts to prioritize for the coming year

Risk Management staff will consult with and provide necessary assistance to all bureaus and offices on loss prevention and safety. This work will be completed within time already allocated for normal and routine bureau consultation. Risk Management will also lead and coordinate the Loss Prevention Committee. It is anticipated that this committee would represent all bureaus and meet no more than quarterly.

Bureau Loss Prevention Plans may identify additional safety needs. Future costs may include budget requests to address identified bureau-specific loss prevention and safety activities. With increased structure and standardization around plan development, potential future savings may include reduced workers' compensation costs and avoidance of Oregon OSHA fines. The potential future costs and savings is currently unknown.

820 Direct City Attorney to represent the City in litigation involving campaign finance regulations

CBO Analysis

Should council direct the City Attorney to represent the Auditor's Office in matters pertaining to campaign finance regulation, there is no fiscal impact.

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The Auditor's Office does retain their own legal counsel to deal with matters where the Auditor's Office believes there is a conflict of interest in the City Attorney representing their Office. However, the Auditor's Office is implying they will seek outside counsel versus use their in house counsel. This could be due to requiring expertise in campaign finance that their in house counsel does not possess.

It is currently unclear who will bear the burden of that expense.