

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, OCTOBER 28, 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 28-29, 2020 Council meetings is Tuesday, October 27, 2020 at 4:00 p.m.

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

TIMES CERTAIN

850 TIME CERTAIN: 9:45 AM – Initiate foreclosure action on four properties for the collection of delinquent City Liens placed against the properties (Ordinance introduced by Mayor Wheeler) 30 minutes requested

Once the City forecloses on these properties, proceeds generated by the sales will recover the costs of conducting the sales, the amount owed on liens, and collection and foreclosure costs for the Revenue Division, the City Treasurer, and the Bureau of Development Services. Based on the number and amount of the liens, as of October 8, 2020, the amount expected to be recovered is \$239,416. Actual cost recovery may differ.

<p>851 TIME CERTAIN: 10:15 AM – Proclaim October 28, 2020 to be Shriill Day (Proclamation introduced by Mayor Wheeler) 15 minutes requested</p>	<p>No fiscal impact.</p>	
<p>852 TIME CERTAIN: 10:30 AM – Accept the Quarterly Technology Oversight Committee Report from the Chief Administrative Officer (Report introduced by Mayor Wheeler) 30 minutes requested</p>	<p>No fiscal impact. The report summarizes the status of the technology projects under the Technology Oversight Committee’s purview, particularly the POPS and ITS projects, and covers the activity from January through September 2020.</p>	
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Ted Wheeler</p> <p>853 Reappoint Sam Rodriguez to the Portland Design Commission for a term to expire November 1, 2024 (Report)</p>		<p>No fiscal impact.</p>
<p>854 Reappoint David Widmark to the Home Forward Board of Commissioners for a term to expire March 19, 2024 (Resolution)</p>	<p>No fiscal impact.</p>	
<p style="text-align: center;">Commissioner Chloe Eudaly Portland Bureau of Transportation</p>		

OCTOBER 28-29, 2020

***855** Accept a grant in the amount of \$140,000 from Oregon Department of Transportation, authorize an Intergovernmental Agreement for the Parkrose Neighborhood Action Plan, and appropriate \$108,750 in FY 2020-21 budget (Ordinance)

The total project budget is \$190,000. The total grant award is \$140,000. The amount of the reimbursable grant award to the City is \$108,750, \$74,200 of which will cover BPS staff and costs; \$34,550 will cover PBOT's staff and costs. An additional \$31,250 will cover a consultant contract. The grant has a \$19,091 match requirement. BPS intends to fulfill the match requirement by funding the Historic Parkrose organization via a \$50,000 grant agreement, \$30,000 of which were appropriated by Council in the Spring FY 2019-20 budget adjustment. The remainder of the match will come from the bureau's existing Area Planning Budget.

***856** Accept a grant in the amount of \$195,000 from Oregon Department of Transportation, authorize an Intergovernmental Agreement for the Lower Southeast Rising Area Plan, and appropriate \$97,500 in the FY 2020-21 budget (Ordinance)

The total project budget is \$255,000. The total grant award is \$195,000 and includes a \$30,000 match requirement. In addition to PBOT's \$30,000 match requirement, the City is providing an additional \$30,000 for a project total of \$255,000. The \$60,000 in match funds is allocated as follows: \$30,000 in-kind services and \$30,000 in General Transportation Revenues funds to cover the cost of a consultant contract (\$10,000) and community grant(s) (\$20,000).

<p>857 Authorize the Oregon Public Works Emergency Response Cooperative Assistance Agreement with the Oregon Department of Transportation and others for cooperative assistance during emergency conditions (Ordinance)</p>	<p>This is a voluntarily agreement and there is no immediate budget impact. If the City of Portland requests resources, the City agrees to reimburse the providing jurisdiction for resources received. Conversely, if the City provides resources to another jurisdiction, the City will be reimbursed for resources provided.</p>
<p>REGULAR AGENDA</p> <p>Mayor Ted Wheeler and Commissioner Jo Ann Hardesty</p>	
<p>858 Proclaim October 2020 to be Domestic Violence Awareness Month (Proclamation introduced by Mayor Wheeler and Commissioner Hardesty) 20 minutes requested</p>	<p>No fiscal impact.</p>
<p>Mayor Ted Wheeler and Commissioner Chloe Eudaly</p> <p>Bureau of Transportation</p>	
<p>859 Create a local improvement district to construct street, sidewalk, stormwater, sanitary sewer and water main improvements in the NW Park Ave and Johnson - Kearney Sts Local Improvement District (Second Reading Agenda 833; C-10069)</p>	<p>See below.</p>
<p>Commissioner Amanda Fritz</p> <p>Bureau of Environmental Services</p>	
<p>860 Authorize Intergovernmental Agreement with the Oregon Department of Environmental Quality for the Columbia Slough Sediment Program not to exceed \$325,000 over five years (Ordinance)</p>	<p>The cost of the agreement for ODEQ oversight is \$65,000 per year for five years or a total of \$325,000. Funds are available in BES's FY 2020-21 budget in the Sewer System Operating Fund and will be requested in subsequent budgets during the term of the agreement.</p>

<p>861 Amend contract with CH2M Hill Engineers, Inc. to expand design, permitting, and construction support engineering services for the Columbia Blvd Wastewater Treatment Plant Secondary Treatment Expansion Program, Project No. E07947, not to exceed \$14 million (Second Reading Agenda 842; amend Contract No. 30006543)</p>	<p>The requested contract amendment is not to exceed \$14.0 million, with a resulting total contract amount not to exceed \$43,501,454. The Confidence Level Rating Index for the PTE contract is "Optimal." The current overall project budget is \$411,300,000. Funding has been approved and is available in BES's FY 2021-22 forecast for the Sewer System Operating Fund. Funding will also be requested in the FY 2022-25 budgets.</p>
<p>Parks & Recreation</p>	
<p>862 Authorize competitive bid solicitation and contract with the lowest responsive and responsible bidder for construction of the Gabriel Park Play Area Improvements Project (Ordinance)</p>	<p>This project is funded by a mix of 2014 Parks Replacement Bond, SDC charges, and Parks existing ADA major maintenance budget (General Fund funded). This project is budgeted in Parks CIP, with Operations & Maintenance costs projected to be \$13,320 in FY 2021-22.</p>

<p style="text-align: center;">Commissioner Dan Ryan</p> <p style="text-align: center;">Bureau of Development Services</p> <p>863 Amend permit fee schedules for building, electrical, land use services, mechanical, enforcement, plumbing, signs, site development, and land use services fee schedule for the Hearings Office (Second Reading Agenda 827)</p>	<p>See below.</p>
<p style="text-align: center;">Commissioner Jo Ann Hardesty</p> <p>864 Establish rules and limitations on Portland Police Bureau members subject to deputization by federal law enforcement agencies (Resolution) 30 minutes requested</p>	<p>No fiscal impact is anticipated as a result of this resolution.</p>
<p><u>WEDNESDAY, 2:00 PM, OCTOBER 28, 2020</u></p>	
<p>865 TIME CERTAIN: 2:00 PM – Adopt the FY 2020-21 Fall Supplemental Budget and make other budget-related changes (Ordinance introduced by Mayor Wheeler) 2 hours requested</p>	<p>Approval of the exhibits to this ordinance reflect appropriation changes in 47 funds by a net increase of \$141.9 million, primarily resulting from truing up beginning fund balance and other resources between fiscal years. There is a net increase of \$6.1 million to General Fund contingency accounts. These changes are summarized in Exhibit 2.</p> <p>This legislation results in a net decrease of 36 regular positions and increase of 3 limited term positions. Changes in positions by bureau are provided in Exhibit 5.</p>
<p><u>THURSDAY, 2:00 PM, OCTOBER 29, 2020</u></p>	
	<p>BDS and PP&R anticipate some increase in workload to implement the updated regulations, which they will absorb within existing staff resources. PP&R recovers costs related to tree preservation inspections through development fees charged for these inspections.</p>

866 TIME CERTAIN: 2:00 PM – Amend Trees in Development Situations Code to remove zone exemptions from tree preservation and tree density and amend regulations for preservation of private trees (Ordinance introduced by Commissioner Ryan; amend Code Chapter 11.50) 3 hours requested

One of the proposed code amendments reduces the size threshold at which someone removing a tree on private property must pay a higher mitigation fee to the Tree Planting and Preservation Fund. A low-confidence estimate of increased fee collection from this change is \$55,000 annually, which would represent an increase of 6% over the fund's FY 2019-20 revenue.

833 Create a local improvement district to construct street, sidewalk, stormwater, sanitary sewer and water main improvements in the NW Park Ave and Johnson - Kearney Sts Local Improvement District (Hearing; Ordinance; C-10069) 20 minutes requested

CBO Analysis

NW Park Avenue, NW Johnson Street and NW Kearney Street have been combined into a single Local Improvement District (LID). Total project costs are approximately \$27.6 million with a LID amount of \$23,000,000. Approximately 78% of the LID is apportioned to properties currently in the ownership of Prosper Portland and approximately 22% of the LID is apportioned to properties currently in the ownership of Greyhound. An additional \$4.6 million in project costs will be funded by PBOT Transportation System Development Charge (TSDC) revenue.

As part of the Broadway Corridor project, Prosper Portland and the Office of Management and Finance (OMF) are negotiating the restructuring of an existing line of credit to be partially or fully repaid by future land sales, consistent with the terms of City Council's approval of the Broadway Corridor Omnibus Resolution on September 23, 2020. These negotiations are expected to be finalized within the next six (6) months. PBOT and OMF are also collaborating on an interim line of credit for the financing of the NW Park Ave and Johnson - Kearney Sts Local Improvement District. The ordinance indicates that additional costs that incur as a result from financing project costs on the line of credit will be added to the LID prior to final assessment.

The ordinance states that total project costs in excess of \$27.6 million will be allocated according to the terms identified in the Intergovernmental Agreement (IGA) currently being negotiated between PBOT and Prosper Portland for the Broadway Corridor area. Among the terms of the IGA that allocate potential cost overruns and cost exemptions, the IGA will also address strategies to reduce the risk of the LID defaulting. Per LID Code, a final assessment and LID payments, will not begin until the project is completed which is not expected until 2030. CBO notes that in an event most or all of the United State Postal Service (USPS) property remains in ownership by Prosper Portland until 2032, there is potential risk to the LID Fund (and ultimately the General Fund) if Prosper Portland defaults on the LID payments.

863 Amend permit fee schedules for building, electrical, land use services, mechanical, enforcement plumbing, signs, site development, and land use services fee schedule for the Hearings Office

CBO Analysis

This ordinance increases permit fees collected by the Bureau of Development Services (BDS). These fees support BDS' various development functions, most of which are intended to be self-supporting, which requires periodic fee increases. For several years between FY 2013-14 and FY 2018-19 BDS did not propose fee increases for most programs and actually reduced fees in FY 2016-17, but to keep up with rising costs, including a significant increase in rent costs for downtown office space, the bureau is implementing fee

increases. This increase was intended to be effective July 1, 2020, but due to the economic uncertainty related to the COVID-19 crisis the changes were delayed.

This ordinance reflects fee increases of about 5% across most programs, with higher increases for some programs where the gap between service costs and fee amounts is wider. The bureau estimates that these changes will result in increased fee collection of \$1.7 million in the remainder of FY 2020-21 and \$2.9 million in a full fiscal year. This is not expected to fully cover the increase in costs BDS will face this year, but the bureau strives to make fee increases gradual to minimize impacts to its customers. The Fee & Regulations Subcommittee of the Development Review Advisory Committee has endorsed these fee changes, and BDS has proactively communicated with customers and stakeholders about the proposed changes.

BDS does not anticipate significant costs to the City from this ordinance; BDS staff will implement and administer the revised fee schedule as part of their existing workload. This ordinance does not amend BDS' budget as the bureau's FY 2020-21 budget includes revenue from these proposed fee increases.