

**PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, NOVEMBER 4, 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 November 4, 2020 Council meetings is Tuesday, November 3, 2020 at 4:00 p.m.

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

TIMES CERTAIN

872 Adopt Code and administration rules for the Community Opportunities and Enhancements Program (Previous Agenda 844; Ordinance introduced by Mayor Wheeler; add Code Chapter 5.35 and Portland Policy Document ADM 1.25) 45 minutes requested

See below.

CONSENT AGENDA – NO DISCUSSION

Mayor Ted Wheeler

Office of Management and Finance

NOVEMBER 4-5, 2020

*873	Pay settlement of Jillian Brake bodily injury claim in the sum of \$20,000 resulting from a motor vehicle collision involving Portland Fire & Rescue (Ordinance)	Total cost to the City to settle the claim is \$20,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.
*874	Pay bodily injury settlement of Angelique Campos in the sum of \$36,500 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)	Total cost to the City to settle the claim is \$36,500. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.
*875	Amend Ordinance No. 190107 regarding 2021 Citywide Charitable Campaign to include additional City partners (Ordinance; amend Ordinance No. 190107)	The Charitable Campaign pilot provides opportunity for employees to donate to local charities whose programmatic focus is on COVID-19 recovery and serving communities of color. The cost to administer the program is approximately \$12,000-\$14,000 which is budgeted in the OMF's FY 20-21 Adopted Budget. Employees are encouraged to provide either a monetary donation or volunteer on their own time.
876	Authorize a 24-month lease extension with Multnomah County School District No. 1J at 2627 SW Stephenson St through July 31, 2022 at no cost for the Portland Bureau of Emergency Management's emergency equipment storage (Ordinance)	No financial impact to extend this this lease.
Portland Housing Bureau		

NOVEMBER 4-5, 2020

***877**

Amend contract between Housing and Development Services, Inc. and the City to extend licensing and maintenance of the Portland Housing Bureau's core software system in the amount of \$185,708 (Ordinance; amend Contract No. 30002366)

This contract amendment ensures PHB will retain uninterrupted access to Housing Development Services, Inc. hosted services and ongoing maintenance of its software system. The total requested amendment to the contract is \$185,708. PHB will meet the budget requirement through budgeted funds in its FY 2020-21 budget; no new budget requests or adjustments are required.

<p style="text-align: center;">Commissioner Chloe Eudaly Portland Bureau of Transportation</p> <p>878 Authorize the Oregon Public Works Emergency Response Cooperative Assistance Agreement with the Oregon Department of Transportation and others for cooperative assistance during emergency conditions (Second Reading Agenda 857)</p>	<p>This is a voluntary 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 style="text-align: center;">Commissioner Amanda Fritz Parks & Recreation</p> <p>*879 Authorize purchase of a conservation easement over a portion of the real property at 6816 N New York for \$50,000 to be used for park purposes (Ordinance)</p>	<p>No significant fiscal impact. The funding for this purchase is in the Parks SDC Fund. Operations and maintenance costs associated with this purchase of land are immaterial and would be absorbed within the bureau's budget.</p>
<p style="text-align: center;">Commissioner Jo Ann Hardesty Bureau of Planning & Sustainability</p> <p>*880 Accept three technical assistance grants in an amount not to exceed \$145,000 from the Oregon Department of Land Conservation and Development for land use planning to comply with HB 2001 and HB 2003 (Ordinance)</p>	<p>This Ordinance authorizes the acceptance of three DLCDC grants with a not to exceed amount of \$145,000. BPS has allocated staff resources to conduct the associated projects and the grants will provide supplemental funding or technical assistance.</p>
<p>REGULAR AGENDA</p>	

Mayor Ted Wheeler Office of Management and Finance		
881	Adopt City of Portland Investment Policy (Resolution) 10 minutes requested	There are no changes to the existing policy. The Investment Policy continues to reflect strategies the City has utilized in the past, which are designed to (1) protect the City's financial assets, (2) provide liquidity to meet the City's cash needs, and (3) enable the City to generate a market rate of return from its investment activities.
882	Assess properties for sidewalk, curb and/or driveway repair for the Portland Bureau of Transportation (Hearing; Ordinance; Y1101) 15 minutes requested	The cost of the sidewalk, curb and/or driveway repair and construction, including an administrative expense is \$184,295.30. The cost of this work will be paid for with lien revenues for the same amount. There are no costs to the City related to this legislation.
S-883	Initiate foreclosure action on three properties for the collection of delinquent City Liens placed against the properties (Second Reading Agenda 850)	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.
Portland Housing Bureau		

***884** Authorize conveyance of City-owned real property located at 333 NW 6th Ave to Central City Concern for a new affordable housing development located in the Oldtown neighborhood (Ordinance) 20 minutes requested

This Ordinance requests City Council approval to convey the City-owned site located at 333 NW 6th Avenue to Central City Concern ("CCC") or affiliate, CCC-Westwind LLC. This will allow CCC or its affiliate to construct a new 100-unit affordable housing project at the site and to authorize the Director of the Portland Housing Bureau to execute a Disposition and Development Agreements governing the terms of the conveyance. The Project is a new, 6-story construction consisting of 100 residential units, all of which will be regulated at or below 60% of area median income (AMI), and which include 70 Permanent Supportive Housing units. PHB elects to require a 99-year affordability period for this project. Current costs to PHB to maintain the site (landscaping, security, cleanup) will be eliminated in FY 2020-21 as new affordable housing development is expected to close in first quarter of 2021. PHB has an adjusted basis of \$3,023,260 for the Property based on the PHB purchase price in 2018. The value of the assets will be removed from the City's accounts upon conveyance to CCC or its affiliate CCC-Westwind LLC.

<p>Commissioner Amanda Fritz</p> <p>Bureau of Environmental Services</p>		
<p>885</p>	<p>Authorize Intergovernmental Agreement with the Oregon Department of Environmental Quality for the Columbia Slough Sediment Program not to exceed \$325,000 over five years (Second Reading Agenda 860)</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>Parks & Recreation</p>		
<p>886</p>	<p>Authorize competitive bid solicitation and contract with the lowest responsive and responsible bidder for construction of the Gabriel Park Play Area Improvements Project (Second Reading Agenda 862)</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>Water Bureau</p>		
<p>887</p>	<p>Create a local improvement district to construct water main improvements in the SW Quail Post Road Local Improvement District (Hearing; Ordinance; C-10070) 20 minutes requested</p>	<p>If passed, this ordinance will create immediate impact of \$75,000 in construction costs to be absorbed in the current year Water Bureau budget. This project is not in the bureau's current year CIP, but the phased nature of the project will mitigate any material impacts on water rates as the remaining \$1.8 million obligation (low-confidence estimate) will be expended from FY 2036 through FY 2040.</p>

Commissioner Dan Ryan
Bureau of Development Services

888 Amend Trees in Development Situations Code to remove zone exemptions from tree preservation and tree density and amend regulations for preservation of private trees (Second Reading Agenda 866; amend Code Chapter 11.50)

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.

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.

WEDNESDAY, 2:00 PM, NOVEMBER 4, 2020

889 Adopt the River Plan / South Reach, amend the Comprehensive Plan and Comprehensive Plan Map, the Willamette Greenway Plan, Title 33, and the Zoning Map; repeal the Macadam Corridor Design Guidelines; and adopt the Willamette River Greenway Inventory and the Central City Natural and Scenic inventories as supporting documents (Ordinance introduced by Commissioner Hardesty; amend Code Title 33, amend the Portland Comprehensive Plan and zoning maps, amend Ordinance Nos. 160237 and 163957, and repeal Ordinance Nos. 157795 and 186858) 2 hours requested

See below.

THURSDAY, 2:00 PM, NOVEMBER 5, 2020

NOVEMBER 4-5, 2020

890 Adopt the FY 2020-21 Fall Supplemental Budget and make other budget-related changes (Previous Agenda 865; Ordinance introduced by Mayor Wheeler) 3 hours requested

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. 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.

872 Adopt Code and administration rules for the Community Opportunities and Enhancements Program

CBO Analysis

The administrative rule for the COEP program will assess the 1% (of hard construction costs) fee using two methodologies:

1. A 1% charge based upon actual construction contracts \$500,000 or over executed, at the time they are executed, for one cohort of City bureaus primarily funded by rates and fees, either internal or external, including the Bureau of Environmental Services (BES), the Portland Water Bureau (PWB), and OMF-Facilities. The City Attorney's Office will maintain a COEP Activity Based Rate Expenditure Rubric that delineates how PWB and BES funds can be used on COEP program expenditures.
2. Assessments for a second cohort of City bureaus that are not primarily funded by ratepayers, i.e. PBOT and Parks, that would be funded by CAL Target increases for those bureaus. The requested General Fund increase amounts for PBOT (\$173,345) and Parks (\$99,132) are based on the average annual revenue a 1% fee would hypothetically have generated for the COEP program over six prior fiscal years on contracts whose values were \$500,000 or over. Future years' CAL allocations will be adjusted by the City Economist using whatever inflationary factors that are applied to other CAL targets, and will also be subject to Council-directed reductions like other CAL targets. CBO notes that the stable charges for these bureaus, while based on historical data, will necessarily deviate from future years' 1% of construction costs because they will only increase by inflationary factors. It should also be noted that while the ordinance language does not discuss the CAL target adjustments, it states that the Administrative Rules, which do direct them, is binding City policy.

The Intergovernmental Agreement between OMF and Prosper Portland currently requires that the annual

total of COEP fees, minus administrative costs, shall be expended using the following breakdown: 75% for Workforce Development and 25% for Business Technical Assistance. The Administrative Rules for the program provide examples of possible services that can be funded in each of these two categories.

OMF has a request in the FY 2020-21 Fall BMP for the General Fund resource associated with this ordinance. The Fall BMP request is a request for one-time General Fund discretionary resources on behalf of PBOT and Parks, \$173,345 and \$99,132 respectively. OMF also submitted as part of the FY 2020-21 Fall BMP a request for a CAL adjustment for the PBOT and Parks appropriation to be included in FY 2021-22 CAL Targets. The Mayor's Proposed Supplemental Budget as filed currently includes one-time resources to support the current year costs but does not provide for a CAL target adjustment to cover future costs for Parks and PBOT. Should Council approve these administrative rules as currently written, Council will be authorizing a CAL target adjustment with an ongoing General Fund discretionary impact of \$272,477.

The interagency revenue from BES, Water, Facilities and potentially other bureaus is currently indeterminate (but will be determined using methodology #1 above). OMF will work with bureaus to determine the estimated COEP charge and submit a request matching bureau estimates in the Spring BMP.

889 Adopt the River Plan / South Reach, amend the Comprehensive Plan and Comprehensive Plan Map, the Willamette Greenway Plan, Title 33, and the Zoning Map; repeal the Macadam Corridor Design Guidelines; and adopt the Willamette River Greenway Inventory and the Central City Natural and Scenic inventories as supporting documents

CBO Analysis

This Ordinance adopts the River Plan / South Reach, which is an update to the Willamette Greenway Plan for the South Reach area of the Willamette River. The plan establishes a renewed 20-year vision for the area, updates existing policies and regulations, identifies implementation actions and prioritizes future investments to achieve the plan's vision.

Direct Fiscal Impacts

Adoption of this plan does not have any direct fiscal impact and the bureau states that it is not expected to result in any long-term financial impacts for the City. However, future implementation of the actions and recommendations identified in the plan could result in significant costs to the City; the amount of this impact and funding sources is currently unknown.

Impacts on the Bureau of Development Services

Because this ordinance changes aspects of the Zoning Code, it impacts BDS in terms of staff time spent reviewing applications and working with applicants. BDS will be impacted by increased staff time related to some provisions and reduced staff time for other provisions because the number of land use reviews is expected to be reduced. The reduced staff time associated with a reduction in land use reviews is already accounted for in fees associated with those processes. A new BDS fee will be needed to compensate for the costs associated with implementing some Title 33 code changes. BDS created this new fee through a separate ordinance for the Land Use Services Fee Schedule that was adopted Council this Fall.