

PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, FEBRUARY 3, 2021

Disposition:

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 February 3, 2021 Council meetings is February 2, 2020 at 4:00 p.m.

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

TIMES CERTAIN

65**TIME CERTAIN: 9:45 AM** – Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements in the Errol Heights Local Improvement District (Resolution introduced by Commissioner Hardesty; C-10064) 30 minutes requested for Items 65-66

The estimated total project cost is \$9,359,752. The funding blend (covering all project phases) is as follows: LID \$1.6 million; General Fund “Out of the Mud” allocation \$2 million; Transportation System Development Charges \$2 million; BES \$2.87 million and Parks \$847,172 (the Parks and BES portions are subject to further refinement). Funds for the project are budgeted in PBOT’s FY 20-21 and FY 21-22 Requested Five Year CIP.

<p>*66 Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the Errol Heights Street and Local Improvement District through the exercise of the City’s Eminent Domain Authority (Ordinance introduced by Commissioner Hardesty; C-10064)</p>	<p>Property values associated with the property acquisitions have not yet been quantified since negotiations are not completed; however, a medium confidence level estimate for the right of way phase has been budgeted in the Transportation Operating Fund. PBOT’s FY 20-21 Revised Budget includes \$1.196 million in funds for the project, a portion of which is budgeted for acquiring temporary rights for the project.</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Ted Wheeler</p>	
<p>67 Authorize Intergovernmental Agreement with Metro to provide special appropriation operating support for Portland’s Centers for the Arts not to exceed \$1,600,000 (Second Reading Agenda 46; Ordinance introduced by Mayor Wheeler and Commissioner Rubio)</p>	<p>Allocation of these resources to support Portland’s was approved by City Council as part of the FY 2020-21 Fall BMP, and the resources are available in the current-year Special Appropriations budget.</p>
<p>Bureau of Emergency Management</p>	

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*68	Accept the FY 2018 Federal Emergency Management Agency Pre-Disaster Mitigation Grant in the amount of \$150,000 from the Oregon Department of Emergency Management to update the City's Natural Hazard Mitigation Plan (Ordinance)	This action increases the bureau's grant by \$150,000 and will be used to update the City's Natural Hazard Mitigation Plan; currently within the bureau's General Fund Budget. With the acceptance of this grant requires a local match of \$50,000. PBEM will use existing resources in its General Fund budget to meet this requirement.
Office of Management and Finance		
69	Create a new non-represented classification of Government Relations Specialist I and establish a compensation range for this classification (Ordinance)	While there is no direct fiscal impact to creating this classification, it is likely to result in increased personnel costs to the Office of Government Relations. The bureau has accounted for this cost in its FY 2021-22 Requested Budget and has sufficient vacancy savings in FY 2020-21 to cover any increase.
70	Approve a grant of \$150,000 to Travel Portland for a winter/spring advertising campaign (Second Reading Agenda 36)	This one-time expenditure is funded out of City's Spectator Venues and Visitor Activities Fund and included in the FY 20-21 Fall BMP Budget ordinance.

<p>71 Authorize City donation to Metro of three unplayable surplus pianos at City-owned Portland’s venues for disposal according to Metro’s surplus property policy (Second Reading Agenda 50)</p>	<p>Based on expressed repair costs, to repair the three pianos would be cost prohibitive, and it is in the City’s best interest to donate the unplayable pianos to Metro for disposal according to Metro’s surplus property policy. If there are any proceeds from the disposal of the pianos, Metro will place those funds in the Portland’s operating account to be available for any ongoing operating or capital costs.</p>
<p>72 Authorize an Intergovernmental Agreement with Metro for a total amount of \$839,351 for the Annual Waste Reduction Plan, Business Technical Assistance & Outreach, and Business Food Waste Requirement (Second Reading Agenda 52)</p>	<p>The funding is intended to support Metro’s work in the following areas: Annual Waste Reduction Services for \$348,062; Business Technical Assistance & Outreach for \$413,889; and Business Food Waste Requirement for \$77,400. The funding amount of \$838,674 was included in BPS’ FY20-21 Adopted Budget, and the remaining balance of \$677 will be appropriated in the Spring BMP of 2021.No City match is required.</p>
<p>Commissioner Carmen Rubio Bureau of Planning and Sustainability</p>	<p>Commissioner Mingus Mapps Bureau of Environmental Services</p>

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<p>73 Authorize the Bureau of Environmental Services to transfer up to \$166,250 to the Multnomah County Drainage District #1, under an existing Intergovernmental Agreement, for expenses related to a critical stormwater infrastructure replacement project (Second Reading Agenda 54; Contract No. 30003999)</p>	<p>The estimated cost of BES's 12.1% portion of the total project cost of \$1.1 million is currently estimated at \$133,000, plus a 25% contingency factor for a total of \$166,250. Funds are available in the bureau's FY 2020-21 budget in the Sewer System Operating Fund.</p>
REGULAR AGENDA	
<p>*74 Approve Revised Settlement Agreement in the matter of City of Portland v. Monsanto et al. and authorize the process for use of settlement funds (Ordinance introduced by Mayor Wheeler and Commissioner Mapps) 15 minutes requested</p>	<p>See below.</p>
Commissioner Mingus Mapps Bureau of Environmental Services	
<p>75 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Outfall Diffuser Improvements Project No. E06923 for an estimated amount of \$5,500,000 (Second Reading Agenda 59)</p>	<p>The total cost for the project is estimated at \$7.1 million with \$5.5 million estimated for construction. The level of confidence for the design estimate is High. Funds will be paid out of BES's FY 2020-21 and FY 2021-22 budgets in the Sewer System Operating Fund.</p>

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<p>76 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Stark and Buckman East Reconstruction and Green Street Project, No. E10216, for an estimated cost of \$23,837,000 (Second Reading Agenda 60)</p>	<p>The proposed project estimate of \$23.8 million has been assigned a high confidence level. Funds will be paid out of BES's FY 2020-21, FY 2021-22, FY 2022-23 Maintenance and Reliability CIP Sewer Program budgets in the Sewer System Operating Fund.</p>
<p>77 Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Columbia Boulevard Wastewater Treatment Plant Headworks Screening Improvements Project No. E10805 for an estimated amount of \$12 million (Second Reading Agenda 61)</p>	<p>The total cost for the project is estimated at \$20 million with \$12 million estimated for construction. The level of confidence for the design estimate is High. Funds will be paid out of BES's FY 2021-22, FY 2022-23, and FY 2023-24 budgets in the Sewer System Operating Fund.</p>
<p>78 Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder and provide payment for construction of the Ankeny Pump Station Odor Treatment System Rehab Project No. E11093 for an estimated amount of \$1,200,000 (Second Reading Agenda 62)</p>	<p>The total cost for the project is estimated at \$1,900,000 with \$1,200,000 estimated for construction. The Project Estimate Confidence Rating Index is "High." Funds will be paid out of BES's FY 2020-21 and FY 2021-22 budgets in the Sewer System Operating Fund.</p>
<p><u>WEDNESDAY, 2:00 PM, FEBRUARY 3, 2020</u></p>	

79 **TIME CERTAIN: 2:00 PM** – Proclaim February 2021 to be Black History Month (Proclamation introduced by Mayor Wheeler and Commissioner Hardesty) 1 hour requested

No fiscal impact.

74 Approve Revised Settlement Agreement in the matter of City of Portland v. Monsanto et al. and authorize the process for use of settlement funds

CBO Analysis

This ordinance will have a positive, although undetermined, budgetary impact. It will reduce further litigation costs to the City. 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 a single payment. 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 to 18 months.

As in the previous proposed settlement agreement, the Revised Settlement Agreement provides that Monsanto Company will pay up to \$550 million in damages through a class action lawsuit. The class members are the more than 2,500 local governments and port districts nationwide that are required to incur costs of meeting regulatory requirements because they discharge stormwater into waterbodies impaired by PCBs. The settlement funds will be allocated pursuant to various formulae set forth in the Revised Settlement Agreement and pursuant to applications made by the local governments to a court-approved Special Master. 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. As in the previous proposed settlement agreement, the Revised Settlement Agreement does not direct or restrict the use of any funds received. Therefore, the City has full discretion to direct how the settlement funds may be used.