

PORTLAND CITY COUNCIL AGENDA
City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, MARCH 31, 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 March 31, 2021 Council meetings is March 30, 2021 at 4:00 p.m.

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

TIMES CERTAIN		
189	TIME CERTAIN: 10:00 AM – Accept the 2020 Annual Report for the North and Northeast Neighborhood Housing Strategy Oversight Committee (Report introduced by Commissioner Ryan) 30 minutes requested	No fiscal impact.
190	TIME CERTAIN: 10:30 AM – Amend provisions of City Building Code to clarify permit abandonment, expiration, extensions, and reactivation (Ordinance introduced by Commissioner Ryan; amend Code Chapters 24.10, 24.15, 25.05, 26.04, 27.03, and 32.62) 20 minutes requested	This ordinance amends City Building Code to increase clarity and maintain consistency with State Building Code, FCC rules, and BDS practice. There is no fiscal impact to the City anticipated as a result of these clarifying amendments.
CONSENT AGENDA – NO DISCUSSION		
Commissioner Carmen Rubio		
Bureau of Planning and Sustainability		
191	Consent to the transfer of Gruetter Sanitary Service Inc. residential solid waste, recycling, and composting collection franchise to Portland Disposal & Recycling (Second Reading Agenda 173)	No fiscal impact.
Commissioner Jo Ann Hardesty		
Bureau of Transportation		
*192	Accept a grant in the amount of \$32,250 from Oregon Department of Transportation, authorize Intergovernmental Agreement for transportation safety programs, education, and encouragement for people walking, biking, and driving, and appropriate \$30,000 in FY 2020-21 (Ordinance)	The grant has a \$7,999, or 20% required match. The match will be provided by budgeted staff in the FY 2020-21 Revised Budget and the FY 2021-22 Requested Budget.

<p>*193 Authorize Intergovernmental Agreement with TriMet for staffing services to assist with transportation construction projects in the amount of \$260,000 (Ordinance)</p>	<p>Total cost of the staffing services is \$260,000. Funds for this work are budgeted under existing capital improvement projects, and come from a variety of sources, including grants, Fixing Our Streets, and Transportation System Development Charges.</p>
REGULAR AGENDA	
<p>194 Proclaim March 31, 2021 to be Cesar Chavez Day (Proclamation introduced by Mayor Wheeler and Commissioners Hardesty and Rubio) 30 minutes requested</p>	<p>No fiscal impact.</p>

<p style="text-align: center;">Mayor Ted Wheeler</p> <p style="text-align: center;">City Budget Office</p> <p>195 Amend Portland Utility Board Code with housekeeping changes for clarity and to increase equity and inclusion (Second Reading Agenda 178; amend Code Chapter 3.123)</p> <p>Item 195 will be referred back to the Office of the Mayor.</p>	<p>No direct fiscal impact. It could allow the potential for stipends once policy is developed. Estimate annual fiscal impact could be up to \$5,500. Determined as allowable expense for rates so would be divided between PWB and BES.</p>
<p style="text-align: center;">Office of Management and Finance</p>	

196 Authorize price agreements for On-Call Land Survey Services to support design and construction of sanitary and stormwater collection systems, treatment facilities, and watershed restoration projects in amount not to exceed \$10,500,000 (Ordinance; Contract Nos. 31001870, 31001869, and 31001868) 10 minutes requested

The City desires to enter into price agreements with three firms with not-to-exceed contract amounts of \$3,500,000 per Price Agreement for a cumulative total not-to-exceed amount of \$10,500,000 for all Price Agreements. The estimated cost of these price agreements will be funded over the five-year period through annual appropriations in the BES budget. All expenses associated with the Price Agreements and resulting Task Orders will be funded from currently budgeted and forecasted funds. There will be no additional requests for funding outside of the current budget authority.

<p>197 Authorize price agreements for wastewater treatment and structural engineering services in support of the Bureau of Environmental Services' Columbia Blvd Wastewater Treatment Plant in amount not to exceed \$17,125,000 (Second Reading Agenda 180)</p>	<p>A total of five price agreements, with a maximum budget of \$3,125,000 each, will be issued for wastewater engineering services. A total of three price agreements, with a maximum budget of \$500,000 each, will be issued for structural engineering services. The estimated cost of \$17.1 million will be funded over the five-year period through annual appropriations in the BES budget. Funding for the projects is available in BES's FY 2021-25 budgets and forecasts in the Sewer System Operating Fund.</p>
<p style="text-align: center;">Police Bureau</p> <p>198 Amend contract term with Versaterm, Inc. for application software support and increase compensation in amount not to exceed \$5,990,000 (Ordinance; amend Contract No. 30005161) 20 minutes requested</p>	<p>See below.</p>
<p style="text-align: center;">Commissioner Dan Ryan</p> <p style="text-align: center;">Housing Bureau</p>	

199 Approve limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution) 10 minutes requested

This resolution approves 9 properties for the for the Homebuyer Opportunity Limited Tax Exemption program exemptions beginning in the 2021 tax year. The approved applications will increase revenue for the City of Portland in the form of a one-time application fee totaling \$8,100. A total of \$1,750 is collected for each completed application, \$900 goes towards Portland Housing Bureau administrative costs, and \$850 is paid to Multnomah County for administrative costs. This legislation will decrease revenue for the City of Portland in the form of foregone revenue totaling \$7,371. Total revenue foregone by all taxing jurisdictions in Multnomah County is \$24,561.

<p>Commissioner Jo Ann Hardesty</p> <p>Bureau of Transportation</p>		
<p>200</p>	<p>Assess benefited properties for street, sidewalk, stormwater, and mast arm traffic signal improvements at the NW 23rd Ave, Vaughn St, and U.S. 30 intersection in the NW 20th Ave Local Improvement District (Second Reading Agenda 181; C-10049)</p>	<p>The total property assessment is \$8,300,467. SDC credits of \$1,901,804 are being offered. PBOT has already collected \$2,264,888 in SDC revenue as a result of this LID enabling development, with additional development pending.</p>
<p><u>WEDNESDAY, 2:00 PM, MARCH 31, 2021</u></p>		
<p>201</p>	<p>TIME CERTAIN: 2:00 PM – Proclaim March 31, 2021 to be Transgender Day of Visibility (Proclamation introduced by Mayor Wheeler) 1 hour requested</p>	<p>No fiscal impact.</p>
<p>*202</p>	<p>TIME CERTAIN: 3:00 PM – Extend state of housing emergency, operationalize efficiencies and identify Council powers, specify a twelve-month duration, and waive portions of the Portland Zoning Code (Ordinance introduced by Mayor Wheeler) 2 hours requested for items 202-204</p>	<p>See below.</p>
<p>For items 203 and 204, no additional oral testimony will be heard. The written record will remain open until March 30, 2021 at 5:00 p.m. Submit written testimony to https://www.portlandmaps.com/bps/mapapp/proposals/#/s2hc</p>		
<p>*203</p>	<p>Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need (Previous Agenda 183; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Title 33)</p>	<p>See below.</p>

<p>*204 Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need (Previous Agenda 184; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Titles 8, 15, 17, 21, 29, and 30)</p>	<p>See below.</p>
<p><u>THURSDAY, 2:00 PM, APRIL 1, 2021</u></p>	
<p>205 TIME CERTAIN: 2:00 PM – Authorize the Bureau of Planning and Sustainability Director to execute grants focused on clean energy, green infrastructure and workforce development for a total allocation not to exceed \$9,235,400 from the Portland Clean Energy Community Benefits Fund (Ordinance introduced by Commissioner Rubio) 2 hours requested</p>	<p>See below.</p>

198 Amend contract term with Versaterm, Inc. for application software support and increase compensation in amount not to exceed \$5,990,000.

CBO Analysis

This ordinance authorizes an extension to the Police Bureau’s existing contract with Versaterm for support of the multi-jurisdictional records management system known as RegJIN. This action will extend the contract from its current expiration date in July 2021 to July 2024, and increase the not-to-exceed contract amount by \$2.2 million (increasing from \$3,790,000 to \$5,990,000).

Annual costs to the City for application support are anticipated to be \$624,000 in the first year of the extension period, which is slightly less than annual costs under the current contract. The extended contract also anticipates a move to the cloud in January 2022, with one-time costs for the conversion of approximately \$240,000.

Notably, this contract extension does not alter the current arrangement, whereby the City holds the contract for the multi-jurisdictional RegJIN support with Versaterm and owns the system, and the City is in turn paid by partner jurisdictions. This is a model in which the City assumes outsized responsibility for the annual costs of RegJIN support and maintenance. Moving away from this model was a major driver in earlier decisions to replace RegJIN with a new records management system. The Police Bureau chose to downgrade that technology replacement project over the last year, however, and instead elected to extend the contract with Versaterm.

***202** Extend state of housing emergency, operationalize efficiencies and identify Council powers, specify a twelve-month duration, and waive portions of the Portland Zoning Code

CBO Analysis

This action extends the 2015 State of Housing Emergency for an additional 12-month period, through April 4, 2022. This is the fourth extension of the Housing State of emergency. The State of Emergency Declarations have allowed for the siting of day storage units and expedited design review process for affordable housing, which have expedited affordable housing development and the provision of service locations to people experiencing homelessness. This ordinance outlines that these system improvements should be put into operation as the normal course of business of the City prior to the termination of the housing emergency.

City Council is currently holding hearings and preparing for adoption of the Shelter to Housing Continuum package (Items #203 and 204), which proposes permanent code amendments in response to directives in previous housing emergency declaration ordinances. However, this Ordinance extends the Housing State of Emergency to monitor changing state and federal regulations around the eviction moratoriums, repayment of rent and mortgage repayment schedules. There are no direct or immediate financial and budgetary impacts of extending the Housing State of Emergency. The extension does direct several bureaus to continue data, tracking, and permitting efforts, that may increase or effect bureau workload. These include directing the following:

- The Portland Housing Bureau (PHB) and Office of Government Relations (OGR) to continue to monitor state and federal legislation related to the end of the housing relief, federal foreclosure moratorium and statewide eviction moratorium (HB 4401) as a result of the COVID-19 pandemic and related economic downturn.
- PHB and the Joint Office of Homeless Services (JOHS) to routinely track relevant measures that capture various criteria.
- PHB in coordination with the Bureau of Development Services (BDS) to continue to fast track permitting of affordable development.

***203** Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need

CBO Analysis

This Ordinance amends Portland's Planning and Zoning Code (Title 33) in order to expand shelter and housing options throughout the city. The four most significant code changes are:

- Providing more flexibility for shelter siting,
- Establishing outdoor shelters as a new community service use,
- Liberalizing the group living allowances, and
- Allowing permanent occupancy of recreational vehicles and tiny house on wheels.

There are several other smaller code changes discussed in Exhibit B. These changes do not have a direct financial impact on the City's resources. Although this Ordinance reduces the level of regulation that applies to some types of housing and shelter, it does not create new regulations that would require any new Bureau of Development Services (BDS) or Portland Housing Bureau programs. However, any changes in zoning may impact property values and have eventual impacts on property tax revenue, but this impact is currently unknown.

Since the intent of these changes is to enable an increase in the development of shelters and affordable housing units in Portland, these zoning codes changes could result in an increase in future commitments from the City for development and/or operational costs for shelters and affordable housing developments. However, this potential increase is also currently unknown. This action removes regulatory barriers but does not commit resources for the additional facilities. Other potential future indirect financial impacts to the City and other stakeholders include:

- **Conditional Use review:** This Ordinance reduces the number of shelters that would require Conditional Use review, which the current zoning code requires for opening a shelter. Application fees for the review range from \$6,000 to \$26,000 and are paid to BDS to facilitate cost recovery of the program. The change will result in less workload and revenues to BDS, and also will result in savings to the Joint City-County Office of Homeless Services and other entities involved in opening new shelters.

- **Reduction in unsanctioned camping impacts:** the project aims to reduce the number of people camping in unsanctioned locations in the public right of way and other public spaces by making it easier to open sanctioned managed facilities. In the long term, the bureau expects

this will help reduce City expenses related to responding to unsanctioned camping impacts, such as those currently funded by PBOT, Parks, and BES, among others.

- **Group Living Classifications:** The project reclassifies Group Living from a Conditional Use to a use that is allowed by right in more zones. Single Room Occupancy (SRO) housing is one type of Group Living use that is sometimes included in affordable housing projects. By removing the Conditional Use requirements, the project will reduce the cost to obtain permits for certain affordable housing projects that incorporate SRO configurations.

- **Household and Group Living Development Fees:** By changing the code definitions of Household and Group Living, the project could impact how some development projects are classified, which could have impacts on fees that apply to those projects, or how Systems Development Charges (SDCs) are assessed. These changes will primarily impact apartment units and houses with a large number of bedrooms. These impacts are expected to be minor because there are a limited number of projects that are configured this way.

- **BDS Staff capacity and Land Use Services Fees:** Changes to the Zoning Code in this ordinance will require BDS to make a small onetime investment in staff time in 2021 to update informational handouts and other public information. This may include new summaries of regulations impacting RV/Tiny House on Wheels, Group Living uses, and Community Service uses. There may be a small decrease in the amount of land use review fees collected by BDS, and a small decrease in the Land Use Services Division workload. However, the bureau expects the effect to be minimal as the number of Conditional Use Reviews for Group Living and shelters has only averaged one or two applications per year.

***204** Amend City Code Health and Sanitation, Emergency Code, Public Improvements, Water, Property Maintenance Regulations and Affordable Housing to facilitate the provision of shelter and housing options for Portlanders in need

CBO Analysis

This Ordinance is related to Item #165, which adopts the recommended Shelter to Housing Continuum changes to Title 33 – Planning and Zoning. This companion secondary ordinance adopts the supporting changes to Portland City Code Titles 8, 15, 17, 21, 29, and 30. Most of the changes made with this second ordinance are technical in nature – primarily to align terminology definitions across various City titles. The largest substantive changes in this second ordinance are the authorizing language in Title 29 related to the occupancy of RVs and tiny houses on wheels, and changes to several City titles to clarify that the City’s System Development Charge (SDC) exemption for shelters will also apply to the new Outdoor Shelter category. The ordinance also clarifies that the bureaus will not charge SDCs for the utility hookups serving individual occupied RVs or tiny houses on wheels.

There are no significant financial or budgetary impacts expected from aligning these definitions; however, the project will require BDS to make a small one-time investment in staff time in 2021 to update informational handouts and other public information describing the Title 29 regulations about RVs and tiny house on wheels. By changing these regulations, the ordinance will also have minor impacts on BDS’s code enforcement staff priorities. The Title 29 changes may also create some additional plumbing and electrical permit applications for the required utility connections. By clarifying that the City’s SDC exemption for shelters will also apply to the new Outdoor Shelter category, this ordinance could have minor impacts on SDC revenue. This impact is expected to be minimal because this is a new land use category that had not previously been routinely permitted before.

205 Authorize the Bureau of Planning and Sustainability Director to execute grants focused on clean energy, green infrastructure and workforce development for a total allocation not to exceed \$9,235,400 from the Portland Clean Energy Community Benefits Fund

CBO Analysis

This Ordinance executes grants focused on clean energy, green infrastructure and workforce development for a total allocation not to exceed \$9,235,400 from the Portland Clean Energy Community Benefits Fund. The total in grant proposals recommended for funding is \$8,635,400. PCEF staff anticipates that grant reporting, administration, and technical assistance needs may slightly increase the project cost of grantees. Accordingly, a contingency fund of \$200,000 is recommended to support the potential increase any individual grant by up to 10% to cover grant administration costs. This Ordinance also authorizes a \$400,000 allocation for an annual mini-grant program – capped at \$5,000 per grant and dispersing \$100,000 quarterly. BPS has sufficient resources allocated for these expenditures in its FY 2020-21 budget. PCEF staff will administer these grants; there may be additional costs to the fund regarding increased workload, especially as starting in FY 21-22, PCEF plans to invest \$44 - \$61 million annually.