

**PORTLAND CITY COUNCIL AGENDA**  
**City Hall - 1221 SW Fourth Avenue**  
**WEDNESDAY, 9:30 AM, APRIL 14, 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](http://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](mailto: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](http://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 April 14, 2021 Council meetings is April 13, 2021 at 4:00 p.m.**

Email the Council Clerk at [councilclerk@portlandoregon.gov](mailto:councilclerk@portlandoregon.gov) with any questions.

**CONSENT AGENDA – NO DISCUSSION**

**Mayor Ted Wheeler**

**Office of Management and Finance**

<p><b>*234</b> Create a new non-represented classification of Mental Health Crisis Clinician I and establish a compensation range for this classification (Ordinance)</p>	<p>No fiscal impact to the establishment of new classification. The Mental Health Crisis Clinician I aligns with existing salary grade 55 which currently has a range of \$24.12 to \$44.72 hourly / \$50,170 to \$93,018 annual full time. The establishment of this position is related to the Portland Street Response program.</p>
<p><b>*235</b> Pay settlement of Jeff Miller and Didi Zahariades' property damage claim for the sum of \$14,750 involving the Portland Water Bureau (Ordinance)</p>	<p>Total cost to the City to settle the claim is \$14,750. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement is in the current fiscal year.</p>
<p><b>236</b> Authorize a 48-month sublease extension with Central City Concern for commercial office space at 110 NW Third Ave through June 30, 2024 at an estimated average lease cost of \$16,362 (Second Reading Agenda 218; amend Contract C52823)</p>	<p>The cost for continuation of this lease for space is covered by the Police Bureau's existing resources.</p>

<p><b>237</b> Create a new non-represented classification of Environmental Regulatory Manager and establish a compensation range for this classification (Second Reading Agenda 219)</p>	<p>The annual maximum rate for the Manager I classification is currently \$145,808. This ordinance will raise the annual maximum rate to \$158,226, an increase of \$12,418. There are currently two positions that will be reclassified into the new classification. There is no immediate fiscal impact as individual salaries will not be changing. However, increasing the high end of the salary range will have a fiscal impact as staff reach top of range.</p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>238</b> Proclaim April 11-April 17, 2021 to be Safety Telecommunicators Appreciation Week (Proclamation introduced by Mayor Wheeler and Commissioner Mapps) 15 minutes requested for items 238-239</p>	<p>No fiscal impact.</p>
<p><b>239</b> Recognize Bureau of Emergency Communications Telecommunicators as First Responders in the City of Portland (Resolution introduced by Mayor Wheeler and Commissioner Mapps)</p>	<p>This resolution expresses support for 911 Operators to be considered first responders. No direct fiscal impact is anticipated as a result of this resolution. The impact statement for this resolution specifies that no changes to PERS are being advocated for as a part of this resolution.</p>

<p><b>240</b></p>	<p>Appoint Adrienne Feldstein and Leah Plack to the Urban Forestry Commission for a term to expire April 30, 2025 (Report introduced by Mayor Wheeler and Commissioner Rubio)</p>	<p>No fiscal impact.</p>
<p><b>241</b></p>	<p>Appoint Jenny Lee and reappoint Courtney Helstein, Berk Nelson, and Sabra Purifoy to the Open and Accountable Elections Commission for a term to expire April 30, 2025 (Report introduced by Mayor Wheeler and Commissioner Rubio)</p>	<p>No fiscal impact.</p>
<p><b>242</b></p>	<p>Appoint Dina DiNucci to the Home Forward Board of Commissioners for a term to expire April 13, 2025 (Report introduced by Mayor Wheeler and Commissioner Ryan) 15 minutes requested</p>	<p>No fiscal impact.</p>
<p style="text-align: center;"><b>Commissioner Mingus Mapps</b> <b>Bureau of Environmental Services</b></p>		<p>The level of confidence in the \$10,330,000 cost estimate is high. Funds are available in BES's FY 2021-22 through FY 2023-24 Capital Improvement Plan Budget and forecast in the Sewer System Operating Fund.</p>
<p><b>243</b></p>	<p>Authorize a competitive solicitation and contract with the lowest responsible bidder and provide payment for construction of the Sunnyside South/Ladd's South Reconstruction and Green Streets Project No. E10368 for an estimated cost of \$10,330,000 (Ordinance) 10 minutes requested</p>	<p>The level of confidence in the \$10,330,000 cost estimate is high. Funds are available in BES's FY 2021-22 through FY 2023-24 Capital Improvement Plan Budget and forecast in the Sewer System Operating Fund.</p>

<p><b>244</b> Authorize a competitive solicitation and price agreements for the urgent repair of sewer and stormwater systems for an estimated annual amount of \$2,200,000 (Ordinance) 15 minutes requested</p>	<p>The annual cost is \$2,200,000 per fiscal year for up to a five-year period (FY 2021-22 through FY 2025-26). The level of confidence is High. Funds are available in BES's Maintenance and Operations budget forecast for each of these fiscal years.</p>
<p><b>Water Bureau</b></p>	
<p><b>245</b> Amend contract with Aurigo Software Technologies, Inc., for an additional five years for the continued use of the Capital Project Management Software System in the amount of \$784,000 (Second Reading Agenda 229; amend Contract No. 30005198)</p>	<p>This ordinance increases the not-to-exceed amount of this software by \$784,000 from \$825,000 to \$1,609,000. Will result in an additional annual costs projected to increase from \$129,500 to \$175,000 starting in FY 2022-23 to FY 2025-26. This increase was built into the bureau's FY 2021-22 Requested Budget and outyear forecasts and thus will not result in any water rate increases not already captured in the bureau's 10-year forecast.</p>
<p><b>246</b> Authorize bid solicitation and contracting with the lowest responsive and responsible bidder for construction of the Washington Park Hypochlorite Facility Improvements Project at an estimated cost of \$1,300,000 (Second Reading Agenda 230)</p>	<p>No fiscal impact this is a budgeted capital project and is built into the bureau's FY 2021-22 Requested Budget.</p>

<b>Commissioner Carmen Rubio</b> <b>Parks &amp; Recreation</b>		
<b>247</b>	Amend Management Agreement with Kemper Sports Management, Inc. for Colwood Golf Course for an additional seventeen months in the amount of \$2,500,000, for a total contract amount not to exceed \$6,179,013 (Ordinance; amend Contract No. 30005532)	This ordinance delays the end date of the current management agreement at typical operating costs and generates no material fiscal impact to the bureau.
<b>248</b>	Amend Management Agreement with Kemper Sports Management, Inc. for Heron Lakes Golf Course for an additional twelve months in the amount of \$2,500,000, for a total contract amount not to exceed \$9,807,912 (Ordinance; amend Contract No. 30006422)	This ordinance delays the end date of the current management agreement at typical operating costs and generates no material fiscal impact to the bureau.

**249** Approve findings to authorize an exemption to the competitive bidding requirements and authorize the use of the alternative contracting method of Construction Manager/General Contractor for the Mill Park Construction Project for an estimated amount of \$7,500,000 (Ordinance)  
10 minutes requested

Funding for this project exists in the Parks Capital Improvement Program Fund. The bureau has stated that future O&M costs associated with this asset will be requested as part of FY 2023-24 budget development—the year the asset is expected to be brought online. CBO notes that by approving this ordinance, the Council will be creating future costs related to the operations and maintenance of this park that will have to be weighted against other future budget decisions. Council will also want to consider the role of the Parks Local Option Levy resources in defraying those costs as future General Fund resource availability may not be able to address these costs.

**WEDNESDAY, 2:00 PM, APRIL 14, 2021**

For items 250 and 251, additional oral testimony will be heard on the below amendments.

The written record will remain open until April 14, 2021 at 5:00 p.m.

Submit written testimony at

<https://www.portlandmaps.com/bps/mapapp/proposals/#/s2hc>

**Proposed Amendments to be considered on April 14, 2021 at 2:00 p.m. Time Certain:**

- 2.2 Allowing shelters without Conditional Use up to 20 beds on institutional sites in single-dwelling zones
- 3.1 RV/tiny houses on wheels element (29.50.050 and 33.260)

**\*250** **TIME CERTAIN: 2:00 PM** – Amend Title 33 Planning and Zoning to facilitate the provision of shelter and housing options for Portlanders in need (Previous agenda 203; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Title 33) 2 hours requested for items 250-251

See below.

**\*251** 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 204; Ordinance introduced by Mayor Wheeler and Commissioners Rubio and Ryan; amend Code Titles 8, 15, 17, 21, 29, and 30)

See below.

**THURSDAY, 2:00 PM, APRIL 15, 2021**

**DUE TO LACK OF AGENDA THERE WILL BE NO THURSDAY 2:00 PM MEETING**

**\*250** 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.

**\*251** 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 #250, 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.