

**PORTLAND CITY COUNCIL AGENDA**  
**City Hall - 1221 SW Fourth Avenue**  
**WEDNESDAY, 9:30 AM, MAY 12, 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 May 12-13, 2021 Council meetings is May 11, 2021 at 4:00 p.m.**

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

**TIMES CERTAIN**

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| *322 | <p><b>TIME CERTAIN: 9:45 AM</b> – Amend the City Employee Benefits Program to reflect necessary plan design changes as recommended by the Labor Management Benefits Committee and as administratively required by the Bureau of Human Resources for the City’s plan offerings beginning July 1, 2021 through June 30, 2022 (Ordinance introduced by Mayor Wheeler) 30 minutes requested for items 322-324</p> | <p>This ordinance makes a number of LMBC recommendation changes to the Employee Benefits Program. Based on final health benefit rates, estimated city-wide health benefit increase is approximately 5% for FY 2021-22. According to the bureau, the Health Fund Budgets for FY 2021-22 has sufficient appropriation in support of the plan changes.</p> |
| *323 | <p>Authorize the Chief Human Resources Officer to enter into a contract and any prerequisite business associate agreements with Businessolver providing benefit administrative software services on behalf of the Bureau of Human Resources Benefits Office (Ordinance introduced by Mayor Wheeler)</p>   | <p>Costs for the software system will not exceed \$2,500,000 over the duration of the five-year contract. Costs for this contract are paid for by the Health Fund’s administrative rate charged to bureaus. Costs for this contract are included in the Bureau’s FY 2021-22 Requested Budget and the Mayor’s FY 2021-22 Proposed Budget.</p>            |
| *324 | <p>Amend contract with Express Scripts Inc. through June 30, 2024 and increase funding for the prescription coverage under the self-funded health plans administered by the Bureau of Human Resources Benefits Office (Ordinance introduced by Mayor Wheeler; amend Contract No. 30005232)</p>  | <p>Appropriation for the amended prescription coverage contract is included in the Bureau’s FY 2021-22 Requested Budget for the City’s Health Funds and the Mayor’s FY 2021-22 Proposed Budget.</p>   |

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| <p><b>325</b>      <b>TIME CERTAIN: 10:15 AM</b> – 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 (Ordinance introduced by Commissioner Ryan) 20 minutes requested</p> | <p>See below.</p>  |
| <p><b>326</b>      <b>TIME CERTAIN: 10:35 AM</b> – Accept the State of Housing in Portland 2020 Report (Report introduced by Commissioner Ryan) 30 minutes requested</p>   | <p>The action accepts the annual State of Housing in Portland 2020 Report. The State of Housing in Portland Report is published each year to provide elected officials, policymakers, government institutions, community organizations, and other partners with the information to guide discussions and decisions on housing policy and resources. There are no direct financial impacts to the City from accepting the report.</p> |
| <p style="text-align: center;"><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p style="text-align: center;"><b>Mayor Ted Wheeler</b></p>   |  |

**Office of Management and Finance**

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| <b>*327</b> | Create a new non-represented classification of Community Safety Transition Director and establish a compensation range for this classification (Ordinance)      | This action creates a new Community Safety Transition Director position. This position will be a non-represented classification. Funding for this position is included in the Mayor's FY 2021-22 Proposed Budget.  |
| <b>*328</b> | Create five new non-represented classifications for the Bureau of Emergency Management and establish a compensation range for these classifications (Ordinance) | This action creates five non-represented positions which be filled with Emergency Coordination Center (ECC) Responders. These positions will be filled when the City activates the ECC for declared emergencies. These positions will be filled by current City employees during an emergency activation, or are external hires that are reimbursed by FEMA. |
| <b>*329</b> | Pay property damage claim of Lucas Kaufman in the sum of \$7,103 resulting from a motor vehicle collision involving the Portland Police Bureau (Ordinance)      | Total cost to the City to settle the claim is \$7,103. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.  |
| <b>*330</b> | Pay property damage claim of Heidi Waltermire and Michael Branes in the sum of \$12,711 involving the Portland Bureau of Environmental Services (Ordinance)     | Total cost to the City to settle the claim is \$12,711. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.   |

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| <p><b>*331</b> Pay settlement of Scott Hughes' employment lawsuit for the sum of \$50,000 involving the Portland Bureau of Transportation (Ordinance)</p>   | <p>Total cost to the City to settle the lawsuit is \$50,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.</p> |
| <p><b>*332</b> Pay settlement of Mark Wuttig bodily injury lawsuit for the sum of \$25,000 involving the Portland Bureau of Transportation (Ordinance)</p>  | <p>Total cost to the City to settle the lawsuit is \$25,000. The source of funding is the City's Insurance and Claims Fund. All costs of the settlement are in the current fiscal year.</p> |
| <p><b>333</b> Amend Fair Wage Policies Code to reflect current minimum wage rate index (Ordinance; amend Code Section 3.99.020)</p>   | <p>This code update aligns with existing practices and does not result in an additional financial impact.</p>   |
| <p><b>334</b> Authorize hanger and aircraft storage and office leases with Lynx FBO Aurora LLC and Jet Aero LLC through May 31, 2022 for Air Support Unit operations (Second Reading Agenda 307)</p>  | <p>Funded via existing resources in the Police Bureau budget. There is no material change in cost under the new lease agreements for hangar and office space.</p>                           |
| <p style="text-align: center;"><b>Commissioner Dan Ryan</b></p> <p style="text-align: center;"><b>Housing Bureau</b></p> <p><b>335</b> Approve limited tax exemptions for properties under the Homebuyer Opportunity Limited Tax Exemption Program (Resolution)</p> | <p>See below.</p>   |

**\*336** Approve application under the Multiple-Unit Limited Tax Exemption Program under the Inclusionary Housing Program for Troy Laundry located at 1010 SE Ash St (Ordinance)

This action would result in estimated foregone property tax revenues to the City totaling \$401,439 over ten years for 10 units affordable at or below 60% MFI. Total cost to all jurisdictions forgoing revenue is estimated at \$1,216,648. The estimated value of the tax exemption for the first year is \$132,085 (all jurisdictions), which equals approximately \$12,165 per affordable unit per year of affordability. The City will still benefit from property taxes collected on the improved value of the land during the exemption period. The City will pay Multnomah County the \$9,000 application activation fee if the application moves forward.

**Commissioner Jo Ann Hardesty**

**Bureau of Transportation**

**MAY 12-13, 2021**

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| <p><b>337</b> Accept a grant in the amount of \$130,000 from Portland General Electric Drive Change Fund and authorize an agreement to provide BIKETOWN for All ride credit (Ordinance)</p>     | <p>The proposed project will cost \$130,000. PBOT has an existing BIKETOWN program with staff and program costs for the BIKETOWN for All portion covered by a combination of General Transportation Revenues and sponsorship revenues. The proposed program would enhance the benefit of the BIKETOWN for All program by providing free BIKETOWN ride credit. This additional benefit is fully covered by the grant. Funding is included in the FY 2021-22 Proposed Budget.</p> |
| <p><b>City Auditor Mary Hull Caballero</b></p> <p><b>338</b> Approve Council Minutes for October 7, 2020 – February 24, 2021 (Report)</p>   | <p>No fiscal impact.</p>  |
| <p><b>REGULAR AGENDA</b></p>  |   |
| <p><b>339</b> Appoint members to the Development Review Advisory Committee for terms to expire May 11, 2024 (Report introduced by Mayor Wheeler and Commissioner Ryan) 30 minutes requested</p> | <p>No fiscal impact.</p>  |
| <p><b>Mayor Ted Wheeler</b><br/><b>Office of Management and Finance</b></p>   |   |

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| <p><b>340</b> Accept bid of Landis &amp; Landis Construction, LLC for the SW Capitol Hwy: SW Taylors Ferry Rd to SW Garden Home Rd Project for \$13,955,066 (Procurement Report - ITB No. 00001607) 15 minutes requested</p>   | <p>The engineer's estimate for this project was \$18,500,000 and the confidence level was High. Based on the proposal received, PBOT anticipates the construction contract cost to not exceed \$13,955,066 which is 24.57% below the engineer's estimate. Project funding includes Fix Our Streets, Transportation System Development Charges, and a non-federal grant from the State of Oregon, and ratepayer charges from the Bureau of Environmental Services and Portland Water Bureau. All three bureaus have funds budgeted in the FY 2020-2021 budget and the FY 2021-2022 Proposed Budget and CIP.</p> |
| <p align="center"><b>Commissioner Jo Ann Hardesty</b></p> <p align="center"><b>Bureau of Transportation</b></p> <p><b>*341</b> Authorize a competitive solicitation and execution of price agreements in support of the Bureau of Transportation Capital Improvement Program in amount up to \$54 million (Ordinance) 15 minutes requested</p> | <p>See below.</p>  |



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| <p style="text-align: center;"><b>Fire &amp; Rescue</b></p> <p><b>342</b> Authorize a five-year joint development agreement with Pierce Manufacturing Inc. for a reduced carbon emissions fire apparatus not to exceed \$837,875 (Previous Agenda 301)</p> | <p>Not-to-exceed amount includes \$690,000 for purchase of fire apparatus and \$147,875 for the purchase and installation of a charging system. Ongoing maintenance costs are expected to be similar to existing apparatus. One-time contract costs will be funded from the Fire Bureau's existing apparatus replacement reserves.</p> |
| <p style="text-align: center;"><b>Commissioner Carmen Rubio</b></p> <p style="text-align: center;"><b>Parks &amp; Recreation</b></p>   |  |

**\*343** Authorize a competitive solicitation and contract with the lowest responsive and responsible bidder for construction of the Forest Park Entry Project (Ordinance) 10 minutes requested

Funding for the Forest Park Entry project, which is estimated to cost \$4.3 million, is included in the FY 2021-22 budget. Resources are comprised of System Development Charges (\$2.8 million) and State of Oregon grant resources (\$1.5 million). The bureau has indicated that the marginal increase in operations and maintenance costs associated with this project are estimated to be \$47,938 per year. CBO notes that by approving this ordinance, the Council will be creating future costs related to the operations and maintenance of this asset that will have to be weighed 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, MAY 12, 2021**

**344** **TIME CERTAIN: 2:00 PM** – Amend the Zoning Map, Title 33 Planning and Zoning, and Title 32 Signs and Related Regulations to implement the Design Overlay Zone Amendments project to update the process and tools of the Design Overlay Zone and related code sections (Ordinance introduced by Commissioner Rubio; amend Code Titles 32 and 33) 3 hours requested

See below.

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**THURSDAY, 2:00 PM, MAY 13, 2021**

**345** **TIME CERTAIN: 2:00 PM** – Approval of the FY 2021-22 budget for the City of Portland (Mayor convenes Council as Budget Committee) 3 hours requested

The City of Portland’s FY 2021-22 Proposed Budget is \$5,734,602,900 and approval of this action of the Budget Committee (as requested in this report) will increase total requirements in various funds by \$117,885,444 million. The General Fund discretionary resources for FY 2021-22, if approved, will total \$591,077,804. There is a net increase of 3.0 full-time equivalent positions in the FY 2021-22 Approved Budget.

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**325** 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 (Ordinance introduced by Commissioner Ryan) 20 minutes requested

**CBO Analysis:**

The Bureau of Development Services (BDS) is funded primarily through fees and charges for services and collects fees under various fee schedules. This ordinance amends the permit fee schedules for building, electrical, land use services, mechanical enforcement,

plumbing, signs, site development and the land use services fee schedule.

BDS is proposing a 5% fee increase across most programs to maintain reserve levels and to keep up with inflation. Estimated collection increases are aggregated, however, some individual fees are greater where the cost of providing services is significantly greater than 5%. According to the bureau, between FY 2013-14 through FY 2018-19, BDS did not implement fee increases for most programs and decreased fees in FY 2016-17. Increases are expected to result in the following estimated changes to annual program collections:

|                                     |                     |
|-------------------------------------|---------------------|
| Building/Mechanical Program 5%      | \$ 850,755          |
| Electrical Program 5%               | \$ 160,676          |
| Facility Permit Program 5%          | \$ 104,032          |
| Field Issuance Remodel Program 5%   | \$ 104,734          |
| Land Use Services Program 5%        | \$ 494,189          |
| Neighborhood Inspections Program 5% | \$ 103,290          |
| Plumbing Program 5%                 | \$ 136,906          |
| Sign Program 5%                     | \$ 12,547           |
| Site Development Program 5%         | \$ 94,760           |
| <b>Total 5%</b>                     | <b>\$ 2,086,235</b> |

The bureau’s FY 2021-22 Requested Budget and the Mayor’s Proposed assume revenue from the fee increases proposed in this ordinance. According the bureau, the fee changes are independent of the ARP funding that is included in the Mayor’s FY 2021-22 Proposed Budget to support continuity of operations in the bureau in light of COVID-19. If the fee changes are not approved by Council, additional ARP and/or General Fund support would be needed to avoid service/staffing reductions at BDS in the short term. Finally, this legislation does not create, eliminate, or re-classify positions. Existing BDS staff will implement and administer the revised fee schedule as part of the existing workload. The legislation does not result in a new or modified financial obligation or benefit, including IAs, IGAs, MOUs, grants, contracts or contract amendments.

**335**      Approve limited tax exemptions for properties under the Homebuyer Opportunity Limited

Tax Exemption Program (Resolution)

**CBO Analysis:**

This resolution acts to approve new exemption for 70 properties under the Homebuyer Opportunity Limited Tax Exemption Program. The approved Homebuyer Opportunity Limited Tax Exemption applications will increase revenue for the City of Portland in the form of a one-time

application fee totaling \$63,000. A total of \$1,750 is collected for each completed application, \$900 goes towards PHB 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 as indicated in the chart below, which breaks out total revenue foregone by all taxing jurisdictions in Multnomah County as well as that portion foregone specifically by the City of Portland (approximately 30% of the total).

|                   | <b>Foregone Revenue Individual HOLTE Unit</b> | <b>City Share (30%) Individual HOLTE Unit</b> | <b>Total Foregone Revenue HOLTE Units</b> | <b>Total City Share (30%) HOLTE Units</b> |
|-------------------|---|---|---|---|
| <b>First Year</b> | \$2,729                                       | \$819   | \$191,030                                 | \$57,330                                  |

The annual cap on the number of applications is 100. The 100-unit cap on applications has been met for the 2020-21 fiscal year. Applications from nonprofit agencies or other entities providing long-term affordability are exempt from the annual cap.

**341** Authorize a competitive solicitation and execution of price agreements in support of the Bureau of Transportation Capital Improvement Program in amount up to \$54 million (Ordinance 15 minutes requested)

**CBO Analysis:**

PBOT anticipates awarding multiple price agreements with a cumulative amount not exceed \$54,000,000 over five-year terms for all price agreements. Funding is identified by project in the FY 21-22 Requested Budget and Mayor’s Proposed Budget and Five Year Capital Improvement Plan for the necessary Task Orders.

Twenty new contracts associated with this legislation are anticipated.

| Category | Service Area  | Maximum Number of Price Agreements to be Awarded | Maximum Price Agreement Amount for the Five-year Period (EACH CONTRACT) | Task Order Maximum |
|----------|---|--|---|--------------------|
| I        | Street Design Engineering Services – large scale                                  | 8  | \$5.00M   | \$1M               |
| II       | Traffic Signals, Street Lighting, Intelligent Transportation Engineering Services | 4  | \$1.50M   | \$300K             |
| III      | Street Design Engineering Services – small scale                                  | 8  | \$1M  | \$200K             |

**344** Amend the Zoning Map, Title 33 Planning and Zoning, and Title 32 Signs and Related Regulations to implement the Design Overlay Zone Amendments project to update the process and tools of the Design Overlay Zone and related code sections (Ordinance introduced by Commissioner Rubio; amend Code Titles 32 and 33)

**CBO Analysis:**

This Ordinance amends the City's Zoning Map, Title 33 Planning and Zoning, and Title 32 Signs and Related Regulations to implement the Design Overlay Zone Amendments project. These amendments revise the regulations applicable to areas of the city with the Design Overlay Zone. The project creates new citywide design guidelines and objective design standards to replace the current guidelines and standards. These new tools are more adaptable to the areas of growth and expands the review beyond the public realm to consider site design and climate resilience. DOZA clarifies and simplifies the processes within the Design overlay zone, including changing the grouping of exemptions, options for more projects to use the objective standards, and a simpler table use to determine the type of reviews. In addition, the process for the preliminary Design Advice Requests has been formalized and the background of Design Commission members have been expanded. Corresponding administrative improvements have also been made by the Bureau of Development Services to increase efficiency to the review and public hearing process.

This Ordinance does have direct workload and financial impacts to the City. Since the project rewrites the regulations that apply to projects within the Design overlay zone, there will be the need for some training of Bureau of Development Services (BDS) staff into the intent and application of the new code and to gain comfort and efficacy in reviewing projects against the new standards and guidelines.

The code amendments streamline the development review process for many projects. In some cases, the amendments change the workload among BDS staff. For example, some development

proposals that currently go through a discretionary Design Review process may skip that process and go straight to building permit. In other situations, smaller projects will be exempt from the Design overlay zone and no longer need to be reviewed against design guidelines or standards at all. These changes should not have a financial impact to the City, as the current fee system provides cost recovery for these reviews.

There are two amendments that result in changes to BDS's Land Use Review fee structure:

1. Type I Design Review – Currently, the zoning code does not assign any Design Reviews to the Type I land use procedure. This Ordinance assigns some projects to a Type I procedure, and BDS will need to create a Type I fee for Design Review. This will be included in BDS's July 1, 2021 fee proposal. This is a cost recovery process.

2. New Design Standards – The ordinance includes a significant change to the design standards that apply to projects. The design standards may take more time due to a point system and added complexity of standards. The current fee in the fee schedule is based on project value and has a maximum fee. For large valuation permits the current fee covers the review. However, for some smaller valuation permits, it does not. Therefore, BDS will be setting a minimum fee for implementing Community Design Standards. This is also a cost recovery process.

There will also likely be an ongoing need to monitor implementation of these changes and make future changes, which could result in City staff capacity, but the extent of this is currently unknown.