

**PORTLAND CITY COUNCIL AGENDA
 City Hall - 1221 SW Fourth Avenue
WEDNESDAY, 9:30 AM, MAY 29, 2019**

Notice: The Council Clerk’s Office (Room 130) is temporarily closed due to construction. Please visit Room 310 on the 3rd floor to drop off Council documents or to sign up for a Communication spot.

THOSE PRESENT WERE: Commissioner Eudaly, Presiding; Commissioners Fish, Fritz and Hardesty, 4.

Disposition:

COMMUNICATIONS

485 Request of Petrel Farkas to address Council regarding road construction projects in Multnomah Village (Communication)

PLACED ON FILE

486 Request of Christine Lassiter to address Council regarding road construction projects affecting Multnomah Village (Communication)

PLACED ON FILE

487 Request of Kenneth Zeidman to address Council regarding road construction projects affecting Multnomah Village (Communication)

PLACED ON FILE

488 Request of Jill Crecraft to address Council regarding road construction projects affecting Multnomah Village (Communication)

PLACED ON FILE

489 Request of Barb Cantonwine to address Council regarding effects that scheduled road construction project will have on small businesses in Multnomah Village (Communication)

PLACED ON FILE

TIMES CERTAIN

490 TIME CERTAIN: 9:45 AM – Amend the Comprehensive Plan Map and the Official Zoning Map to carry out the map amendments implementing the 82nd Avenue Study: Understanding Barriers to Development (Second Reading Agenda 481; Ordinance introduced by Mayor Wheeler) 5 minutes requested

**189522
 AS AMENDED**

(Y-4)

<p>*491 TIME CERTAIN: 10:05 AM – Amend the scope of the N Suttle Road Local Improvement District to extend sanitary sewer to serve developed property owned by Supreme Perlite Company, and extend the planned street, sidewalk and stormwater improvements to the west right-of-way line of N Suttle Rd to provide maintenance and emergency access to undeveloped property owned by the Port of Portland (Hearing; Ordinance introduced by Commissioner Eudaly; C-10058; amend Ordinance No. 187244) 15 minutes requested for items 491 and 492</p> <p>Motion to accept Substitute Exhibit D: Moved by Fish and seconded by Hardesty. (Y-4)</p> <p>(Y-4)</p>	<p>189523 AS AMENDED</p>
<p>*492 Authorize the Bureau of Transportation to acquire certain permanent and temporary property rights necessary for construction of the N Suttle Road Local Improvement District Project through the exercise of the City's Eminent Domain Authority (Ordinance introduced by Commissioner Eudaly; C-10058)</p> <p>(Y-4)</p>	<p>189524</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Ted Wheeler</p> <p align="center">Bureau of Planning & Sustainability</p> <p>493 Amend Restrictions on Single-Use Plastic Serviceware to extend effective date, clarify compostable plastics, fast food and electronic ordering, and exemptions (Ordinance; amend Code Sections 17.103.300-310)</p>	
<p align="center">Commissioner Nick Fish</p> <p align="center">Bureau of Environmental Services</p> <p>*494 Authorize the Bureau of Environmental Services to execute an easement amendment with North Clackamas Parks and Recreation District as part of the Luther Road Habitat Restoration Project No. E10854 (Ordinance)</p> <p>(Y-4)</p>	
<p>*495 Authorize the Bureau of Environmental Services to reimburse the property owner at 6037 NE 32nd PI for sewer user fees paid to the City in the amount of \$3,879 (Ordinance)</p> <p>(Y-4)</p>	<p>189518</p>
<p align="center">Parks & Recreation</p> <p>496 Authorize two-year grant agreements with seven youth-serving organizations in support of the Teen Collaborative Initiative not to exceed \$560,000 and per grant not to exceed \$80,000 (Ordinance)</p>	

Commissioner Chloe Eudaly**Bureau of Transportation**

- *497** Authorize application to the Oregon Department of Transportation and Department of Land Conservation and Development for one Transportation and Growth Management program grant up to \$220,000 for land use and transportation planning (Ordinance)

(Y-4)

189519

- *498** Authorize contract with David Evans & Associates, Inc. for the design of the NE 42nd Bridge Replacement project in the amount of \$2,009,884 (Ordinance)

(Y-4)

189520

- *499** Authorize an Intergovernmental Agreement with Portland State University and provide matching funds in the amount of \$13,500 to support a pooled fund research project exploring data fusion techniques to derive bicycle volumes on a network (Ordinance)

(Y-4)

189521**REGULAR AGENDA****Mayor Ted Wheeler****Bureau of Development Services**

- 500** 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 (Second Reading Agenda 464)

(Y-4)

189525
AS AMENDED**Office of Management and Finance**

- 501** Amend City Code to streamline the procurement and contracting process (Previous Agenda 468; amend Code Chapters 5.33, 5.34 and 5.68) 15 minutes requested

**REFERRED TO
COMMISSIONER OF
FINANCE AND
ADMINISTRATION**

- 502** Approve FY 2019-20 cost of living adjustments to pay rates for nonrepresented classifications and Elected Officials, specify the effect upon employees in the classifications involved, and provide for payment (Second Reading Agenda 469)

Motion to retain the original agenda order and hear item 503 during the morning session: Moved by Hardesty and seconded by Fritz.
(Y-4)

(Y-3; N-1 Hardesty)

189532

- 503** Authorize eight grants for the Workforce Training and Hiring Program to local pre-apprenticeship programs with a total value of \$68,586 (Second Reading Agenda 454)

Rescheduled to May 29, 2019 at 2:00 PM

(Y-4; Hardesty absent)

189533

Commissioner Nick Fish		
Parks & Recreation		
504	Amend fee schedules for tree permits (Second Reading Agenda 472) (Y-4)	189526
Commissioner Jo Ann Hardesty		
Portland Fire & Rescue		
505	Amend fee schedule associated with Fire regulations (Second Reading Agenda 459; amend FIR-12.01) (Y-4)	189527
Commissioner Chloe Eudaly		
Bureau of Transportation		
*506	Amend Ordinance to reference the overlapping streets of N Hampton Ave and N Kenton Blvd within the vacation area of N Hunt St (Ordinance; amend Ordinance No. 189319, VAC-10121) (Y-4)	189528
507	Revise transportation fees, rates and charges for FY 2019-20, amend Transportation Fee Schedule and City Parking Garage Rates, and fix an effective date (Second Reading Agenda 474; amend TRN 3.450 and Code Section 16.20.920) (Y-4)	189529 AS AMENDED
Office of Community & Civic Life		
*508	Authorize \$150,000 total in grant funds for the East Portland Action Plan 2019 Grant Program (Ordinance) 15 minutes requested Motion to add emergency clause because it is in the public interest to authorize grant funds as soon as possible: Moved by Fritz and seconded by Hardesty. (Y-4) (Y-4)	189530 AS AMENDED
509	Increase fee schedule for the Office of Community & Civic Life Noise Office for noise variance applications in the amount of 5% as permitted by Code Section 18.14.020.B (Ordinance) 15 minutes requested	PASSED TO SECOND READING JUNE 5, 2019 AT 9:30 AM
Commissioner Amanda Fritz		
510	Amend the Open and Accountable Elections Program (Second Reading Agenda 475; amend Code Chapter 2.16) (Y-3; Fish absent)	189531 AS AMENDED
<u>WEDNESDAY, 2:00 PM, MAY 29, 2019</u>		
THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish and Fritz, 4.		

MAY 29, 2019

***S-511 TIME CERTAIN: 2:00 PM** – Revise residential solid waste and recycling collection rates and charges, effective July 1, 2019 (Previous Agenda 480; Ordinance introduced by Mayor Wheeler; amend Code Chapter 17.102) 30 minutes requested

Motion to accept Substitute Ordinance: Moved by Fish and seconded by Fritz. (Y-4)

Motion to add emergency clause because a delay in City approval would prevent renewed franchise rates from taking effect by the required date of July 1, 2019: Moved by Wheeler and seconded by Fritz. (Y-4)

(Y-4)

**SUBSTITUTE
189534
AS AMENDED**

WEDNESDAY, 6:00 PM, MAY 29, 2019
Location: City Hall – 1221 SW 4th Avenue

THOSE PRESENT WERE: Mayor Wheeler, Presiding; Commissioners Eudaly, Fish, Fritz and Hardesty, 5. Commissioner Fish left at 8:00 PM, 4.

- 512 TIME CERTAIN: 6:00 PM** – Add Evaluation of Applicants for Dwelling Units to include renter protections in the form of screening criteria regulations (Previous Agenda 483; Ordinance introduced by Commissioner Eudaly; add Code Section 30.01.086) 2.5 hours requested for items 512 and 513
- Motion to require annual reports to Council on this policy:** Moved by Fish and seconded by Hardesty. Vote not called.
- Motion to remove Code Section 30.01.086 C.2.a.(2) :** Moved by Wheeler and seconded by Hardesty. Vote not called.
- Motion to amend Code Section 30.01.086 C.2.a.(4) :** Moved by Wheeler and seconded by Fritz. Vote not called.
- Motion to amend Code Section 30.01.086 C.2.c.(2) :** Moved by Wheeler and seconded by Fritz. Vote not called.
- Motion to amend Code Section 30.01.086 D:** Moved by Wheeler and seconded by Fritz. Motion withdrawn.
- Motion to amend Code Section 30.01.086 D.2.d:** Moved by Wheeler and seconded by Fritz. Vote not called.
- Motion to amend Code Section 30.01.086 D.2.e:** Moved by Wheeler and seconded by Fritz. Vote not called.
- Motion to add Code Section 30.01.086 G.2.d and e:** Moved by Wheeler and seconded by Hardesty. Vote not called.
- Motion to amend ordinance language for items 512 and 513 to change the implementation date from October 1, 2019 to March 1, 2020:** Moved by Eudaly and seconded by Fish. Vote not called.
- Motion to add Code Section 30.01.086 E.2.b:** Moved by Eudaly and seconded by Hardesty. Vote not called.
- Motion to amend Code Section 30.01.087 F:** Moved by Eudaly and seconded by Fish. Vote not called.
- Commissioner Eudaly withdrew amendments 1 and 2 proposed for items 483 and 484.**
- Motion to accept Substitute Exhibits for items 512 and 513:** Moved by Hardesty and seconded by Fish. (Y-5)

See below for details about proposed amendments.

- 513** Add Security Deposits; Pre-paid Rent to include renter protections in the form of security deposit regulations (Previous Agenda 484; Ordinance introduced by Commissioner Eudaly; add Code Section 30.01.087)

**CONTINUED TO
JUNE 12, 2019
AT 9:30 AM**

**CONTINUED TO
JUNE 12, 2019
AT 9:30 AM**

THURSDAY, 2:00 PM, MAY 30, 2019

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

**MAYOR WHEELER
AMENDMENT 1:**

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- a. Applications Received in Response to an Advertised Notice.

~~(2) With regard to any applications received earlier than the Open Application Period, Landlord must digitally or manually record the date and time of such complete applications as 8 hours after the start of the Open Application Period.~~

AMENDMENT 2:

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- a. Applications Received in Response to an Advertised Notice.

4. (3) A Landlord owning any ~~50 or fewer~~ any Dwelling Units within the City of Portland, may refuse to process the application of an Applicant who has verifiable repeated Rental Agreement violations with this Landlord if the most recent violation occurred within 365 days before the Applicant's submission date.

AMENDMENT 3:

- C. Tenant Application Process; Generally.
- 2. Order of Processing Applications.
- c. Applications for Accessible Dwelling Units.

~~(2) If there are multiple Applicants for an Accessible Dwelling Unit with a family member who self-identifies as Mobility Disabled, the Landlord must accept, conditionally accept, or deny such applications in order of receipt, but prior to processing completed applications for Applicants without household members who self-identify as Mobility Disabled. Preferential access for the accessible dwelling units will be given to people with mobility disabilities.~~

Preferential access for the accessible dwelling units will be given to people with mobility disabilities.

AMENDMENT 4: WITHDRAWN

- D. General Screening Process.

Landlords must apply the General Screening Process described in this Subsection D but may screen Applicants using additional Screening Criteria. If applying additional Screening Criteria, the Landlord must: 1) use a Screening Criteria no more prohibitive to the Tenant than the low-barrier ("Low-Barrier Criteria") described in subsection E; ~~or 2) use a Screening Criteria of the Landlord's choosing (Landlord's Screening Criteria); however, when using the Landlord's Screening Criteria, Landlord must conduct an individual assessment ("Individual Assessment") in accordance with the requirements of Subsection F, before denying an Applicant.~~

AMENDMENT 5:

- 2. Financial Responsibility of Applicant.

d. If an Applicant does not meet the minimum income ratios as described in Subsection 2.a. and 2.b. above, a Landlord may require additional and documented security from a guarantor, or in the form of an additional security deposit pursuant to Subsection 30.01.087 A. Landlord shall communicate this conditional approval to the Applicant in writing and indicate the amount of the additional security. Applicant will have no less than 48 hours to accept or decline this opportunity.

~~If Applicant chooses to provide additional security, it may select between obtaining a guarantor or posting an additional security deposit and for the latter, may pay the security deposit in installments and within the timeframe established in Section 30.01.087.~~

AMENDMENT 6:

2. Financial Responsibility of Applicant.

e. If a landlord chooses to require additional documented security from a guarantor, ~~If Applicant elects to provide a guarantor,~~ Landlord may require the guarantor to demonstrate financial capacity. If the guarantor is a friend or family member, Landlord cannot require the guarantor to have income greater than 3x the Rent amount. Landlord may not require an Applicant's guarantor agreement to exceed the term of the Rental Agreement.

AMENDMENT 7:

G. Exemptions

d. Tenancies where the Applicant would occupy one Dwelling Unit in a Duplex where the Landlord's principal residence is the second Dwelling Unit in the same Duplex; or

e. Tenancies where the Applicant would occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site.

COMMISSIONER EUDALY

AMENDMENT 1:

For Items 512 and 513, amend ordinance language to change the implementation date from October 1, 2019 to March 1, 2020.

Rationale: We are determined for this item to be successful in practice and for the Housing Bureau to have plenty of time to create the administrative rules and provide training to landlords and tenants. We have been told that moving the date to March will provide the time necessary to accomplish those tasks.

AMENDMENT 2:

For Exhibit A of Item 512, Under Subsection E.2. Evaluation Denial; Low-Barrier, amend to include, "b. Before denying an Applicant for criminal history using the Low-Barrier criteria described in this Subsection, a Landlord must consider Supplement Evidence provided by the Applicant if provided at the time of application submittal."

Rationale: This language was included in the previous draft of the policy that came to council in April. We made a policy decision to remove it for a variety of reasons including administrative burden, but since releasing the substitute draft, we have heard from our close community partners that they are very concerned we would not be supporting Federal Fair Housing Law by leaving it out. As this policy is designed to further Fair Housing Law, we are requesting it be put back in.

AMENDMENT 3:

For Exhibit A of Item 513, Under Subsection F, amend to say, "Within 5 business days of receiving a request from a Tenant or giving a notice of intent to terminate a tenancy..."

Rationale: It was our intent to change this language when we were working on the substitute, but it got lost in translation. The intent of the requirement is to give tenants the information they need to successfully apply to new units, and therefore would need to be made available to tenants while they are filling out applications, not after they found a place and are moving out.

COMMISSIONER FISH

AMENDMENT 1:

Require annual reports to Council on this policy.

“e. the Portland Housing Bureau shall annually report to City Council on the progress and implementation of this policy, including recommendations for any changes that may be needed.”

NOTE: “Time Certain” indicates that an item will not be heard by Council **prior** to the time specified.

Communications items are three minutes each. Regular Agenda items taking longer than five minutes have the time estimate noted next to the item.

The * indicates an emergency ordinance, which takes effect immediately if passed. Non-emergency ordinances require two readings and a 30-day waiting period before taking effect. Resolutions, reports, etc., adopted by Council are effective after adjournment.

The above summary is published by the City Auditor as provided by Section 2-113 of the Charter and Ordinance No. 130672.

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The City of Portland will gladly accommodate requests for an interpreter or make other accommodations that further inclusivity. Please make your request at least 48 hours before the meeting to the Council Clerk 503-823-4086. (TTY 503-823-6868).

City Council meetings can be viewed at <http://www.portlandoregon.gov/video>. The meetings are also cablecast on Open Signal Cable TV.

Mary Hull Caballero
Auditor of the City of Portland

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Testimony is taken on Resolutions and Ordinances (first reading). To testify, sign up on a testimony sheet as you enter Council Chambers on the day of the meeting. Individuals have 3 minutes to testify, unless otherwise stated at the meeting. Testimony is not taken on Communications, Second Readings, Proclamations or Presentations in accordance with Code 3.02.040 F. and G. Testimony will be taken on Reports at the Presiding Officer’s determination (Code 3.02.040 G.5).

Written testimony may be emailed or mailed to the Council Clerk prior to the meeting.

To schedule a Communication, email or mail your request to the Council Clerk. Include your name, address, phone number and a brief description of the subject you will be addressing. For full details, see Testimony Policies and procedures. <http://www.portlandonline.com/auditor/index.cfm?&a=63123&c=34447>

Clerk Email: karla.moore-love@portlandoregon.gov

MAY 29, 2019

Council Clerk Testimony: cctestimony@portlandoregon.gov

US Mail: Council Clerk, 1221 SW Fourth Ave., Room 130, Portland OR 97204

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Declaration Required by Lobbyists. Portland City Code 2.12.060 states: Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

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“Get involved! Have a voice in city government! Join a City Board, Committee or Commission!” For more information, a brochure, or a volunteer application stop by the Office of Community & Civic Life in City Hall or call 503-823-4519.

Also online at <https://www.portlandoregon.gov/civic/index.cfm?&c=37423>.

OFFICERS OF PORTLAND CITY GOVERNMENT

TED WHEELER, MAYOR

Commissioner of Finance and Administration
 1221 SW 4th Ave, Room 340, 97204
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 website: www.portlandonline.com/mayor/
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Bureau Portfolio	Liaison Responsibilities
<ul style="list-style-type: none"> • Portland Police Bureau • Portland Housing Bureau • Bureau of Planning and Sustainability • Prosper Portland • Bureau of Development Services • City Budget Office • City Attorney • Government Relations • Office of Management & Finance • Office for Community Technology 	<ul style="list-style-type: none"> • Travel Portland • Regional Disaster Preparedness Organization – Policy Committee (with Commissioner Hardesty) • Home Forward • A Home For Everyone (with Commissioner Eudaly) • Visitor Development Fund Board (VDF Board) • Local Public Safety Coordinating Council (with Commissioner Hardesty) • Mt. Hood Cable Regulatory Commission • Portland Community Media • Human Rights Commission (with Commissioner Fritz) • League of Oregon Cities (with Commissioner Fritz) • Office of the Portland Children’s Levy • Royal Rosarians • Portland Commission on Disability (with Commissioner Fritz) • The Gateway Center

CHLOE EUDALY

Commissioner of Public Safety
 Position Number 4
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 website: www.portlandoregon.gov/eudaly
 email: Chloe@portlandoregon.gov

Bureau Portfolio	Liaison Responsibilities
<ul style="list-style-type: none"> • Office of Community & Civic Life • Portland Bureau of Transportation 	<ul style="list-style-type: none"> • A Home for Everyone (with Mayor Wheeler) • Regional Arts & Culture Council • Portland’s 5 Centers for the Arts • Public Involvement Advisory Committee • New Portlanders Policy Council • Metro Policy Advisory Committee (MPAC) • Multnomah County Animal Control • Multnomah Youth Commission • Portland Streetcar, Inc. • Portland Mall Management, Inc. • Portland Aerial Tram Board • Joint Policy Advisory Committee on Transportation (JPACT)

NICK FISH

Commissioner of Public Works

Position Number 2

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Bureau Portfolio	Liaison Responsibilities
<ul style="list-style-type: none"> • Bureau of Environmental Services • Portland Parks & Recreation 	<ul style="list-style-type: none"> • Office of Film & Video • Venture Portland • Metropolitan Exposition and Recreation Commission (MERC) • Elders in Action • Portland Utility Board (PUB) • Portland Parks Foundation • Portland Parks Board • Pioneer Courthouse Square

AMANDA FRITZ

Commissioner of Public Utilities

Position Number 1

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Bureau Portfolio	Liaison Responsibilities
<ul style="list-style-type: none"> • Portland Water Bureau • Bureau of Hydroelectric Power • Office of Equity and Human Rights <p><u>Oversight Responsibilities</u></p> <ul style="list-style-type: none"> • Open and Accountable Elections 	<ul style="list-style-type: none"> • League of Oregon Cities (with Mayor Wheeler) • Metro Policy Advisory Committee (MPAC) • Fair & Moral Claims Committee • Portland Utility Board (PUB) • Human Rights Commission (with Mayor Wheeler) • Visitor Development Fund Board (VDF Board) • Rose Festival Foundation • Portland Commission on Disability (with Mayor Wheeler)

JO ANN HARDESTY

Commissioner of Public Affairs

Position Number 3

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Bureau Portfolio	Liaison Responsibilities
<ul style="list-style-type: none"> • Portland Fire & Rescue • Portland Bureau of Emergency Management • Bureau of Emergency Communications • Fire & Police Disability & Retirement 	<ul style="list-style-type: none"> • BOEC User Board • Local Public Safety Coordinating Council (with Mayor Wheeler) • Regional Disaster Preparedness Organization – Policy Committee (with Mayor Wheeler) • Fair & Moral Claims Committee

MARY HULL CABALLERO

Auditor of the City of Portland

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Portfolio
Audit Services
City Elections
City Recorder
-Archives
-Council Clerk / Contracts Division
-Records Management
Hearings Office
IPR - Independent Police Review
Ombudsman
Portland Multnomah Progress Board

BUREAU DIRECTORS

Bureau of Development Services	Rebecca Esau
Bureau of Emergency Communications	Bob Cozzie
Bureau of Emergency Management	Mike Myers
Bureau of Environmental Services	Michael Jordan
Bureau of Human Resources	Serilda Summers-McGee
Bureau of Planning & Sustainability	Andrea Durbin
Bureau of Police	Danielle Outlaw, Chief
Bureau of Revenue & Financial Services	Jennifer Cooperman, CFO
Bureau of Technology Services	Jeff Baer
Bureau of Transportation	Chris Warner
City Attorney	Tracy Reeve
City Budget Office	Jessica Kinard, Interim
Fire & Police Disability and Retirement	Samuel Hutchison
Office of Equity and Human Rights	Markisha Smith
Office of Government Relations	Elizabeth Edwards
Office of Mgmt & Finance –Chief Admin Officer	Tom Rinehart
Office of Community & Civic Life	Suk Rhee
Prosper Portland (fka Portland Development Commission)	Kimberly Branam
Portland Fire & Rescue	Ryan Gillespie, Interim Chief
Portland Housing Bureau	Shannon Callahan
Portland Parks & Recreation	Adena Long
Revenue Director	Thomas Lannom
Water Bureau	Michael Stuhr

Updated 6-3-19