

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

SPECIAL CITY COUNCIL MEETING - AUGUST 14, 2023 AT 5:30PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82782124614?pwd=USsvYldNVlpMWjlvbUx5YlZyTk5oUT09>

Passcode: 910018

Or One tap mobile :

+13017158592,,82782124614#,,,*910018# US (Washington DC)

+13052241968,,82782124614#,,,*910018# US

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 301 715 8592 US (Washington DC)

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+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

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International numbers available: <https://portlandmaine-gov.zoom.us/j/kc58ogPXXQ>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

CONSENT ITEMS:

Order 27-23/24 Declaring Sundays on the Boulevard Festival Days in 2023 - Sponsored by Andrew Zarro, Councilor

This order would establish that 2023 Sundays on the Boulevard Festival Days will commence on the first Sunday following the determination of the City Manager (or her designee) that the paving of Baxter Boulevard is substantially complete.

Once commenced, the Festival would continue through October 8, 2023, with the exception of October 1, 2023 due to the scheduled Maine Marathon.

Sundays on the Boulevard Festival Days includes the closure of the boulevard (from the west entrance of Payson Park to Vannah Avenue) to vehicle traffic on Sundays, from 9:00 a.m. to 4:00 p.m.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 6-23/24 Designating the 25 Casco Street Affordable Housing Development and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 20, 2023, the Housing and Economic Development Committee voted (3-0, Councilor Phillips recused herself), to forward this item to the City Council with a recommendation for passage conditioned upon the final underwriting recommendation and evidence of site control.

Equity Community Center (ECC) is proposing to construct a five-story building with 45 rental units for low-income households at 25 Casco Street. ECC is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to assist with the cost of the project. If approved, the AHTIF financing would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value currently estimated at an average of \$63,024 annually over 30 years.

The project will include 12 studio (8 at 50% of the area median income (AMI) and 4 at 60% AMI), 34 one-bedroom (21 at 50% AMI and 13 at 60% AMI) and, 8 two-bedroom apartments (4 at 50% AMI and 4 at 60% AMI). Of the 54 units, 21 would be reserved for

households earning at or below 60 AMI (i.e. \$56,800 for two people) while the remaining 33 units would be reserved for households earning at or below 50% AMI (i.e. \$47,350 for two people). The property would feature a commercial suite, laundry room, lobby, trash room and bike storage. The building would meet or exceed Portland's Green Building Ordinance.

This project is seeking a 9% Low Income Housing Tax Credit (LIHTC) and tax-exempt debt with MaineHousing contingent upon a reduction in the operating costs through a tax increment financing program that provides for a minimum of 50% of the projects annual property tax revenue to be returned to the developer.

This item must be read on two separate days. It received its first reading on July 17, 2023. To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 7-23/24 Approving the Credit Enhancement Agreement with Equality Community LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 20, 2023, the Housing and Economic Development Committee voted (3-0, Councilor Phillips recused herself) to forward this item to the City Council with a recommendation for passage conditions upon final underwriting approval and site control.

This is a companion order to the order above.

This item must be read on two separate days. It received its first reading on July 17, 2023. To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 8-23/24 Accepting and Appropriating a \$20,000 Donation and \$30,000 Grant for the Lincoln Park Fence Project - Sponsored by Danielle P. West, City Manager

In 2022, the City was awarded a Certified Local Government (CLG) Grant of \$30,000 by the Maine Historic Preservation Commission (MHPC) to support Phase 1 of the restoration of the Lincoln Park Fence along Pearl Street. The Friends of Lincoln Park intend to gift the City of Portland \$20,000 to provide the necessary 40% matching funds required by the grant, with a Memorandum of Understanding between the City and the Friends of Lincoln Park governing the donation terms. But the donation and the grant would be approved under this order.

This item must be read on two separate days. It received its first reading on July 17, 2023. Five affirmative votes are required for passage after public comment.

Order 9-23/24 Amendment to the Traffic Schedule Re: 2-Hour Parking on Fore Street between Atlantic and St. Lawrence Streets - Sponsored by Sustainability & Transportation Committee, Andrew Zarro, Chair

In accordance with the administrative process for residents seeking changes to parking restrictions, a valid petition to introduce time-restricted parking on one block of Fore Street, between Atlantic Street and St. Lawrence Street was submitted for consideration

on March 13, 2023. On June 14, 2023, the Sustainability & Transportation Committee voted (3-0) to recommend this proposal to the Council for consideration.

If approved, this order would amend the traffic schedule to introduce two-hour parking limits on this section of Fore Street between the hours of 9:00 AM and 6:00 PM. Vehicles with Zone 4 residential parking permits would be exempt from this restriction.

This item must be read on two separate days. It received its first reading on July 17, 2023. Five affirmative votes are required for passage after public comment.

Order 10-23/24 Amendment to Zoning Map Amendment Re: R-5a Residential for 900 Ocean Avenue and Adjacent Parcels - Sponsored by the Planning Board, Brandon Mazer, Chair

On May 9, 2023, the Planning Board voted (5-0; Stanley and Chan absent) to find the proposed zoning map amendment from R-3 Residential to R-5a Residential to be consistent with the Comprehensive Plan for the City of Portland. The Planning Board recommends to the City Council adoption of the zoning map amendment for the area of land that includes 900 Ocean Avenue and parcels 416A A001001, 416A A002001, and 416A A003000. The proposed zoning map amendment application was submitted by Ocean Avenue Residential, LLC. The change from R-3 to R-5a would permit greater density that would accommodate existing natural site amenities.

This item must be read on two separate days. It received its first reading on July 17, 2023. Five affirmative votes are required for passage after public comment. Councilor Andrew Zarro has requested that this item be postponed to the meeting of November 20, 2023, with a workshop on the matter to be held in advance of that date.

Order 11-23/24 Amendment to Portland City Charter Re: Filing Nomination Petitions, and Acceptance of Nomination - Sponsored by Ashley Rand, City Clerk

This amendment is a result of previous Chapter 9 workshop discussions, to allow for nomination petitions to become available earlier to align with the recent adopted Clean Elections Ordinance.

This amendment requires the City Clerk to make nomination petitions available 155 days prior to the election rather than the current 127 days and requires nomination petitions to be turned in no later than 99 days prior to the election. The amendment also removes the earliest date a candidate can file nomination petitions, allowing a candidate to file once the candidate has received the required number of signatures. If approved by the City Council, it would be placed on the ballot on November 7, 2023.

This item must be read on two separate days. It received its first reading on July 17, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 19-23/24 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 25 Casco Street an Affordable Housing Tax Increment Financing District - Sponsored by Anne McGuire, Assistant City Manager

City Council approval is needed to amend the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (TIF) by removing property at 25 Casco Street to be its own free-standing Affordable Housing TIF District to support the proposed affordable housing project at that location.

The proposed affordable housing project involves the construction of a five-story, elevator-assisted, building with 45 rental units for low-income households.

Five affirmative votes are required for passage after public comment. In order to make this change immediate and allow the designation of the 25 Casco Street Affordable Housing Tax Increment Financing District, staff is requesting that the amendment be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 20-23/24 Approving the Finance Authority of Maine's State Small Business Credit Initiative Participant Allocation Agreement - Sponsored by Anne McGuire, Assistant City Manager

The City of Portland was a successful partner with the Finance Authority of Maine (FAME) in the first round of State Small Business Credit Initiative (SSBCI) funding in 2012. That funding round closed in 2017. When this new round of SSBCI funding became available from the United States Treasury Department in 2021, FAME requested that former participants, including the City of Portland, provide letters of intent to participate in FAME's application. The City of Portland submitted a letter dated November 2, 2021. FAME's application was approved and it received an award of \$56 Million.

FAME provided the City of Portland with a Participant Allocation Agreement (PAA) which would allow the City to participate in the new round of SSBCI funding. The City, through programs overseen by the Portland Development Corporation, would assist local businesses to access these loan funds. The funds will be disbursed by FAME to the City, on a case-by-case basis for loans to Portland businesses, which have been approved by the Portland Development Corporation. The funds are available on a first-come, first-served basis until the SSBCI funds have been fully expended by FAME. Loan repayments remain with the City in its Revolving Loan Program.

Five affirmative votes are required for passage after public comment.

Order 21-23/24 Setting an Election Date on a Citizen Initiative Amendment to the Portland City Code Re: An Act to Exempt Small Landlords from Portland's Rent-Control Ordinance - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 17, 2023 City Council meeting by Order 5-23/24. Along with receiving public comment, the City Council will vote to set the election date of November 7, 2023 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Exempt Small Landlords from Portland's Rent-Control Ordinance will ensure that anyone with an ownership interest in nine or fewer rental units in the City of Portland will not be subject to the provisions of the city's rent control ordinance.

Five affirmative votes are required for passage after public comment.

Order 22-23/24 Accepting a Bus Shelter Easement Agreement from the Portland Housing Authority - Sponsored by Anne McGuire, Assistant City Manager

This order accepts a Bus Shelter Easement Agreement, pursuant to which the Portland Housing Authority would grant to the City an easement over a portion of Portland Housing Authority's Harbor Terrace property on Danforth Street that would allow the construction of a concrete pad and public bus shelter on the property in conjunction with planned renovations for the property, which are scheduled to begin at the end of August.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 23-23/24 Approving a Bus Shelter Installation and Maintenance Agreement between Portland Housing Authority, the Greater Portland Transit District (METRO), and Portland - Sponsored by Anne McGuire, Assistant City Manager

This order is a companion order to the order above and approves a Bus Shelter Installation and Maintenance Agreement between Portland Housing Authority, the City, and the Greater Portland Transit District (METRO) pursuant to which METRO agrees to be responsible for installing and maintaining, at its own expense, a public bus shelter on the property subject to the easement described in the order above.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 24-23/24 Approving Modification 1 to the York Street Sidewalk Project between the Maine Department of Transportation and Portland - Sponsored by Anne McGuire, Assistant City Manager

Currently, the City of Portland has entered into a Locally Administered Project agreement with the Maine Department of Transportation (MaineDOT) for the design of the York Street Bicycle and Pedestrians Improvement Project. This item approves Modification 1 of that agreement, increasing the cost of design from \$100,000 to \$200,000. That amount includes a \$25,000 increase for the local share, now totaling \$50,000, that would allow the design phase of the York Street project to commence. This cost increase reflects general consultant fee increases as well as an expansion of project scope to include pavement design and Right of Way costs.

Five affirmative votes are required for passage after public comment.

Order 25-23/24 Approving the York Street Pavement Improvement Agreement between the Maine Department of Transportation and Portland - Sponsored by Anne McGuire, Assistant City Manager

This order is related to the order above, approving an agreement with MaineDOT for pavement improvement on York Street between High and State streets, at no cost to the City except what is incurred in administering the work, unless costs exceed the maximum state and federal funding of \$228,660.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 26-23/24 Amendment to Portland City Code Chapter 9 Re: Ranked Choice Voting - Sponsored by Ashley Rand, City Clerk

Ballot Question #4, which was approved by the voters in the November 2022 General Election, required the City Council to establish a proportional ranked choice voting system for elections conducted by ranked choice voting where more than one person is to be elected to a single office. As required by Question #4, this order adds a proportional ranked choice voting ordinance to Sections 9-2 and 9-3 in Chapter 9 of the Portland City Code that provides for candidates to be elected on the basis of thresholds determined by the number of seats to be filled plus one, ballots to be counted in rounds, votes to be transferred from defeated candidates, and for votes, in fractions or in whole, in excess of the threshold to be transferred from elected candidates.

If approved by the City Council, the new proportional ranked choice voting ordinance will take effect 30 days after approval. This item must be read on two separate days. This is its first reading.

ADJOURNMENT: