

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - FEBRUARY 5, 2024 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, 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).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandmaine-gov.zoom.us/j/89039692425?pwd=aC9xRXk0cTVnZnQzV0w1SUgwczE0Zz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes- January 17, 2024

APPOINTMENTS:

Order 107-23/24 Appointing Kelly Hrenko, PhD to the Public Art Committee - Sponsored by Danielle P. West, City Manager

This item would approve the City Manager's recommended appointee, Kelly Hrenko, PhD to the Public Art Committee for a three-year term.

Five affirmative votes are required for passage after public comment.

Order 121-23/24 Appointing Portland Housing Authority Constables for 2024 - Sponsored by Danielle P. West, City Manager

This order appoints Portland Housing Authority property managers constables for 2024. These employees are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 108-23/24 Granting Municipal Officers' Approval of Freedom's Edge LLC, dba Freedom's Edge Tasting Room. Application for Class III & IV FSE with Outdoor Dining on Private Property at 31 Diamond Street, Unit A - Sponsored by Danielle P. West, City Manager

Application was filed on 1/17/24. This is a classification upgrade of an existing establishment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 109-23/24 Granting Municipal Officers' Approval of Orange Bike Brewing Company, dba Orange Bike Brewing. Application for Combined Entertainment at 31 Diamond Street, Suite D - Sponsored by Danielle P. West, City Manager

Application was filed on 1/12/24. This is an existing establishment adding license for indoor and outdoor entertainment. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City application.

Five affirmative votes are required for passage after public comment.

Order 110-23/24 Granting Municipal Officers' Approval of Smoked Portland LLC, dba Smoked BBQ & Neighborhood Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 951 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 1/10/24. This is an application for a new establishment. Location was previously Maelily & Ryleigh's. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 111-23/24 Granting Municipal Officers' Approval of Night Peanuts LLC, dba Magissa Portland. Application for Class I FSE with Outdoor Dining on Public Property at 91 Anderson Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/10/24. This is an application for a new establishment. Location was previously Full Turn Restaurant. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 112-23/24 Granting Municipal Officers' Approval of Leisure Time Cocktail Co LLC, dba Leisure Time Cocktail Company. Application for Class A Lounge with Outdoor Dining on Private Property at 290 Thompson's Point Road - Sponsored by Danielle P. West, City Manager

Application was filed on 1/9/24. This is an application for a new establishment. Location was previously Rwanda Bean. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 113-23/24 Granting Municipal Officers' Approval of Brickyard Hollow Company, dba Brickyard Hollow Brewing. Application for Extension of On-

Premise License Privileges at 5 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/8/24. This is an existing establishment that is expanding their dining/drinking space. Establishment currently holds XI Restaurant/Lounge. New State application.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 28-23/24 Annual Report of the Clean Elections Program - Ashley Rand, City Clerk

This is a annual report required by Chapter 9 Section 9-66 (i)

As a communication this item requires no public comment or formal Council action.

Communication 29-23/24 Portland Harbor Common Update - Ethan Hipple, Director of Parks, Recreation, and Facilities Department

Portland Parks department and Parks Conservancy seek to provide Council with an update on Portland Harbor Common(PHC) design and documentation progress for CIP funded consultant support. Project has secured federal funding appropriation for a significant portion of preliminary base bid construction, and is working with Portland Parks Conservancy for private fundraising for additional park elements and for future improvements beyond the base bid design/ construction.

As a communication this item requires no public comment or formal Council action.

Communication 30-23/24 Memo on Rent Control Editorial - Jessica Blais Hanscombe, Director of Permitting and Inspections

As a communication this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 120-23/24 Extending the Declaration of a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager

The council enacted Order 37 as an emergency on November 13, 2023. The order allowed the City Manager to increase the number of beds available in the City of Portland Homeless Services Center (654 Riverside Street) by 50 until February 5, 2024.

If approved, this amendment would extend the emergency order to June 3, 2024.

Order 37 was originally proposed in response to the significant number of unsheltered individuals in the City of Portland, public health and safety hazards existing at encampments, and the imminent threat of further danger to those individuals' health and safety during the winter season. As a result of the Council's approval of Order 37 and subsequent increase in shelter capacity, outreach workers have had greater success in helping individuals access shelter, addressing urgent health needs, preventing fatalities, and mitigating the public health and safety consequences of hazardous encampments.

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 103-23/24 Accepting and Appropriating a \$10,613.31 Donation from the Portland Rotary Charitable Fund for Bayside Tree Plantings - Sponsored by Danielle P. West, City Manager

If passed, this item would accept and appropriate a donation of \$10,613.31 from the Portland Rotary Charitable Funding in support of tree planting activities in Bayside.

During the spring and summer of 2023, City staff planted 48 trees along the Bayside Trail, and 10 street trees throughout the Bayside neighborhood. This \$10,613.31 donation from Portland Rotary Charitable Fund will help offset costs associated with the purchase of plants and materials, as well as staff time.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 104-23/24 Accepting and Appropriating a Donation of \$58,587.23 from Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Danielle P. West, City Manager

If approved, this order would accept and appropriate a donation of \$58,587.23 from the Portland Parks Conservancy to support the Portland Youth Corps, a City-run program that promotes personal and professional growth through community service, environmental stewardship, and hands-on conservation opportunities within Portland's beautiful parks and green spaces.

Youth Corps participants receive a stipend, and approximately 50 young people take part each year. This donation covers the cost of supplies and trips, and offsets part of the salary of the Recreation Programmer II Naturalist position, which leads the program.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 105-23/24 Accepting and Appropriating a Grant and Donations for the Stroudwater River Bridge and Connector Project - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate the following in support of a project to build a bridge over Stroudwater River:

- A donation of \$31,385 from Stroudwater Development Partners LLC;
- A donation of \$50,000 from Portland Trails;
- A grant of \$120,000 from the State of Maine Recreational Trails Program.

The total project cost is expected to be between \$250,000 and \$300,000. All remaining funds are to be privately raised by community members and partners.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

Order 106-23/24 Approving the Memorandum of Understanding and Accepting and Appropriating \$235,550 in grant funding from Cumberland County Emergency Management Agency - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate \$235,550.00 from Cumberland County Emergency Management Agency (CCEMA) as part of the DHS FY23 Homeland Security Grant Program (HSGP) for the reimbursement of costs incurred by the City of Portland for Portland Special Response Team - \$25,550.00 and Hazardous Devices Unit Robot Replacement - \$210,000.00.

This item must be read on two separate days. It received its first reading on January 17, 2024. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 114-23/24 Approving the First Amendment to the Memorandum of Understanding Between the City of Portland and the Portland Parks Conservancy - Sponsored by Danielle P. West, City Manager

The City has a Memorandum of Understanding (MOU) with the Portland Parks Conservancy (PPC) to allow PPC to raise funds for the Portland Harbor Common Project. This amendment to the MOU would allow the PPC to recognize donors to the project by placing their names or logos on certain park signage and park amenities such as seating, swings, stage, and shade structure.

Five affirmative votes are required for passage after public comment.

Order 115-23/24 Reallocating \$229,385 of American Rescue Plan Act Funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments Program - Sponsored by Danielle P. West, City Manager

This item is a companion order to the one below.

If approved, this item would reallocate \$229,385 in American Rescue Plan Act funding from the Jill C. Duson Housing Trust Fund to the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

HOPE is a collaborative effort between Maine State Housing Authority and the City of Portland to engage 90 unsheltered individuals/households in one year, and stably house a minimum of 45 of them in that time frame. Program staff would include three Housing Navigators and a Program Coordinator/Landlord Liaison.

Additional program details are provided in the enclosed documents.

This funding represents one-third of the cost of the one-year pilot program; the remaining expenses will be funded by the Maine State Housing Authority via the order below.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 116-23/24 Accepting and Appropriating \$465,722 Grant from the Maine State Housing Authority for the Housing Opportunities for People in Encampments Pilot Program - Sponsored by Danielle P. West, City Manager

This item is a companion order to the one above.

If approved, this item would accept and appropriate \$465,722 from the Maine State Housing Authority to fund the Housing Opportunities for People in Encampments (HOPE) Pilot Program.

This funding represents two-thirds of the pilot program's operating costs.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 117-23/24 Accepting and Appropriating a \$364,000 Grant from the Maine State Housing Authority for the Resettlement Program - Sponsored by Danielle P. West, City Manager

If approved, this item would accept and appropriate \$364,000 from the Maine State Housing Authority (MSHA) to fund the City of Portland Resettlement Program for 12 months.

The City of Portland Resettlement Program's mission is to help asylum seekers achieve self-sufficiency by connecting them to housing resources, assisting in benefits applications, and providing casework assistance. With the significant number of asylum seekers coming to Maine over the past several years, Program staff have been essential in helping individuals and families become active members of their new communities.

In the past, the Resettlement Program was funded by a program administered by the Federal Emergency Management Agency (FEMA). In December 2023, that program was replaced with one that restricts funding to services provided to noncitizen migrants within just 45 days of their arrival in the United States.

Since January 2020, the Resettlement Program has successfully assisted an estimated 4,200 individuals, and it is vital that we are able to continue this work. The funding provided by MSHA, in combination with City funds, will allow this program to continue for one year.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing

issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Duson Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

This item must be read on two separate days. This is its first reading.

Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

This item must be read on two separate days. This is its first reading.

AMENDMENTS:

Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor

If approved, this order would dedicate a parcel of city land bounded by Lowell St., Congress St., and Burnham St. as Thomas Park.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT: