

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 - MARCH 18, 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://portlandme.portal.civicclerk.com/event/6498/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

RECOGNITIONS:

Recognizing Maine Flag Company for 10 Years in Business - Regina Phillips, City Councilor

The City Council would like to recognize Maine Flag Company for 10 years in business. As a recognition this item requires no public comment or formal Council action.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-March 4, 2024

LICENSES:

Order 146-23/24 Granting Municipal Officers' Approval of Rocket Skates LLC, dba The End. Application for Class A Lounge at 229B Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/26/24. Location was previously Dirty Dove. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 147-23/24 Granting Municipal Officers' Approval of Another Round LLC, dba Another Round. Application for Auditorium at 549 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/13/24. Location was previously Portland Downtown office. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 148-23/24 Granting Municipal Officers' Approval of 15 Exchange LLC, dba Off Track Pizza. Application for Class A Restaurant/Lounge at 15 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 2/13/24. Location was previously Lupita's. New City and State applications.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 8-23/24 Adopting the Fiscal Year 2024-2025 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - Sponsored by Danielle P. West, City Manager

The 2024-2025 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$6,957,515 (Community Development Block Grant ("CDBG") Entitlement Funds and Program Income \$1,898,188, \$120,000 Downtown TIF funding, \$20,000 Cotton St proceeds, HOME Program Grant \$1,037,237, Program Income and Recapture \$92,956; Lead Safe Housing Program Income \$18,825; local Housing Trust Fund \$2,065,297; \$162,241 Emergency Solutions Grant ("ESG") funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted her funding recommendations to the Council. The Housing and Economic Development Committee reviewed the Affordable Housing budgets. The Emergency Shelter Assessment Committee reviewed the ESG budget. Please see attachments for additional details about individual program funding.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan. Public hearings for FY25 are set for March 18 and April 8. People who wish to speak may do so one time; they may not speak at both public hearings.

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

UNFINISHED BUSINESS:

Order 143-23/24 Approving and Appropriating Federal Aviation Administration Grants, State of Maine Matching Grants, and Portland International Jetport Unrestricted Matching Funds - Sponsored by Danielle P. West, City Manager

The Federal Aviation Administration (FAA) issues grants to fund eligible safety, capacity, and terminal improvements to airports through several nationwide grant programs authorized under federal law. This item accepts and appropriates approximately \$24.55 million in FAA federal grant funding to be awarded to the Jetport, \$1.29 million in state of Maine matching funds, and \$4.33 million in Jetport unrestricted

funds to cover matching and ineligible project costs. The allocation from each grant program and funding source is listed below.

• FAA Airport Improvement Program (AIP)	\$ 9.92 million
• FAA Airport Infrastructure Grant (AIG)	\$ 4.22 million
• FAA Competitive Airport Terminal Program (ATP)	\$ 10.41 million
• State of Maine matching funds	\$ 1.29 million
• Jetport unrestricted fund balance matching and ineligible	\$ 4.33 million

The Jetport will use this appropriation, totaling \$30.17 million, to complete the following projects:

- Taxiway A reconstruction;
- Installation of passenger boarding bridges at gates 11, 12, and 13;
- New gate concourse restrooms, pet relief area, and expanded seating areas;
- Purchase of airfield snow removal equipment;
- Security gate exit only portal; and
- Perimeter fence and gate upgrades.

This item must be read on two separate days. It received its first reading on March 4. Five affirmative votes are required for passage after public comment.

Order 144-23/24 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2025 Capital Improvement Program in an Amount not to Exceed \$19,040,000 - Sponsored by the Finance Committee, Anna Trevorow, Chair

The Finance Committee met on March 14, 2024 and voted (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

The Fiscal Year 2025 Capital Improvement Plan (FY25 CIP) has been in development since early 2023. The FY25 CIP will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The list of 2025 CIP calls for \$28,510,000 of new projects but only \$12,100,000 of this total will have a net impact to debt service in the general fund operating budget. A variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder. The \$12M was a borrowing target set by Finance staff in order to simply offset general fund CIP being retired. An additional \$6,940,000 of new general obligation bonds will be repaid via sewer user fees and stormwater service charges and the remaining nearly \$9.5M will be funded via a variety of other funding sources including reallocation of one FY24 CIP project which is no longer moving forward, impact fees, and assigned surplus fund balance. Two orders are required related to the CIP: one authorizing the FY25 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. Complete details are included in the additional attachments to this agenda item.

This item must be read on two separate days. It received its first reading on March 4. Seven affirmative votes are required for passage after public comment.

Order 145-23/24 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$28,510,000 for the City's Fiscal Year 2025 Capital Improvement Program - Sponsored by the Finance Committee, Anna Trevorow, Chair

This is a companion order to the bond authorization order above.

This item must be read on two separate days. It received its first reading on March 4. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 149-23/24 Accepting and Adopting the 2024 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on February 27, 2024, and voted 4-0 to recommend to the City Council approval of the 2024 Jill C. Duson Housing Trust Fund Annual Plan.

The Jill C. Duson Housing Trust Fund Annual Plan is amended annually by the City Council's Housing and Economic Development Committee, after public comment, with a referral to the council for adoption (per Section 18.3 of the Land Code). The plan establishes the priorities in which the current balance of the Housing Trust Fund would be allocated. The Plan will make available \$1,565,297 for the development of affordable housing (\$2,065,297 less \$500,000 minimum balance).

Priority for the use of the funds will be to support public/private partnerships that create workforce housing units that are affordable to households earning at or below 100% (\$119,500 for a 4-person household) of the area median income, with a preference for households earning at or below 80% (\$94,600 for a 4-person household) of the area median income; mixed income projects with a mix of bedroom size, including family size units of 3+ bedrooms; shovel ready projects that have received funding approvals from federal, state, local or private sources and demonstrates the ability to move to a construction loan closing by January 2025.

Five affirmative votes are required for passage after public comment.

Order 150-23/24 Approving the 2024 Affordable Housing Development and Tax Increment Financing Application - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on February 27, 2024, and voted 4-0 to forward this item to the City Council with a recommendation for passage.

The City of Portland has made the development of affordable housing a priority, as identified in the City of Portland's 2022-2026 HUD 5-Year Consolidated Plan, City Council Common Goals, and the Comprehensive Plan. To accomplish this priority, the City issues the Affordable Housing Development and Tax Increment Financing Application for the allocation of city resources budgeted for the development of affordable housing. The application establishes the goals for distribution of funds and/or the designation of an affordable housing tax increment financing district.

The Affordable Housing Development and Tax Increment Financing Application is

amended on an annual basis to reflect the City Council's housing policy goals. Since 2002, the City of Portland has utilized an annual application and/or RFP process for the allocation of city resources budgeted for the development of affordable housing. In 2013, with the approval of the City Council's Housing Committee, the current application format was implemented. The application establishes the goals for distribution of funds and/or the designation of an affordable housing TIF.

Utilizing the 2024 Affordable Housing Development and Tax Increment Financing Application, the City will make available an estimated \$1,961,008 (estimated HOME funding of \$395,711 + \$1,565,297 from the Jill C. Dusen Housing Trust Fund) along with access to the City's Affordable Housing Tax Increment Financing Program. City staff will determine which funding source(s) is best for each project and then make funding recommendations to the Housing and Economic Development Committee and ultimately the City Council for final approval.

Five affirmative votes are required for passage after public comment.

Order 151-23/24 Accepting and Appropriating a \$64,000 Grant from the Maine Department of Transportation for the Bicycle/Pedestrian Program on Forest Avenue - Sponsored by Danielle P. West, City Manager

Endorsing this award will enter the City of Portland into a LAP agreement with MaineDOT for the design and right-of-way process associated with enhanced pedestrian crossings on Forest Avenue. The requested Council action is to accept this municipal award and agree to this effort being a Locally Administered Project (LAP). The estimated Planning Level Project Cost totals \$80,000, of which \$64,000 (80%) would be Federally Funded and \$16,000 (20%) would be required as a Local Match.

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

Order 152-23/24 Approving Agreements Between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland re: Improvements to Riverside Street, Ocean Avenue, and Washington Avenue - Sponsored by Danielle P. West, City Manager

These agreements, between MaineDOT and the City of Portland, as well as between MaineDOT, the City of Portland, and PACTS, obligates MaineDOT to mill and fill Riverside Street, Ocean Avenue, and Washington Avenue Ext., adjust the City's sanitary sewer manhole frames and covers within the project limits, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances to complete paving on these roads. The agreements obligate the City to pay MaineDOT for 25% of the work as its municipal share, and 100% for manhole adjustments from a water resources fund. The estimated amount of municipal share for each project are as follows:

- Riverside Street - \$177,750 as the 25% municipal share and \$39,600 for manhole adjustments
- Ocean Avenue - \$133,000 as the 25% municipal share and \$43,200 for manhole adjustments
- Washington Avenue Ext. - \$81,000 as the 25% municipal share and \$23,400 for manhole adjustments. The estimated City share for all three streets is \$391,750

requested as CIP accounts for these streets and \$106,200 from a water resources account.

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

Order 153-23/24 Approving the Service Contract between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-through Grant in the Amount of \$9,153 to the Lions Club of Peaks Island - Sponsored by Danielle P. West, City Manager

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$9,153 for the Lions Club of Peaks Island to complete a condition assessment of the Greenwood Gardens Playhouse. The Lions will provide \$6,102 in matching funds.

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

Order 154-23/24 Approving the Service Contract Between the Maine Historic Preservation Commission and the City of Portland and Accepting and Appropriating a Pass-Through Grant in the Amount of \$15,000 to the First Parish Church - Sponsored by Danielle P. West, City Manager

On November 8, 2023 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC). This order authorizes the City Manager to enter into a Service Contract with the MHPC, which will allow the City to administer the grant as a pass through grant in the amount of \$15,000 for First Parish Church to complete a condition assessment of the church front steps and retaining wall. First Parish Church will provide \$11,000 in matching funds.

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

AMENDMENTS:

Order 155-23/24 Traffic Schedule Amendment Re: Removing Limited Parking on Kenwood Street - Sponsored by Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

This order removes the current time limited parking on Kenwood Street. The Sustainability and Transportation Committee reviewed this item on February 14, 2024 and voted 3-0 to recommend it to the City Council.

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

Order 156-23/24 Amendment to the Portland City Code Chapter 6 Re: Repeal Rental Housing Advisory Committee - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee (HEDC) met on February 27, 2024, and voted 4-0 to forward this item to the City Council for consideration. The proposed amendment would repeal Chapter 6, Section 225 regarding the Rental Housing Advisory Committee.

Members of the Rental Housing Advisory Committee (RHAC) met on February 15, 2024, and voted 5-1-1 to forward a memo to the Housing and Economic Development Committee with a recommendation to dissolve the Rental Housing Advisory Committee. A copy of the RHAC memo is included in the meeting backup.

The Rental Housing Advisory Committee was formed prior to the Rent Board, which was created through a citizens' referendum. Both the Rental Housing Advisory Committee and the Rent Board are tasked with recommending changes regarding landlord/tenant policies and issues in the City of Portland. However, the Rent Board's jurisdiction and authority are more robust when compared to the duties of the Rental Housing Advisory Committee. There is a potential for redundancy in the work of both groups that could lead to a duplication of efforts or policy recommendations that conflict.

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

EXECUTIVE SESSION:

ADJOURNMENT: