

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)

SPECIAL CITY COUNCIL MEETING 2 - JULY 15, 2024 AT 5:30 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/6490/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

APPROVAL OF MINUTES OF PREVIOUS MEETING:

ORDERS:

Order 10-24/25 Setting a Public Hearing on a Citizen Initiative Amendment to Portland City Code RE: An Act to Amend the City of Portland's Emergency Wage Provision - Sponsored by Ashley Rand, City Clerk

The Portland City Council will hold a public hearing on the attached proposed amendment to Chapter 33, Sections 33-7 of the Portland City Code on August 19, 2024 at 4:00 p.m. in the Council Chambers at Portland City Hall, and the amendment would be on the November 5, 2024 ballot if submission to the voters is approved by the Council.

Five affirmative votes are required for passage after public comment.

Order 11-24/25 Approving and Authorizing City Manager to Execute the Amended and Restated Lease Agreement With DBH Portland, LLC, for use of Hadlock Stadium for the Portland Seadogs - Sponsored by the Housing and Economic Development Committee, Pious Ali, Chair

This item was reviewed by the Housing and Economic Development Committee at its May 7, 2024, meeting, at which time it voted 4-0 to forward this to the City Council with a recommendation for approval in substantially the form as being presented.

This Amended and Restated Lease Agreement is the result of negotiations with Diamond Baseball Holdings (DBH), the ownership team behind the Portland Sea Dogs, with guidance from the Council's Housing and Economic Development Committee, for

continued operations at Hadlock Stadium and Field through September 30, 2038, with DBH to have an option to extend the term for an additional five (5) years thereafter. The current lease expires September 30, 2028. This extended lease would allow for DBH to invest up to \$10 Million in improvements to the stadium to address requirements of Major League Baseball for affiliated teams.

Please see the Financial Impact section, with this Amended and Restated Lease to increase the annual revenue to the City from \$200,000 to an anticipated \$400,000 to \$475,000 annually.

Five affirmative votes are required for passage after public comment.

Staff request that this item be postponed to the meeting on August 19, 2024 at 4:00 pm to allow additional time to finalize lease provisions requested by Major League Baseball.

Order 12-24/25 Accepting and Adopting the Amended Funding Budget for 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 June 25, 2024 and voted 4-0 to forward this item to the City Council with a recommendation for passage.

The 2024 Affordable Housing Development and Tax Increment Financing Application made available a total of \$1,961,008 for affordable housing development based on an estimated HUD HOME funding allocation for FY25 of \$395,711 and Jill C. Duson Housing Trust Fund (JCD HTF) balance of \$1,565,297. JCD HTF funds available for funding requests are now \$3,041,717 which includes the minimum balance of \$500,000 plus additional funding received in 2024 of \$976,420.

Five affirmative votes are required for passage after public comment.

Order 13-24/25 Designating 186 Woodford Street an Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) is proposing to demolish the Parish House connected to the existing Woodfords Church and then construct a four-story elevator-assisted building with 41 rental units for low-income households. CHOM is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to support the cashflow of the project. If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average of \$72,373 annually for 30 years.

The 186 Woodford Street (Phase I) project would include 25 units for households earning up to 50% of the area median income (AMI) (i.e. \$44,650 for one person), and 16 units for households earning up to 60% of the AMI (i.e. \$61,200 for two people). Ten percent of the units would be set aside for people who have been experiencing

homelessness. CHOM intends to commit approximately 5 Project-Based Vouchers. The total bedroom count is; thirteen (13) studio units, and twenty-eight (28) one-bedroom units.

CHOM is requesting two forms of financial assistance: \$492,000 in Affordable Housing Development funding, and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at an annual average of \$72,373, with an estimated total of \$2,171,196 over 30 years in captured increased assessed value tax-revenue returned to the project/developer to support the cash flow of the project. The proposed project would be taxable with an estimated annual assessment of \$4,855,000 and current annual tax of \$69,960 at the current 24 FY millage rate. The remaining increased taxable value, currently estimated at a 30-year average of \$24,124 with an estimated total of \$723,732, would be non-captured general fund revenue.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 14-24/25 Approving the Woodford Affordable Housing Credit Enhancement Agreement with Woodfords Phase 1, LP for the 186 Woodford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the order above.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 15-24/25 Appropriating \$492,000 from the Jill C. Duson Housing Trust Fund to Community Housing of Maine (CHOM), Woodfords Phase 1 LP RE: 186 Woodford Street - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

The description of the project as well as backup documentation, can be found in the previous Order Designating and Adopting the Municipal Development Program for the Community Housing of Maine project at 186 Woodford Street. CHOM is requesting a loan in the amount of \$492,000 from the Jill C. Duson Housing Trust Fund for a maximum term of 30 years at 3% interest, with repayment from 25% of cashflow.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 16-24/25 Designating 202 Woodford Street an Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Community Housing of Maine (CHOM) is proposing to construct a four-story building which would contain a total of 43 (forty-three) units of affordable rental housing for seniors. CHOM is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to support the cashflow of the project. If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value currently estimated at an average of \$51,280 annually for 30 years.

The 202 Woodford Street Senior Housing (Phase 2) project would be comprised of 43 one-bedroom apartments affordable to 17 households earning at or below 60% AMI (i.e. \$61,200 for a two-person household), and 26 units for households earning at or below 50% AMI (i.e. \$44,650 for a one-person household). Six units would be set aside for people who have been experiencing homelessness.

CHOM is requesting two forms for financial assistance: \$450,000 in Affordable Housing Development funding and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value, currently estimated at an annual average of \$51,280, with an estimated total of \$1,538,397 over 30 years in captured increased assessed value tax-revenue returned to the project/developer to support the cash flow of the project. The proposed project would be taxable with an estimated annual assessment of \$5,160,000 and current annual tax of \$74,355 at the current 24FY millage rate. The remaining increased taxable value, currently estimated at a 30-year average of \$51,280 with an estimated total of \$1,538,397 would be non-captured general fund revenue.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 17-24/25 Approving the Woodford Affordable Housing Credit Enhancement Agreement with Woodfords Phase II, LP for the 202 Woodford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the order above.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 18-24/25 Appropriating \$155,511 from the Jill C. Duson Housing Trust Fund and \$294,489 in HOME Funds to Community Housing of Maine, Woodfords Phase II LP, RE: 202 Woodford Street - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

The description of the project as well as backup documentation, can be found in the previous Order Designating and Adopting the Municipal Development Program for the Community Housing of Maine project at 202 Woodford Street (Phase II). CHOM is requesting a loan in the amount of \$450,000 (\$155,511 from the Jill C. Duson Housing Trust Fund plus \$294,489 in HOME funds) with a maximum term of 30 years at 3% interest, with repayment from 25% of cashflow.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 19-24/25 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 70 East Oxford Street an Affordable Housing Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee reviewed this item at its 6/25/2024 meeting and voted 3-1 (Sykes) to forward to the City Council with a recommendation of approval. City Council approval is needed to amend the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to remove a portion of 70 East Oxford Street for it 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 demolishing four existing ten-unit multi-family buildings located between Cumberland, Oxford, Mayo, and Boyd Streets (COMB Bock), and construct Phase 1 of a multi-phase project to redevelop the site. During Phase I, Portland Housing Development Corporation is proposing to construct a six-story, 55-unit housing building, with 50 affordable apartments for low-income households and 5 market rate units. These would be comprised of 5 studio, 15 one-bedroom, 16 two-bedroom, and 19 three-bedroom apartments.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 20-24/25 Designating and Adopting the Municipal Development Program for the 70 East Oxford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to demolish the four existing multifamily buildings containing 40 units of public housing located on the parcel of land bound by Cumberland Avenue, Oxford Street, Mayo Street, and Boyd Street (COMB Block) to create a six-story building of 50 mixed-income units with 45 affordable rental units for low income households at 70 East Oxford Street, also known as COMB Block Phase One. PHDC is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to support the cashflow of the project. If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average of \$92,474 annually for 20 years.

The COMB Block Phase One project would include 33 units for households earning up to 50% of the area median income (AMI) (i.e. \$57,400 for three people), 17 units for households earning up to 60% of the AMI (i.e. \$68,850 for three people), and 5 units at market rate. The project would set aside 20% of units for Persons Experiencing Homelessness or persons who have disabilities, are victims of domestic violence, or have other special housing needs. The building would offer five (5) studio units, fifteen (15) one-bedroom units, sixteen (16) two-bedroom units, and nineteen (19) three-bedroom units.

PHDC is requesting two forms of financial assistance: \$650,000 in Affordable Housing Development funding, and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at an annual average of \$92,474, with an estimated total of \$1,849,475 over 20 years in captured increased assessed value tax-revenue returned to the project/developer to support the cash flow of the project. The proposed project would be taxable with an estimated annual assessment of \$6,905,000 and current annual tax of \$99,501 at the current 24 FY millage rate. The remaining increased taxable value, currently estimated at a 20-year average of \$30,825 with an estimated total of \$616,492, would be non-captured general fund revenue.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 21-24/25 Approving the COMB Block Affordable Housing Credit Enhancement Agreement with COMB Block Phase I, LP for the 70 East Oxford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the order above.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 22-24/25 Appropriating \$650,000 from the Jill C. Duson Housing Trust Fund to Portland Housing Development Corporation, COMB Block Phase I, LP RE: 70 East Oxford Street - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item to the City Council with a recommendation for passage.

The description of the project along with backup documentation, can be found in the previous Order Designating and Adopting the Municipal Development Program for the Portland Housing Development Corporation (PHDC) project at 70 East Oxford Street, also known as the COMB Block. PHDC is requesting financial assistance from the City in the form of a loan in the amount of \$650,000 from the Jill C. Duson Housing Trust Fund with a term of 30 years at 3% interest rate, payable out of cashflow with a minimum of 10% cashflow to the City until the sooner of Deferred Developer Fee loan is retired, or 10 year of operations, which ever is first, then 25% of cashflow to the City.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 24-24/25 Amendment to Portland City Code Chapter 9 RE: Peaks Island Council; Nomination and Appointment of Members; Procedural Requirements for Meetings - Sponsored by Danielle P. West, City Manager

This Order makes various amendments to the Peaks Island Council Ordinance related to nomination and appointment of members and procedural requirements for meetings, including allowing the appointment of Peaks Island Council members in the event that an election does not result in the election of a full seven member council.

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

Order 25-24/25 Setting Election Date on an Amendment to Chapter 33 of the Portland City Code RE: an Act to Increase Portland's Minimum Wage - Sponsored by Councilor Regina Phillips, Councilor Anna Trevorror, Councilor Kate Sykes

The minimum wage in Portland was raised by citizen referendum in 2020 and cannot be amended for 5 years, except by referendum.

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

Order 26-24/25 Setting Election Date on an Amendment to Chapter 33 of the Portland City Code RE: an Act to Eliminate Portland's Sub-Minimum Wage for Service Employees - Sponsored by Councilor Victoria Pelletier, Councilor Anna Trevorror, Councilor Kate Sykes

The minimum wage in Portland was raised by citizen referendum in 2020. The subminimum (tipped wage) was increased as a result. Amendments made by citizen referendum cannot be amended for 5 years, except by referendum.

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

Order 27-24/25 Amendment to Portland City Code Chapter 17 RE: Repeal of Section 17-5 - Sponsored by Health and Human Services and Public Safety Committee, April Fournier, Chair

Repeal of section 17-5 of the Portland City Code, otherwise known as the "Cruising Ordinance," is presented for consideration by the City Council.

Section 17-5 of the Portland City Code was enacted in the 1990s and implemented restrictions on "cruising" by prohibiting a motor vehicle operator from driving past a traffic-control point three (3) times within a two-hour period in or around a posted "no cruising" area. Since that time, the Portland Police Department has infrequently used this ordinance to intervene and prevent instances of commercial sexual exploitation, and conduct investigations of illegal drug sales. There are no indications the ordinance has been used to target any particular demographic group(s). However, the ordinance is infrequently used and staff do not believe its repeal would adversely impact public safety.

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

Order 28-24/25 Amendment to Portland City Code Chapter 6 RE: Short Term Rental Unit Registration Requirements - Sponsored by Housing and Economic Development Committee, Councilor Pious Ali, Chair

This order would approve certain amendments to the short term rental unit registration requirements in Chapter 6 of the City Code. At the July 2, 2024, Housing and Economic Development Committee meeting, the Committee voted 3-1 (Rodriguez) to forward proposed amendments to the City Council for approval. The amendments, which take effect January 1, 2026, include a requirement that booking services include a short term rental unit's registration number in all advertisements for a unit before accepting any charges; a requirement that the City publish the registration number and address of short term rental units on the City's website; a limitation on the number of non-owner occupied mainland short term rental units of 1.5% of the number of long term rental units in the City; a limitation of 40 non-owner occupied short term rental units on Peaks Island; a prohibition on new tenant occupied short term rental units; clarification that these new limitations do not apply to validly registered short term rental units that otherwise are in compliance with the city code; and other changes as set forth in the order.

These amendments do not affect portions of the code that were approved by a citizens initiative and may therefore be approved by the City Council without the need for a referendum. This item must be read on two separate days. This is its first reading.

Order 23-24/25 Setting an Election Date on an Amendment to the Portland City Code RE: an act to Amend Portland's Short Term Rental Unit Registration Requirements - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The public hearing for this Amendment is scheduled for the August 19, 2024 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 5, 2024 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 Amend Portland's Short Term Rental Unit Registration Requirements amends

the list of information required to register short term rental units in Portland.

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

EXECUTIVE SESSION:

ADJOURNMENT: