

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 - SEPTEMBER 4, 2024 AT 5:00PM

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/7306/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting-August 19, 2024-4:00PM

Special City Council Meeting-August 19, 2024-5:30PM

PROCLAMATIONS:

Proclamation 4-24/25 Honoring the Portland 11/12 Year Old All Stars Baseball Team - Sponsored by Regina Phillips, City Councilor

Proclamation 5-24/25 Recognizing September 13 to September 22, 2024 as Welcoming Week - Sponsored by Mark Dion, Mayor

Proclamation 6-24/25 Recognizing September 2024 as African Immigrant Heritage Month - Sponsored by Mark Dion, Mayor

Proclamation 7-24/25 Honoring the 111th Anniversary of Thomas Park - Sponsored by Mark Dion, Mayor

RESOLUTIONS:

Resolve 1-24/25 Calling for the Divestment of Funds from Entities Complicit in the Humanitarian Crisis in Gaza - Sponsored by April Fournier, City Councilor

The City of Portland recognizes the ongoing humanitarian crisis in Gaza and seeks to avoid economically supporting this crisis through the City's financial investment.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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, which increases the annual revenue to the City from \$200,000 to an anticipated \$400,000 to \$475,000 annually.

This item was postponed from the meeting on July 15 and the meeting on August 19 to allow additional time to finalize lease provisions requested by Major League Baseball. Five affirmative votes are required for passage after public comment. 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 41-24/25 Approving Three-Party Partnership Agreements Between the City of Portland, the Maine Department of Transportation, and the Portland Area Comprehensive Transportation System RE: Improvements to Riverside Street and Washington Avenue - Sponsored by Danielle P. West, City Manager

These agreements, between MaineDOT and the City of Portland (2-party agreement), as well as between MaineDOT, the City of Portland, and PACTS (3-party agreement), obligates MaineDOT to mill and fill Riverside Street and Washington Avenue Ext., 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 a portion of the work as its municipal share. The original agreements were approved and signed in April 2024. MaineDOT subsequently updated their estimates and modified the agreements to account for increased unit pricing. The City also asked for additional PACTS money to help cover these increased costs but there was still a shortfall which required an increase to the municipal share. The estimated updated amount of municipal share and the difference from the original estimate for each project are as follows:

Riverside Street - \$177,750 original estimate, \$265,024 updated estimate – increase of

\$87,274. The project is now a 30/70 municipal/PACTS split.

Ocean Avenue - \$133,000 as the 25% municipal share; this street was accurately estimated originally, and the estimate was not modified; the project remains a 25/75 municipal/PACTS split

Washington Avenue Ext. - \$81,000 original estimate, \$210,685 updated estimate – increase of \$129,685. The project is now a 43/57 municipal/PACTS split

The updated estimated City share for all three streets is \$608,709; \$470,000 will come from a FY25 CIP account requested for these projects. The remaining \$138,709 will come from a paving rehab account approved in FY25.

This item must be read on two separate days. It received its first reading on August 19. Five affirmative votes are required for passage after public comment.

Order 42-24/25 Accepting and Appropriating a \$90,000 Donation and a \$30,000 Grant for the Lincoln Park Fence Project - Sponsored by Danielle P. West, Manager

On May 1, 2024 the City of Portland was awarded a Certified Local Government (CLG) grant by the Maine Historic Preservation Commission (MHPC) in the amount of \$30,000 to support Phase 2 of restoration of the Lincoln Park Fence along Pearl Street.

The Friends of Lincoln Park (The Friends) intend to gift the City of Portland \$30,000 to provide the necessary matching funds required by the grant. Parks and Recreation will provide the remaining \$7,569 of the project cost from existing funds dedicated to restoration of the Lincoln Park Fence.

In July of 2024, The Friends announced that they had been able to raise an additional \$60,000 to go towards the cost of Phase III of restoration of the Lincoln Park Fence along Pearl Street. Parks and Recreation will provide the remaining \$767 of the project cost. This combination of grant, gifts, and Parks funds will complete restoration of the Lincoln Park Fence along Pearl Street.

This item must be read on two separate days. It received its first reading on August 19. Five affirmative votes are required for passage after public comment.

Order 43-24/25 Amendment to the Portland City Code Chapter 6 RE: National Electric Code - Sponsored by Danielle P. West, City Manager

Effective July 1, 2024, the Electrician's Examining Board adopted the 2023 edition of the National Electrical Code ("NEC"), as well as a revised Chapter 120 of the Board rules which sets the amendments and exclusions to the 2023 NEC. Section 6-98 of the City Code has adopted the 2020 edition of the NEC, and the proposed change updates the version of the NEC adopted by the City to conform to State requirements.

This item must be read on two separate days. It received its first reading on August 19. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 44-24/25 Approving Assignment of the Lease Agreement and the Agreement
RE: Parking at the Spring Street Garage Held by Portland Hockey LLC to
Powerplay LLC - Sponsored by Danielle P. West, City Manager**

This item would authorize the assignment of the Lease Agreement and the Agreement
Re: Parking at Spring Street Garage from Portland Hockey, LLC, to Powerplay, LLC
under the same terms and conditions of the original agreements.

The City entered into these Agreements with Portland Hockey, LLC, on April 1, 2018,
and, with the impending purchase of Portland Hockey, LLC, by Powerplay, LLC, it is
being recommended that these Agreements be assigned to Powerplay, LLC, under the
same terms and conditions of the original Agreements as follows:

Lease Agreement Highlights: The term is up to fifteen years, with rental starting at \$2.00
per square foot, or \$4,830 annually, and ending at \$8.00 per square foot in years 12 to 15,
or \$19,320 annually.

Agreement Re: Parking at Spring Street Garage Highlights:

- The term is up to fifteen years to match the space Lease and Maine Mariners
Lease with the Cross Insurance Arena.
- The game night parking rate was \$8.00 per car for the 2018/2019 hockey season,
which may be adjusted thereafter by mutual agreement.
- Revenue Share: For the first seven (7) years, the team to receive game day
revenue minus security and City staff expenses. Starting year eight (8), game day
revenue will be the lessor of the average Revenue Share for the sixth and seventh
year or all parking garage revenue minus security and City staff expenses. This
approach is designed to increase the City's share starting in year eight if game
attendance increases from previous years six and seven.
- Game Use of Garage: Team players, coaches, and staff will receive
complimentary parking passes for hockey related activities.
- Season Tickets: Maine Mariners to provide the City four season tickets at no
cost.

Five affirmative votes are required for passage after public comment.

**Order 45-24/25 Appropriating \$1,080,000 from the Jill C. Duson Housing Trust
Fund to YFO Resource Hub LP RE: 337 Cumberland Avenue - Sponsored by the
Housing and Economic Development Committee, Councilor Pious Ali, Chair**

The Housing and Economic Development Committee met on August 20, 2024 and voted
(3-0, Phillips absent) to forward this item to the City Council with a recommendation for
passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity
to be created, is proposing to construct a new 60-unit rental housing development which
will include child care space. The site currently contains a vacant former restaurant and
the chapel building that currently houses the YFO child care program, both of which will
be removed to facilitate construction of the new building. The project will include 60-
units, 29 of which will be affordable to households at or below 50% of the area median
income (\$51,000 for a two-person household), 19 of which will be affordable to

households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom).

YFO has requested assistance from the City in the form of a loan in the amount of \$1,080,000 from the Jill C. Duson Housing Trust Fund with a term of 30 years at 0% interest with repayment of 10% of cashflow above MaineHousing's required \$500/unit (as confirmed by MaineHousing underwriting), in the first five years of operations, followed by 30% of cashflow until fully retired.

An Affordable Housing Tax Increment Financing District was previously approved on this site (August 3, 2020, Order 19-20/21 and Order 20-20/21) and received a Certificate of Approval from MaineHousing on September 17, 2020. Amendments to the District, District Program and Credit Enhancement Agreement will be considered under separate Orders.

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

Order 46-24/25 Approving an Amendment to the 337 Cumberland Avenue Affordable Housing Development and Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

Youth and Family Outreach (YFO), through YFO Resource Hub LP, a non-profit entity to be created, has proposed construction of a new 60-unit rental housing development which will include child care space. The site currently contains a vacant former restaurant and the chapel building that currently houses the YFO child care program, both of which will be removed to facilitate construction of the new building.

An Affordable Housing Tax Increment Financing District was previously approved on this site. The 337 Cumberland Avenue Affordable Housing Development Tax Increment Financing District was approved by the Portland City Council on August 3, 2020 (Order 19-20/21 and Order 20-20/21) and received a Certificate of Approval from MaineHousing on September 17, 2020. The current approved development district includes a slightly different unit mix (36 units at or below 50% of the area median income, 12 units at or below 60% of the area median income and 12 units at market rate) and will need to be amended to reflect the proposed new development program. The new development program will include 60-units, 29 of which will be affordable to households at or below 50% of the area median income (\$51,000 for a two-person household), 19 of which will be affordable to households at or below 60% of the area median income (\$61,200 for a two-person household) and 12 market rate units (including 4 studios, 24 1-bedroom, 22 2-bedroom and 10 3-bedroom). The end date of the development district is March 31, 2050.

This is a companion order to the order above.

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

Order 47-24/25 Approving an Amended Credit Enhancement Agreement the 337 Cumberland Avenue Affordable Housing Tax Increment Financing District RE: 337 Cumberland Avenue - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair.

The Housing and Economic Development Committee met on August 20, 2024, and voted (3-0, Phillips absent) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the two orders above.

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

Order 48-24/24 Accepting and Appropriating a \$372,000 United States Department of Justice Assistance Grant for the Police Department Hazardous Devices Unit - Sponsored by Danielle P. West, City Manager

The Police Department has been awarded \$372,000 from the Bureau of Justice Assistance (BJA). The Police Department was invited to apply for the Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program for FY24/25 to purchase replacement equipment for the Hazardous Devices Unit (bomb squad).

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

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT:

SPECIAL MEETING: