

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

SPECIAL CITY COUNCIL MEETING - JANUARY 6, 2025

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.

<https://portlandme.portal.civicclerk.com/event/7511/media>

REMOTE PARTICIPATION:

The City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Join from PC, Mac, iPad, or Android:

<https://portlandmaine-gov.zoom.us/j/81114228884?pwd=bjHvOixYFFy9Jdzq5FbpqabKd8pDa.1>
Passcode:588556

Phone one-tap:

+16469313860,,81114228884#,,, *588556# US

+19292056099,,81114228884#,,, *588556# US (New York)

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-December 16, 2024

PROCLAMATIONS:

Proclamation 21-24/25 Recognizing Martin Luther King Jr. Day - Sponsored by
Mark Dion, Mayor

APPOINTMENTS:

Order 120-24/25 Appointing Ronnie Wilson to the Portland Public Art Committee - Sponsored by Danielle P. West, City Manager

This order would approve the appointment of Ronnie Wilson to the Portland Public Art Committee to serve a three-year term as recommended by Creative Portland.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 111-24/25 Approving Transfer of Funds Under 15 M.R.S. §§ 5824(3) and 5826(6) RE: Ronald Williams - Sponsored by Danielle P. West, City Manager

This order authorizes the City Council to approve the transfer of \$74,990 and \$10,246 (total: \$85,236) in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Ronald Williams. The money was seized during a drug investigation conducted by the Maine Drug Enforcement Agency (M.D.E.A.) in conjunction with the Portland Police Department. The money from this forfeiture order will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 112-24/25 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) RE: Gregory K. Waterman - Sponsored by Danielle P. West, City Manager

This order authorizes the City Council to approve the transfer of \$1,737.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Gregory K. Waterman. The money was seized during a drug investigation conducted by the Portland Police Department. The money from this forfeiture order will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 113-24/25 Granting Municipal Officers' Approval of Pine & Neal LLC, dba Supper Club Cocktail Lounge. Application for Class XI Restaurant/Lounge at 441 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 12/13/24. Location was previously The Guitar Grave. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 114-24/25 Granting Municipal Officers' Approval of Camber Hospitality LLC, dba Hot Suppa. Application for Class I FSE with Outdoor Dining on Private Property at 703 Congress Street Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 12/5/24. Transfer of ownership of an existing establishment. New City and State applications.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

COMMUNICATIONS:

Communication 7-24/25 Regarding FY2024 Annual Tax Increment Financing (TIF) District Activity Report - by Gregory Watson, Housing and Economic Development Director

The City of Portland TIF Policy requires that an Annual TIF District Activity Report be provided to the City Council, and the attached report is being presented to the City Council as a communication item.

The City Council took up the following items during FY 2024:

A. Approved an Affordable Housing TIF (AHTIF) District with Equity Community Center at 25 Casco Street to construct 54 units of rental housing, with 21 units maintaining affordability for households earning at or below 60% of AMI, and 33 units reserved for households earning at or below 50% AMI. This is a 30-year AHTIF District capturing 75% of increased assessed value taxes annually. This was approved by the City Council on 8/14/2023, followed by Maine State Housing Authority (MSHA) approval on 9/15/2023.

B. Approved an AHTIF District with Riverton Park, LP, at 2 Riverton Drive, to construct 182 units of rental housing, with 130 units maintaining affordability for households earning at or below 50% of AMI, 34 units for households at or below 60% of AMI, and 18 units for households at or below 80% of AMI. This is a 20-year AHTIF District capturing 50% of the increased assessed value annually. This was approved by the City Council on 11/13/2023, followed by MSHA approval on 1/8/2024.

C. Approved an AHTIF District with Lambert Woods North LLC, at 622 Auburn Street to construct 72 units of rental housing with all units reserved for households earning at or below 60% of AMI. This is a 30-year AHTIF District capturing 75% of increased assessed value annually. This was approved by the City Council on 12/18/2023; final approval by MSHA is still pending.

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

UNFINISHED BUSINESS:

Order 108-24/25 Approving Amendments to the Rules of the Rent Board - Sponsored by Rent Board, Christopher (Buddy) Moore, Chair

The recent revision to Chapter 6 approved by the voters on November 8, 2022, amended Section 6-263 (i) to make any rules and standard policies adopted by the Rent Board subject to Council approval. The Rent Board approved the amended Rules at its meeting on June 26, 2024, and voted to approve an updated MNOI worksheet at its September 25, 2024 meeting. The amended rules outline in detail what records submitted to the Rent Board will be available to the public and when notices will be given to the public. The revised MNOI worksheet includes a new disclaimer for all applicants reminding them of the public nature of Rent Board proceedings.

This item must be read on two separate days. It received its first reading on December 16. Five affirmative votes are required for passage after public comment.

Order 109-24/25 Accepting and Appropriating a \$3,600,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Commercial Street/Portland Fish Pier Storm Drain Outfall Project - Sponsored by Danielle P. West, City Manager

Earlier this year, the City of Portland applied for and was awarded a 3.6 million dollar Maine Infrastructure Adaptation Fund (MIAF) grant from MaineDOT for the Commercial Street/Portland Fish Pier Stormwater Outfall Project. The MIAF program awarded grant funding to projects which proposed to adapt critical infrastructure to reduce climate change vulnerabilities. In total, MaineDOT awarded 25.2 million dollars to 39 different communities throughout the state for these climate adaptation projects during this award cycle.

This project will include the installation of a new 42” stormwater drain system along the westerly edge of the City’s Portland Fish Pier property and in Commercial Street from Maple Street to Center Street. If accepted, the grant will fund approximately 85% of the total anticipated project construction costs up to the 3.6 million dollar grant award amount. This project will increase the climate resilience in this section of the Commercial Street area by increasing storm sewer system capacity, improving the storm sewer system’s resilience against worsening tidal conditions and by providing the City the opportunity to complete extensive combined sewer separation in the downtown peninsula area as part of a second project phase. Upon overall completion, these projects are anticipated to significantly reduce combined sewer overflows (CSO) into Portland Harbor at Long Wharf and the Portland Fish Pier and help improve the water quality of Casco Bay and the Portland Harbor.

This item must be read on two separate days. It received its first reading on December 16. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 115-24/25 Approving the Inter-municipal Agreement with City of Westbrook for Nasons Brook - Sponsored by Danielle P. West, City Manager

The City of Portland and the City of Westbrook are both subject to a Municipal Separated Storm Sewer (MS4) permit issued by the Maine Department of Environmental Protection (DEP). As part of Portland’s and Westbrook’s permit, the DEP requires both municipalities to complete efforts within the Nasons Brook watershed, which spans both municipalities. This intermunicipal agreement outlines those efforts.

Five affirmative votes are required for passage after public comment.

Order 116-24/25 Approving the Publication of a Request for Proposals for the Lease of Up to Two Sites at 1125 Brighton Avenue - Sponsored by Danielle P. West, City Manager

At the November 19, 2024, Housing and Economic Development Committee (HEDC) meeting, the Committee voted 4-0 to forward this proposed RFP to the City Council with a recommendation to authorize its issuance.

Guidance received from Committee members and feedback received from members of the public is reflected in the RFP included in the Council packet, particularly:

- The minimum percentage of total units reserved for referrals from the City of Portland Social Services office was reduced from 50% to 30%, and no longer incentivizes respondents to propose a set-aside greater than that amount;
- A statement of preference for proposals for 1) mixed-income housing that includes housing that is affordable for someone making at or below 80% AMI, and/or 2) permanent supportive housing;
- The addition of definitions for affordable housing, housing first, and permanent supportive housing.

Also, although interest in giving preferential treatment to BIPOC respondents was expressed during the above process, staff did not incorporate a preference for the race, gender, or ethnicity of the successful respondent(s), based on legal guidance.

This RFP allows for a broad array of proposals and housing types to solicit a greater number of proposals for consideration and increase the chances of identifying a concept that yields the greatest benefits to the City of Portland. It also contains priorities for a robust community engagement plan, as well as providing for the safety and well-being of Barron Center residents and residents in the Nason's Corner and Sagamore Village communities.

Upon Council approval, next steps include advertising the RFP with a proposal deadline, followed by a City staff committee review and provide the HEDC with a summary of proposals and recommendations on a preferred proposal. The HEDC would then review and make a recommendation to the City Council on a preferred proposal. After Council approval of a developer, negotiations begin on a lease or option to lease the property which will be brought to the HEDC for its recommendation to the City Council.

Five affirmative votes are required for passage after public comment.

Order 117-24/25 Approving the Agreement With the Portland Water District for a Fire Service Line at the Mujoy Hill Fire Station - Sponsored by Danielle P. West, City Manager

This is an agreement between the City and Portland Water District to allow for an existing 4" fire service line currently serving the Observatory to be used to provide fire

protection to the Munjoy Hill Fire Station/Cummings Center building while both properties remain in common ownership by the City.

Five affirmative votes are required for passage after public comment.

Order 118-24/25 Order Accepting and Appropriating a \$62,610 U.S. Department of Justice Byrne Memorial Justice Assistance Grant - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates a \$62,610 grant awarded to the Police Department by the U.S. Department of Justice Office of Justice Programs. The Justice Assistance Grant is an annual formula grant made to law enforcement agencies. Award amounts are determined by a statutory formula which considers violent crime statistics and population and funds may be used for a wide variety of activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law.

This award must be accepted within 45 days of the award date, which was on December 5, 2024.

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 119-24/25 Approving and Appropriating a Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2025 Grants - 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 \$20.91 million in FAA federal grant funding to be awarded to the Jetport, \$840,000 in state of Maine matching funds, and \$4.39 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)	\$4.80 million
FAA Airport Infrastructure Grant (AIG)	\$16.11 million
State of Maine matching funds	\$0.84 million
Jetport unrestricted fund balance for matching and ineligible	\$4.39 million

The Jetport will use this appropriation, totaling \$26.14 million, to complete the following projects:

- Terminal Apron Reconstruction Phase 1;

- Passenger boarding bridge replacement at gates 3, 4, 5, 6, and 7; and
- Gate 11, 12, & 14 Terminal Improvements.

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

EXECUTIVE SESSION:

Discussion of a poverty tax abatement case with the City Attorney pursuant to 1 M.R.S.A § 405 (6)(E) and 36 M.R.S.A § 841

ADJOURNMENT: