

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

FEBRUARY 19, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold the Regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Kate Snyder, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the February 3, 2020 Draft City Council Minutes.

PROCLAMATIONS:

Proclamation 10-19/20 Honoring The Root Cellar - Sponsored by Mayor Kate Snyder.

APPOINTMENTS:

CONSENT ITEMS:

Order 131-19/20 Declaring June 6, 2020 the Shipyard Old Port Half Marathon & 5K Festival - Sponsored by Jon P. Jennings, City Manager

The Shipyard Old Port Half Marathon & 5K will be held Saturday, June 6, 2020. The 2020 half marathon and 5K race routes will be different than the 2019 route and will have start and finish lines on Spring Street. The new 5K race route will coincide with the first half marathon route and also finishes on Spring Street.

Race details and street closures are included in the agenda backup. The organizer will reach out to businesses along the race route, including businesses in the start/finish line area and businesses along Spring, Middle, Hancock, and Commercial Streets, to alert them to the street closures and traffic delays on the morning of June 6, 2020.

Five affirmative votes are required for passage of the Consent Calendar.

UNFINISHED BUSINESS:

Order 130-19/20 Adopting Council Rules of Procedure for 2020 - Sponsored by Mayor Kate Snyder

The Rules and Reports Committee met on January 3, 2020 and January 27, 2020. At the January 3rd meeting, among other things, the Committee took public comment and reviewed the current City Council Rules in detail. On January 27, the Committee reviewed the final proposed revisions to the Rules and voted 3-0 to forward them to the full Council with a recommendation for approval.

The proposed revisions to the rules primarily involve amendments to Rules 12, 13 and 32, and address prior review of items by a committee, sponsorship of items, and various changes to the public comment procedures.

This item must be read on two separate days. It was given a first reading on February 3, 2020. Five affirmative votes are required for passage after public comment has been given.

ORDERS:

Order 132-19/20 Re-Establishing the Community Development Block Grant Priority Task Force and Appointing Members - Sponsored by Jon P. Jennings, City Manager

The City's current United States Department of Housing and Urban Development (HUD) 5-Year Consolidated Plan was approved by the City Council on March 28, 2016. The Plan established four main goals and objectives: 1) Increase housing availability and affordability; 2) Prevent and reduce homelessness; 3) Create strong, safe, accessible and vibrant neighborhoods; and 4) Create economic opportunities to transition people out of poverty.

It is time to re-assess goals for the next 5-year HUD Consolidated Plan. The plan outlines how the City and the Cumberland County HOME Consortium will allocate federal funding. In addition to meeting national objectives and eligibility criteria, the plan requires projects to meet local goals and priorities. HUD requires public input in establishing these local goals and priorities.

The Council-approved recommendations from the 2008 CDBG Task Force included the establishment of the Community Development Block Grant Priority Task Force every 3 to 5 years to meet the goal and priority setting requirement set by HUD. Housing and Community Development staff request approval to re-establish the Community Development Block Grant Priority Task Force, as well as the appointment of the following task force members:

Adam Cohen, Ashish Shrestha, Brad Hanscom, Benjamin Strick, Chase Hewitt, Derek Johnson, Donald Harden, Grace Braley, George Ouellette, Jim Hall, Julia Sheridan, Lucas Blom, Mark Adelson, Matt Dubel, Mary Beth Twomey, Noah Bragg, Phaeng Southisombath, Sarah Hansen, Samuel Heck

Five affirmative votes are required for passage after public comment.

Order 133-19/20 Approving the Certified Welcoming Certification Contract between Welcoming America and the City of Portland - Sponsored by Jon P. Jennings, City Manager

Certified Welcoming is a national certification program managed by Welcoming America, a non-profit organization. Local governments that seek this certification undergo an extensive evaluation process, including a self-assessment and an in-person audit, to determine compliance with the program. It typically takes a community one year to complete.

This order approves the contract required in seeking the certification, which would show that Portland is an inclusive city that welcomes and supports newcomers.

Five affirmative votes are required for passage after public comment.

Order 134-19/20 Authorizing the Purchase of Net Energy Billing Credits - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The City of Portland has participated in a solicitation for renewable energy generated by projects eligible to participate in the State of Maine's net energy billing program. The City's energy consultant, Competitive Energy Services (CES), issued an RFP on behalf of a large number of their clients including L.L. Bean, the University of Maine System, Nestle Waters, and other. In total, the consortium requested over 200 megawatts of solar generation. The City would contract for approximately 10% of this capacity.

The order authorizes the City Manager to enter into power purchase agreements with the owners of the most competitive projects proposed to CES. State law limits the size of eligible project to 5 MWs or less, so we will enter agreements for power from multiple projects to meet the requirements of the consortium. The City will acquire a percentage share of each of the projects that fulfill the consortium's requested generation capacity. Each of the contracts will be substantially similar to the draft document in the back up material but will contain the name of the specific provider and the rate that provider proposed.

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. Passage as an emergency requires seven votes, following public comment.

Order 135-19/20 Amending Order 92-19/20 By Increasing the Total Project Amount in the Cooperative Agreement between Portland and the Maine Department of Transportation Re: Deering's Corner Roundabout - Sponsored by Jon P. Jennings, City Manager

The bid price for the construction of the Deering's Corner Roundabout was more than \$660,000 higher than estimates made before the bids were received by the Maine Department of Transportation (MaineDOT). This order amends Order 92-19/20, which approved the lower estimated total, by approving the new total project price of \$3,940,770.51.

Shaw Brothers Construction, Inc. was the lowest bidder on the project. The Deering's Corner Roundabout will reconfigure the five-way intersection of Brighton and Deering Avenues and Falmouth and Bedford Streets. The new local share for this project is \$985,192.63.

This item must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that the order be passed as an emergency, allowing the work to be awarded and the contract to be signed. Seven affirmative votes are required for passage as an emergency after public comment.

Order 136-19/20 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2021 Capital Improvement Program in an Amount not to Exceed \$18,320,000 - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

The Finance Committee met on February 5, 2020 and voted 3-0 to forward the bond authorization and appropriation orders to the City Council for approval.

The Fiscal Year (FY) 2021 to FY2026 Capital Improvement Plan (CIP) has been in development since summer 2019 and has been reviewed by the Finance Committee at each of its meetings in 2020. The FY21 Capital Improvement Plan 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 FY21 CIP calls for \$18.3 million(M) of new bond authorization but \$6.5M of this debt service will be repaid via the Sewer and Stormwater Enterprise Funds and another \$1.3M will be funded via the State of Maine School Revolving Renovation Fund (SRRF). The remaining debt service on the other \$10.5M was sized to simply offset debt service related to debt being retired in FY22. Two orders are required: one authorizing the FY21 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the orders. The City Manager released his FY21 CIP in January 2020.

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

Order 137-19/20 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$22,392,000 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is a companion order to Order 136-19/20, above.

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

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

EXECUTIVE SESSION:

POTENTIAL EXECUTIVE SESSION: To Discuss with Outside Counsel the City's Legal Rights and Duties Regarding the Purchase of Net Energy Billing Pursuant to 1M.R.S. Section 405(6)(E).