

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)

REMOTE JUNE 15, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold a Remote Special City Council Meeting at 5:30 p.m. This meeting will take place remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM MEETING INFORMATION:

The Portland City Council will hold a remote meeting on Monday June 15, 2020 at 5:30 PM. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86737359759>

Or iPhone one-tap :

US: +13017158592,,86737359759# or +13126266799,,86737359759#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 867 3735 9759

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation Regarding Amendments to COVID-19 Rapid Response Loan Program, Microenterprise Grant Program, and COVID-19 Business Assistance Grant Re- Hire Program - Sponsored by Kate Snyder, Mayor

Three COVID-19 Portland Development Corporation (PDC) grant and loan programs were launched on May 19, 2020, the day after the City Council approved final funding for the two CDBG funded programs. At staff's request a wide range of partner organizations reached out to various business sectors and communities with program information about the Rapid Response Microloan Program, the Microenterprise Grant Program, and the COVID-19 Business Assistance Program (BAP) Rehire Program. In addition, staff organized and participated in a Zoom webinar that had about 30 attendees. The City's website contains comprehensive information about the three programs, how to apply and, of course, the application.

The PDC set a deadline of June 4th so that the potential beneficiaries of the funding would not be those whose applications came in first, given that numerous applications were anticipated. Fifteen applications were received, eleven seeking a Microenterprise Grant and four seeking a Rapid Response Microloan. Among them, just five of the Microenterprise grant applications and three of the Rapid Response Loan applications were eligible.

There were unanticipated issues that made some businesses ineligible for the COVID-19 Loan and Grant Programs. This was learned via applications received, phone calls, and emails to staff. In order to best assist businesses in need, some of these items issues merit modifications to the Program Guidelines.

Order 194-19/20 Amending the Portland Development Corporation COVID 19 Business Assistance Grant Program for Job Re-Hire, The Microenterprise Grant Program, and the Rapid Response Microloan Program - Sponsored by Kate Snyder, Mayor

The PDC Board met on June 9, 2020, and voted to recommend to the City Council amendments to the PDC COVID-19 Loan and Grant Programs, modifying language in all three guidelines to permit eligibility for businesses that received no more than \$1,000 per employee and \$10,000 in total from Small Business Administration or Finance Authority of Maine COVID-19 Programs; and eligibility for businesses that were in existence by March 15, 2020. Also, the PDC recommended modifying the language of the COVID-19 Microenterprise Grant Guidelines to make home-based businesses eligible.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the June 1, 2020 Draft City Council Minutes

PROCLAMATIONS:

Proclamation 15-2020 Recognizing June 20, 2020 as World Refugee Day

Proclamation 16-2020 Recognizing June 2020 as LGBTQ and Pride Month.

LICENSES:

Order 195-19/20 Granting Municipal Officers' Approval of Amigos Mexican Restaurant Inc. dba Amigos. Application for a Combined Entertainment License at 9 Dana Street - Sponsored by Jon Jennings, City Manager

Amigos Mexican Restaurant Inc dba Amigos. Application for a Combined Entertainment License at 9 Dana Street.

Application was filed on 2/19/2020. Applicant currently holds a Class XI FSE license with Entertainment with Dance. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

Order 196-19/20 Granting Municipal Officer's Approval of Portland Maine Baseball, Inc. dba Portland Sea Dogs. Application for a Combined Entertainment License at 271 Park Avenue - Sponsored by Jon P. Jennings, City Manager

Portland Maine Baseball, Inc. dba Portland Sea Dogs. Application for a Combined Entertainment License at 271 Park Avenue.

Application was filed on 3/5/2020. Applicant currently holds a Class III & IV FSE license with Entertainment with Dance. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

Order 197-19/20 Granting Municipal Officer's Approval of J & TL Inc. dba Andy's Old Port Pub. Application for a Class XI FSE with Indoor Entertainment at 94 Commercial Street - Sponsored by Jon P. Jennings, City Manager

J & TL Inc. dba Andy's Old Port Pub. Application for a Class XI FSE with Indoor Entertainment at 94 Commercial Street.

Application was filed on 2/11/2020. New City application. Applicant has a pending Class XI FSE license.

Five affirmative votes are required for passage after public comment.

Order 198-19/20 Granting Municipal Officers' Approval of Abraham Durani & Habibullah Popal dba Crown Fried Chicken. Application for a Food Service Establishment with Preparation at 1100 Brighton Ave for food service until 2:00am - Sponsored by Jon P. Jennings, City Manager.

Abraham Durani & Habibullah Popal dba Crown Fried Chicken. Application for a Food Service Establishment with Preparation at 1100 Brighton Ave for food service until 2:00 a.m.

Application was filed on 5/4/2020. New City application. Location was formerly Little Caesar Pizzeria.

Five affirmative votes are required for passage after public comment.

Order 199-19/20 EAD Entertainment LLC dba Muse Paintbar. Application for a Class III & IV FSE at 245 Commercial Street - Sponsored by Jon P. Jennings, City Manager

EAD Entertainment LLC dba Muse Paintbar. Application for a Class III & IV FSE at 245 Commercial Street.

Application filed on 5/26/2020. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

Fiscal Year 2020-2021 Portland Board of Public Education School Budget

Please see the following for background documents:

https://docs.google.com/document/d/1_a-9BuKdwW84xibBmlHnzA6BteKDoAq_yE02OiHEBro/edit

Order 181-19/20 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2021 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair

Order 181-19/20 to Order 187-19/20 are orders required by 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$89,312,286 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$74,271,401 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$119,862,677 will be \$94,338,744.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 182-19/20 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2021 - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

Non-state funded debt service is the amount of money needed for the annual payments on the City's long--term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long- term debt was previously approved by the voters or the City Council.

This order appropriates \$392,289 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$392,289 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. This item was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 183-19/20 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2021 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.

This order appropriates \$17,887,494 in additional city funds over and above regional Essential Programs and Services amount and the non--state funded debt service amount.

This exceeds the EPS funding model by \$17,887,494 and is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

This item must be read on two separate days. It was give a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 184-19/20 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2021 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$113,542,955.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on July 14, 2020. \$92,551,184 of the \$113,542,955 would come from property taxes, \$18,676,771 would come from state subsidy, and \$2,315,000 from other revenues. This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 185-19/20 Appropriating and Raising Funds for Adult Education for Fiscal Year 2021 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair

This order appropriates \$2,536,294 for Adult Education for Fiscal Year 2020-2021 and raises the sum of \$1,717,219 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well being of the adult education program.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 186-19/20 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2021 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair

This order raises and appropriates \$70,341 for the Food Service Program for Fiscal Year 2020--2021. The Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well being of the food service program.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 187-19/20 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2021 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 11-19/20 Re: August 10, 2020 Is the New Due Dates for Payment of Excise Taxes, Property Taxes, from Brendan T. O'Connell, Finance Director

Executive Order #53-A from Governor Janet T. Mills requires that "municipal officers of the municipality have given reasonable notice to the public of the start date of the municipality's ability to collect tax and process registrations, the methods by which tax collection and registrations may be processed, and the deadline for compliance by vehicle owners." This communication action provides the required notice per the Executive Order and is supplemental to the notices posted on the City website and via press release.

The City of Portland (via the State website) has continuously offered online vehicle / boat / trailer re-registration during the duration of the COVID-19 health emergency. Appointments for new vehicle / boat / trailer registration are now available online at <http://portlandmaine.gov/Treasury> for in person appointments at City Hall in Room 24 and the Treasury Office. We strongly encourage residents to re-register their vehicles / boats / trailers online but in person appointments can also be utilized for re-registration transactions for customers who are unable to re-register online. The deadline for compliance with Executive Order #53-A is August 10, 2020.

To provide residents with financial relief from the COVID-19 pandemic the City previously announced that the second half property tax payment deadline was delayed until June 1, 2020. Any remaining property tax payments should be made online or via mail. The City will be sending 30-Day Demand Notices for Property Taxes on July 10, 2020 and filing Property Tax Liens on August 10, 2020.

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

RESOLUTIONS:

Resolve 13-19/20 A Resolution of Affirming City of Portland's Commitment to Racial Equity in the Wake of COVID-19 and the Devastating Impact on Our Community - Sponsored by Mayor Kate Snyder

This Resolution affirms the City of Portland's commitment to racial equity in the wake of COVID-19 and the devastating impact on our community. The Mayor and the City Council are committed to centering our community's responses to the COVID-19 global pandemic in racial equity. We will dedicate our resources, platforms, political will and authority to identifying and addressing the ways that the novel coronavirus may exacerbate existing inequities in our communities.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 72-19/20 Amendment to the Portland City Code Chapter 17 Re: Facial Recognition Technology Prohibition - Sponsored by Councilor Pious Ali

Concerns about loss of privacy and civil rights matters have arisen with the advent of facial recognition technology around the world. This prohibition, based on others in the United States that have already been adopted, prohibits the use of facial recognition technology by city officials and employees and does not provide any exceptions, including for law enforcement officers.

This item must be read on two separate days. This item was given a first reading on October 21, 2019. Public comment was taken on November 4, 2019, when this item was postponed to November 18, 2019. It was then postponed to January 6, 2020 when it was postponed to June 15, 2020. Public comment is not required at this meeting. Five affirmative votes are required for passage.

Order 190A-19/20 Approving the Consolidation of Voting Districts in the City of Portland to Three Polling Places for the July 14, 2020 State Primary and Municipal Referendum - Sponsored by Katherine L. Jones, City Clerk

The City Clerk is offering an amendment that has been included in the back-up materials and would provide for six (6) consolidated polling places for the July 14, 2020 election.

This order as originally proposed approves the consolidation of voting districts for the July 14, 2020 State Primary Election and Municipal Referendum Questions, into three polling places for the City of Portland.

On the peninsula of Portland, the consolidated polling place would be Cumberland County Civic Center, at 1 Civic Center Square. The following Voting Districts would be consolidated on July 14, 2020 for voting at the Civic Center: 1-1, 1-2, 2-1, 2-2, 3-2.

Off the peninsula of the City of Portland, the consolidated polling place would be First Baptist Church, at 360 Canco Road. The following Voting Districts would be consolidated on July 14, 2020 for voting at the First Baptist Church: 3-1, 4-1, 4-2, 5-1, 5-2.

Peaks Island voting for District 1-3 will remain on Peaks Island, and other island residents would vote as they have in the past.

In order to address City Council and other concerns brought up during public comment at the June 1, 2020 Remote City Council Workshop on the July 14, 2020 election, a staff amendment has been included in the back up material. This amendment proposes some changes to the initial consolidation proposal, and seeks to increase the total number of polling places to six. This would replace the originally proposed three polling places in the original Order.

More specifically, under the amendment, voting districts 1-1 and 1-2 would vote at the East End Community School, 195 North Street; and Voting Districts 2-1 and 2-2 would vote at Reiche School, 166 Bracket Street.

Off the peninsula, voting districts 3-1 and 3-2 would vote at the Italian Heritage Center, 40 Westland Avenue; voting districts 4-1 and 4-2 would vote at First Baptist Church, 360 Canco Road; and voting districts 5-1 and 5-2, would vote at the Grace Baptist Church, 476 Summit Street. Peaks Island would vote at the Kennedy and Carter Family Community Center located at 129 Island Avenue, Peaks Island, as they have in the past.

This item must be read on two separate days. It was give a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 191-19/20 Moving the Polling Place at the Portland Exposition Building to the Troubh Ice Arena for the July 14, 2020 Primary and Referendum - Sponsored by Katherine L. Jones, City Clerk

In the event that the City Council does not approve the consolidation of the City polling places as set forth in the order above, this order would be necessary. The Portland Exposition Building is not available for the July 14, 2020 election.

This order was postponed to this meeting to coincide with consideration of Order 190A-19/20, consolidating voting districts will be considered. If Order 190A-19/20 is approved, this item may be postponed indefinitely. If not, five affirmative votes are required for passage after public comment.

Order 192-19/20 Accepting and Appropriating a Grant from the Maine Community Foundation - Sponsored by Jon P. Jennings, City Manager

The Maine Community Foundation (MCF) has awarded a grant of \$8,125 to support the City's Office of Economic Opportunity (OEO) Natural Helpers Program, or for use for general operating support in light of the COVID-19 Pandemic.

During Fiscal Year 2020, OEO launched the inaugural Natural Helpers Program. The Natural Helpers Program is a national best practice designed to make sure no one is excluded from local government and community resources, utilizing natural born community leaders connect community members to all resources needed to achieve a working, sustainable lifestyle in our city.

This funding will assist in continuing the program, or assist with general operating support in light of the COVID-19 pandemic, or some combination of the two.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

Order 193-19/20 Amendment to the Portland City Code Chapter 14 Re: Zoning for B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

The Planning Board met on May 12, 2020 and voted 7-0 to forward this zoning amendment to the City Council for approval.

Portland Opportunity Fund, LLC seeks a zoning text amendment to facilitate development at 385 Congress Street, which is zoned B-3 downtown business. The proposed text amendment would add congregate care facilities and intermediate care facilities as permitted uses to the B-3 zone, as well as to the B-3b and B-3c zones, which share the same list of permitted uses.

This item must be read on two separate days. It was given a first reading on June 1, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 200-19/20 Approving Modifications to Agreements between the Maine Department of Transportation and Portland Re: Bayside Trail Improvements - Sponsored by Jon P. Jennings, City Manager

This order approves modifications to two agreements between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligating MaineDOT to reimburse the City for 80% of the project cost for improvements to the Bayside Trail, including but not limited to sidewalk work, junction improvements, landscaping, electrical and lighting improvements, and water fountain installation.

In the modified agreements, the City agrees to pay for 20% of the work as its municipal share, or \$34,400.00 for WIN 18886.00 and \$30,860.00 for WIN 18364.01. This is an increase of \$10,440.00 for both projects from the original agreements due to higher bid prices from the original estimate in 2017. The increased cost will be funded by money already appropriated for this purpose in an account that receives the Bayside Trail Endowment contributions administered by the Maine Community Foundation.

Staff is requesting that this item be passed as an emergency to allow the work to go to bid on June 24, 2020. Seven affirmative votes are required for passage after public comment.

Order 201-19/20 Approving the Donation of Approximately \$50,000 from Maine Medical Center - Sponsored by Jon P. Jennings, City Manager

This Council item would allow the city to accept grant funding from Maine Medical Center's (MMC) Caring Community Grant Program for city-led projects at Andrews Square, Harborview Park, and Dougherty Field/outer Congress Street.

MMC's Neighborhood Advisory Committee has recently approved grant funding through MMC's Caring Community Grant Program for three city-led projects. These funds were requested by neighborhood associations working in concert with staff in the Department of Parks, Recreation, and Facilities and the Department of Public Works. The grant projects include:

1. Andrews Square Improvements (requested by Western Promenade Neighborhood Association): This grant funding (\$20,000) would supplement city CIP funding for improvements to Andrews Square, including the installation of lighting, landscaping, and bollards. This project is being led by the Department of Public Works. Money would be placed in a separate infrastructure account accessible to DPW.
2. Harborview Park (requested by the West End Neighborhood Association): This grant funding (approximately \$10,000) would fund improvements to Harborview Park, including the addition of new park benches, new picnic tables, and invasive species removal. This project is being led by the Parks Department. Money would be placed in the West End Neighborhood Association Other Special Revenue account.
3. Dougherty Field and Congress Street Lighting (requested by the Libbytown Neighborhood Association): This grant funding (\$20,000) would allow for the addition of Big Belly trash cans and park benches at Dougherty Field, as well as 'seed' money for relocating the basketball court closer to the multi-use field and the relocated playground. It would also pay for the addition of lighting at the city parcel of land at Congress and Lowell Streets, which is next to Denny's and across from the 295 off-ramp, a gateway into the city. This project is being led by the Parks Department. Money would be placed in the Libbytown Neighborhood Association Other Special Revenue account.

Five affirmative votes are required for passage after public comment.

Order 202-19/20 Approving and Authorizing Land Exchange Agreement and License Agreement between J.B. Brown & Sons and the City of Portland Re: Emery Street and Quarry Road, and Commencement of Discontinuance of an Undeveloped Portion of Emery Street - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair

Under direction of the Economic Development Committee, a Land Exchange Agreement has been negotiated to swap an undeveloped portion of Emery Street at the Commercial Street intersection, which must first be discontinued, in exchange for undeveloped industrial property owned by J.B. Brown & Sons located at the end of Quarry Road.

The City needs additional property adjacent to the City Canco Road Complex for outside storage. The J.B. Brown & Sons property proposed for the land exchange includes 20,000+/- square feet. J.B. Brown & Sons has allowed the City to use this property, at no cost, for over two (2) years.

The City property to be exchanged includes an undeveloped portion of Emery Street at the Commercial Street intersection with 11,000+/- square feet, which is proposed for street discontinuance. The final square footage and descriptions for each property will be determined by property surveys. It is noted that the City will retain easements for below, at ground and above ground utilities, including a pedestrian access easement across the portion of Emery Street to be discontinued along with additional easements on J.B. Brown & Sons property. The separate properties, to be swapped, have been determined to be of equivalent value, which is approximately \$49,000.00.

In order to provide J.B. Brown & Sons with access to the Emery Street property as early as possible, the Land Exchange Agreement also includes a semi-permanent License Agreement that will allow J.B. Brown & Sons to close on its construction financing and begin construction of the Veterans Administration Project prior to the completion of the street discontinuance and the closing of the exchange. The License Agreement will terminate upon the completion of the discontinuance, or if J.B. Brown & Sons fails to build the proposed development, fails to rebuild the building in the event that it is destroyed, or if they otherwise fail to comply with the terms of the Agreement.

The process for discontinuing this portion of Emery Street is dictated by state statute.

Staff is requesting that this order be passed as an emergency in order to support project financing. Seven affirmative votes are required for passage as an emergency.

Order 203-19/20 Designating the 104 Grant Street Affordable Housing District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

At a meeting held on May 5, 2020, the Economic Development Committee (4-0) voted to forward this item to the City Council with a recommendation for passage.

Under the terms of a Purchase and Sale Agreement between the City of Portland and Tom Watson & Co., LLC, related to the city sale of 82 Hanover Street, the buyer's post-closing obligations required construction of at least 23 units at property located at 104 Grant Street. Watson Renewal Grant LLC (WRG) is a partnership formed to meet that obligation. WRG is proposing to construct 23 condominium units on the 104 Grant Street site and is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement to assist with the cost of construction of the project.

The development district will include 23 units of workforce housing. The project will include 1 two-bedroom and 22 one-bedroom condominiums. Fifty-two percent (52%) or a total of twelve of the twenty-three units, will be available for sale as workforce housing affordable to households at 120% of the area median income. The units will have affordability restrictions through the Affordable Housing TIF Program, MaineHousing's Subdivision Grant Program and the City's Inclusionary Zoning Ordinance. The units will range in size from 498 to 760 square feet. The sale price of the units will range from approximately \$203,000 to \$355,000. Twelve units will be priced below \$260,000 with eight of those units priced at \$203,064.

This Project has received City Planning Board approval.

If approved, the Affordable Housing Tax Increment Financing will be provided through a Credit Enhancement Agreement that would return to the developer their actual costs paid on annual Project debt service based upon an annual maximum 75% capture rate for upwards of thirty (30) years with a total captured revenue cumulative "cap" or maximum. The cap would be the total cumulative TIF CEA payment amount equal to the total actual debt service cost. When the cap is reached the TIF CEA expires.

Currently, 75% of the increased taxable value for 30 years is estimated at a 30-year annual average of \$91,649. The new assessed value is estimated at \$4.419 million which will yield \$3.99 million in increased annual assessed property value. The property has a current taxable value of \$419,600. Total development costs are estimated at \$6.5 million. At full build out the development district is projected to pay an annual average of \$122,199 in new taxes, of which an estimated \$30,550 (30-year annual average) will be non-captured general fund revenue. In addition, the city will continue to receive general fund revenues of \$13,472 (30-year annual average) on the original assessed value of the property.

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

Order 204-19/20 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Watson Renewal Grant LLC - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

At a meeting held on May 5, 2020, the Economic Development Committee (4-0) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 203-19/20 above.

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

Order 205-19/20 Approving an Agreement between the Maine Department of Transportation and Portland Re: Improvements to Stevens Avenue - Sponsored by Jon P. Jennings, City Manager

This project is part of the Maine Department of Transportation (MaineDOT) Municipal Partnership Agreement Program; the City administers the project and receives 50% funding from the state. By signing the partnership agreement, the City is able to proceed with the project and Maine DOT is obligated to pay for 50% of the estimated project cost, or \$500,000.00.

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

Order 206-19/20 Amendment to Portland City Code Chapter 6 Buildings and Building Regulations Re: Rental Application Fees - Sponsored by the Housing Committee, Councilor Jill Duson, Chair

On May 13, 2020, the Housing Committee voted (2-1) to forward this item to the City Council with a recommendation for passage.

On December 16, 2019 the Rental Housing Advisory Committee (RHAC) voted 5-3 to recommend to the Housing Committee that the City prohibit landlords from charging application fees.

The RHAC is charged with providing the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues and identifying education opportunities, seminars, and materials that would be useful to landlords and tenants.

At the RHAC's first meeting on September 24, 2019, several members expressed concern that rental housing application fees are a significant barrier preventing low and moderate income residents from securing housing in Portland. City staff informed the committee that staff in the Housing and Community Development Division had heard concerns about application fee fraud and abuse and had made the Housing Committee aware of that issue.

The RHAC discussed the fact that there is no state law or city ordinance limiting application fees. There is no requirement that a fee charged be linked to the landlord's cost in running a background check. Tenants are also generally not in a position to know whether they have actually been considered for an apartment for which they have paid an application fee.

At the October 28, 2019 meeting of the RHAC members of committee articulated several areas of concern: landlords who collect application fees with no intention of renting to the applicant; landlords who collect application fees from multiple applicants and do not conduct background checks; and landlord who do not supply copies of reports to applicants who are not selected as tenants. The group discussed the concern that application fees price low and moderate income tenants out of Portland at multiple meetings.

Members of the Committee proposed language banning fees phrased to allow only a security deposit and first month's rent to be charged at the beginning of a tenancy.

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: