

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 JULY 13, 2020 SPECIAL CITY COUNCIL AFTERNOON AGENDA

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM MEETING INFORMATION:

The Portland City Council will hold a remote meeting on Monday, July 13, 2020 at 4:00 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/89714609166?pwd=clU3MnhlKzBZbHNwRG9Eei9SRzR2QT09>

Password: 632179

Or iPhone one-tap :

US: +13017158592,,89714609166#,,,0#,,632179# or
+13126266799,,89714609166#,,,0#,,632179#

Or Telephone:

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346 248 7799 or +1 669 900 6833

Webinar ID: 897 1460 9166

Password: 632179

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft City Council Minutes of June 15, 2020, June 22, 2020 and June 29, 2020 City Council meetings.

LICENSES:

Order 1-20/21 Granting Municipal Officers' Approval of Island Lobster Company Inc dba Island Lobster Company. Application for a Class I FSE with Outdoor Dining on Private Property at 20 Island Avenue - Sponsored by Jon P. Jennings, City Manager

Island Lobster Company Inc dba Island Lobster Company. Application for a Class I FSE with Outdoor Dining on Private Property at 20 Island Avenue.

Application was filed on 6/4/2020. New City and State applications. Change of Classification for an existing business.

Five affirmative votes are required for passage after public comment.

Order 2-20/21 Granting Municipal Officers' Approval of The Porthole Restaurant & Pub dba Porthole Restaurant. Application for a Combined Entertainment License at 20 Custom House Wharf - Sponsored by Jon P. Jennings, City Manager

The Porthole Restaurant & Pub dba Porthole Restaurant. Application for a Combined Entertainment License at 20 Custom House Wharf.

Application was filed on 4/10/2020. 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 3-20/21 Granting Municipal Officers' Approval of Rising Tide Brewing Company, LLC dba Rising Tide Brewing Company. Application for a Combined Entertainment License at 103 Fox Street - Sponsored by Jon P. Jennings, City Manager

Rising Tide Brewing Company, LLC dba Rising Tide Brewing Company. Application for a Combined Entertainment License at 103 Fox Street.

Application was filed on 3/27/2020. Applicant currently holds a Class A Lounge license with Indoor Entertainment and Outdoor Dining on Private Property. 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 4-20/21 Granting Municipal Officers' Approval of Pulido Enterprises, Inc. dba Portland Lobster Company. Application for a Combined Entertainment License at 184 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Pulido Enterprises, Inc. dba Portland Lobster Company. Application for a Combined Entertainment License at 184 Commercial Street.

Application was filed on 5/19/2020. 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 5-20/21 Granting Municipal Officers' Approval of Falafel Mafia dba Nura. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 1 Monument Way - Sponsored by Jon P. Jennings, City Manager

Falafel Mafia dba Nura. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 1 Monument Way.

Application was filed on 6/16/2020. New City and State applications. Location was previously Foleys Bakery.

Five affirmative votes are required for passage after public comment.

Order 6-20/21 Granting Municipal Officers' Approval of Custom House Mariner Fleet, LLC dba Casablanca Cruises. Application for a Combined Entertainment License at 18 Custom House Wharf - Sponsored by Jon P. Jennings, City Manager

Custom House Mariner Fleet, LLC dba Casablanca Cruises. Application for a Combined Entertainment License at 18 Custom House Wharf.

Application was filed on 4/21/2020. Applicant currently holds a Class I 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 7-20/21 Granting Municipal Officers' Approval of Bowl Portland, LLC dba Bayside Bowl. Application for a Combined Entertainment License at 58 Alder Street - Sponsored by Jon P. Jennings, City Manager

Bowl Portland, LLC dba Bayside Bowl. Application for a Combined Entertainment License at 58 Alder Street.

Application was filed on 5/15/2020. 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 8-20/21 Granting Municipal Officers' Approval of Marshview LLC dba Brewery Extrava. Application for a Combined Entertainment License at 66 Cove Street - Sponsored by Jon P. Jennings, City Manager

Marshview LLC dba Brewery Extrava. Application for a Combined Entertainment License at 66 Cove Street.

Application was filed on 6/4/2020. Applicant currently holds a Brewery 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 9-20/21 Granting Municipal Officers Approval of Cape Seafood LLC dba Luke's Lobster Seafood Company. Application for a Combined Entertainment License at 60 Portland Pier - Sponsored by Jon P. Jennings, City Manager

Cape Seafood LLC dba Luke's Lobster Seafood Company. Application for a Combined Entertainment License at 60 Portland Pier.

Application was filed on 5/20/2020. Applicant currently holds a Class I 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.

COMMUNICATIONS:

Com 1-20/21 Transition of Sullivan Gym Shelter Guests - Sponsored by Jon P. Jennings, City Manager.

Communication from Health and Human Services Department staff to the Council on the transfer of Sullivan Gym shelter guests.

UNFINISHED BUSINESS:

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. It received a first reading on June 15, 2020. Five affirmative votes are required for passage after public comment.

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. It received a first reading on June 15, 2020. Five affirmative votes are required for passage after public comment.

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 MaineDOT is obligated to pay for 50% of the estimated project cost, or \$500,000.00.

This item must be read on two separate days. It received a first reading on June 15, 2020. Five affirmative votes are required for passage after public comment.

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. It received its first reading on June 15, 2020. Staff is recommending that this item be postponed to October 5, 2020 to allow a Council Workshop on the issue to be held before that date.

ORDERS:

Order 10-20/21 Extending the Emergency Proclamation - Sponsored by Mayor Kate Snyder

This order extends the Emergency Proclamation, as amended last by Order 177-19/20, through September 9, 2020. It maintains various provisions, including language that allows street closings for outside dining and shopping, and remote meetings for various city functions.

Five affirmative votes are required for passage after public comment.

Order 11-20/21 of Discontinuance of a Portion of Emery Street - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair

The Economic Development Committee met on May 27, 2020 and voted 3-0 (with Councilor Thibodeau recusing himself due to a conflict) to forward this to the City Council for approval.

The process for discontinuing this portion of Emery Street is dictated by state statute. If the Council is in support of discontinuance, the process and timeline is likely to be as follows:

- July 13, 2020: Approval of Order of Discontinuance (this does not constitute a final decision on the discontinuance), Finalizing Damages, Filing of Order with City Clerk, and Setting of Date for Public Hearing;
- Order of Discontinuance is posted in the Clerk's Office.
- Notice of Order of Discontinuance sent to abutter
- August 3, 2020 Public Hearing on Order of Discontinuance
- August 31, 2020 Final Vote on Order of Discontinuance

This discontinuance is contemplated in the land exchange agreement with J.B. Brown & Sons approved by the Council on June 15, 2020. If approved, ownership of the portion of Emery Street that will be discontinued will revert to the abutter, J.B. Brown & Sons, and be incorporated into its development and construction of the Veteran's Administration (VA) facility with parking garage. Time is of the essence with respect to the construction of that project.

Five affirmative votes are required for passage after public comment.

**Order 12-20/21 Accepting and Appropriating the Keep Maine Healthy
2020 Municipal COVID-19 Awareness Campaign Grant of \$1,884,960 - Sponsored
by Jon P. Jennings, City Manager**

The City Council is asked to accept and appropriate a \$1,884,960.00 grant award to the City's Health and Human Services Department to be used to support COVID-19 public health, education and prevention efforts in Portland.

The City of Portland has developed an extensive reopening plan that incorporates the three cornerstones of Governor Mills' Keep Maine Healthy COVID-19 Awareness Campaign: Public Education Activities, Physical Distancing and Public Health Support, and Local Business Support. The reopening plan responds to many challenges which are unique to Portland. Portland is home to a vibrant working waterfront, high concentrations of small businesses and restaurants in the Downtown District including Portland's Old Port, over 76 parks and public spaces, a golf course and East End Beach. Public spaces in Portland encompass more than 1,000 acres for residents and visitors to enjoy. In addition, the City of Portland is home to the largest number of minority communities in the State. This diverse landscape increases the need for a multi-faceted, coordinated effort in order to reduce the spread of COVID-19.

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

AMENDMENTS:

4:45 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS: