

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 AUGUST 3, 2020 CITY COUNCIL 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, August 3, 2020 at 4:30 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/84394120128?pwd=QjNEa2RWY2JFU3dDbnpSMWg3KzRKQT09>

Passcode: 340626

Or iPhone one-tap :

**US: +13017158592,,84394120128#,,,,,0#,,340626# or
+13126266799,,84394120128#,,,,,0#,,340626#**

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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: 843 9412 0128

Passcode: 340626

PLEDGE OF ALLEGIANCE:

ROLL CALL:

EXECUTIVE SESSION:

The Executive Session will begin at 4:30 p.m. The City Council meeting will begin immediately after the end of the Executive Session.

Executive Session to discuss the City's legal rights and duties regarding pending litigation in FEDEQ DV004, LLC and FEDEQ DV005, LLC v. City of Portland et al., with legal counsel pursuant to 1 M.R.S. section 405(6)(E).

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the July 13, 2020 4:00 p.m. and July 13, 2020 5:30 p.m. draft City Council Meeting minutes.

CONSENT ITEMS:

Order 27-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Abdifatah Shariff Ali - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$2,540.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Abdifatah Shariff Ali.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money 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.

Order 28-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Rebecca Hassett - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$620.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Rebecca Hassett.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money 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.

Order 29-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Janet Bradbury - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$3,000.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Janet Bradbury.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money 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 the Consent Calendar after public comment.

LICENSES:

COMMUNICATIONS:

Com 2-20/21 COVID-19 Universal Testing for all Portland Housing Authority residents - Sponsored by Jon P. Jennings, City Manager

Portland Director of Health and Human Services Kristen Dow will report on the ongoing testing for COVID-19 of the residents of the Portland Housing Authority sites. Detailed statistics are attached in the back-up material.

As a communication, this item requires no public comment or council action.

Com 3-20/21 Review of 2011 OccupyMaine Lincoln Park Protest - Sponsored by Danielle West-Chuhta, Corporation Counsel

Danielle West-Chuhta, Corporation Counsel, will review the sequence of events during the OccupyMaine protest in Lincoln Park in 2011. Her memo with exhibits is in the back-up material.

As a communication, this item requires no public comment or council action.

**Com 4-20/21 Update on the City of Portland Municipal Fiscal Year 2020-2021
Budget - Sponsored by Jon P. Jennings, City Manager**

The City Council's Finance Committee will continue its FY21 budget review process with a series of meetings starting on Wednesday, August 5, 2020 at 5:30 PM. The meetings will take place remotely via Zoom and can be live-streamed at www.portlandmaine.gov/livestream. The agenda materials can be found by visiting www.portlandmaine.gov/agendas. The Finance Committee will also meet remotely on Thursday, August 6 at 5:30 PM and Wednesday, August 12 at 5:30 PM. A scheduled public hearing will be held remotely during the Wednesday, September 2 Finance Committee meeting at 5:30 PM.

It is anticipated that the full Council will take up the FY21 budget as a first read on Wednesday, September 9 and second read on Monday, September 21. A budget workshop will be held on Monday, September 14.

The City is faced with unprecedented revenue losses of approximately \$12 million due to the COVID-19 pandemic. In order to reduce spending, the City immediately implemented a non-essential hiring freeze and non-essential spending freeze in the middle of March. Later in March, the City began issuing temporary furlough notices to staff whose roles were impacted by the pandemic. Throughout April and May, additional staff were temporarily furloughed to further reduce spending in light of revenues falling significantly shorter than normal. In June, additional temporary furloughs were instituted across all departments, including City leadership, and all cost of living adjustments and performance pay increases for non-union employees were frozen.

City Manager Jon Jennings had originally prepared a FY21 budget that only included a 1.8% tax rate increase generally aligned with inflation. In light of the pandemic and the State's Order that granted municipalities more time to review and approve the next year's fiscal budget, the City automatically carried over its FY20 budget on July 1 and began work on preparing a new FY21 budget with the goal of no property tax rate increase.

Despite receiving limited additional federal and State COVID-relief funds (\$2-\$3M) which will be used to cover some of our COVID related expenditures, the City's continued revenue shortfalls means service and staff cuts will be recommended in order to balance the budget. The City Manager expects to present a budget with a decrease in the overall tax rate.

Finance Director Brendan O'Connell will give a presentation to the Finance Committee on August 5 before the Committee begins its review of each City department budget.

As a communication, this item requires no public comment or council action.

RESOLUTIONS:

Resolve 3-20/21 Recommending the Marketing of City-Owned Surface Level Parking Lots at 157 Brackett Street and 176 Clark Street for Housing Development - Sponsored by Housing Committee, Councilor Jill C. Duson, Chair

The Housing Committee met on November 13, 2019 and voted unanimously to forward this item to the City Council with a recommendation for passage.

Pursuant to City Council adopted Rules for the Disposition of City-Owned and Tax-Acquired Property, City Council approval is sought to market two City-owned surface level parking lots located at 157 Brackett Street and 176 Clark Street for housing development through a Request for Proposal (RFP). Staff would then provide the Economic Development Committee and the Housing Committee with results of the marketing process for its recommendation to the City Council on a Purchase and Sale Agreement.

157 Brackett Street

The .1942 acre (8,460 sq. ft.) parcel located in the West End (erroneously referred to as West Bayside previously) area at 157 Brackett Street is an active 20-space surface level parking lot used as employee and visitor parking for Reiche School, parking for customers of area businesses, and off-street parking after hours.

176 Clark Street

The 1678 acre (7,313 sq. ft.) parcel located in the West End (erroneously referred to as West Bayside previously) area at 176 Clark Street is an active 16-space surface level parking lot used as employee and visitor parking for Reiche School, parking for customers of area businesses, and off-street parking after hours.

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. On June 15, 2020, it was postponed to July 13. It was then postponed to this meeting. Public comment is not required at this meeting. Five affirmative votes are required for passage.

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 was given a first reading on June 1, 2020. At the June 15 Council meeting, after public comment was taken, it was postponed to the July 13 meeting. Public comment is not required at this meeting. Staff is requesting that this item be referred back to the Planning Board, to consider a proposal from the developer for a new use of a "continuing care facility." Five affirmative votes are required for passage.

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 the 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. During multiple meetings, the Committee discussed the concern that application fees price low and moderate income tenants out of the Portland rental market.

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. It received a second reading on July 13 and was postponed to this meeting. Staff is requesting that this item be passed as an emergency; Amendment 3 in the back-up material adds emergency passage to the order. Seven affirmative votes are required for passage as an emergency 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. On July 13, 2020, the Council voted in support of discontinuance, and the Order of Discontinuance was posted in the Clerk's Office and a Notice of Order of Discontinuance was sent to abutter.

At this August 3, 2020 meeting, the Public Hearing will be held on Order of Discontinuance.

A Final Vote on Order of Discontinuance will be requested on August 31, 2020.

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.

Public comment only will be taken at this meeting.

Order 13-20/21 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 83 Middle Street/160 Newbury Street an Affordable Housing Tax Increment Financing District - Sponsored by the Economic Development Committee, Justin Costa, Chair

City Council approval is needed to amend the Downtown Transit Oriented Development and Omnibus Tax Increment Financing (TIF) District by removing 83 Middle Street and 160 Newbury Street from the District for those properties to be their own free-standing Affordable Housing TIF District to support a proposed affordable housing project. In addition, housekeeping technical revisions are also included.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 14-20/21 Amending the Bayside Tax Increment Financing District to Make 337 Cumberland Avenue an Affordable Housing Tax Increment Financing District - Sponsored by the Economic Development Committee, Justin Costa, Chair

City Council approval is needed to amend the Bayside Tax Increment Financing (TIF) District to establish an Affordable Housing TIF District for the 337 Cumberland Avenue Affordable Housing Project. TIF financial assistance will assist with the construction of a six-story structure with 60 mixed income rental units in a mixed use building, which would include expanded space for Youth and Family Outreach to increase childcare spots from 58 to 107.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 15-20/21 Designating the 83 Middle 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.

During a meeting held on May 27, 2020, the Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Staff requests an amendment to the utilization rate in the order, attached in the back up material, because TIF values have been revised since the first read; adjustments made include the value of land donated to the developer and added to the district as well as the underwriter's recommendation to reduce the value of captured revenue returned to the developer from 75% to 50%. The numbers that follow reflect this change.

Community Housing of Maine (CHOM) is proposing to construct a five-story building with 50 units of affordable rental housing for residents age 55+ and is requesting City financial assistance in the form of an Affordable Housing Tax Increment Financing (AHTIF) District and Credit Enhancement Agreement (CEA) to assist with project operating costs.

The project will include 23 studios, 23 one-bedroom and 4 two-bedroom apartments. 40% (20 units) would be available for rent to households earning 50% of the area median income (AMI). 60% (30 units) would be available to households earning 60% AMI. The planned development will include an 11 unit preference for people experiencing homelessness. The units will have affordability restrictions through the AHTIF Program.

CHOM has received 3 forms of financial assistance for the proposed project, including \$330,000 through the Affordable Housing Development Program (HOME and Housing Trust funds); \$200,000 in CDBG funds and an Option to Lease Agreement for City-owned property at 83 Middle St. (Option expires 06/30/2021; option payment \$1.00; ground lease term 99 years and aggregate lease payment of \$99.00).

If approved, the AHTIF financing would be provided through a CEA at 50% of the increased taxable value, currently estimated at a 30-year annual average of \$51,976 with an estimated total of \$1,559,287 in captured revenue returned to the developer to off-set project operating costs. The remaining increased taxable value, currently estimated at a 30-year annual average of \$51,976, with an estimated total of \$1,559,287, will be general fund revenue. The proposed building would be taxable on this city-owned property, with an estimated annual assessment of \$3,465,000 and estimated annual tax of \$80,769.15 at the current millage rate.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 16-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Middle Street Housing Partners, L.P. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

During a meeting held on May 27, 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 15-20/21 above.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 17-20/21 Designating the 200 Valley 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.

During a meeting held on May 27, 2020, the Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Avesta Housing Development Corporation (AHDC) is proposing to construct 60 apartment units on a site they own located at 200 Valley Street and is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District (AHTIF) and Credit Enhancement Agreement (CEA) to assist with the cost of construction of the project.

The project will include 11 studios, 25 one-bedroom, 14 two-bedroom, and 10 three-bedroom apartments. 60% or 36 of the units will be available to households earning 50% of the area median income (AMI). 20% or 12 of the units will be available to households earning 60% AMI. The remaining 20% or 12 of the units will be market rate. The units will have affordability restrictions through the AHTIF Program.

The site is in the B-2 zone, and is within 100' of the Western Promenade, requiring review by Historic Preservation Staff. Staff found; the development is not located in a historic district, historic landscape district or City designated landmark; the development is adjacent to a historic landscape district, but not adjacent to a historic district or a historic City designated landmark.

AHDC has requested two forms of financial assistance: \$595,000 in Affordable Housing Development funding and AHTIF financing. If approved, the AHTIF financing would be provided through a CEA at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$136,409 with an estimated total of \$4,092,269 in captured revenue returned to the developer to off-set project operating costs. The remaining increased taxable value, currently estimated at a 30-year annual average of \$45,470, with an estimated total of \$1,364,090, will be general fund revenue. The proposed project will be taxable with an estimated annual assessment of \$6.2 million and estimated annual tax of \$144,500 at the current FY20 millage rate.

This project is seeking a 9% Low Income Housing Tax Credit and tax-exempt debt with MaineHousing contingent upon a reduction in operating costs through a tax increment financing program that provides for a minimum of 75% of the projects annual property tax revenue to be returned to the developer.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 18-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Avesta Valley Street LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

During a meeting held on May 27, 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 17-20/21 above.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 19-20/21 Designating the 337 Cumberland Avenue 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.

During a meeting held on June 16, 2020, the Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (APHDC) is proposing to construct 60 rental units within a six-story mixed-use building on a site currently owned by Youth and Family Outreach (YFO), who will lease the site for 90 years to 337 Cumberland Avenue, LP who will be the development owner. 337 Cumberland Avenue is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District (AHTIF) and Credit Enhancement Agreement (CEA) to assist with project operating costs.

The project will include 20 studios, 15 one-bedroom, 15 two-bedroom, and 10 three-bedroom apartments. 60% or 36 of the units will be available to households earning 50% of the area median income (AMI). 20% or 12 of the units will be available to households earning 60% AMI. The remaining 20% or 12 of the units will be market rate. 10% or 6 of the units will be set aside for families residing in a Portland shelter. The units will have affordability restrictions.

PHDC has requested two forms of financial assistance, \$500,000 in Affordable Housing Development funding and Affordable Housing Tax Increment Financing. If approved, the AHTIF financing would be provided through a CEA at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$109,900 with an estimated total of \$3,296,995 in captured revenue returned to the developer over the term of the district, to off-set project operating costs. The remaining 25% of the increased taxable value, currently estimated at a 30 year annual average of \$36,633, with an estimated total of \$1,098,998 will be general fund revenue. The proposed project will be taxable with an estimated annual assessment of \$4.9 million and estimated annual tax of \$114,219 at the current FY20 millage rate.

This project is seeking a 9% Low Income Housing Tax Credit and tax-exempt debt with MaineHousing contingent upon a reduction in operating costs through a tax increment financing program that provides for a minimum of 75% of the projects annual property tax revenue to be returned to the developer.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 20-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with 337 Cumberland Avenue, LP. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

During a meeting held on June 16, 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 19-20/21 above.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 21-20/21 Designating the 577 Washington Avenue 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.

During a meeting held on May 27, 2020, the Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHCD) is proposing to rehabilitate 100 units of public housing serving seniors and persons with disabilities at 577 Washington Avenue (Washington Gardens) to a project-based voucher funding platform. PHDC is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing District (AHTIF) and Credit Enhancement Agreement (CEA) to assist with the cost of construction of the project.

The development district will include 100 units of low income housing within 15 two-story residential buildings. There are currently sixty (60) studio, thirty-six (36) one-bedroom, and four (4) two-bedroom units. Sixty percent (60%) or sixty (60) of the units will be available to households earning 50% of the area median income. Forty percent (40%) or forty (40) of the units will be available to households earning 60% of the area median income. The units will have affordability restrictions through the Affordable Housing TIF Program.

PHDC has requested three forms of financial assistance including \$400,000 from the Affordable Housing Development Program, \$184,150 received through the CDBG Program and AHTIF.

If approved, the AHTIF would be provided through a CEA at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$190,500 with an estimated total of \$5,714,987 in captured revenue returned to the developer to off-set project operating costs. The remaining increased taxable value, currently estimated at a 30-year annual average of \$63,500 with an estimated total of \$1,904,996, will be general fund revenue.

The proposed project will be taxable, with an estimated annual assessment of \$7.9 million and estimated annual tax of \$184,149 at the current FY20 millage rate.

This project has received 9% Low Income Housing Tax Credit and tax-exempt debt from MaineHousing.

This item must be read on two separate days. It received its first reading on July 13, 2020. Staff is recommending that this item be postponed to August 31, 2020 to allow for the review of recent changes to the project proforma.

Order 22-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Washington Gardens LP. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

During a meeting held on May 27, 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 21-20/21 above.

This item must be read on two separate days. It received its first reading on July 13, 2020. Staff is recommending that this item be postponed to August 31, 2020 to allow for the review of recent changes to the project proforma.

Order 23-20/21 Appropriating \$97,545 in Home Investment Partnership Program Funds and up to \$497,455 in Housing Trust Funds to Avesta Valley Street LP RE: 200 Valley Street - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

The Housing Committee met on June 10, 2020 and voted unanimously (3 - 0) to forward this item to the City Council with a recommendation for passage.

Avesta Housing Development Corporation (AHDC) is proposing to construct 60 apartment units on a site it owns located at 200 Valley Street. Forty-eight (48) units will have income restrictions.

AHDC has requested two forms of financial assistance including \$595,000 from the Affordable Housing Development (AHD) Program (up to \$97,545 in HOME funds and up to \$497,455 in Housing Trust Funds, HTF) at 0% interest rate loan, deferred for 30 years. A separate Affordable Housing Tax Increment Financing request is being consider under Order 17 -20/21. This project is seeking a 9% Low Income Housing Tax Credit and tax-exempt debt with Maine Housing.

Total AHD request of \$595,000/unit = \$9,916.66

Total AHD request of \$595,000/affordable unit = \$12,395.83

AHDC plans to apply for \$206,921 in City of Portland and Maine Medical Center's Healthy Neighborhoods Funding. If successful, these funds could be used in lieu of an equal amount of HOME/HTF subsidy.

The project will include 11 studios, 25 one-bedroom, 14 two-bedroom, and 10 three-bedroom apartments. 60% or 36 of the units will be available to households earning 50% of the area median income (AMI). 20% or 12 of the units will be available to households earning 60% AMI. The remaining 20% or 12 of the units will be market rate. The units will have affordability restrictions.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 24-20/21 Appropriating Up To \$500,000 in Housing Trust Funds to 337 Cumberland Avenue, LP RE: 337 Cumberland Avenue - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

The Housing Committee met on June 10, 2020 and voted (2 - 0) (Councilor Ali abstained) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to construct 60 apartment units on a site located at 337 Cumberland Avenue. Forty-eight (48) units will have income restrictions.

PHDC has requested two forms of financial assistance including \$500,000 from the Affordable Housing Development (AHD) Program and Affordable Housing Tax Increment Financing being considered separately under Orders 19 - 20/21. Staff is recommending the AHD request be funded from the Housing Trust Fund (HTF).

Total AHD of \$500,000/unit = \$8,333.33; Total AHD of \$500,000/affordable unit = \$10,416.66

Portland Housing Development Corporation is proposing the redevelopment of 337 Cumberland Avenue by providing a newly constructed six-story structure containing 60 mixed-income units in a mixed-use building. The site is currently owned by Youth and Family Outreach (YFO), who will lease it for 90 years to 337 Cumberland Avenue, LP who will be the development owner. The site consists of an existing building containing a restaurant and a chapel that provides space for YFO to offer early childhood education and other supportive services for 58 children. The chapel will be updated and the building will be demolished. The first floor of the new building will provide expansion space for YFP that will allow for an increase in childcare spots from 58 to 107, floors two through five will be residential housing. Three Thirty-Seven Cumberland would attempt to secure Project Based Housing Choice Vouchers from PHA for some of the 50% AMI units.

The project will include 20 studios, 15 one-bedroom, 15 two-bedroom, and 10 three-bedroom apartments. 60% or 36 of the units will be available to households earning 50% of the area median income (AMI). 20% or 12 of the units will be available to households earning 60% AMI. The remaining 20% or 12 of the units will be market rate.

This project is seeking a 9% Low Income Housing Tax Credit and tax-exempt debt with Maine Housing contingent upon a reduction in operating costs through a tax increment financing program and subsidized development funding through the Affordable Housing Development Program.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

Order 25-20/21 Appropriating \$400,000 in HOME Investment Partnership Program Funds to Washington Gardens, LP RE: 577 Washington Avenue - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

The Housing Committee met on June 10, 2020 and voted unanimously (3 - 0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to rehabilitate 100 units of public housing serving seniors and persons with disabilities at 577 Washington Avenue (Washington Gardens).

PHDC has requested three forms of financial assistance including \$400,000 from the Affordable Housing Development Program, \$184,150 from the CDBG Program (approved by the City Council in May, 2020) and an Affordable Housing Tax Increment Financing request being considered separately under Orders 21 - 20/21.

Total HOME request of \$400,000/unit = \$4,000

Total HOME request of \$400,000/affordable unit = \$4,000

There are currently 60 studios, 36 one-bedroom, and 4 two-bedroom units. 60% or 60 of the units will be available to households earning 50% of the area median income (AMI). 40% or 40 of the units will be available to households earning 60% AMI.

This project has received 9% Low Income Housing Tax Credit and tax-exempt debt from Maine Housing.

This item must be read on two separate days. It received its first reading on July 13, 2020. Staff is recommending that this item be postponed to August 31, 2020 to allow for the review of recent changes to the project proforma.

Order 26-20/21 Amendment to the Portland City Code Chapter 29 Vegetation Re: Heritage Tree Protection Ordinance and Tree Trust - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The proposed amendment designates certain large trees located on private property as heritage trees because of the important ecological services they provide the residents of the City of Portland. In order to preserve these benefits, the amendment requires property owners who wish to remove such a tree to receive a permit and comply with the required conditions before proceeding.

This item must be read on two separate days. It was given a first reading on July 13, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 30-20/21 Setting Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 33 Re: An Act to Increase the Minimum Wage in Portland - Sponsored by Katherine Jones, City Clerk

This order sets the public hearing on Citizen Initiative Amendment Chapter 33 of the Portland City Code, called An Act to Increase Minimum Wage in Portland, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 31-20/21 Setting Public Hearing on a Citizen Initiative Amendment to Chapter 17 of the Portland City Code Re: An Act to Ban Facial Surveillance by Public Officials in Portland - Sponsored by Katherine L. Jones, City Clerk

This order sets the public hearing on a Citizen Initiative Amendment to Chapter 17 of the Portland City Code, An Act to Ban Facial Surveillance by Public Officials in Portland, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 32-20/21 Setting Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 2 Re: An Act to Implement a Green New Deal for Portland - Sponsored by Katherine L. Jones, City Clerk

This orders set the public hearing on Citizen Initiative Amendment to Chapter 2 of the Portland City Code, An Act to Implement a Green New Deal for Portland, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 33-20/21 Setting a Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Protect Tenants - Sponsored by Katherine L. Jones, City Clerk

This orders set the public hearing on a Citizen Initiative Amendment to Chapter 6 of the Portland City Code, An Act to Protect Tenants, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 34-20/21 Setting a Public Hearing on Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Restrict Short Term Rentals in Portland - Sponsored by Katherine L. Jones, City Clerk

This orders set the public hearing on a Citizen Initiative Amendment to Chapter 6 of the Portland City Code, An Act to Restrict Short Term Rentals in Portland, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 35-20/21 Setting Public Hearing on Citizen Initiative Amendment to the Portland City Code Chapter 35 Re: No Cannabis Cap Campaign - Sponsored by Katherine L. Jones, City Clerk

This orders set the public hearing on a Citizen Initiative Amendment to Chapter 35 of the Portland City Code, called No Cannabis Cap Campaign, during the August 31, 2020 Special Remote City Council Zoom meeting, at 5:30 p.m., or as soon as possible after that time, with the hyperlink to come in that City Council agenda.

Five affirmative votes are required for passage after public comment.

Order 36-20/21 Approving the Ninth Amendment to the 52 Hanover Street Purchase and Sale Agreement - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair

On July 21, 2020, the Council's Economic Development Committee reviewed this proposed Ninth Amendment, held a public hearing, and voted unanimously (4-0) to forward this to the City Council with a recommendation of approval.

Thomas E. Watson, now manager of 52 Hanover LLC, was selected through a public bid process to redevelop two properties located at 44/52 and 82 Hanover Street properties, the latter of which is complete and fully leased.

44/52 Hanover Street Purchase and Sale Agreement. A condition of the 44/52 Hanover Street Purchase and Sale Agreement included the requirement to redevelop the existing 18,000 square foot former Public Works Fleet Services Metal Building into maker space. See the attached Purchase and Sale Agreement.

Mr. Watson's Proposal is to demolish the existing Fleet Services Building to construct upwards of 171 residential apartments with 8,000 square feet of commercial retail space with courtyards. This proposal does not require a rezoning nor requests any City financial investment through the City Housing Trust Fund or TIF CEA financial assistance. Attached is Mr. Watson's Proposal entitled "52 Hanover, LLC, Port Property Management, Executive Summary".

Please find the attached proposed Ninth Amendment to the 44/52 Hanover Street Purchase and Sale Agreement to support the proposed Purchase and Sale Agreement Amendments, which includes a condition to construct the required number of Inclusionary Zoning units in the proposed project, rather than pay the fee in lieu.

Five affirmative votes are required for passage after public comment.

Order 37-20/21 Setting an Election Date on Citizen Initiative Amendment to the Portland City Code Chapter 33 Re: An Act to Increase Minimum Wage in Portland - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative that increases the Portland minimum wage. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 38-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 17 Re: An Act to Ban Facial Surveillance by Public Officials in Portland - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative called An Act to Ban Facial Surveillance in Portland. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 39-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 2 Re: An Act to Implement a Green New Deal for Portland - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative called An Act to Implement a Green New Deal in Portland. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 40-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Protect Tenants - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative called An Act to Protect Tenants. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 41-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Restrict Short Term Rentals in Portland - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative called An Act to Restrict Short Term Rentals in Portland. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 42-20/21 Setting Election Date on Citizen Initiative Amendment to the Portland City Code Chapter 35 Re: No Cannabis Cap Campaign - Sponsored by Katherine L. Jones, City Clerk

This item sets an election date for a Citizen Initiative called No Cannabis Cap Campaign. It also allows the use of a summary on the ballot, pursuant to Chapter 9 of the Portland City Code Sec. 9-41. Staff is recommending that the summary language be used for the ballot.

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

Order 43-20/21 Accepting and Appropriating up to \$50,000 in Donations for the Andrews Square Realignment Project - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates donations of up to \$50,000 for Andrews Square realignment project. The Department of Public Works (DPW) has received Capital Improvement Plan (CIP) funding for an intersection realignment project at Andrews Square (intersection of Clark Street, Pine Street, West Street). Various residents of the Andrews Square neighborhood and members of the West End Neighborhood Association are donating private funds to incorporate various landscaping/hardscaping features into the project. This funding would supplement city CIP funding, as well as a \$20,000 Caring Community Grant from Maine Medical Center, for these landscaping and hardscaping improvements (plantings, landscape lighting, benches, hardscape material for crosswalks). The private funding group has been working in concert with staff in the Department of Public Works.

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

AMENDMENTS:

Order 44-20/21 Amendment to Portland City Code Chapter 14 Re: Zoning Addition to the B-7 Mixed Development District Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on June 9, 2020, the Planning Board unanimously found (7-0) that a proposed zoning text amendment to Division 17 Section 14-295 of the City's Land Use Code (adding veterinary hospitals and clinics without outdoor kennels as permitted uses within the B-7 zone) is consistent with the Comprehensive Plan for the City of Portland. The Planning Board recommended this action to the City Council.

Earle W. Noyes & Son, Inc., seeks a zoning text amendment to allow a prospective tenant to site their veterinary practice at 191 Marginal Way, which is zoned B-7 mixed development district. The proposed text amendment would add veterinary hospitals and clinics (provided there is no outdoor kennel) as permitted uses to the B-7 zone.

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

Order 45-20/21 Amendment to Chapter 5 Re: Restricting Off-Leash Dogs in Baxter Woods - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The Sustainability and Transportation Committee voted 3-0 in support of the recommendation on February 26, 2020.

The Parks, Recreation, and Facilities Department is recommending that the City Council amend Chapter 5 of the City's Code of Ordinances in order to place new restrictions on the presence of off-leash dogs in Baxter Woods. Currently, Chapter 5 of the City's Code permits dogs to be off-leash in Baxter Woods so long as they are under voice control. The proposal seeks to impose limited restrictions on the presence of off-leash dogs in Baxter Woods in order to better fulfill the City's charge to maintain Baxter Woods as a bird sanctuary and to address public safety concerns.

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

Order 46-20/21 Amendment to Portland City Code Chapter 12 Re: Repeal of Single-use Carry-out Bag Ordinance - Sponsored by the Traffic and Sustainability Committee, Councilor Spencer Thibodeau, Chair

The Sustainability and Transportation Committee met on February 26, 2020 and voted 2-1 to recommend this item for passage by the City Council.

In July, 2019, Governor Janet Mills signed a new state law banning the distribution of plastic shopping bags in Maine. The new law has a provision that preempts local ordinances regulating plastic bags and gives the State of Maine the sole authority to do so. Corporation Counsel recommends the City Council repeal Portland's bag ordinance because the State's action nullifies it.

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: