

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE CITY COUNCIL MEETING - MAY 3, 2021

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

ZOOM INFORMATION:

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, 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 unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbjRlQT09>

Passcode: 970838

Or iPhone one-tap :

US: +13017158592,,84217109286#,,,,*970838# or +13126266799,,84217109286#,,,,*970838#

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: 842 1710 9286

Passcode: 970838

International numbers available: <https://us02web.zoom.us/j/84217109286?pwd=NzBPM2hQaDB0NWFBWmpHck1lbjRlQT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the April 26, 2021 Draft City Council Meeting Minutes

PROCLAMATIONS:

Proc 13-20/21 Declaring May 5, 2021 Missing and Murdered Indigenous Women's Day - Sponsored by Councilor April Fournier

APPOINTMENTS:

Order 227-20/21 Appointing Members to Various Boards and Commissions - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on March 29, 2021 and voted (4-0) to send forward the following recommendations to the Various Boards and Commissions:

Avery Kamila, Pesticide Management Advisory Committee, exp. 06/30/2024

Marie Gray, Parks Commission, exp. 06/30/2024

Ana Lagunez, Parks Commission, exp. 06/30/2024

Beth Rabbitt, Parks Commission, exp. 06/30/2022

Steven Bentsen, Parks Commission, exp. 06/30/2024

Michael Catania, Parks Commission, exp. 06/30/2024

Stephen Bither, Board of Assessment Review, exp. 09/23/2024

Chase Hewitt, Board of Assessment Review, exp. 09/23/2024

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

UNFINISHED BUSINESS:

Order 225-20/21 Accepting and Appropriating an Anonymous Donation of \$2,500 toward the Community Needs Fund - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates an anonymous donation of \$2,500.00 from an anonymous individual in Falmouth, Maine, to be used as a way of giving back to the community through Police Department community programs.

With this funding, the Police Department will establish a Community Needs Fund. The purpose of this Fund is to support the assistance that officers currently provide, often using their own money, to help local youth and community members. Examples include buying a youth a pair of shoes or a jacket, or a community member a meal. Other uses of Community Needs funding will include support for youth- or community-oriented programs or events.

This item must be read on two separate days. It received its first reading on April 26, 2021. Five affirmative votes are required for passage after public comment.

Order 226-20/21 Zoning Map Amendment Re: B-1 to B-2 in the Vicinity of Congress and Douglass Streets and Massachusetts Avenue - Sponsored by the Planning Board, Brandon Mazer, Chair

Big Donut, LLC, seeks a zoning map amendment to change the existing B-1 Neighborhood Business zone to a B-2 Community Business zone at 1217 Congress Street. The subject property is located on the corner of Congress Street and Bolton Street and is 12,219 square feet in size. There are two existing structures at the site; including a doughnut shop and a vacant gas station. The Planning Board approved an expanded version of this zoning request on December 15, 2020. The approval included the entirety of properties located at 1183-1227 Congress Street, 50-52 Douglass Street & 4-14 Massachusetts Ave which are all currently zoned B-1.

The current B-1 zoning allows for small scale, neighborhood-oriented commercial development. The proposed rezoning is intended to facilitate future development of a higher intensity than current zoning allows; while the applicant has not committed to a future development scenario as of this writing, future uses could potentially include a retail marijuana use oriented toward serving the caregiver community, a veterinary clinic, a pharmacy, or a number of other permitted B-2 uses that are consistent with the applicant's business plans.

This item must be read on two separate days. It received its first reading on April 26, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 228-20/21 Approving Purchase and Sale Agreement with Douglass Commons LLC for 43 and 91 Douglass Street - Sponsored by Housing & Economic Development Committee. Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee met on April 6, 2021 and voted 4-0 to recommend to the City Council approval of a Purchase and Sale Agreement for the sale of City-owned property located 43 and 91 Douglass Street.

On November 16, 2020, the City Council authorized staff to begin to negotiate terms for a Purchase and Sale Agreement with the Douglass Commons LLC development team consisting of The Szanton Company and Maine Cooperative Development Partners for the 43 and 91 Douglass Street property.

Douglass Commons LLC is proposing to create two projects on the 43 and 91 Douglass Street site.

Rental Housing Project: The rental housing project will consist of an apartment building including no less than 56 units with a mixture of one, two and three-bedroom units. There will be a minimum of 17 two-bedroom units and 10 three-bedroom units. The rental housing project will maintain affordability for a period of 99 years. At least 40 of the units will be affordable to households earning less than or equal to 60% of the area median income (AMI) (\$60,540 for a family of four based on 2020 Income limits for the Portland ME Metropolitan Statistical Area). The developer intends to finance this project through the Low Income Housing Tax Credit Program, Maine State Housing Authority and a Credit Enhancement Agreement through an Affordable Housing Tax Increment Financing District.

Cooperative Housing Project: The cooperative housing project will include at least 52 units with a mixture of one, two and three-bedroom units. There will be a minimum 12 two-bedroom units and 22 three-bedroom units. The units will be owned by a Limited Equity Cooperative Corporation and will be leased to shareholders. The project will be affordable for 99 years. All of the units will be affordable to households earning less than or equal to 100% AMI \$100,900 for a family of four based on 2020 Income Limits). The developer intends to finance this project through the U.S. Department of Housing and Urban Development Section 213 Program and a Credit Enhancement Agreement through an Affordable Housing Tax Increment Financing District.

Five affirmative votes are required for passage after public comment.

Order 229-20/21 Approving Purchase and Sale Agreement with Greater Portland Community Land Trust for 21 Randall Street - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee met on April 6, 2021 and voted 4-0 to recommend City Council approval of a Purchase and Sale Agreement with Greater Portland Community Land Trust for city-owned property located at 21 Randall Street.

On August 18, 2020, the Economic Development Committee authorized staff to begin to negotiate terms for a Purchase and Sale Agreement with the Greater Portland Community Land Trust (GPCLT) development for the 21 Randall Street property.

The project proposed by the GPCLT, called Back Cove Flats, will be a condominium consisting of the greater of eight three-bedroom and five one-bedroom dwelling units, or the maximum number of units allowed under the current zoning. Each unit will be individually owned while the land will be owned and leased by the GPCLT. The project will maintain affordability for a period of 99 years. The units will be affordable to households earning less than or equal to 120% of the area median income (AMI) (\$121,080 for a family of four based on 2020 Income Limits for the Portland ME Metropolitan Statistical Area). The project will be subject to the requirements of the Inclusionary Zoning Ordinance, which means that 25% of the units will be affordable to households earning less than or equal to 80% of the area median income. The developer intends to finance this project through a variety of sources including traditional bank financing, community lending resources such as the Genesis Fund and CEI, a Community Solutions Grant from Maine State Housing Authority and a possible loan from the City's Housing Trust Fund.

Five affirmative votes are required for passage after public comment.

Order 230-20/21 Approving the Application for Financing through the Land and Water Conservation Fund Act Re: Riverton Trolley Park - Sponsored by Jon P. Jennings, City Manager

The Department of Parks, Recreation and Facilities is partnering with the Portland Parks Conservancy to apply for a Land and Water Conservation Fund (LWCF) federal grant for improvements to Riverton Trolley Park. This federal grant program requires local legislative body (City Council) pre-approval prior to submission. The grant would provide 50% of total project funds. The remaining 50% will be provided locally through future Capital Improvement Plan allocations (subject to approval) and/or private fundraising.

Five affirmative votes are required for passage after public comment.

**Order 231-20/21 Extending the Emergency Resolution to November 1, 2021 -
Sponsored by Kate Snyder, Mayor**

This order extends the Emergency Proclamation and associated provisions to November 1, 2021. Street closures in particular, among other modified regulations, have been found to greatly assist the restaurant businesses enjoying greater outdoor space for their businesses. This order keeps that in place through much of the fall.

Five affirmative votes are required for passage after public comment.

Order 232-20/21 Accepting and Adopting the 2021 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing and Economic Development Committee met on February 2, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

The Jill C. Duson Housing Trust Fund is established by Section 18.3 of the City's Code of Ordinances. Section 14-489 (e) states that "each fiscal year the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action." The plan establishes the priorities in which the current balance of the Housing Trust Fund will be allocated.

The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs...". In an effort to ensure that these purposes are met, the Housing Trust Fund Annual Plan may identify specific priorities that support other city goals and priorities, for example goals from the Comprehensive Plan or the City Council Common Goals.

2021 Priorities:

- Public/private partnerships that create housing units that are affordable to households earning 60% to 100% of the area median income.
- Housing development that supports the Comprehensive Plan goal for development along transit nodes and corridors.
- Encourage developers to participate in the Public Housing Authority's Family Self Sufficiency Program.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

THE CITY COUNCIL WILL HOLD A FIRST READ ON THE FISCAL YEAR 2022 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 3) AND WILL ACCEPT PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 10 AT 5:00 P.M. THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 8, 2021.

Portland Board of Public Education Chair Emily Figdor will present the school budget at its first reading on May 3, 2021. Please find the Board of Public Education's recommended budget attached.

Orders 233-20/21 to 239-20/21 are orders required by 20-A M.R.S. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

At their April 29, 2021 meeting, the City Council Finance Committee voted 3-0 to approve a \$99,114,406 tax levy for the School Budget that must be submitted to voters. This figure represents an increased tax levy of \$4,775,662 or a 5.1% increase from Fiscal Year 2021. The Portland Board of Public Education had initially recommended a \$6,243,662 increase in their tax levy for Fiscal Year 2022. If the change made by the Finance Committee is approved by the full City Council the Board of Public Education must determine whether to reduce requested expenditures, increase requested revenues, or do a combination of both to meet the approved tax levy.

Order 233-20/21 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2022 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair

This order provides \$77,010,122 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 \$77,010,122 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 \$125,154,700 will be \$100,582,406.

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

Order 234-20/21 Order Approving Non--State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2022 -- Sponsored by the Finance Committee, Councilor 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 \$385,252 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 \$385,252 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 is its first reading.

Order 235-20/21 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2022 -- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair

This order appropriates \$21,217,396 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 \$21,217,396 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. This is its first reading.

Order 236-20/21 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2022 -- 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 \$118,755,817.

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 June 8, 2021. \$98,612,770 of the \$118,755,817 would come from property taxes, \$17,818,900 would come from state subsidy, and \$2,324,147 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. This is its first reading.

Order 237-20/21 Appropriating and Raising Funds for Adult Education for Fiscal Year 2022 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 \$2,575,752 for Adult Education for Fiscal Year 2021-2022 and raises the sum of \$1,783,513 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. This is its first reading.

Order 238-20/21 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2022 -- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair

This order raises and appropriates \$186,123 for the Food Service Program for Fiscal Year 2021-2022. 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. This is its first reading.

Order 239-20/21 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2022 -- 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. This is its first reading.

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