

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 SPECIAL CITY COUNCIL MEETING - MAY 10, 2021

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

ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86566184319?pwd=RzNoNnR2a1pKeVBmcW01NTZCVTIKZz09>

Passcode: 649582

Or One tap mobile :

US: +13017158592,,86566184319#,,,,*649582# or +13126266799,,86566184319#,,,,*649582#

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: 865 6618 4319

Passcode: 649582

International numbers available: <https://us02web.zoom.us/j/86566184319?pwd=RzNoNnR2a1pKeVBmcW01NTZCVTIKZz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft May 3, 2021 City Council Meeting Minutes

ORDERS:

Order 240-20/21 Approving City Lease with 39 LLC of 39 Forest Avenue for the Relocation of the City's Health and Human Services Department, Divisions of Social Services and Public Health - Sponsored by Jon P. Jennings, City Manager

This lease would allow the Divisions of Social Services and Public Health to be co-located at 39 Forest Avenue. Currently, these Divisions are housed in three separate locations: City Hall and cramped leased spaces at 103 India Street and at 196 Lancaster Street.

Leasing space at 39 Forest will provide a centralized, on-peninsula location. The benefits of co-location include improved staff collaboration, reduced barriers to those who require vital services, enhanced organization efficiency, and the ability to expand programs as needed.

39 Forest Avenue includes a free-standing, 37,000-square-foot building on two levels that has been determined to be the most affordable long-term option to house and deliver social services. It is proposed that the initial term of the lease be 20 years from June 1, 2021, and ending on May 31, 2041, with options to renew.

Public outreach regarding the co-location of HHS staff and programs at 39 Forest Avenue included the following:

- April 13: Health and Human Services & Public Safety Committee announced the City's co-location plans;
- April 16: A survey was distributed to clinic and Needle Exchange clients;
- April 23: Portland Downtown hosted a forum on this topic;
- Week of April 26: Direct outreach to property abutters via mail;
- May 4: Staff discussed the plan at a Bayside Neighborhood Association meeting;
- May 5: A community meeting for the general public was hosted by City staff;
- May 26: Staff to discuss the plan at a Parkside Neighborhood Association meeting;
- Ongoing: Numerous one-on-one meetings with stakeholders, including MECA officials and Jonathan Culley (developer for 45 Forest Avenue).

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

Order 241-20/21 Accepting and Appropriating a \$3,000 Grant from ConnectMaine Authority - Sponsored by Jon P. Jennings, City Manager

This order accepts \$3,000 in grant funding from ConnectMaine Authority and appropriates it to work being undertaken by the Portland Broadband Planning Committee in at least the communities of Peaks Island, Great Diamond Island and Little Diamond Island.

The Broadband Planning Committee was formed in late 2020 to facilitate learning, outreach, and planning among Portland's island communities related to enhanced high-speed internet access. Representatives from Peaks Island, Cushing Island, Great Diamond Island, and Little Diamond Island participate on the Committee, along with staff from the City's Executive Department, Department of Housing & Economics Development, and Department of Planning and Urban Development.

This funding is intended to help "begin the process of building community-wide support for expanded broadband service," per ConnectMaine's award letter.

The Committee meets on the fourth Monday of each month. These meetings are open to the public and accessible by Zoom.

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

Order 242-20/21 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 45 Brown Street Unit 2 an Affordable Housing Tax Increment Financing District and to Allow Funding for Public Restrooms - Sponsored by Councilor Spencer Thibodeau, Chair, Housing & Economic Development Committee

The Housing and Economic Development Committee met on March 2, 2021, and voted 4-0 to forward this item to the City Council for approval.

This is a companion Order to the Affordable Housing Tax Increment Financing (TIF) Request for the 45 Brown Street project.

City Council approval is requested to amend the Downtown Transit Oriented Development and Omnibus (TOD) TIF District to establish an Affordable Housing District for the 45 Brown Street affordable housing project, as well as to allow use of City TIF Funding to support public restrooms.

The proposed project is a two-unit condominium, including an at grade multi-level parking garage (Unit 1) and upper floor affordable housing units (Unit 2).

The ground level Condominium Unit 1 (parking garage) is proposed to remain in the existing City Council approved Downtown TOD TIF District and Unit 2 (upper floors for the affordable housing project) is proposed to be included as its own Affordable Housing TIF District. The affordable housing project is the subject of an affordable housing TIF District proposal.

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

Order 243-20/21 Designating the 45 Brown Street Unit 2 Affordable Housing District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing and Economic Development Committee met on March 2, 2021, and voted 3-1 (Zarro) to recommend forwarding this to the City Council for consideration.

The Presidium Group development team submitted an application for Affordable Housing Tax Increment Financing for a project at 45 Brown Street. The proposal will result in 282 new units of rental housing with 50% having affordable housing restrictions for thirty (30) years.

The project proposal includes 116 studio apartments (40 affordable at or below 80% of the area median income, 27 affordable at or below 100% AMI, 33 affordable at or below 120% AMI and 16 at market rate); 126 one-bedroom apartments (41 affordable at or below 80% AMI and 85 at market rate); and 40 two-bedroom apartments, all at market rate. A total of 141 units will be affordable, restricted units; 81 (29%) units will be affordable to households earning at or below 80% AMI. (Applicable AMI income limits are included in the Backup section of the memo).

If approved, tax increment financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value for a thirty (30) year term; Captured revenue returned to the developer averages an estimated annual amount of \$849,617 or \$25,488,500 over the 30 year term of the district. The remaining 25% is non-captured General Fund revenue with estimated at an annual average \$283,206 or \$8,496,167 over the term of the district. Original assessed value revenue will remain in the existing Downtown TIF District, estimated at an annual average of \$42,276 or \$1,268,282 over the term of the district. With the tax sheltering benefits of TIF Districts, overall savings to the City during the term of the district averages an estimated annual amount of \$342,954, or \$10,288,633 over the term of the district.

Additionally, the Presidium team is willing to incorporate, in response to the City's request, a public restroom in the Project.

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

Order 244-20/21 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Brown Tower, LLC - Sponsored by Jon P. Jennings, City Manager

During a meeting held on March 2, 2021, the Housing and Economic Development Committee (3-1) voted to forward this item to the City Council for consideration.

This is a companion order to Order 243-20/21 above.

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

Order 245-20/21 Accepting and Appropriating a \$42,500 Donation from Matthew Best in honor of Arthur Best to the Fire Department Medical Crisis Unit - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a donation of \$42,500 from Matthew Best in honor of his uncle, Arthur Best, to the Portland Maine Fire Department, to support the mission of the Medical Crisis Unit (MEDCU). The MEDCU consists of five ambulances that serve the City for all Emergency Medical responses such as; cardiac arrest, seizures, overdose calls, trauma calls, vehicle accidents and much more. MEDCU responded to 16,081 calls for service last year for fire and emergency medical services. The donation will be placed in a special MEDCU account that will accrue a small amount of interest over time.

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

BUDGET ITEMS:

THE CITY COUNCIL WILL HOLD A SECOND READ AND A PUBLIC HEARING ON THE FISCAL YEAR 2022 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 10) AT 5:00 P.M. THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 8, 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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 3, 2021. Five affirmative votes are required for passage after public comment.

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