

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 17, 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/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

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Webinar ID: 856 2149 7951

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International numbers available: <https://us02web.zoom.us/j/khadnBmg9>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft Special City Council Meeting Minutes for May 10, 2021

PROCLAMATIONS:

Proc 14-20/21 Recognizing Eid-ul-Fitr 2021 - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 246-20/21 Appointing Constables for Various Departments - Sponsored by Jon P. Jennings, City Manager

This order appoints constables from multiple City Departments for the 2021 calendar year:

-Fire Department constables are responsible for the issuance of citations authorized by the City Code of Ordinances Chapter 10 and Fire Prevention Laws;

-Permitting & Inspections Department constables enforce City Code provisions for business licensing, rental housing, building, electrical and plumbing codes;

-Department of Parks, Recreation & Facilities constables enforce dogs-at-large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code); and

-Police Department constables issue citations for violations of various City ordinances, including, for example, harboring a dangerous dog and smoking in city parks.

These appointments are effective from 12:01 a.m. on the effective date of this order until 12:00 midnight, December 31, 2021, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

Order 247-20/21 Appointing Councilor Mark Dion and Councilor Andrew Zarro to Various Boards and Committees - Sponsored by Kate Snyder, Mayor

This order appoints Councilor Mark Dion to the Executive Committee of Greater Portland Council of Governments, and Councilor Andrew Zarro to the Policy Board of the Portland Area Comprehensive Transportation System. These appointments fill vacancies created by Councilor Belinda Ray's resignation from both appointments.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS. COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE ON JUNE 7, 2021 AT 5:00 P.M.

Order 248-20/21 Approving Fiscal Year 2022 Administrative Fees in the Permitting & Inspections and Parks Recreation & Facilities Departments - Sponsored by Jon P. Jennings, City Manager

This order authorizes administrative charges in Permitting & Inspections (Electrical Fees) and Parks, Recreation & Facilities (Athletic Facilities & Aquatics).

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

Order 249-20/21 Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2022 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2022 to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

Order 250-20/21 Re: Fiscal Year 2022 Self-Insured Liability Program - Sponsored by Jon P. Jennings, City Manager

This order establishes the limit of the City's liability as \$400,000 as required by the Maine Tort Claims Act and states the City's commitment to "self-insure" for such liability by approving funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 7, 2021 to coincide with consideration of the Appropriation Resolve.

Order 251-20/21 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Jon P. Jennings, City Manager

This order would authorize the Director of Parks, Recreation and Facilities or their designee to sign rental contracts and set associated fees. This authorization is required annually.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels and services they require.

The City's Legal Department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of June 7, 2021 to coincide with consideration of the Appropriation Resolve.

Order 252-20/21 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2022 Health and Human Services Budget - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

Order 253-20/21 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Jon P. Jennings, City Manager

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case-by-case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 7, 2021 to coincide with consideration of the Appropriation Resolve.

Order 254-20/21 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair

This Order authorizes the City Manager to utilize a 2.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees and approves the new pay plan.

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

Order 255-20/21 Designating Fiscal Year 2022 Funds for Specific Island Services - Sponsored by Jon P. Jennings, City Manager

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY22:

Item A: Peaks Island Summer Bike Ticket Program \$500
Item B: PI Needs-Based Boat Tickets \$3,000
Item C: PI Portland Public Middle & High School Student Boat Passes \$4,500
Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$450
Item E: PI Children Attending Private Schools Vouchers \$400
Item F: PI ITS (Island “Taxi”): Island Transportation System \$20,984
Item G: PI PITEA (Heating): Peaks Island Tax & Energy Assistance \$5,300
Item H: PI PEAT: Peaks Island Environmental Team Visitor Education Materials \$860
Item I: PI Administrative Expenses \$2,006
Item J: Fifth Maine Museum - Window Replacement \$2,000
TOTAL: \$40,000

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

Order 256-20/21 Amendment to Portland City Code RE: Various Fee Increases for Fiscal Year 2022 - Sponsored by Jon P. Jennings, City Manager

Amends the following fees in Chapter 24 in §24-72 and §24-84:

(a) The proposed sewer rate for July 1, 2021 is \$11.80 per hundred cubic feet (hcf), up from the October 1, 2020 rate of \$11.15 hcf.

Chapter 24	Description	Current Fee	Proposed Fee
Sewers			
<i>Sec. 24--72</i>	Sanitary sewer user charges		
24--72 (c)	Sewer user fees \$	\$11.15/hcf	\$11.80/hcf

(b) The proposed stormwater rate for July 1, 2021 is \$7.00 per 1,200 sf of impervious surface area, up from the October 1, 2020 rate of \$6.75.

Chapter 24	Description	Current Fee	Proposed Fee
Stormwater			
<i>Sec. 24--84(a)</i>	Stormwater Service Charge		
	Stormwater Service Charge \$	\$6.75 per 1,200 sf impervious surface area	\$7.00 per 1200 sf impervious surface area

All fee increases are effective July 1, 2021. This item must be read on two separate days. This is its first reading.

Order 257-20/21 Fiscal Year 2021-2022 Appropriation Resolve - Sponsored by Jon P. Jennings, City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2022 for general municipal purposes in the amount of \$268,216,301. In addition, it contains the Portland Board of Education's FY2022 budget of \$125,154,700, approved by the Council May 10, 2021.

The tax levy based upon the City Manager's recommended budget is \$91,014,931 and \$100,582,406 for the Portland Board of Education's recommended School Budget. The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$191,597,337 for Fiscal Year 2022.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2021 and sets 30 Days after Tax Commitment 2021 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2021, and on March 18, 2022.

The delinquency rate of interest is set at 6.0% per year, and the abatement rate of interest is set at 2.0% per year.

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

UNFINISHED BUSINESS:

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. It received its first reading on May 10, 2021. Five affirmative votes are required for passage after public comment.

Order 241-20/21 Accepting and Appropriating a \$3,000 Grant from ConnectMaine Authority to Support Efforts of the Broadband Planning Committee - 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.

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. It received its first reading on May 10,

2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 10, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 10, 2021. Five affirmative votes are required for passage after public comment.

Order 244-20/21 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Brown Tower, LLC - Sponsored by Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

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. It received its first reading on May 10, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on May 10, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 258-20/21 Authorizing the Housing & Economic Development Department Director to Submit Portland Affordable Housing Tax Increment Financing District Annual Reports - Sponsored by Jon P. Jennings, City Manager

The state statute authorizing the creating of Affordable Housing Tax Increment Financing Districts (30-A M.R.S.A. Sec 5250-E) requires that an Annual Report be filed with MaineHousing for all Affordable Housing Tax Increment Financing Districts. The report is due by April 30 each year.

To date, each Council Order approving the creation of an Affordable Housing Tax Increment Financing District includes the authorization to the City's Planning and Urban Development Director to submit annual reports to Maine State Housing Authority.

This order would transfer that authority to the Director of the Housing & Economic Development Department.

Five affirmative votes are required for passage after public comment.

Order 259-20/21 Authorizing 6th Amendment to the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding to Creative Portland - Sponsored by the Housing and Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee (HEDC) reviewed Creative Portland Board's request for additional Downtown TOD TIF funding and recommended, on a vote of 4-0 on March 16, 2021, to forward this to the City Council for approval.

Creative Portland (CP) Board President Kate Anker presented the Board's request to the HEDC at their March 2nd and 16th meetings for increased funding for CP programs and services. It is noted that the Housing and Economic Development Department includes two full-time positions which provide staff support to the CP Board. The CP Board's request is for the City of Portland to fund the entire costs for the two full-time staff positions assigned to the Board and for the City to redirect the historic level of funding of \$100,000 along with a \$55,000 increase to support programs and services outlined in the attached CP Board request.

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Historically, TIF funding only supported staff costs. The Proposed TIF District Amendment would establish a minimum annual level of funding for CP in the amount of \$155,000 to support CP programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs	\$100,000 – DT TOD TIF \$40,000 – DT TOD TIF	\$140,000
CP Board Request: - City Staff Costs - CP Programs and Services	\$140,000 – TIF \$155,000 – DT TOD TIF	\$295,000

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

Order 260-20/21 Establishing a 180-Day Moratorium on New Shelters in the Bayside Neighborhood - Sponsored by Tae Chong, Chair, Health & Human Services and Public Safety Committee

The Health & Human Services and Public Safety Committee met May 11, 2021 and voted 3-0 to recommend passage to the Council as an emergency.

This moratorium would prevent new permanent emergency shelters and expansions of existing shelters in the Bayside neighborhood for 180 days while the Health & Human Services and Public Safety Committee finalizes its recommendation for an emergency shelter licensing scheme.

This item must be read on two separate days. The Health & Human Services and Public Safety Committee is requesting that this be passed as an emergency. This requires first that the second reading be waived, which requires seven (7) affirmative votes.

If the second reading is waived, public comment must be taken prior to a final vote. Passage of the order as an emergency requires seven (7) votes.

AMENDMENTS:

Order 261-20/21 Traffic Schedule Amendment Re: New 30-Minute Parking Spaces at 132 Marginal Way - Sponsored by Jon P. Jennings, City Manager

As part of improvements to 132 Marginal Way, a private developer is updating the upper floors of the current multi-use building to 1-and 2-bedroom units, and desires more turnover spaces on-street for first-floor commercial space. The requested Council action would allow the development to add seven (7) 30-minute parking spaces to an area that is currently an esplanade.

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: