

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)



MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

SPECIAL CITY COUNCIL EVENING MEETING - JULY 11, 2022 AT 6:15 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, 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://portlandmaine-gov.zoom.us/j/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

Passcode: 115765

Or One tap mobile :

US: +19292056099,,89911473409#,,,,*115765# or +13017158592,,89911473409#,,,,*115765#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171

Webinar ID: 899 1147 3409

Passcode: 115765

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

COMMUNICATIONS:

Communication 1-22/23 Regarding the City of Portland's Memorandum of Understanding with Garbage to Garden - by Troy Moon, Sustainability Director

As a communication this item requires no public comment or formal Council action.

Communication 2-22/23 Regarding a Policy on Unauthorized Campsites - by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

Communication 3-22/23 Regarding the Portland Police Department's Adoption of the Homeless Crisis Protocol - by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

Communication 4-22/23 Regarding the Final Report of the Charter Review Commission - By Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolve 2-22/23 Supporting the Greater Portland Council of Governments' Rapid Transit Study and Requesting a Full Evaluation of the Climate Impacts of the Proposed South Portland/Gorham Connector - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

At the April 27, 2022 Sustainability & Transportation Committee meeting, the Committee voted (3-0) to recommend bringing this item to the City Council.

During the past decade, regional transportation planning has placed increasing emphasis on developing a robust public transit system to reduce dependency on automobile travel, address transportation related carbon emissions, and promote a more equitable transportation system. Planning documents endorsed by the Portland Area Comprehensive Transportation System (PACTS) include Destination 2040, which calls for making "transformative steps to develop a sustainable transportation system for tomorrow." In addition, Transit Tomorrow, The Long Range Transportation Plan for Greater Portland Maine "presents the preferred pathway for delivering the region's future transportation system and should be the key reference document for impactful transit funding decisions, infrastructure priorities, technology acquisitions, and regional coordination initiatives." Based on these policy recommendation by PACTS, the staff at Greater Portland Council of Governements (GPCOG) is undertaking a feasibility study for the development of a rapid transit corridor between Portland and Gorham. The proposed resolution requests the Maine Turnpike Authority pause work on the Spur to evaluate whether its plan to develop a highway connection between South Portland and Gorham aligns with recently adopted regional transportation plans and to work with GPCOG to evaluate the climate impacts of developing rapid transit versus constructing the Connector.

Five affirmative votes are required for passage of a Resolve after public comment.

Written Public Comment on Resolve 2-22/23

ORDERS:

Order 13-22/23 Approving an Agreement with Baker Tilley US, LLP for Phase 1 of a City Manager Search - Sponsored by the City Manager Search Committee, Mayor Kate Snyder, Chair

Over the last several months, the City Manager Search Committee has met to draft a request for proposals from executive search companies for assistance with finding a new City Manager. At its June 23, 2022 meeting, having reviewed proposals received in response to its RFP, the committee approved the proposal from Baker Tilley US, LLP. This item approves an agreement for Phase 1 of the proposed work. The full search will not be undertaken at this time, as a Charter Amendment expected on the November 8, 2022 ballot may substantially change the description of that executive position if approved.

Five affirmative votes are required for passage after public comment.

Order 14-22/23 Approving the Agreement between the Maine Department of Transportation and Portland Re: Portland Transportation Center/Fore River Parkway Trail Pathway Design - Sponsored by Danielle P. West, Interim City Manager.

This item would approve a Municipal-State Agreement between the MaineDOT and the City of Portland to secure design services for the Parkside to Portland Transportation Center/Fore River Parkway Trail pathway design (WIN18469.10). The agreement is for \$40,500 with a City-required local match of \$8,100 (20%) with a Federal share of \$32,400 (80%). The pathway would extend from the planned westerly terminus of the Union Branch Pathway at Park Avenue/Hadlock Field to the Fore River Parkway Trail/Portland Transportation Center. This agreement will begin the design process to produce a Preliminary Design Report (50% design). The City Council approved the allocation of the local match for this agreement as well as the subsequent design phase totaling \$25,000 as part of the Fiscal Year 2023 Capital Improvement Plan.

Five affirmative votes are required for passage after public comment.

Order 15-22/23 Authorizing Assignment of Tax Increment Financing Credit Enhancement Agreement Held by Atlantic Bayside Trust LLC to Portland MOB Partners LLC - Sponsored by Danielle P. West, Interim City Manager

The multistory building at the intersection of Marginal Way and Preble Street, now occupied on most floors by Intermed, has been sold. This item transfers the Credit Enhancement Agreement (CEA), that covers this building only, in the Bayside Tax Increment Financing (TIF) District to the new owners, Portland MOB Partners LLC, from Atlantic Bayside Trust LLC. Assignment of a CEA upon change of property ownership is a routine matter and allowed in CEAs.

In 2006, the City Council approved a TIF CEA to stimulate new private sector investment in a former parking lot previously owned and sold by the City at the intersection of Marginal Way and Preble Street. The result was the development of a 110,000 sq. ft. office building and 504-car parking garage and an associated Credit Enhance Agreement.

This development now has an assessed value of just under \$40 million, bringing in over \$500,000 in taxes annually. Beginning with Fiscal Year (FY) 2024, all taxes from the development will go to the City's General Fund as this CEA expires at the end of FY2023. The Finance Director annually sets the percentage capture of taxes in Bayside TIF District during the budget process: it is now at 50%. The CEA percentage capture rates were set by a formula with a cap to not exceed \$355,000 for years FY2008 through

FY2018, and a cap of \$325,000 for years FY2019 through FY2023.

Five affirmative votes are required for passage after public comment.

Order 16-22/23 Amending the Municipal Development Program for the Front Street Housing Redevelopment Affordable Housing Development District - Sponsored by Danielle P. West, Interim City Manager

The Municipal Development Program for the Front Street Affordable Housing Redevelopment Affordable Housing Development District is being amended to divide the project into two phases, with different owners and operators. The following two orders concern two associated credit enhancement agreements that also accomplish this.

The developer, Portland Housing Development Company, is closing on Phase II of this project during the first week of August. In order for the developer to lock into a favorable pricing schedule with the general contractor for labor and materials, this item and the two following items must be final at the closing.

The Affordable Housing Tax Increment Financing District (AHTIF) for Front Street approved by the City Council on July 15, 2019 (Order 283- 18/19) was for the creation of 60 units of family housing (Phase I) and 45 units of senior housing (Phase 2). The Credit Enhancement Agreement (CEA) and Development Program approved by the Council during that meeting contained language assuming Phase I and Phase II would be developed by the same owner as a single project. However, Phase I is currently under construction by Front Street Housing Redevelopment, LP, while Phase II is anticipated to begin construction later this summer by Front Street Housing Redevelopment Phase Two, LP. As the housing redevelopment projects are being developed independently of each other and are under separate ownership, the Credit Enhancement Agreement should be amended and restated to recognize the Capital Project will be completed in two phases and the Phase I Developer's share of the Tax Increment Revenue will be the amount of 75% of captured revenue from the Phase I Project and the Phase II Developer's share of the Tax Increment Revenue will be the amount of 75% of captured revenue from the Phase II Project. The Development Program should similarly be revised to reflect the changes to the Credit Enhancement Agreement.

Five affirmative votes and a public hearing are required for passage.

Order 17-22/23 Amending the Credit Enhancement Agreement for Phase 1 of the Front Street Housing Redevelopment with Front Street Housing Redevelopment, LP - Sponsored by Danielle P. West, Interim City Manager

This is a companion order to the order above.

Front Street is a housing project by the developer, Portland Housing Development Corporation. This item approves the amended and restated Credit Enhancement Agreement between the City and Front Street Housing Redevelopment, LP and redefines the Phase One parcel, project, and subaccount of the development.

Five affirmative votes are required for passage after public comment.

Order 18-22/23 Approving the Credit Enhancement Agreement for Phase 2 of the Front Street Housing Redevelopment with Front Street Housing Redevelopment Phase Two, LP - Sponsored by Danielle P. West, Interim City Manager

This is a companion order to the two orders above.

This final new Credit Enhancement agreement with Front Street Housing Redevelopment Phase Two, LP, will be in effect for Phase 2 of this Front Street project.

Five affirmative votes are required for passage after public comment.

Order 19-22/23 Setting a Public Hearing on Citizen Initiative Amendment Number 1 to Portland City Code Re: An Act to Regulate Short-Term Rentals - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of August 8, 2022, 6:15 p.m., in Portland City Council Chambers, to set an election date on a Citizen Initiative called, "An Act to Regulate Short-Term Rentals in Portland."

Five affirmative votes are required for passage after public comment.

Order 20-22/23 Setting a Public Hearing on Citizen Initiative Amendment Number 2 to Portland City Code Re: An Act to Reduce the Number of Short-Term Rentals - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of August 8, 2022, 6:15 p.m., in Portland City Council Chambers, to set an election date on a Citizen Initiative called, "An Act to Reduce Short-Term Rentals."

Five affirmative votes are required for passage after public comment.

Order 21-22/23 Setting a Public Hearing on Citizen Initiative Amendment Number 3 to Portland City Code Re: An Act to Protect Tenants - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of August 8, 2022, 6:15 p.m., in Portland City Council Chambers, to set an election date on a Citizen Initiative called, "An Act to Protect Tenants."

Five affirmative votes are required for passage after public comment.

Order 22-22/23 Setting a Public Hearing on Citizen Initiative Amendment Number 4 to Portland City Code Re: An Act to Eliminate the Sub-Minimum Wage - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of August 8, 2022, 6:15 p.m., in Portland City Council Chambers, to set an election date on a Citizen Initiative called, "An Act to Eliminate the Sub-Minimum Wage, Increase Minimum Wages and Strengthen Protection for Workers."

Five affirmative votes are required for passage after public comment.

Order 23-22/23 Setting a Public Hearing on Citizen Initiative Amendment Number 5 to Portland City Code Re: An Act to Restrict Cruise Ships - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of August 8, 2022, 6:15 p.m., in Portland City Council Chambers, to set an election date on a Citizen Initiative called, "An Act to Restrict Cruise Ships in Order to to Reduce Congestion and Pollution."

Five affirmative votes are required for passage after public comment.

Order 24-22/23 Approving the Contract between the City of Portland and the City Employees Benefit Association - Sponsored by Danielle P. West, Interim City Manager

The City and the Communications Unit have reached a tentative agreement on a three (3) year contract with a 3.0% general wage increase for Fiscal Year (FY) 2023 retroactive to July 3, 2021 and a 0% general wage increase effective July 3, 2022 and a 3% general wage increase effective July 2, 2023. The duration of the contract and the COLA recommendations are consistent with the bargaining strategy previously discussed with the Council.

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

Order 25-22/23 Approving the Collective Bargaining Agreement with the Communications Employees Association – Sponsored by Danielle P. West, Interim City Manager

The City and the Communications Employees Association have reached a tentative agreement on a three (3) year contract with a 3.0% general wage increase for Fiscal Year (FY) 2022 retroactive to July 4, 2021 and a 0% general wage increase effective July 3, 2022 and a 3% general wage increase effective July 2, 2023. The duration of the contract and the COLA recommendations are consistent with the bargaining strategy previously discussed with the Council.

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

Order 26-22/23 Confirming the Maine Public Employees Retirement System Special Plan 3C for Certain Union Members of the Communications Employees Association - Sponsored by Danielle P. West , Interim City Manager

The Communications Employees Association negotiated agreement provided that the City would provide the Maine Public Employees Retirement System Special Benefit Plan 3C (the "Special Plan 3C") to members of the Communications Employees Association, excluding the Fire Alarm Specialist and the Radio Systems Specialist positions. This order approves that change.

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

Order 27-22/23 Increasing Tow Company Fees - Sponsored by Danielle P. West, Interim City Manager

The City of Portland regulates the fees paid to tow companies/operators for services provided to the City of Portland. Private towing companies are an integral component to

safe streets in the city of Portland as they provide services to accidents, illegally parked vehicles, and assist in achieving snow ban compliance. Representatives of the towing companies have requested that the tow fees be increased as a result of increased costs since the fees were last adjusted.

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

ADJOURNMENT: