

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

JUNE 17, 2019 CITY COUNCIL AGENDA MINUTES

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Cook arrived during Proclamation 34, Councilor Duson and Councilor Ali arrived during Order 269).

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft City Council Minutes for June 3, 2019.

Motion was made by Councilor Ray and seconded by Councilor Batson to amend the minutes by adding " the motion to postpone Order 247". Passage 6-0.

Motion was made by Councilor Costa and seconded by Councilor Batson for approval as amended. Passage 6-0.

PROCLAMATIONS:

Proc 34-18/19 - Proclamation Recognizing PortFringe Festival - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 269-18/19 Appointing and Setting Salary of Kristen Dow as Director of Health and Human Services - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Mavodones and seconded by Councilor Cook for passage as an emergency. Passage 9-0.

Order 270-18/19 Appointing Constables for 2019 for the Police Department - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage as an emergency. Passage 9-0.

CONSENT ITEMS:

LICENSES:

Order 271-18/19 Granting Municipal Officers' Approval of Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage.
Passage 9-0.

Order 272-18/19 Granting Municipal Officers' Approval of LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 9-0.

Order 273-18/19 Granting Municipal Officers' Approval of Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 9-0.

Order 274-18/19 Granting Municipal Officers' Approval of Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage.
Passage 9-0.

Order 275-18/19 Granting Municipal Officers' Approval of Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 9-0.

Order 276-18/19 Granting Municipal Officers' Approval of Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Dusen and seconded by Councilor Batson for passage.
Passage 9-0.

COMMUNICATIONS:

RESOLUTIONS:

Resolution 13-18/19 Regarding Waterfront Development - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Cook and seconded by Councilor Costa to refer Resolution 13 to the Economic Development Committee. Passage 9-0.

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

UNFINISHED BUSINESS:

Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 190 to the August 12, 2019 City Council Meeting. Passage 9-0.

Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.

Motion was made by Councilor Thibodeau and seconded by Councilor Duson to refer Order 192 to the Sustainability & Transportation Committee. Passage 9-0.

Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa to refer Order 242 back to the Finance Committee. Passage 9-0.

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Motion failed 0-9 (Duson, Mavodones, Cook, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to postpone indefinitely. Passage 7-2 (Cook, Ali).

Motion was made by Councilor Costa and seconded by Councilor Batson to reconsider. Passage 8-1(Cook).

Motion was made by Councilor Cook and seconded by Councilor Ali to postpone indefinitely. Passage 8-1(Cook).

Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Cook and seconded by Councilor Ali to refer Order 248 back to the Health and Human Services to include policy for ; budget, policy and procedure, homeless services, and intake services. Motion failed 3-6 (Duson, Mavodones, Ray, Costa, Thibodeau, Batson.)

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 5-4 (Cook, Ali, Costa, Strimling).

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

Motion was made by Councilor Ray and seconded by Councilor Dusen to amend Order 249 by adding in Sec. 14-306 Definitions in the 5th paragraph after the word hundred "twenty-five (125)", and deleting "erly on the word southerly", adding after the word line, "three hundred (300) "and deleting the "erly on the word southerly", right after the word southerly, adding "of" and deleting "from", after the word easterly adding, "and westerly" and deleting after Long Wharf "to the westerly sideline of Union Wharf", adding after the word wetlands "Where the one hundred twenty-five (125) foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leave 75% or more of the building in the CSOZ, the entire building shall be considered included in the CSOZ". Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Dusen to amend Order 249 by adding in Section 14-305 first paragraph "in the present and into the future". Sec. 14-307 adding in first paragraph after the word uses " listed under 14-307 (a), (b), (c), and (d)" and after the word permitted "anywhere" after the word Zone "Uses listed under 14-307 (e) are only permitted in the CSOZ." Sec. 14-307 (26) (b) (1). adding "business owners and employees." Sec. 14-307 (26) (b) (1). adding "except for offices for health care practitioners or health clinics which are only permitted in the CSOZ". Sec. 14-311 (1) adding after the "leasable" after the word floor "area" and deleting after the word all "of the " adding "a" deleting "the" and deleting after the word above) "when calculated using the aggregate of all the leasable area of such ground floors." also in section (3) (c) striking out "1., Purpose, a., b., c., 2." adding "1.". adding in section 13. deleting after the word demonstrates "adequate" adding after and "functional" striking out "logistical" and striking out after the word uses "pyramid", adding in section a. (ii) "Existing and " adding section "v" Signage showing parking use, wayfinding, and posted operational restrictions" adding section "vi Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner." adding in section (b)(ii) "accessory to an otherwise permitted use in the WCZ" and in section (iii) "Any such shared parking arrangements shall be documented in the operations and Access Management narrative described above, and clearly signed on-site." striking in last paragraph after the word Charter, "in order to make it" and adding right after it "and shall become effective immediately. Moreover, notwithstanding 1 M.R.S. subsection 302, this amendment shall be applicable to all proceedings, applications, and petitions pending after June 14, 2019 " and then striking out "effective on June 15, 2019, upon the expiration of the Moratorium on Non Marine use expansion in the Waterfront Central Zone, approved as Order 119-18/19 on December 17, 2018." Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage. Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Dusen to Amend the WCZ Language Discrepancy. Passage 9-0.

Motion was made by councilor Ray and seconded by Councilor Batson for passage as

Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 9-0.

Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 9-0.

Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Cost and seconded by Councilor Ray for passage.
Passage 9-0.

Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ali for passage.
Passage 9-0.

Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 9-0.

Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Cook for passage.
Passage 7-2 (Ray, Strimling).

ORDERS:

Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to postpone Order 277 to the August 12, 2019 City Council Meeting. Passage 9-0

Order 278-18/19 Accepting Easement Deed from Nancy E. Hurst Re: Dunkin Donuts at 325 St. John Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage.
Passage 9-0.

Order 279-18/19 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District Re: 66 State Street Affordable Housing - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading

Order 280-18/19 Designating the 66 State Street Affordable Housing Development 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.

This is a first reading.

Order 281-18/19 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Phoenix at Danforth, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 282-18/19 Designating Front Street Affordable Housing Development 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, Chair, Justin Costa.

This is a first reading.

Order 283-18/19 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Front Street Housing Redevelopment, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

This is first reading.

Order 284-18/19 Regarding the Portland Community Support Fund - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to suspend the rules to continue deliberations after 10:00 P.M. Passage 9-0.

Motion was made by Mayor Strimling and seconded by Councilor Ali to take Order 284 out of order. Motion failed 2-7 (Duson, Mavodones, Cook, Costa, Ray, Thibodeu and Batson.)

Motion was made by Councilor Duson and seconded by Councilor Ray to call a special City Council Meeting on June 24, 2019 and to postpone Order 284 to that meeting. Passage 9-0

AMENDMENTS:

Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

This is a first reading

Order 286-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability & Transportation Committee, Councilor Spencer Thibodeau, Chair.

This s a first reading.

EXECUTIVE SESSION:

Motion was made by Councilor Batson and seconded by Councilor Ray to adjourn. Passage 9-0 at 12:25 A.M.

A TRUE COPY.

Katherine L. Jones, City Clerk