

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

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

REMOTE APRIL 27, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold a Remote Special City Council Meeting at 5:30 p.m. This meeting will take place remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM MEETING INFORMATION:

The Portland City Council will hold a remote meeting on Monday, April 27, 2020 at 5:30 PM. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, 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.

Please click the link below to join the webinar:

<https://zoom.us/j/97402938758>

Or iPhone one-tap :

US: +13126266799,,97402938758# or +19292056099,,97402938758#

Or Telephone:

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

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

Webinar ID: 974 0293 8758

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the April 14, 2020 Draft City Council Minutes

PROCLAMATIONS:

Proclamation 11-19/20 Recognizing April as Genocide Awareness Month - Sponsored by Mayor Kate Snyder

CONSENT ITEMS:

Order 163-19/20 Setting Time for Opening of Polls on July 14, 2020 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk

Pursuant to 21-A M.R.S. sec. 626, the hours of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m. Notices are posted in each district and at City Hall.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

Order 164-19/20 Approving Municipal Officers' Approval of Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Beepa Brigata LLC dba Radici. Application for a Class I FSE with Outdoor Dining on Public Property at 50 Washington Avenue.

Application was filed on 3/9/2020. New City and State applications. Location was previously Terlingua.

Five affirmative votes are required for passage after public comment.

**Order 165-19/20 Approving El Luchador Holdings LLC dba Terlingua.
Application for a Class I FSE with Outdoor Dining on Private Property at 40
Washington Avenue - Sponsored by Jon P. Jennings, City Manager**

El Luchador Holdings LLC dba Terlingua. Application for a Class I FSE with Outdoor Dining on Private Property at 40 Washington Avenue.

Application was filed on 4/7/2020. New City and State applications. Location was previously Silly's.

Five affirmative votes are required for passage after public comment.

**Order 166-19/20 Approving Definitive Brewing Company LLC dba Definitive
Brewing Co. Application for a Class A Lounge with Indoor Entertainment and
Outdoor Dining on Private Property at 35 Industrial Way - Sponsored by Jon P.
Jennings, City Manager**

Definitive Brewing Company LLC dba Definitive Brewing Co. Application for a Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 35 Industrial Way.

Application was filed on 4/3/2020. New City and State applications. The applicant currently holds a Brewery license. The applicant is requesting, and the City Council may condition the license, to only allow for the sale of beer and wine per 28-A M.R.S. Sec. 1011, 1-A.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

**Resolution 11-19/20 Calling on the Legislature to Pass LD 433, the Maine Equal
Rights Amendment - Sponsored by Mayor Kate Snyder**

This resolution calls on the Maine Legislature to pass LD 433, the Maine Equal Rights Amendment, which reads simply, "Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation."

Five affirmative votes are required for passage after public comment.

Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto - Sponsored by Jon P. Jennings, City Manager

The 2020/2021 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$5,382,357 funded by a Community Development Block Grant (CDBG) of \$1,933,057, \$120,000 in TIF funding, \$20,000 in Cotton Street proceeds, \$174,588 in CDBG Housing Program Income; a HOME Consortium Program Grant of \$1,053,258; HOME Program Income of \$75,000; HOME Program Recapture Funds of \$75,000; Lead Safe Housing Program Income of \$197,871; local Housing Trust Funds of \$1,567,200; and an Emergency Solutions Grant (ESG) of \$166,383.

The CDBG Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations which will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted his funding recommendations to the City Council.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan.

Please contact the following person to request an interpreter or accommodation for the meeting: Kelley Walsh, kw Walsh@portlandmaine.gov, 207-874-8731.

Fadlan la xiriir qofkan hoose si aad u condsato turjumaan ama tixgelin xiliga shirka: Kelley Walsh, kw Walsh@portlandmaine.gov, 207-874-8731.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião: Kelley Walsh, kw Walsh@portlandmaine.gov, 207-874-8731.

Resolution 12-19/20 Adopting the Fiscal Year 2021 Annual Action Plan, continued

Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731:

عامتجالا روضحل تالاي هست وأ يروف مجرتم بلطل يلاتل اصخشلاب لاصتالاي جري
فتاهل مقرر، ينورتكللإل ديربل، مسالا

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

Leka na ko benga moto oyo soki oza na bosenga ya interprete to ya bosalisi pona
rendez-vous na yo: Kelley Walsh, kwash@portlandmaine.gov, 207-874-8731.

This item must be read on two separate days, and two public hearings must be held in order to comply with local and federal regulations. The first reading and public hearing will be held on April 27, 2020, the second public hearing on May 4, 2020. Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 161-19/20 Accepting and Appropriating a \$25,000 Grant from the Maine Technology Institute for the Confined Aquatic Disposal Cell Design and Permitting Project - Sponsored by Jon P. Jennings, City Manager

The Maine Technology Institute (MTI) awarded the City of Portland a matching grant of \$25,000 in support of the ongoing Confined Aquatic Disposal (CAD) Cell design and permitting project for dredging Portland Harbor. The permitting is anticipated to be completed by September 2020.

The MTI Grant is included in the Dredge Project budget.

This item must be read on two separate days. It was given a first reading on April 14, 2020. Five affirmative votes are required for passage after public comment.

Order 162-19/20 Amendment to Portland City Code Chapter 35 Re: Temporary Adult Use Marijuana Testing Licenses - Sponsored by Jon P. Jennings, City Manager

The testing of adult use marijuana is critical to ensure the health and safety of any product being sold. Because of this, without functioning testing facilities, the adult use marijuana market will not be able to open, even after the state allows adult use sales to begin later this year. Portland has two of the only three potential testing facilities in the state, but the state cannot license these facilities without municipal approval and the City's process has been temporarily delayed due to the situation created by the COVID-19 pandemic.

The proposed amendment would allow the temporary licensing of existing testing facilities until the City Council can pass an ordinance fully addressing the licensing of all marijuana businesses. Testing facilities are likely to be the least intrusive of all of the proposed marijuana uses, and will function much like any other testing facility in Portland. There will be minimal product on site, there is likely to be little if any odor, and any chemicals used will be used in fairly small quantities. As additional protection, the amendment requires the facilities to have plans in place to address odor, security, and waste disposal, and testing facilities must still comply with the City's building, fire and life safety codes. In addition, the state has some fairly strict regulations governing testing facilities that any sites will have to comply with. If a testing facility is able to obtain a temporary license under this proposed amendment, they will still have to go through the full licensing process once the City adopts its final licensing ordinance.

This item must be read on two separate days. It was given a first reading on April 14, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 167-19/20 Extending the Emergency Proclamation - Sponsored by Kate Snyder, Mayor

This order extends the term of the emergency proclamation to May 18, 2020.

The City Council shall also consider amendments to the order, including, but not limited to, two amendments to the prohibition of short term rentals listed in paragraph 19, both of which were postponed on April 14, 2020 to this meeting. The amendments from Councilor Kim Cook propose short term registration fee refunds and other provisions for persons who convert a short term rental to a long-term rental. They are in the back-up material.

Seven affirmative votes are required for passage as an emergency after public comment.

Order 168-19/20 Accepting and Appropriating a \$29,250 Grant from the Federal Emergency Management Agency for the Bramhall Fire Station Generator - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a Federal Emergency Management Agency (FEMA) grant of \$29,250 for a new generator at the Bramhall Fire Station, and also an amount not to exceed \$1,500 for administrative purposes.

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: