

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 AUGUST 3, 2020 CITY COUNCIL AGENDA MINUTES

ZOOM MEETING INFORMATION:

The Portland City Council will hold a remote meeting on Monday, August 3, 2020 at 4:30 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.

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 un-muted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84394120128?pwd=QjNEa2RWY2JFU3dDbnpSMWg3KzRKQT09>

Passcode: 340626

Or iPhone one-tap :

US: +13017158592,,84394120128#,,,,,0#,,340626# or
+13126266799,,84394120128#,,,,,0#,,340626#

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: 843 9412 0128

Passcode: 340626

PLEDGE OF ALLEGIANCE:

ROLL CALL:

EXECUTIVE SESSION:

The Executive Session will begin at 4:30 p.m. The City Council meeting will begin immediately after the end of the Executive Session.

Executive Session to discuss the City's legal rights and duties regarding pending litigation in FEDEQ DV004, LLC and FEDEQ DV005, LLC v. City of Portland et al., with legal counsel pursuant to 1 M.R.S. section 405(6)(E).

Motion was made by Councilor Ray and seconded by Councilor Costa to go into Executive Session to discuss and consider the City's Legal rights and duties pursuant to 1 M.R.S. section 405 (6) (E). 9-0.

Motion was made by Councilor Ray and seconded by Councilor Costa to come out of Executive Session. Passage 9-0 at 5:27 P.M.

ANNOUNCEMENTS:

Councilor Ray apologized for decorum displayed during a past public comment. There will be a speaker series revising structural racism, 6:00 to 7:30 all week. Tickets at Event Brite.

Councilor Ali affirmed amazing list of speakers.

Mayor Snyder stated that the Ad Hoc Committee meetings took place last Thursday, and for the week of August 3, they will be Tuesday at 7:00 AM and Wed, Thursday, Friday from 11:00 AM to 1:00 PM.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the July 13, 2020 4:00 p.m. and July 13, 2020 5:30 p.m. draft City Council Meeting minutes.

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

CONSENT ITEMS:

Order 27-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Abdifatah Shariff Ali - Sponsored by Jon P. Jennings, City Manager

Order 28-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Rebecca Hassett - Sponsored by Jon P. Jennings, City Manager

Order 29-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Janet Bradbury - Sponsored by Jon P. Jennings, City Manager

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

LICENSES:

COMMUNICATIONS:

Com 2-20/21 COVID-19 Universal Testing for all Portland Housing Authority residents - Sponsored by Jon P. Jennings, City Manager

As a communication this item requires no public comment or council action

Com 3-20/21 Review of 2011 Occupy Maine Lincoln Park Protest - Sponsored by Danielle West-Chuhta, Corporation Counsel

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

Com 4-20/21 Update on the City of Portland Municipal Fiscal Year 2020-2021 Budget - Sponsored by Jon P. Jennings, City Manager

As a Communication this item requires no public comment or council action.

RESOLUTIONS:

Resolve 3-20/21 Recommending the Marketing of City-Owned Surface Level Parking Lots at 157 Brackett Street and 176 Clark Street for Housing Development - Sponsored by Housing Committee, Councilor Jill C. Duson, Chair

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to postpone Resolve 3 to the October 5, 2020 City Council meeting. Passage 9-0.

UNFINISHED BUSINESS:

Order 72-19/20 Amendment to the Portland City Code Chapter 17 Re: Facial Recognition Technology Prohibition - Sponsored by Councilor Pious Ali

Motion was made by Councilor Ali and seconded by Councilor Costa to amend Order 72 Article XI Facial Recognition Technology section 17-130. Definitions by approving "Councilor Ali's Amendment". Councilor Ali's amendment is located in the back up materials. Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau to amend Order 72 Sec. 17-131, Facial Recognition Technology Prohibition, "adding section (e) prohibit any contracts, agreements, permits or other actions at the Portland Jetport or at the port, when done as part of a broader system of screenings managed by Customs Protections, Boarder Protections, Federal Aviation Administration and Transportation Security Administration. Motion was withdrawn by Councilor Thibodeau and by Councilor Costa.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to amend Order 72 Sec. 17-131. Facial Recognition Technology Prohibition by approving "Staff Amendment". Staff amendment is located in the back up material. Passage 7-2 (Ali, Cook).

Motion was made by Councilor Thibodeau and seconded by Councilor Duson for passage as amended. Passage 9-0.

Order 193-19/20 Amendment to the Portland City Code Chapter 14 Re: Zoning for B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

Motion was made by Councilor Mavodones and seconded by Councilor Thibodeau to refer Order 193 back to the Planning Board. Passage 9-0.

Order 206-19/20 Amendment to Portland City Code Chapter 6 Buildings and Building Regulations Re: Rental Application Fees - Sponsored by the Housing Committee, Councilor Jill Duson, Chair

Motion was made by Councilor Duson and seconded by Councilor Ali to amend Order 206 by adding "Councilor Duson's Amendment Four Re: Rental Application Fee Limitation" located in the back up materials. Passage 5-3 (Costa, Ray, Chong) (Cook out).

Motion was made by Councilor Councilor Ray and seconded by Councilor Costa to amend Order 206 by using "amendment four which is located in the back up materials" and adding to this amendment "section 6-228. Enforcement and remedies (a) any violation of sections 6-223, 6-223.1 6-224 and 6-225 of this Article may be considered a civil infraction and may be enforced pursuant to the Portland City Code Chapter 1, subsection 1-15. (b) Any violation of subsection 6-222 of this Article shall be enforced as required by the Maine Human Rights Act, 5 M.R.S. subsection 4551, et seq. Passage 8-0 (Cook out).

Motion was made by Councilor Thibodeau and seconded by Councilor Chong to Amend Amendment Four by adding the "emergency clause "to Amendment Four. Passage 8-0 (Cook out).

Motion was made by Councilor Duson and seconded by Councilor Thibodeau for passage as amended. Passage 8-0 (Cook out).

Order 11-20/21 of Discontinuance of a Portion of Emery Street - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair

This order was for public comment only.

Order 13-20/21 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 83 Middle Street/160 Newbury Street an Affordable Housing Tax Increment Financing District - Sponsored by the Economic Development Committee, Justin Costa, Chair

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

Order 14-20/21 Amending the Bayside Tax Increment Financing District to Make 337 Cumberland Avenue an Affordable Housing Tax Increment Financing District - Sponsored by the Economic Development Committee, Justin Costa, Chair

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

Order 15-20/21 Designating the 83 Middle Street Affordable Housing 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.

Motion was made by Councilor Mavodones and seconded by Councilor Ray to amend Order 15 by striking out "25 %" and adding 50%". Passage 9-0.

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

Order 16-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Middle Street Housing Partners, L.P. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

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

Order 17-20/21 Designating the 200 Valley Street Affordable Housing 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.

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage. Passage 8-0 (Cook out).

Order 18-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Avesta Valley Street LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 8-0 (Cook out).

Order 19-20/21 Designating the 337 Cumberland Avenue Affordable Housing 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.

Motion was made by Councilor Costa and seconded by Councilor Mavodones for passage. Passage 8-0. (Cook out).

Order 20-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with 337 Cumberland Avenue, LP. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

Motion was made by councilor Costa and seconded by Councilor Mavodones for passage. Passage 8-0 (Cook out).

Order 21-20/21 Designating the 577 Washington Avenue Affordable Housing 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.

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 21 to August 31, 2020. Passage 8-0 (Cook out).

Order 22-20/21 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Washington Gardens LP. - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 22 to August 31, 2020. Passage 8-0 (Cook out)

Order 23-20/21 Appropriating \$97,545 in Home Investment Partnership Program Funds and up to \$497,455 in Housing Trust Funds to Avesta Valley Street LP RE: 200 Valley Street - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 8-0 (Cook out).

Order 24-20/21 Appropriating Up To \$500,000 in Housing Trust Funds to 337 Cumberland Avenue, LP RE: 337 Cumberland Avenue - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

Motion was made by councilor Costa and seconded by Councilor Mavodones for passage. Passage 8-0 (Cook out).

Order 25-20/21 Appropriating \$400,000 in HOME Investment Partnership Program Funds to Washington Gardens, LP RE: 577 Washington Avenue - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 25 to the August 31, 2020 City Council meeting. Passage 8-0 (Cook out).

Order 26-20/21 Amendment to the Portland City Code Chapter 29 Vegetation Re: Heritage Tree Protection Ordinance and Tree Trust - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

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

ORDERS:

Order 30-20/21 Setting Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 33 Re: An Act to Increase the Minimum Wage in Portland - Sponsored by Katherine Jones, City Clerk

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

Order 31-20/21 Setting Public Hearing on a Citizen Initiative Amendment to Chapter 17 of the Portland City Code Re: An Act to Ban Facial Surveillance by Public Officials in Portland - Sponsored by Katherine L. Jones, City Clerk

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

Order 32-20/21 Setting Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 2 Re: An Act to Implement a Green New Deal for Portland - Sponsored by Katherine L. Jones, City Clerk

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

Order 33-20/21 Setting a Public Hearing on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Protect Tenants - Sponsored by Katherine L. Jones, City Clerk

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

Order 34-20/21 Setting a Public Hearing on Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Restrict Short Term Rentals in Portland - Sponsored by Katherine L. Jones, City Clerk

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

Order 35-20/21 Setting Public Hearing on Citizen Initiative Amendment to the Portland City Code Chapter 35 Re: No Cannabis Cap Campaign - Sponsored by Katherine L. Jones, City Clerk

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

Order 36-20/21 Approving the Ninth Amendment to the 52 Hanover Street Purchase and Sale Agreement - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair

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

Order 37-20/21 Setting an Election Date on Citizen Initiative Amendment to the Portland City Code Chapter 33 Re: An Act to Increase Minimum Wage in Portland - Sponsored by Katherine L. Jones, City Clerk

This is a first read.

Order 38-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 17 Re: An Act to Ban Facial Surveillance by Public Officials in Portland - Sponsored by Katherine L. Jones, City Clerk

This is a first read.

Order 39-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 2 Re: An Act to Implement a Green New Deal for Portland - Sponsored by Katherine L. Jones, City Clerk

This is a first reading.

Order 40-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Protect Tenants - Sponsored by Katherine L. Jones, City Clerk

This is a first reading.

Order 41-20/21 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 6 Re: An Act to Restrict Short Term Rentals in Portland - Sponsored by Katherine L. Jones, City Clerk

This is a first reading.

Order 42-20/21 Setting Election Date on Citizen Initiative Amendment to the Portland City Code Chapter 35 Re: No Cannabis Cap Campaign - Sponsored by Katherine L. Jones, City Clerk

This is a first reading

Order 43-20/21 Accepting and Appropriating up to \$50,000 in Donations for the Andrews Square Realignment Project - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

AMENDMENTS:

Order 44-20/21 Amendment to Portland City Code Chapter 14 Re: Zoning Addition to the B-7 Mixed Development District Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a first reading.

Order 45-20/21 Amendment to Chapter 5 Re: Restricting Off-Leash Dogs in Baxter Woods - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

This is a first reading.

Order 46-20/21 Amendment to Portland City Code Chapter 12 Re: Repeal of Single-use Carry-out Bag Ordinance - Sponsored by the Traffic and Sustainability Committee, Councilor Spencer Thibodeau, Chair

This is a first reading.

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

Motion was made by Councilor Costa and seconded by Councilor Chong to adjourn. Passage 9-0, at 1:10 AM.

A TRUE RECORD

Carolyn Dorr, Deputy City Clerk