

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)

NOVEMBER 16, 2020 CITY COUNCIL AGENDA

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, November 16, 2020 at 4:00 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/84143181611?pwd=N1RnbGQ3Y3VjUFQyem1yZFhMTXhIdz09>

Passcode: 861430

Or iPhone one-tap :

US: +13126266799,,84143181611#,,,,,0#,,861430# or
+19292056099,,84143181611#,,,,,0#,,861430#

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

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

Webinar ID: 841 4318 1611

Passcode: 861430

International numbers available: <https://us02web.zoom.us/j/84143181611?pwd=N1RnbGQ3Y3VjUFQyem1yZFhMTXhIdz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

EXECUTIVE SESSION:

The City Council will hold an Executive Session to discuss the City's legal rights and duties with Corporation Counsel with regard to the recently passed citizen initiated ordinances, pursuant to 1 M.R.S. section 405(6)(E) and (F).

ANNOUNCEMENTS:

PRESENTATIONS:

State of the Schools Address - Roberto Rodriguez, Chair, Portland Board of Public Education

ANNUAL MEETING:

Annual Meeting of the Corporator of Creative Portland - Sponsored by Kate Snyder, Mayor

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FY2020 Activity and Financial Reports;
2. Proclamation to Peter Bass for his years of service on the CP Board; and
3. Transaction of other business as may be deemed necessary.

A report of FY20 programs and notable accomplishments is included in the agenda packet. Highlights of FY20 include the development of a Cultural App and the establishment of the Portland Artist Relief Fund, which raised over 80K.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the November 9, 2020 Draft City Council Meeting Minutes.

PROCLAMATIONS:

APPOINTMENTS:

Order 127-20/21 Confirming Governor Mills' Appointment of William Van Voorhis to the Portland Harbor Commission - Sponsored by Kate Snyder, Mayor

Consistent with state statute, P.&S. Law 1993, c. 34., the City Council is asked to provide concurrence to the appointment by Governor Janet T. Mills of William Van Voorhis to the Board of Harbor Commissioners for Portland Harbor. Mr. Van Voorhis is a well-known and respected member of the maritime community in Portland Harbor through his many years of work with the Cianbro Corporation, activity with the Portland Propeller Club and the Waterfront Alliance, and his seven-year tenure representing the City of South Portland on the Portland Harbor Commission.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 128-20/21 Granting Municipal Officers' Approval of Lucky Dog Tasting Room LLC dba Batson River Social Club. Application for a Class XI FSE with Indoor Entertainment at 82 Hanover Street. - Sponsored by Jon P. Jennings, City Manager

Lucky Dog Tasting Room LLC dba Batson River Social Club. Application for a Class XI FSE with Indoor Entertainment at 82 Hanover Street.

Application was filed on 10/26/2020. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 129-20/21 Granting Municipal Officers' Approval of Marcy's Diner, LLC dba Marcy's Diner. Application for a Class III & IV FSE at 47 Oak Street. - Sponsored by Jon P. Jennings, City Manager

Marcy's Diner, LLC dba Marcy's Diner. Application for a Class III & IV FSE at 47 Oak Street.

Application was filed on 10/26/2020. New City and State applications. Applicant currently holds a FSE with Prep license.

Five affirmative votes are required for passage after public comment.

Order 130-20/21 Granting Municipal Officers' Approval of Commercial Street Pub Inc dba The Commercial Street Pub. Application for a Class IX FSE at 129 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Commercial Street Pub Inc dba The Commercial Street Pub. Application for a Class IX FSE at 129 Commercial Street.

Change of Classification was filed on 6/25/2020 to change from a Class A Lounge to a Class XI FSE. The City's Licensing Manager is requiring that the request for a new classification appear before the City Council for a hearing, pursuant to Sec 15-21 of the City Code, which states that the License Administrator can determine if a hearing is necessary. Due to multiple violations of the Governor's Emergency Orders, the Licensing Manager has determined that a hearing is necessary.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 122-20/21 Referring the Negotiation of a Purchase & Sale Agreement with Jack Soley, Avesta Housing and Hebert Construction for 43 and 91 Douglass Street to the Economic Development Committee - Sponsored by Jon P. Jennings, City Manager

City Council approval is needed to select the affordable housing development team from the RFP submitted to develop housing on the City-owned property located at 43 and 91 Douglass Street and delegate to the Economic and Development Committee to negotiate the Purchase and Sale Agreement.

During their August 18, 2020 meeting, the Economic Development Committee voted 3-1 (Chong) to authorize staff to move forward with negotiations for a Purchase and Sale Agreement with Jack Soley, Avesta Housing, and Hebert Construction.

The Housing Committee reviewed the proposals during their July 8th meeting but did not take a formal vote on the proposals; however, committee members did express a preference for the proposal from the Szanton Company and Maine Cooperative Development Partners.

Two proposals were received for the disposition and development of 43 & 91 Douglass Street. The Douglass Yards (Soley/Avesta/Hebert) proposal is for a 40-unit rental building, a 30-unit condominium building, and the development of 10 single-family homes with accessory dwelling units. The Douglass Commons (The Szanton Company & Maine Cooperative Development Partners) proposal is for a 4-story 56 unit apartment building and 52 Limited Equity Cooperative units (i.e. Co-op) in three 3-story buildings with 12 units each and four 2-story buildings with 4 units each. A copy of each proposal is included in the backup attachments.

Because the Housing Committee and Economic Development Committee supported competing proposals, it was determined that the decision should be presented for Council action. Therefore, an amendment to the Order to select the Szanton Company and Maine Cooperative Development Partners proposal is included in the back up material.

On November 9, 2020, the City Council postponed this item to November 16, 2020. Five affirmative votes are required for passage after public comment.

Order 125-20/21 Approving and Appropriating a Federal Aviation Administration Airport Improvement Program for Federal Fiscal Year 2021 Entitlement and Discretionary Grant - Sponsored by Jon P. Jennings, City Manager

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount of entitlement funding allocated to each airport is based on the annual number of enplaned commercial passengers the airport handled in the prior calendar year. For federal fiscal year 2021 the Portland International Jetport will be allocated AIP entitlement funding totaling \$4.15 million based upon 1,088,728 enplaned passengers in calendar year 2019. In addition to entitlement funding the Jetport is also seeking AIP discretionary funding of \$2.76 million in federal fiscal year 2021. This grant will fund the construction of the Jetport's Air Cargo Taxiway & Taxiway A East Phase 1 project. This first phase will provide a new Taxiway A East that will allow for the connection of a future Air Cargo Taxiway. Once all phases are complete this project will improve safety by eliminating aircraft crossings of the crosswind runway which are currently needed in order for aircraft located on the cargo apron to access Runway 29.

The AIP funding amount for this project of \$6.91 million is 90% of the total project cost totaling \$7.68 million. The remaining 10% is covered through the Jetport's operating budget and through state funding of 5% of AIP project costs.

This item must be read on two separate days. It received its first reading on November 9, 2020. Five affirmative votes are required for passage after public comment.

Order 126-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

On August 11, 2020, the Planning Board voted 4-3 to recommend designation of a portion of the Munjoy Hill neighborhood as a local historic district subject to the provisions of Portland's historic preservation ordinance as shown on the attached map. The intent behind the proposed Munjoy Hill historic district and landmark designations is to provide a tool to effectively steward the historic building fabric and visual character of Munjoy Hill over time. The Planning Board's deliberations and recommendation were pursuant to the unanimous recommendation of the Historic Preservation Board on November 20, 2019. The Historic Preservation Board also voted on 11/20/19 to recommend to the Council that the historic structures at 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, 21 Sheridan, and 28 Waterville be individually designated as local landmarks given their location outside the boundary of the contiguous historic district. (The Planning Board did not review the proposed landmark designations because unlike the designation review process for historic districts, recommendations for landmark designation are forwarded directly from the Historic Preservation Board to the Council.)

An amendment to the district removing 21 Sheridan Street is in the back up material, offered because of a noticing issue.

This item must be read on two separate days. It received its first reading on November 9, 2020. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 131-20/21 Acceptance of a Portion of Thompsons Point Road as a City Way - Sponsored by Jon P. Jennings, City Manager

In connection with the development of Thompson's Point, and as contemplated in: (1) an "Agreement Regarding Development of Sewall Street;" and (2) Maine Department of Transportation in Rail Decision RR #364 (as extended in a letter from DOT dated April 24, 2019), the State of Maine has presented to the City a deed conveying a portion of what was known as an extension of Sewell Street as a public way and to be known as Thompsons Point Road. This is proposed so that it can be accepted and incorporated into the rest of the public right of way to be known as Thompsons Point Road, from the section proposed to be accepted in this order and the sections leading easterly back to Fore River Parkway. Because the acceptance has long been anticipated and is required to connect two portions of Sewell Street, the Department of Public Works recommends that the Council approve the acceptance.

Five affirmative votes are required for passage after public comment.

Order 132-20/21 Accepting the Public Art Committee FY20 Annual Report and FY21 Budget Plan - Sponsored by Jon P. Jennings, City Manager

Order accepting the FY20 Annual Report and FY21 Budget Plan recommended by the Portland Public Art Committee.

Five affirmative votes are required for passage after public comment.

Order 133-20/21 Approving a One-Year Extension to the Signatory Airline Operating Agreement and Lease at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

The Portland International Jetport issues a single uniform operating agreement and airlines executing this agreement are designated as Signatory Airlines at the Jetport. The Jetport currently has six Signatory Airlines: American, Delta, FedEx, JetBlue, Southwest, and United. Airlines executing this operating agreement must provide a minimum annual landed weight, lease a preferential use gate, and lease office/ticket counter space throughout the term of the agreement.

The current Signatory Airline Operating Agreement and Lease at the Portland International Jetport was approved by the Council in 2016 with a five year term from July 1, 2016 through June 30, 2021. Given the continuing uncertainties imposed on aviation by the COVID-19 Pandemic, the Jetport and our signatory airlines are recommending a short term one year extension of this agreement to June 30, 2022.

Five affirmative votes are required for passage after public comment.

Order 134-20/21 Accepting a Portion of Skylark Road as a City Way - Sponsored by Jon P. Jennings, City Manager

The Skylark Commons subdivision was approved by the Planning Board in July 27, 2010. That subdivision approval contemplated the construction of “Skylark Road” by the developer with the intent that it would be accepted as a public street by the City (See Note 22B on the Subdivision Plan). The Developer has now completed construction of Skylark Road to City standards and provided the City with a deed conveying the street in fee simple. Public Works now recommends that the City accept the street.

Five affirmative votes are required for passage after public comment.

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