

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

DECEMBER 21, 2020 CITY COUNCIL MEETING

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Monday, December 21, 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. §403A, 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 unmuted by the host when it is time for public.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87662503729?pwd=RVl3NWYvMFF1bWJ4NWt4ZWdva0NjUT09>

Passcode: 619163

Or iPhone one-tap :

US: +19292056099,,87662503729#,,,,*619163# or +13017158592,,87662503729#,,,,*619163#

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 +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 876 6250 3729

Passcode: 619163

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft December 7, 2020 Inaugural Meeting and Regular City Council Meeting Minutes.

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation

Pursuant to the Bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its annual meeting in the month of September or at a Special Meeting.

This year's Special Meeting Agenda includes:

1. Accepting, as a communication, the attached PDC FYE2020 Activity and Financial Report;
2. Order approving amendments to the PDC's three COVID-19 Loan and Grant Programs; and,
3. Transacting other business as may be deemed necessary.

PDC FYE2020 ACTIVITY AND FINANCIAL REPORT

In FY2020, the PDC invested just under \$780,000 in 24 businesses, which leveraged over \$1.4 Million in private sector funds associated with creating 22 jobs and retaining 125 jobs. FY2020 loan activity included a public to private investment ratio of 1:3, that is for every dollar of public investment, three dollars was invested by the private sector.

Order 137-20/21 Amending Portland Development Corporation COVID-19 Loan and Grant Guidelines for Three Programs - Sponsored by Jon P. Jennings, City Manager

The Guidelines for each of the three COVID-19 Loan and Grant Programs contain a sunset provision of December 31, 2020. As staff anticipates that funding will remain in each program after this date, the PDC Board voted unanimously to recommend to the City Council that the sunset date of December 31, 2020 be replaced with a date of December 31, 2021, or until funds run out.

The three COVID-19 Loan and Grant Programs referred to above are: the COVID-19 Business Assistance Program for Job Re-Hire, the COVID-19 Microenterprise Grant Program, and the COVID-19 Rapid Response Microloan Program.

Five affirmative votes are required for passage after public comment.

PROCLAMATIONS:

APPOINTMENTS:

Order 138-20/21 Appointing Constables for the Year 2021 - Sponsored by Jon P. Jennings, City Manager

This order appoints constables from multiple City Departments and from the Portland Housing Authority for the 2021 calendar year:

- Fire Department constables are responsible for the issuance of citations authorized by the City Code of Ordinances Chapter 10 and Fire Prevention Laws.
- Permitting and Inspections Department constables enforce City Code provisions for business licensing, rental housing, building, electrical and plumbing codes.
- Department of Parks, Recreation, and Facilities constables enforce dogs-at-large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code).
- Police Department constables issue citations for violations of various City ordinances, including, for example, harboring a dangerous dog and smoking in city parks.
- Portland Housing Authority property managers are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.

These appointments are effective from 12:01 a.m. on January 1, 2021 until 12:00 midnight, December 31, 2021, and are made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

Five affirmative votes are required for passage after public comment.

Order 139-20/21 Authorizing Special Council and Outside Boards and Commissions Appointments for 2021 -- Sponsored by Kate Snyder, Mayor

This order appoints City Councilors and City staff to various boards and commissions for 2021.

Five affirmative votes are required for passage after public comment.

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

Com 16-20/21 Housing Committee 2020 Annual Report - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The 2020 City Council's Common Goals included increasing access to rental and home ownership housing that is safe, affordable and accessible. The Annual Report of the 2020 Housing Committee reflects the Committee's work to address the Council goal and the 2020 Housing Committee Workplan priorities.

It has been standing practice to forward the annual year end Housing Committee report to the City Council.

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

Com 17-20/21 Assessment of the Waterfront and Marine Economy - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Department of Housing & Economic Development is pleased to present an assessment of the Portland Waterfront and Marine Economy to the City Council. This evaluation was conducted by economic consultants AECOM and Rachel Bouvier Consulting between February and April of 2020, with the final report drafted over the following months.

The assessment estimated the contributions of both marine-related commerce and non-marine businesses that benefit from the waterfront. It was determined that the Portland Waterfront supports approximately 7,700 jobs and generates \$313M in labor income, \$417M in GDP (value added) and over \$800M in economic output.

From that total, marine commerce generates over \$650M in revenue, supporting 2,250 jobs. Major contributors to the marine totals are generated from businesses involved in Marine Transportation & Port Services and Seafood Manufacturing & Wholesale.

On November 17, 2020, the Housing & Economic Development Committee of the Portland City Council reviewed the findings of the Waterfront Economic Assessment and provided a unanimous recommendation to forward the report to the full City Council as a communication.

This report was mandated by City Code (see: Chapter 8 - Waterfront Development Growth Area).

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

Com 18-20/21 Economic Development Committee Accomplishments for Calendar Year 2020 - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

This item is a communication for the Mayor and City Council on a report of the Economic Development Committee's (EDC) accomplishments during calendar year 2020. The EDC reviewed this report at its November 17, 2020, meeting and voted 4-0 to forward it as a communication to the City Council.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

ORDERS:

Order 140-20/21 Approving Purchase and Sale Agreement with Maine Cooperative Development Partners for 165 Lambert Street - Sponsored by the Housing & Economic Development Committee, Spencer Thibodeau, Chair

The Economic Development Committee met on November 17, 2020 and voted 4-0 to recommend that the City Council approve the Purchase and Sale Agreement between the City and Maine Cooperative Development Partners.

Maine Cooperative Development Partners is proposing to create a limited equity housing cooperative, which is designed to create permanently affordable housing. Staff have communicated all new, relevant requirements introduced by recent amendments to Chapter 14 (the "Green New Deal") to the prospective buyer. The project would be structured as a limited-equity housing co-operative ("Co-op") under the Maine Cooperative Affordable Housing Act (13 M.R.S. §§ 1741, et seq.).

On December 16, 2019, the City Council authorized staff to move forward with the disposition of three City-owned properties, including property located at 165 Lambert Street (Resolve 10-19/20). At a joint meeting of the Housing and Economic Development committees meeting held March 4, Committee members passed motions authorizing staff to issue RFPs for the three properties. The RFPs were issued on April 7 with an opening date of June 16. On July 21, 2020 the Economic Development Committee authorized staff to begin to negotiate terms for a Purchase and Sale Agreement with the development team that submitted the one proposal received for the 165 Lambert Street property. Terms of the Purchase and Sale Agreement are outlined in Section III of the memo for this item.

Five affirmative votes are required for passage after public comment.

Order 141-20/21 Accepting an Easement Deed from Portland Water District for a Woodlawn Avenue Turnaround - Sponsored by Jon P. Jennings, City Manager

The Department of Public Works is requesting the acceptance of an easement deed to allow for the construction and maintenance of a turnaround area for City vehicles at the end of Woodlawn Avenue.

This turnaround will allow for safer, more effective operation and delivery of City services by snow removal and emergency vehicles.

Five affirmative votes are required for passage after public comment.

Order 142-20/21 Approving the Transfer of Ownership of Artifacts to the Maine Maritime Museum - Sponsored by Jon P. Jennings, City Manager

The Maine Maritime Museum (MMM) in Bath, Maine is requesting that the City of Portland transfer ownership of certain marine artifacts to the Museum. All of the requested items have been on loan to the MMM since 2011 by mutual agreement. None of the items are included within the City's Public Art Collection.

The items include physical pieces of the U.S.S. Portland (CA-33) naval uniforms from the ship's service in World War II, a mounted Key to the City presented to the ship's crew, a trophy from a soccer game with the crew of the cruise ship Queen Elizabeth II, and ephemera from the maiden visit of the cruise ship Queen Mary II to Portland in 2004.

Five affirmative votes are required for passage after public comment.

Order 143-20/21 Authorizing Annual Wage Increase for Corporation Counsel - Sponsored by Kate Snyder, Mayor

Approval is needed to grant Corporation Counsel salary adjustments.

These adjustments will provide a 3% Annual Increase retroactive to January 23, 2019, as well as a second 3% Annual Increase retroactive to January 23, 2020. These increases will result in retroactive pay totaling \$11,800.95, as well as a current salary of \$148,473.00.

The City Council discussed performance evaluations of Corporation Counsel in an executive session on November 19, 2020. This request reflects the outcome of those evaluations. Performance evaluations were not done for either Corporation Counsel or the City Clerk during the two previous years. In addition, they did not receive annual increases, while other non-union employees (including department heads) received annual 3% increases automatically.

Five affirmative votes are required for passage after public comment.

Order 144-20/21 Accepting and Appropriating an Anonymous Donation of \$5,000 For Those In Need - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates an anonymous donation of \$5,000.00 from a family in Falmouth, Maine, to be used as a Secret Santa giveaway by the Police Department to those in need.

Staff is requesting that the second reading of this item be waived. Seven votes are required to waive the second reading.

Staff is also requesting that this item be approved as an emergency, to allow immediate distribution. Seven affirmative votes are required for passage as an Emergency after public comment.

Order 145-20/21 Accepting and Appropriating \$10,000 Grant from Catholic Charities of Maine - Sponsored by Jon P. Jennings, City Manager

The Housing & Economic Development Department is requesting that the City Council accept and appropriate a \$10,000 grant from Catholic Charities of Maine for use in enhancing access to entrepreneurship options for limited English proficient and immigrant populations through training and customized technical assistance.

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

AMENDMENTS:

Order 146-20/21 Amendment to Portland City Code Chapter 14 Re: Senior-Focused Uses Proposed for the B-3 Downtown Business Zone - Sponsored by the Planning Board, Brandon Mazer, Chair

At a public hearing on November 17, 2020, the Planning Board unanimously voted (7-0) that these proposed zoning text amendments (changing the definition of congregate care facility and adding congregate care facilities and intermediate care facilities as permitted uses) are consistent with the Comprehensive Plan for the City of Portland, and recommending approval by the City Council.

Portland Opportunity Fund LLC seeks a zoning text amendment to facilitate development at 385 Congress Street, which is zoned B-3 downtown business. The proposed text amendment would add congregate care facilities and intermediate care facilities as permitted uses to the B-3 zone (as well as the B-3b and B-3c zones, which share the same list of permitted uses). Per previous Council concern, the proposal also edits the definition of congregate care facility in the zoning code to clarify its intended purpose.

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

Order 147-20/21 Amendment to the Zoning Map Re: B-2 to I-M Zone at 7 Rand Road - Sponsored by the Planning Board, Brandon Mazer, Chair

At a public hearing on November 17, 2020, the Planning Board voted (7-0) that this proposed zoning map amendment for approximately 14.68 acres of privately owned land located at 7 Rand Road(from the B-2 Community Business zone to the I-M Industrial zone) is consistent with the Comprehensive Plan for the City of Portland and recommended approval by the City Council.

Brockway-Smith Company seeks a zoning map amendment to rezone the parcel at 7 Rand Road from an I-M Industrial/B-2 Community Business split lot condition to fully I-M, removing the split lot condition via an adjustment to the zoning boundary, so that the property can be brought into greater conformity and allow for more cohesive future expansion of the currently bifurcated site. The subject property is located between Interstate 95 and Rand Road and is 18.4 acres in size. The site is currently developed with a 300,000 SF warehouse, a paved truck staging area, and surface parking. The proposed zone change is illustrated in attachment 1.

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:

EXECUTIVE SESSION: