

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)

REMOTE CITY COUNCIL MEETING - JANUARY 20, 2021

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 Wednesday, January 20, 2021 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.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89636594649?pwd=YlY5UHMzSGdJbkx1ZmRiekG4eXptdz09>

Passcode: 552908

Or iPhone one-tap :

US: +13017158592,,89636594649#,,, *552908# or
+13126266799,,89636594649#,,, *552908#

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: 896 3659 4649

Passcode: 552908

International numbers available: <https://us02web.zoom.us/j/89636594649>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Fish Exchange

Pursuant to the Bylaws of the Portland Fish Exchange, the Portland City Council, as Corporator of the Portland Fish Exchange, shall hold a Special Meeting in order to make appointments to the Board of Directors.

Order 154-20/21 Appointing Directors to the Board of the Portland Fish Exchange - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on January 5, 2021 and voted 4-0 to send this slate of directors to the City Council for approval.

This order appoints the following people to the Board of Directors of the Portland Fish Exchange:

Nick Alfiero - Class B Director, Term expires on 10/31/2022

Tom Valleau - Class C Director, Term expires on 10/31/2022

Five affirmative votes are required for passage after public comment.

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 a Special Meeting in order to make appointments to the Board of Directors.

Order 155-20/21 Appointing Directors to the Board of the Portland Development Corporation - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on January 5, 2021 and voted 4-0 to send this slate of directors to the City Council for approval.

Jeffery Hicklin, Portland Development Corporation, Term to Expire 09/30/2023

Kierston Van Soest, Portland Development Corporation, Term to Expire 09/30/2023

Five affirmative votes are required for passage after public comment.

Special Meeting of the Corporator of Creative Portland Corporation

Pursuant to the Bylaws of Creative Portland Corporation (CPC), the Portland City Council, as Corporator of the CPC, shall hold a Special Meeting in order to make appointments to the Board of Directors.

Order 156-20/21 Appointing Directors to the Board of Creative Portland Corporation - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on January 5, 2021 and voted 4-0 to send this slate of directors to the City Council for approval.

This Order would appoint the following to the Board of Directors for Creative Portland Corporation:

Kate Anker, Creative Portland Board, Term to Expire 11/30/2023

Lisa Bloss, Creative Portland Board, Term to Expire 11/30/2023

Herb Ivy, Creative Portland Board, Term to Expire 11/30/2023

Daniel Minter, Creative Portland Board, Term to Expire 11/30/2023

Kirstie L. Archambault, Creative Portland Board, Term to Expire 11/30/2022 (filling the remainder of the term of a board member who resigned)

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft January 4, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proc 7-20/21 Recognizing January 20, 2021 as Inauguration Day - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

**Order 157-20/21 Appointing Members to Various Boards and Commissions -
Sponsored by the Nominating Committee, Councilor Pious Ali, Chair**

The Nominating Committee met on January 5, 2021 and January 12, 2021 and voted 4-0 to send this slate of appointments to the City Council for approval:

Steve Morgenstein, Land Bank Commission, Term to Expire 06/30/2023
Baxter Miatke, Land Bank Commission, Term to Expire 06/30/2023

John Whipple, Portland Public Art Committee, Term to Expire 06/30/2023
Ryan Adams, Portland Public Art Committee, Term to Expire 06/30/2023
Meredith Wiemer, Portland Public Art Committee, Term to Expire 06/30/2023

Barbara Brewer, Board of Assessment Review, Term to Expire 09/30/2023

Donna Katsiaficas, Board of Appeals, Term to Expire 12/31/2023
Ben McCall, Board of Appeals, Term to Expire 12/31/2023
Daniel Black, Board of Appeals, Term to Expire 12/31/2023

Shirley Peterson, Portland Housing Authority, Term to Expire 06/30/2025
Luisa Deprez, Portland Housing Authority, Term to Expire 06/30/2025

Hilary Bassett, Portland Historic Preservation, Term to Expire 11/30/2023
Robert Whitten, Portland Historic Preservation, Term to Expire 11/30/2023

Zach Anchors, Parks Commission, Term to Expire 06/30/2023
Michael Mertaugh, Parks Commission, Term to Expire 06/30/2023
Shaylyn MacKinnon, Parks Commission, Term to Expire 06/30/2023
Maya Lena, Parks Commission, Term to Expire 06/30/2023

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 20-20/21 A communication on the formalization of a Public Works program to reduce sediments and pollutants introduced to City infrastructure - Sponsored by Jon P. Jennings, City Manager

Public Works' Water Resources division routinely works with contractors to reduce the sediments and pollutants introduced to public infrastructure and natural resources through a process known as "dewatering" - the removal of water from soil or solid material over the course of construction work.

Public Works is in the process of formalizing a Dewatering Program, which includes:

1. Application of the existing sewer fee structure for discharges to the sanitary sewer from construction sites;
2. An application and approval process for the management of dewatering discharges;
3. Water quality testing requirements, as necessary.

As required by Portland City Code Section 12-105(b), two public hearings on the program were held (November 4, 2020 and January 12, 2021).

The new program rules will take effect February 1, 2021. Chapter 24, Section 3 of City Code requires that they are presented as a Communication to the Council prior to them taking effect.

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

Com 21-20/21 A communication from the City Manager regarding an update to the City's interpretation and implementation of the voter-approved Rent Control Ordinance - Sponsored by Jon P. Jennings, City Manager

This Communication clarifies that the Rent Control Ordinance, approved by voters in November 2020, applies to short-term rental units. FAQs on the City website have been updated to provide additional clarification to these landlords.

In addition, new administration processes are expected to be in place February to collect newly required info from all Portland landlords.

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

Com 22-20/21 A communication from the City Manager on a funding plan for a Homeless Services Center - Sponsored by Jon P. Jennings, City Manager

At the February 3, 2020 Council meeting, the City Manager advised the City Council that the next steps in establishing a Homeless Services Center (HSC) included providing the City Council a funding plan. This Communication describes the City's plan to pursue a partnership with a private entity to fund the construction of the Center.

City staff have been exploring various development and funding approaches to support the project, including Federal and State Grant funding, along with options to involve the private sector. Given the lack of Federal and State support, staff recommends the engagement of private sector partners to handle all portions of the project leading up to City occupancy. The private sector partner(s) would then lease the HSC to the City of Portland as they recoup their costs.

Staff have prepared a Request for Qualifications and Proposals (RFQ/P) to engage interested private sector partners. Staff intends to issue the RFQ/P later this month. Depending upon the project approach, the HSC could be ready for City occupancy within 24 months.

Once proposals are received, staff will bring this to the Housing & Economic Development Committee for its recommendation to the City Council on whom to negotiate for development of the HSC.

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

Com 23-20/21 Communication regarding the Charter Commission election and upcoming workshop - Sponsored by Kate Snyder, Mayor

This Communication is intended to inform the public about an upcoming Council Workshop (February 3, 2021) on elections to the Charter Commission.

At this workshop, the City Clerk will give an overview of the Charter Commission election and how the ballot will be structured.

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

UNFINISHED BUSINESS:

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. Per federal grant guidelines, the eligible populations of the funding source are Refugees and other Office of Refugee Resettlement eligible populations.

The Immigrant Entrepreneur Technical Assistance Continuum Project will support immigrant-owned or -operated start-ups with key technical assistance, seed funding, and resource sharing to ensure the longevity of their business in Portland.

The Immigrant Entrepreneur Technical Assistance Continuum Project will be comprised of two program components: 1) How to Start a Business in the United States, and 2) Hungry for Success: A Community Building Initiative.

This item must be read on two separate days. It received its first reading on December 21, 2020. At the January 4, 2021 meeting it was postponed to January 20, 2021, vote 7-0 (Chong recused, Fournier absent). Five affirmative votes are required for passage after public comment.

Order 153-20/21 Approving "Modification Two" of the Agreement between the Maine Department of Transportation and the City of Portland Re: Congress Street Traffic Lights - Sponsored by Jon P. Jennings, City Manager

In February 2019, the City and State agreed to implement upgrades to traffic signals on Congress Street (between Stevens Avenue and Fore River Parkway) as a "Locally Administered Project", in which the City administers the project and the State helps to fund it.

Since the agreement was signed in February 2019, costs associated with the project have increased significantly. As a result, this modified agreement represents an increase in the amount of funding provided locally and by the State (referred to as "Modification Two" in the agreement).

This item must be read on two separate days. It received its first reading on January 4, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 158-20/21 Authorizing Transfers of School Funds to Other Cost Centers - Sponsored by Jon P. Jennings, City Manager

This order will allow the Portland Board of Education to transfer more than 5% of one "cost center category" to another category. Due to both unexpected costs and unexpected savings resulting from the pandemic, the transfer of amounts exceeding 5% may become necessary.

Per state statute, the Portland Public Schools (PPS) budget is approved by referendum in 11 cost center categories: Regular Instruction, Special Education, Career and Technical Education, Other Instruction, Student and Staff Support, System Administration, School Administration, Transportation, Facilities Maintenance, Debt Service, and All Other Expenditures.

State statute also limits budget transfers from one category to another in any given year to 5% of the cost center budget. Transfers under 5% may be approved by the Portland Board of Education.

The circumstances of the pandemic have led to both unexpected costs and unexpected savings. In order to be able to reallocate areas of cost savings to areas of unbudgeted expense, the Portland Public Schools may need to transfer more than 5% from one cost center category to another.

PPS is requesting that the Council extend this authority for the 2020-2021 fiscal year. According to both PPS legal counsel and Corporation Counsel, the Portland City Council may authorize the Portland Board of Education to approve such transfers.

Five affirmative votes are required for passage after public comment.

Order 159-20/21 Authorizing Annual Wage Increase for City Clerk - Sponsored by Kate Snyder, Mayor

Approval is needed to grant the City Clerk salary adjustments.

These adjustments will provide a 3% Annual Increase retroactive to April 5, 2019, as well as a second 3% Annual Increase retroactive to April 5, 2020. These increases will result in retroactive pay totaling \$7,857.68, as well as a current salary of \$105,163.50.

The City Council discussed performance evaluations of the City Clerk in an executive session on January 13, 2021. 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.

AMENDMENTS:

Order 159A-20/21 Traffic Schedule Amendment Re: No Parking West Side of Linden Street - Sponsored by Jon P. Jennings, City Manager

In August 2020, residents of Linden Street petitioned the City to prohibit parking on the west side of the street.

The petition, which is signed by one member from at least 60% of households that front on Linden Street, was verified by the City Manager's Office on August 18, 2020.

On October 21, 2020, the Sustainability & Transportation Committee unanimously voted to recommend the request be considered by the full Council body (3-0).

The reason provided by petitioners for their request is that the narrow street is unable to safely allow for parking on both sides of the street.

Staff supports petitioners' request. Linden Street is at most 25 feet wide, and traffic travels along it in both directions. Emergency vehicle access and snow removal operations will be greatly improved if parking is permitted on just one side of the street.

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

Order 160-20/21 Traffic Schedule Amendment Re: No Parking on the West Side of Cottage Street - Sponsored by Jon P. Jennings, City Manager

In August 2020, residents of Cottage Street petitioned the City to prohibit parking on the west side of the street.

The petition, which is signed by one member from at least 60% of households that front on Cottage Street, was verified by the City Manager's Office on August 12, 2020.

On August 26, 2020, the Sustainability & Transportation Committee unanimously voted to recommend the request be considered by the full Council body (3-0).

The reason provided by petitioners for their request is that the narrow street is unable to safely allow for parking on both sides of the street.

Staff supports petitioners' request. Cottage Street is at most 25 feet wide, and traffic travels along it in both directions. Emergency vehicle access and snow removal operations will be greatly improved if parking is permitted on just one side of the street.

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:

The City Council will go into Executive Session pursuant to 1 M.R.S. section 405(6)(E) to consult with its attorney regarding the City's legal rights and duties concerning the needle exchange program.