

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 - MARCH 15, 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 Monday, March 15, 2021 at 5:00 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §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 comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

Or iPhone one-tap :

US: +13017158592,,85621497951#,,,,*206775# or +13126266799,,85621497951#,,,,*206775#

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: 856 2149 7951

Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 1, 2021 City Council Meeting Minutes

CONSENT ITEMS:

Order 182-20/21 Appointing Members to the Rent Board and Other Boards and Commissions - Sponsored by the Legislative & Nominating Committee, Councilor Pious Ali, Chair

The Nominating Committee met on February 23, 2021 for the purpose of interviewing applicants for the Rent Board. They interviewed 27 applicants for the 7 seats. The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

District 1: Christopher Moore, Tenant (Term to Expire 03/30/2022)
District 2: Michelle Dunham, Landlord (Term to Expire 03/30/2022)
District 3: Elliot Simpson, Tenant (Term to Expire 03/30/2024)
District 4: Ian McCracken, Landlord (Term to Expire 03/30/2023)
District 5: Austin Sims, Home Owner (Term to Expire 03/30/2024)
At-Large: Elias Kann, Tenant (Term to Expire 03/30/2023)
At-Large: Barbara Vestal, Landlord (Term to Expire 03/30/2024)

The Nominating Committee met on February 24, 2021 for the purpose of interviewing applicants for the Planning Board and the Police Citizen Review Subcommittee. The committee interviewed 13 applicants for the Planning Board and 4 applicants for the Police Citizen Review Subcommittee (PCRS). The Nominating Committee unanimously approved the following slate of applicants for City Council approval:

Planning Board: Sean Dundon (Term to Expire 02/28/2022)
Planning Board: David Silk (Term to Expire 02/28/2024)
Planning Board: Austin Smith (Term to Expire 02/28/2024)
PCRS: Sarai Manyiel (Term to Expire 03/30/2022)

Order 183-20/21 Appointing Wardens and Ward Clerks for the 2021-2022 Election Year - Sponsored by Katherine L. Jones, City Clerk

This order appoints Wardens and Ward Clerks for the 2021-2022 Calendar Year, listed in the attachment.

Order 184-20/21 Appointing Members of the Portland Area Comprehensive Transportation System Policy Committee for 2021 - Sponsored by Jon P. Jennings, City Manager

Greater Portland Council of Governments, parent organization of Portland Area Comprehensive Transportation System (PACTS), recently disbanded the PACTS Policy Committee's structure. This order appoints Councilor Belinda Ray and Public Works Department Director Chris Branch to the newly reestablished committee, and these appointments replace and supersede those made by Order 139-20/21.

Order 185-20/21 Opening and Closing the Polls on June 8, 2021 - Sponsored by Katherine L. Jones, City Clerk

This order sets the time for opening and closing of the polls on June 8, 2021 for Special Election for Charter Commissioners and School Budget Referendum. Pursuant to 21-A M.R.S., Section 626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls shall open at 7:00 a.m. and close at 8:00 p.m.

Order 186-20/21 Setting Public Hearings on Fiscal Year 2022 Annual Action Plan and Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program - Sponsored by Jon P. Jennings, City Manager

As required under the City's HUD approved citizen participation process, public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations. They are given an opportunity to make a presentation to the City Council at the first meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and ESG funds.

Public hearings will be held on April 5, 2021 and April 26, 2021 at City Council Meetings at 5:00 pm accessible via Zoom Web Conferencing link to be provided in the agenda for each meeting.

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

LICENSES:

Order 187-20/21 Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Perfect Pie 2, LLC dba Pizzaiolo. Application for a Class XI FSE with Outdoor Dining on Private Property at 865 Forest Avenue.

Application was filed on 2/19/2021. New City and State applications. Location was previously Casa Fiesta Mexican Restaurant.

Five affirmative votes are required for passage after public comment.

Order 188-20/21 Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Butcher Burger LLC dba Butcher Burger Company. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street.

Application was filed on 2/22/2021. New City and State applications. Location was previously Royale Lunch Bar.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 176-20/21 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2022 Capital Improvement Program in an Amount not to Exceed \$17,775,802 - -Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

The Finance Committee met on February 25, 2021 and voted unanimously (3-0) to forward the bond authorization and appropriation orders to the City Council for approval.

The Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the orders.

An amendment to correct a numeric error in the order is in the back up material. This item must be read on two separate days. It received its first reading on March 1, 2021. Seven affirmative votes are required for passage after public comment.

Order 177-20/21 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$23,964,841 for the City's Fiscal Year 2021 Capital Improvement Program - Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair

This is a companion order to Order 176-20/21.

As noted in the previous Order, the Fiscal Year (FY) 2022 to FY2026 Capital Improvement Plan (CIP) has been in development since fall 2020 and the CIP was discussed at three Finance Committee meetings in January and February 2021 including one Public Hearing. The FY22 Capital Improvement Plan will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The FY21 CIP calls for \$17.8 million(M) of new bond authorization but \$7.4M of these bonds will be repaid via the Sewer and Stormwater Enterprise Funds. The remaining \$10.4M of plan borrowing was sized to simply offset debt service related to debt being retired in FY23. When combined with other funding sources (including significant transportation funding provided by the State of Maine) the total impact of the FY22 CIP will be nearly \$24M. Two orders are required: one authorizing the FY22 CIP bonds; and a second appropriating the proceeds and other funding sources for several projects. A complete listing of the projects being authorized is included within the order.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 178-20/21 Amendment to Portland City Code Chapter 14 Re: The Jill C. Duson Housing Trust Fund - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair and the Portland Planning Board, Brandon Mazer, Chair

During the December 7, 2020, City Council Inauguration Meeting, Mayor Kate Snyder announced that in honor and recognition of Councilor Jill Duson's contribution to housing, including "...helping to create a municipal environment conducive to the development of affordable and low income eligible housing..." she asked the Housing & Economic Development Committee to review a request to rename the Housing Trust Fund the "Jill C. Duson Housing Trust Fund".

The Housing & Economic Development Committee met on January 5, 2021 and voted unanimously (3-0; Ali absent) to support this recommendation. The Portland Planning Board met on February 23, 2021 and voted (5-0-2; Chann and Dunfey abstained) to recommend the text amendment renaming the City's Housing Trust Fund as the *Jill C. Duson Housing Trust Fund*.

The Housing Trust Fund Ordinance is located in the City Code, Chapter 14, Article 18.3. A copy of a marked revised version of the code which reflects the name change is enclosed in backup materials for City Council approval.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 179-20/21 Traffic Schedule Amendment Re: Limiting Parking on Both Sides of Waverly Street to One Hour - Sponsored by Jon P. Jennings, City Manager

In October 2020, the City Manager's office received a petition, signed by over 60% of households and/or businesses with frontage on Waverly Street, requesting that parking on both sides of the street be permanently restricted to one hour.

Petitioners indicated to staff that this request is intended to address a shortage of on-street parking spaces available to Waverly Street residents, as well as the congestion resulting from a high demand for on-street parking.

On October 21, 2021, the Sustainability & Transportation Committee approved the petition for the consideration of the full City Council (3-0). The Committee also requested that any 15-minute parking spots on Waverly Street be maintained, to which staff agreed.

Waverly Street is a two-way street of about 25 feet in width. It is located within Residential Parking Zone 12. As such, residents who apply for and receive residential parking permits would be exempt from these requested restrictions.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 180-20/21 Amendment to Portland City Code Chapter 14 Re: Lot Coverage Provisions in the B-3 Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Portland Planning Board voted unanimously (7-0) to approve this text amendment to facilitate a development at 100 Federal Street.

This B-3 text amendment to the Land Use Code (Sec. 14-7, Table 7-E, Mixed-Use Zone Dimensional Standards) will clarify the definition of maximum floor area allowed above 125 feet in height.

The current zoning language is not clear as to whether the allowed 10,000-square-foot lot coverage is net or gross. The amendment clarifies that the intention is to allow a useable floor plate at heights greater than 125', which will add 500 square feet of flexibility for circulation and similar uninhabitable areas of the floor plan.

This amendment will also maintain a consistent definition of "floor area" as gross throughout the entirety of Chapter 14.

This order and the one following advance the proposal by applicant RedFern Downtown LLC for the development of an 18-story, 180,000-square-foot, mixed-use building with 266 residential units, ground-floor commercial space, amenity spaces for the residents, and 21 surface parking spaces at 201 Federal St W.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

Order 181-20/21 Downtown Height Map Amendment Re: Maximum Height and Architectural Cap Eligibility for 200 Federal Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

This is a companion order to Order 180-20/21.

On January 26, 2021, the Portland Planning Board voted unanimously (7-0) to approve this text amendment to facilitate a development at 100 Federal Street.

This item amends the Downtown Height Overlay Map to remove the architectural cap designation and increase the maximum habitable height from 150 feet to 190 feet. It will not change the overall maximum height allowed in the B-3 zone.

The Downtown Height Overlay map dictates the allowable heights within the B-3 zone and is specific block by block depending on the context. This amendment would maintain the same overall maximum height allowed within this block, but would make housing development more feasible by removing the Architectural Cap designation. Removing this designation allows for the ability to provide habitable floor area.

This item must be read on two separate days. It received its first reading on March 1, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 189-20/21 Accepting and Appropriating Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Grants for the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

This order seeks to accept and appropriate a total of \$4,721,763 in funds from the FAA to aid the Portland International Jetport in preventing, preparing for, and responding to the COVID-19 pandemic.

The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA, Public Law 116-260), signed into law by the President on December 27, 2020, included nearly \$2 billion in funds to be awarded as relief to eligible U.S. airports and eligible concessions at those airports to prevent, prepare for, and respond to the COVID-19 Pandemic. Eligible airports includes the Portland International Jetport, as a primary commercial service airport with more than 10,000 annual passenger boardings.

The Federal Aviation Administration is now issuing grants to eligible airports like the Jetport, in amounts based on the airport's number of annual boardings. The Portland International Jetport is being allocated two CRRSAA Grants: one totaling \$4,488,586 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$233,177 (for airport concessions rent relief).

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

Order 190-20/21 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Elm Street Paving Project - Sponsored by Jon P. Jennings, City Manager

An agreement between the City of Portland, the Portland Area Comprehensive Transportation System (PACTS), and the Maine Department of Transportation (MaineDOT) is required to allow for improvements and paving along Elm Street (from Congress Street to Marginal Way).

This three-party agreement will allow the City to move forward with this project, with PACTS providing 50% of the estimated project costs. The City match will be funded through a Fiscal Year 2022 Capital Investment Plan account.

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

AMENDMENTS:

Order 191-20/21 Amendment to City Code Sec. 5.2 (Zoning Map Amendment) and to C-61 Conditional Zone Agreement Re: 32 Thomas Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

On January 26, 2021, the Planning Board voted unanimously (7-0) to issue a positive recommendation for the proposed amendments to the Conditional Zone Amendment.

32 Thomas Street, LLC is proposing to update some of the contextual provisions, as well as substantive changes, of the Original Conditional Zone Agreement (CZA-57) for property at 32 Thomas Street in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement. The subject property, 32 Thomas Street, is in the West End and is located in an area of the City generally zoned R-4 Residential. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012. Since that date, some, but not all of the improvements contemplated and authorized by the original CZA have been completed, and 32 Thomas Street, LLC seeks to amend the CZA to allow additional dwelling units at the subject property in the future.

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

EXECUTIVE SESSION:

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