

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 (POSTPONED FROM APRIL 5)

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

ZOOM INFORMATION:

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.

You are invited to a Zoom webinar.

When: Apr 12, 2021 05:00 PM Eastern Time (US and Canada)

Topic: Remote City Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89035148804?pwd=SWhpejE1OTB5QmJzcjU5Mk1EMDd3UT09>

Passcode: 186728

Or One tap mobile :

US: +13126266799,,89035148804#,,,*,186728# or +19292056099,,89035148804#,,,*,186728#

Or Telephone:

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: 890 3514 8804

Passcode: 186728

International numbers available: <https://us02web.zoom.us/j/89035148804?pwd=SWhpejE1OTB5QmJzcjU5Mk1EMDd3UT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 15, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proc 10-20/21 In Recognition of National Library Worker's Day - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 193-20/21 Appointing and Setting Salary of Jessica B. Hanscombe as Director of the Department of Permitting & Inspections - Sponsored by Jon P. Jennings, City Manager

The City Council is asked to approve the appointment of Jessica B. Hanscombe to the position of Director of Permitting & Inspections for the City of Portland's Permitting & Inspections Department at the annual salary rate of \$112,983.

Staff is requesting emergency passage in order to fill the position immediately. Seven affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 194-20/21 Declaring July 29 to August 1 and August 5 to 8, 2021 the Maine Outdoor Film Festival - Sponsored by Jon P. Jennings, City Manager

The Maine Outdoor Film Festival celebrates Maine's broad array of beautiful places, recreational opportunities and creative people. 2021 marks its 10th year with over 100 screenings, including one in every county in the State of Maine.

This order declares 7:00 p.m. to 11:00 p.m. from July 29 to August 1 and August 5 to August 8, 2021 the Maine Outdoor Film Festival, to be held on the Eastern Promenade Park on the land between the softball fields and tennis courts.

**Order 195-20/21 Declaring Sundays on the Boulevard Festival Days in 2021 -
Sponsored by Jon P. Jennings, City Manager**

The City's Parks, Recreation and Facilities Management Department request permission to close Baxter Boulevard to vehicular traffic each Sunday from May 2, 2021 to October 10, 2021 (with no "Sundays on the Boulevard" on October 3, 2021 due to Maine Marathon). The boulevard will be closed from 9:00 a.m. to 4:00 p.m. on those days. The boulevard is closed from the west entrance of Payson Park to Bates Avenue.

On some days there may be programmed events taking place, including: music, bicycle demos, yoga and paddle board demos.

**Order 196-20/21 Granting a City Easement to Central Maine Power at the
Portland Ocean Terminal - Sponsored by Jon P. Jennings, City Manager**

Traffic and pedestrian management at the entrance of Casco Bay Road from Commercial Street is being expanded to accommodate better traffic and pedestrian flow. In order to expand the entrance, Casco Bay Lines will demolish the "Finger Building" portion of the Portland Ocean Terminal (POT), which is City property and the utility building that houses electrical, water, gas, and some telecommunications utilities.

As a result of the demolition, all of those utilities will need to be relocated into the side of the warehouse building at the POT. This easement to Central Maine Power is required in order to relocate and upgrade the electrical utilities for both the POT and Casco Bay Lines. The Casco Bay Lines expansion project is currently under construction.

Order 197-20/21 Approving a Five-Year Lease with the General Services Administration Re: Transportation Security Administration Office Space at the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

The Transportation Security Administration's (TSA) current lease for office and support space at the Portland International Jetport will expire on April 30, 2021. The General Services Administration (GSA) on the TSA's behalf has offered a new replacement lease for this space that commences on May 1, 2021 and continues for a period of five (5) years, with three (3) years firm.

The basic terms of the lease are consistent with the prior lease but provide for an increase in rent and the ability to relocate TSA to similar space if needed to meet Jetport development needs within the lease term. The lease terms are as follows:

1. **Term:** 5 years (with 3 years firm)
2. **Area:** The lease premises include 8,215 square feet of office space on the second level of the Jetport's terminal building and 15 parking spaces in the short-term section of the parking garage.
3. **Rate:** The rate is \$43.15 per square foot annually. This equates to a total annual payment of \$354,455. This rate is comparable to the airport terminal rate currently being paid by the airlines under the Jetport's airline signatory lease agreement previously approved by the City Council. Additionally, this lease allows for a Consumer Price Index (CPI) adjustment to the \$7.38 per square foot operating cost portion of the lease beginning in the second year of the lease.
4. **Relocation:** If it becomes necessary in the ordinary development of the Jetport, the Jetport may require the relocation of the lease premises to other similar space in the terminal on 180 days prior written notice. The TSA would be responsible for all costs for the relocation. The lease rate will remain the same as that for the original leased premises.

Order 198-20/21 Amending Order 281-18/19 by Changing the Developer Name in the Credit Enhancement Agreement for the 66 State Street Affordable Housing Development District - Sponsored by Jon P. Jennings, City Manager

This item amends Order 281-18/19 by changing the name of the developer in the Credit Enhancement Agreement (CEA) for the 66 State Street Affordable Housing Tax Increment Financing District from Phoenix at Danforth, LP to DC 66 State LLC.

On July 15, 2019, the Council authorized the City Manager to enter into a Credit Enhancement Agreement with the developer of the new building, Phoenix at Danforth, LP. While the developer remains the same, their legal name has changed. In order to proceed with the CEA, the original order must be amended to reflect the current legal name of the developer.

The Housing & Economic Development Committee met on March 16, 2021 and voted 3-0 to recommend approval of the name change to the City Council.

Order 199-20/21 Approving a United States Environmental Protection Agency Brownfields Revolving Loan Fund Grant Application - Sponsored by Jon P. Jennings, City Manager

This Order seeks the City Council's authorization to apply for up to \$500,000 in a U.S. Environmental Protection Agency (USEPA) Supplemental Brownfields Revolving Loan Fund (RLF) grant, with the expectation that the funds will become available October 1, 2021. These funds will supplement the City's Brownfields RLF which was recapitalized in 2018 with a \$500,000 USEPA grant, allowing the provision of greater assistance for remediation and cleanup of Brownfields sites in Portland for redevelopment.

Order 200-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Boston - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$7,838.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jason Boston.

Order 201-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Timothy Edward Hansen – Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$1,322.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Timothy Edward Hansen.

Order 202-20/21 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Amanda Benwell – Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$1,332.00 and one 9mm Taurus PTIII Serial #TKT73691 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Amanda Benwell.

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

LICENSES:

Order 203-20/21 Granting Municipal Officers' Approval of Crispy Gai LLC dba Crispy Gai. Application for a Class I FSE with Outdoor Dining on Public Property at 90 Exchange Street - Sponsored by Jon P. Jennings, City Manager

This order grants municipal officers' Approval of Crispy Gai LLC dba Crispy Gai's application for a Class I FSE with outdoor dining on public property at 90 Exchange Street.

Application was filed on 3/15/2021. New City and State applications. Location was previously Eaux Restaurant.

Five affirmative votes are required for passage after public comment.

Order 204-20/21 Granting Municipal Officers' Approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center - Sponsored by Jon P. Jennings, City Manager

This order grants municipal officers' approval of One City Wine Academy Inc dba Citrus. Application for a Class I FSE with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center.

The application was filed on 3/15/2021. New City and State applications. Location was previously MJ's Wine Bar.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 7-20/21 Requesting a Report on the Impacts of Historic Districts in the City of Portland - Sponsored by Kate Snyder, Mayor

Eleven historic districts have been established in Portland. Inside district boundaries, property owners have worked with the Historic Preservation Office in the Department of Planning and Urban Development over the years to maintain historic standards. In order to understand the impacts of the effects on the residents and the city created by the historic districts, an in-depth analysis would guide future actions by both the City's Planning staff and the City Council. This Resolution requests that the City Manager have this report written.

Five affirmative votes are required for passage after public comment.

Resolve 8-20/21 Adopting the Fiscal Year 2022 Annual Action Plan including appropriations For the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidate Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto - Sponsored by Jon P. Jennings, City Manager

The 2021/2022 Housing and Community Development Program Annual Action Plan reports to the U.S Department of Housing and Urban Development (HUD) a total estimated budget of \$5,031,875:

- Community Development Block Grant (“CDBG”) Entitlement Funds (\$1,902,454);
- Downtown TIF funding (\$120,000);
- Cotton St proceeds (\$20,000);
- HOME Program Grant, Program Income and Recapture (\$1,202,666);
- Lead Safe Housing Program Income (\$147,923);
- Local Housing Trust Fund (\$1,455,975);
- Emergency Solutions Grant (“ESG”) funds (\$164,857)

In addition, a substantial amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan will re-program \$524,669 in CDBG Cares Act funds (CDBG-CV3) and program \$1,004,425 in ESG Cares Act funds (ESG-CV2).

The CDBG Annual Allocation Committee reviewed all applications and made funding recommendations to the City Manager, who whose recommendations are enclosed and include recommendations for CDBG-CV3 and ESG-CV2 funding. The Housing & Economic Development Committee reviewed the Housing Program Budget at their meeting on February 2, 2021 and voted unanimously (4-0) to recommend City Council approval of the budget.

Revisions to the HomePort Program Guidelines are submitted as a communication item and will be included in the Annual Action Plan filed with the U.S. Department of Housing and Urban Development. Additional information can be found in the staff memo (enclosed).

The City’s public participation process requires two public hearings to consider the City’s Housing and Community Development Program proposal. The hearings allow the public to comment on the City’s Consolidated Annual Action Plan. Public hearings for FY22 are set for April 5 and April 26.

At the second public hearing on April 26, five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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 Federal Aviation Administration (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. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

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. It received its first reading on March 15, 2021. Five affirmative votes are required for passage after public comment.

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

On February 1, 2021, the City Council considered Order 126-20/21 designating an area of Munjoy Hill as a local Historic District and six structures outside the proposed district as individual local landmarks. The Council voted to bifurcate the original Order 126-20/21, separating the landmark and historic district designations, then amended (by removing 21 Sheridan Street from consideration) the landmark designation portion of the item and approved the designation of 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, and 28 Waterville as individual landmarks. The City Council voted 4-5 (Fournier, Mavodones, Ali, Zarro, Chong) not to approve the designation of a Munjoy Hill Historic District.

Councilor Zarro, who voted in the majority, requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure and that motion was approved by a vote of 5-4 ((Fournier, Mavodones, Ali, Chong) on February 22, 2021.

On February 22, 2021, Councilor Zarro also requested that this item be postponed to this meeting to allow for additional research and discussion.

At the request of Councilor Ali, an amendment removing 122 North Street has been added to the back-up material.

Five affirmative votes are required for passage. Public comment is not required.

ORDERS:

Order 205-20/21 Receiving and Referring to the Finance Committee the Portland Board of Public Education's Fiscal Year 2022 Budget Estimate and Setting a Public Hearing Thereon - Sponsored by Jon P. Jennings, City Manager

Under this order the City Council receives the Portland Board of Public Education's proposed Fiscal Year 2022 budget and refers it to the Finance Committee for review and recommendations. The Portland Board of Public Education will take a final vote on the budget at its April 26, 2021 meeting.

The first reading and public hearing of the Fiscal Year 2022 school budget will be held on Monday, May 3, 2021, during the City Council's remote Zoom meeting, with information to come in the May 3, 2021 City Council agenda.

The second reading, public hearing and City Council action on the school budget will take place Monday, May 10, 2021, during the City Council's remote Zoom meeting, with information to come in the May 10, 2021 City Council agenda.

Five affirmative votes are required for passage after public comment.

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

EXECUTIVE SESSION: