

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)

SPECIAL CITY COUNCIL MEETING - AUGUST 23, 2021 AT 5:00 PM

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

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day of the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

ZOOM INFORMATION:

Due to the existence of an emergency or urgent issue the City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84373419880?pwd=WS9rZjU3aGdSUUQxcjZRRmlVWWRSZz09>

Passcode: 956179

Or One tap mobile :

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Webinar ID: 843 7341 9880

Passcode: 956179

International numbers available: <https://us02web.zoom.us/j/84373419880?pwd=WS9rZjU3aGdSUUQxcjZRRmlVWWRSZz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

City Manager Jon P. Jennings' introduction of Anne McGuire, Assistant City Manager

SPECIAL MEETING:

Special Meeting of the Corporator of Portland Development Corporation

Order 25-21/22 Amending Portland Development Corporation Bylaws and Loan and Grant Guidelines for Two Programs - Sponsored by Kate Snyder, Mayor

The PDC Board met on June 17, 2021, and voted 7-0 to recommend to the City Council approval of proposed amendments to the **COVID Microenterprise Grant Program** in order to increase the number of eligible small businesses that could apply for assistance, as well as recommended removal of the December 31, 2021, termination date in case the funding does not run out by then. The City's CDBG manager has explained that these funds can continue to be used for a number of years.

The PDC Board met again on July 15, 2021 and voted 7-0 to recommend to the City Council approval of proposed modifications to the **Business Assistance Program** for Job Creation to ease eligibility and compliance for businesses starting up or expanding in a challenging environment that remains impacted by the pandemic. At that same meeting, the PDC Board voted 7-0 to recommend to the City Council one house-keeping amendment to the **Bylaws** to have the Assistant Secretary of the Board be the Director of Housing and Economic Development.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft Regular City Council Meeting Minutes for July 19, 2021 (Early)

Approval of the draft Special City Council Meeting Minutes for July 19, 2021 (Late)

Approval of the draft Special City Council Meeting Minutes for August 2, 2021

CONSENT ITEMS:

Order 26-21/22 Declaring October 3, 2021 the 30th Annual Maine Marathon, Half Marathon & Relay Festival - Sponsored by Jon P. Jennings, City Manager

This is the 30th year that the Maine Marathon Committee has sponsored and organized the Maine Marathon. Expected number of registered runners this year is expected to reach 3,500, with approximately 800 anticipated spectators lining much of the sidewalks, parks and pathways along the race route. Since 1997, more than 5.2 million dollars has been raised to support local charities.

The race will take runners from Baxter Boulevard to Washington Avenue onto Veranda Street, continuing on Route 1 and crossing over Martin's Point Bridge into Falmouth and back. Runners will both start and finish at Baxter Boulevard Extension (the area between Forest Avenue and Preble Street).

A safety plan has been submitted in regards to the prevention of COVID 19.

Order 27-21/22 Accepting an Andrews Square Easement Deed from Avesta Butler Payson LP - Sponsored by Jon P. Jennings, City Manager

The City requires an easement deed from Avesta Butler Payson LP (Avesta) to allow the installation and use of public sidewalk areas on private property in Andrews Square. The City Council is asked to approve and authorize the City Manager to sign the easement with Avesta. This easement is not required for work to begin.

The Department of Public Works has Capital Improvement Plan funding for an intersection realignment project at Andrews Square (intersection of Clark Street, Pine Street, and West Street). Various residents of the Andrews Square neighborhood and members of the West End Neighborhood Association have donated private funds to incorporate various landscaping/hardscaping features into the project.

Order 28-21/22 Approving the Application for a \$400,000 Outdoor Recreation Legacy Partnership Grant for Open Space and Athletic Fields in North Deering - Sponsored by Jon P. Jennings, City Manager

The Parks, Recreation & Facilities Department is partnering with the Trust for Public Land for an Outdoor Recreation Legacy Partnership for funding to help acquire land for open and athletic field space. One of the requirements for this funding is pre-approval from the City Council. Following City Council action, staff may proceed with submitting this grant application.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 29-21/22 Granting Municipal Officers' Approval of Smalls Brackett Street LLC, dba Smalls. Application for a Class I FSE with Indoor Entertainment at 28 Brackett St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/19/21. New City and State applications. Location was previously OMI's Coffee Shop

Five affirmative votes are required for passage after public comment.

Order 30-21/22 Granting Municipal Officers' Approval of Geno's Inc, dba Geno's Rock Club. Application for a Class A Lounge with Indoor Entertainment at 625 Congress St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/19/21. New City and State applications. Applicant currently holds a Class XI FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 31-21/22 Granting Municipal Officers' Approval of Austin Street Brewery LLC, dba Austin Street Brewery. Application for a Combined Entertainment at 109 Fox St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/21/21. New City application. Applicant currently holds a Class A Lounge FSE with Private Outdoor Dining at this location.

Five affirmative votes are required for passage after public comment.

Order 32-21/22 Granting Municipal Officers' Approval of Empire 37 LLC, dba Empire Chinese Kitchen. Application for a Class I FSE at 575 Congress St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/26/21. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 33-21/22 Granting Municipal Officers' Approval of Renn Restaurant Group LLC, dba Ruby's West End. Application for a Class I FSE at 64 Pine St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/28/21. New City and State applications. Applicant currently holds FSE with prep.

Five affirmative votes are required for passage after public comment.

Order 34-21/22 Granting Municipal Officers' Approval of Far From A Teardown LLC, dba Salvage BBQ. Application for Outdoor Dining on Private Property at 919 Congress St.- Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/22/21. New City application. Applicant currently holds Class XI Restaurant/Lounge with Indoor Entertainment.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 1-21/22 Communication on Campaign Finance Reports, By Katherine L. Jones, City Clerk

Com 2-21/22 Update on East Bayside sound study progress, By Jon P. Jennings, City Manager

RESOLUTIONS:

Resolve 1-21/22 Requesting the Maine Department of Transportation Establish a Rail Corridor Use Advisory Council for the Casco Bay Trail - Sponsored by the Sustainability & Transportation Committee, Councilor Belinda Ray, Chair

On July 19, 2021, the Sustainability and Transportation Committee voted 3-0 to recommend the City Council adopt a resolution regarding the proposed Casco Bay Trail. The resolution calls for the Maine Department of Transportation (MaineDOT) to accept

the abandonment of the St. Lawrence and Atlantic railroad tracks between Yarmouth and Portland, to provide a notice-and-comment procedure if the MaineDOT decides to consider an extension of the existing freight easement; and create a Rail Corridor Use Advisory Council to consider future use of the Casco Bay St. Lawrence-Atlantic Corridor as a multi-use “trail-until-rail.” This follows similar resolutions by the Town Councils in Yarmouth, Falmouth, and Freeport.

Five affirmative votes are required for passage after public comment.

Written Public Comment

Resolve 2-21/22 Providing Notice of Public Hearing for Condemnation of Lot 6, 59 Somerset Street - Sponsored by Kate Snyder, Mayor

Lot 6, 59 Somerset Street: Resolution to provide Notice of Public Hearing for Condemnation of Lot 6, 59 Somerset Street. The Council will vote on whether to begin condemnation proceedings to take by eminent domain Lot 6, 59 Somerset Street, for the public purpose of a parking facility as defined by 30-A M.R.S. sec. 5401(5)-(7). The power of the City to acquire land by eminent domain for this purpose is specifically granted under, inter alia, 30-A M.R.S. sec. 5401, et seq., including section 5403(6). The Resolution will provide notice of the City’s intent to acquire Lot 6, 59 Somerset Street, by eminent domain; and will order that the City post Notice of Public Hearing for a vote on the Condemnation Order, which public hearing has been set for September 8, 2021.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 7-21/22 Approving the Agreement between the Portland Area Comprehensive Transportation System, the Maine Department of Transportation and Portland re: Forest Avenue Improvements from Marginal Way to Park Avenue - Sponsored by Jon P. Jennings, City Manager

This order will allow the Maine Department of Transportation to begin preliminary design work along Forest Avenue from Marginal Way to Park Avenue, as per the Portland Area Comprehensive Transportation System (PACTS) Smart Corridor Study Plan. The PACTS Route 302/Route 77 corridor study (i.e. the Smart Corridor Study), completed in 2018, provided numerous recommendations for Forest Avenue from Marginal Way to Park Avenue. Most significantly, the project called for a realigned High Street, shifting access to Forest Avenue slightly southerly. A realigned Kennebec Street was also recommended, as well as numerous improvements for bicycles, pedestrians, and transit. A concept plan from the report is shown in Appendix A.

The cost to the City for the preliminary design work will be no more than \$50,000.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment.

Order 8-21/22 Accepting and Appropriating a Grant from the Maine Department of Economic and Community Development Re: Journey Maps in Multiple Languages - Sponsored by Jon P. Jennings, City Manager

The Housing & Economic Development Department is requesting the City Council accept and appropriate a \$4,750 grant from the Maine Department of Economic and Community Development (MDECD) for use by the Office of Economic Opportunity (OEO) to enhance Economic Development and Inclusion by creating journey maps that help vulnerable populations, including limited English proficient individuals, to navigate often confusing and complex systems to secure basic needs such as English classes, food, childcare, transportation, starting a business, and several others.

A journey map is a visualization of the process that a person goes through in order to accomplish a goal; its purpose is to help communicate otherwise complex processes and systems. This grant will allow OEO to continue to create more journey maps and absorb the translation costs associated with this impactful initiative.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment.

Order 9-21/22 Approving the Maine Department of Transportation and City of Portland Agreement Re: Franklin Street and Marginal Way - Sponsored by Jon P. Jennings, City Manager

This item approves improvements to the busy intersection of Franklin Street and Marginal Way, with related updates administered by the City, paid for by the Maine Department of Transportation (MaineDOT), including updated and secure signal equipment, in keeping with current City design requirements for the peninsula, and new mast arms, painted black. The City is required to pay zero percent toward this project unless the outcomes exceed the \$360,000 budgeted for the work. As such, no fiscal impact note has been prepared.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment.

Order 15-21/22 Setting an Election Date on a Citizen Initiative Amendment to Portland City Code Chapter 14 Re: Emergency Shelters for 50 or Fewer Only - Sponsored by Katherine L. Jones, City Clerk

This order sets the Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 14 section 6.5.6 Supplemental use-specific conditional use Standards, 6.5.6 (B) Emergency Shelters.

Two amendments to this Order, the first revising the Citizen Initiative summary language and the second offering an alternative amendment to the City Code for shelters on the ballot, are included in the back up material. If the City Council decides to offer the alternative amendment (along with the citizen proposed amendment) for approval by the voters, it will take the form of a three-choice ballot question. As specified in Chapter 9 of the Portland City Code, the ballot question will be worded as follows: “Do you approve A, the Citizen Initiative, B. the Council's alternative, or C. None of the above?”

This item was postponed on July 19, 2021. Five affirmative votes are required for passage after public comment.

Written Public Comment

Order 16-21/22 Setting an Election Date on an alternative Amendment to Portland City Code Chapter 14 Re: Emergency Shelters - Sponsored by Kate Snyder, Mayor

This order sets the Election Date on an Alternative Amendment to the Citizen Initiative Amendment to the Portland City Code Chapter 14 section 6.5.6 Supplemental use-specific conditional use Standards, 6.5.6 (B) Emergency Shelters.

This item was postponed on July 19, 2021. Five affirmative votes are required for passage after public comment. Staff recommends that this order be postponed indefinitely.

Order 19-21/22 Accepting and Appropriating Federal Aviation Administration American Rescue Plan Act (ARPA) Grants for the Portland International Jetport - Sponsored by Jon P. Jennings, City Manager

This order requests acceptance and appropriation of \$10,417,414 in economic relief funds from the FAA to aid the Portland International Jetport and its in terminal concession businesses. The American Rescue Plan Act (ARPA, Public Law 117-2), signed into law by the President on March 11, 2021, included \$8 billion in funds to be awarded as economic assistance to eligible U.S. airports and eligible in terminal concessions at those airports to prevent, prepare for, and respond to the COVID-19 pandemic.

The Federal Aviation Administration released airport ARPA grant allocations in June for eligible airports. The Portland International Jetport is being allocated two ARPA grants: one totaling \$9,484,705 (for costs related to operations, personnel, cleaning, sanitization, janitorial services, and debt service payments), and the other in the amount of \$932,709 to fund in terminal concessions rent relief.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment.

Order 21-21/22 Adopting Amendment to Portland City Code Chapter 14 Re: Emergency Shelters for 50 or Fewer Only - Sponsored by Kate Snyder, Mayor

This order amends the Portland City Code Chapter 14 with the language proposed in the Citizen Initiative Amendment to the Portland City Code Chapter 14 section 6.5.6 Supplemental use-specific conditional use Standards, 6.5.6 (B) Emergency Shelters. If it were adopted by the City Council, it would not need to be voted on at the November 2, 2021 General Election.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment. Staff recommends that this order be postponed indefinitely.

Order 22-21/22 Amendment to Zoning Map Re: 99 Winter Street and 152-160 State Street from R-6 Residential to B-3 Downtown - Sponsored by Brandon Mazer, Chair, Portland Planning Board

On June 8, 2021, the Planning Board voted (5-0) that the proposed zoning map amendment is consistent with the Comprehensive Plan and recommended this action to the City Council. Thanos, LLC, requests a zoning map amendment to facilitate development at 99 Winter Street. The zoning map amendment would rezone two parcels from the existing R-6 zone to a B-3 zone. The Downtown Height Overlay Map (see next item) would be amended coterminous with the proposed B-3 rezoning area.

The proposed rezoning would facilitate the development of a new six-story, multifamily residential building including workforce housing at 99 Winter Street, which currently contains no structures. At this point in the process, the proposal for development remains conceptual in nature, as no site plan application has yet been submitted. Furthermore, one additional parcel located 152-160 State Street is included in the proposed map amendment boundary in order to create a contiguous B-3 zone and to bring the existing parcel's use (Portland Club) into greater conformance.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment. Staff recommends that this order be postponed to the September 8, 2021 City Council Meeting.

Order 23-21/22 Amending the Height Overlay Map at 99 Winter Street - Sponsored by Brandon Mazer, Chair, Portland Planning Board

This is a companion item with the order above. Thanos, LLC, seeks an amendment to the Downtown Height Overlay Map. The Downtown Height Overlay Map would be amended to add two B-3 parcels and designate heights for those parcels.

This item must be read on two separate days. It received its first reading on July 19, 2021. Five affirmative votes are required for passage after public comment. Staff recommends that this order be postponed to the September 8, 2021 City Council Meeting.

ORDERS:

Order 35-21/22 Accepting and Appropriating \$480,850 in U.S. Environmental Protection Agency Brownfields Funds for the City's Brownfields Revolving Loan Fund - Sponsored by Jon P. Jennings, City Manager

This item provides the City Council's authorization to accept and appropriate \$480,850 in a United States Environmental Protection Agency (EPA) Brownfields Revolving Loan Fund grant, which will be awarded by EPA shortly, with the expectation that the local funding program will begin in October. These funds will recapitalize the City's Brownfields Revolving Loan Fund (RLF), allowing the provision of greater assistance for remediation of Brownfields sites in Portland.

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

Order 36-21/22 Approving the Collective Bargaining Agreement with the Firefighters Local 740, International Association of Firefighters - Sponsored by Jon P. Jennings, City Manager

Staff has reached a tentative agreement with the Local 740, International Association of Firefighters on a successor three (3) year contract. Local 740 is the City's second largest union that represents all Firefighters throughout the city with approximately 225 members.

Highlights are as follows:

2021 - 3% COLA increase, effective July 4, 2021, retroactive

2022 - 0 % COLA but implementation of the 3C retirement plan, additional 2.5% City contribution to the 401a retirement plan and 2% increase to the top steps of the pay plan
2023 – 2% COLA increase

Other provisions include Earned Paid Leave, changing the work cycle from eight days to seven days for pay purposes and simplifying the payment of specialty stipends.

The new contract term is January 1, 2021, through December 31, 2023

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

Order 37-21/22 Designating the Marguerite Emerson House at 99 Capisic Street as a Landmark - Sponsored by Jon P. Jennings, City Manager

The Historic Preservation Board is recommending that the c.1848 residential structure at 99 Capisic Street be designated an individual Landmark under the provisions of Portland's historic preservation ordinance. A fine example of Greek Revival architecture, the building is particularly significant for its temple-like form, which is unusual for Greek Revival dwellings in Portland, especially in the once-rural areas off the Portland peninsula.

The building was nominated for landmark designation by its current owner, Vana Carmona. Following a review of the building's history and an evaluation of its architectural significance and condition, the Historic Preservation Board found that the historic residence at 99 Capisic meets the historic preservation ordinance's minimum criteria for designation and voted unanimously to recommend landmark designation.

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: