

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY COUNCIL MEETING - MARCH 7, 2022 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:

This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland City Council and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. 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 available in the [Agenda Center](#) following the meeting.

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://portlandmaine-gov.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

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

Webinar ID: 828 0556 8760

Passcode: 535147

International numbers available: <https://portlandmaine-gov.zoom.us/j/kd9gKyJHVP>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 28, 2022 Special meeting minutes.

LICENSES:

Order 154-21/22 Granting Municipal Officers' Approval of Stars & Stripes Brewing LLC, dba Stars & Stripes Brewing. Application for Class III & IV FSE with Outdoor Dining on Private Property at 3 Spring Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/3/22. New City and State applications. Location was previously Lio Restaurant.

Five affirmative votes are required for passage after public comment.

Order 155-21/22 Granting Municipal Officers' Approval of Nom Cafe LLC, dba Nom Cafe. Application for Class I FSE at 23 Forest Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/3/22. New City and State applications. Location was previously Yobo Restaurant.

Five affirmative votes are required for passage after public comment.

Order 156-21/22 Granting Municipal Officers' Approval of Lenora LLC, dba Lenora. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property at 2 Portland Square - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/11/22. New City and State applications. Location was previously Walter's.

Five affirmative votes are required for passage after public comment.

Order 157-21/22 Granting Municipal Officers' Approval of Mr. Tuna Freeport LLC, dba Bar Futo. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore St. ste 100 - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/15/22. New City and State applications. Location was previously Five Guys.

Five affirmative votes are required for passage after public comment.

Order 159-21/22 Granting Municipal Officers' Approval of Tomaso's Canteen Inc, dba Tomaso's Canteen. Application for Parklet Outdoor Dining at 18 Hampshire Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/10/22. New City application. Applicant currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 14-21/22 In-Person/Hybrid Meeting Update - By Danielle P. West, Interim City Manager

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

RESOLUTIONS:

Resolve 8-21/22 Expressing Solidarity with Ukraine and Denouncing Russian Acts of Aggression - Sponsored by Kate Snyder, Mayor

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Danielle West, Interim City Manager

This Order would rename Bedford Park Noyes Park in recognition of the family that originally donated the land to the City to create this park in 1927. This request was made by members of the Noyes family and is supported by City staff.

Staff research determined that the name "Bedford Park" began to be used in the 1950s, but their research did not determine why or how that change was made. Additional information on the history of this property and the research conducted by staff can be found in the accompanying staff memo.

This item must be read on two separate days. It received its first reading on November 1, 2021. On November 15, 2021 the City Council voted (8-0) to postpone this item to February 7, 2022, and on February 7, 2022, the City Council voted to postpone this item to March 7, 2022. Public comment was taken on this item on November 15, 2021, so no additional public comment is required. Five affirmative votes are required for passage.

Written Public Comment on Order 89-21/22

Order 150-21/22 Approving the Purchase and Sale Agreement with Dorothy Hale for Property at 834 Riverside Street, Accepting a \$23,000 Donation from Allagash Brewing Company for that Purchase, and Placing that Land in the Portland Land Bank - Sponsored by Danielle P. West, Interim City Manager

This order would approve the Hale Parcel at 834 Riverside Street Purchase and Sale Agreement for land to be added to the Portland Land Bank, to protect the ecological,

historical, and scenic values of the park. The acquisition was approved by the Land Bank Commission by a vote of 8-0 on February 9th 2022, and will use a donation from Allagash Brewery Company of \$23,000 and \$27,000 from the Land Bank Fund.

This item must be read on two separate days. It received its first reading on February 28, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 150-21/22

Order 151-21/22 Traffic Schedule Amendment Re: 101 York Street - Sponsored by Danielle P. West, Interim City Manager

The City Council is being asked to approve a reassignment of the five (5) on-street parking spaces in front of 101 York Street. Currently, these five (5) spaces are unrestricted and the owner of 101 York Street stated that there are many cars that park here for extended periods of time. The City's recommendation is to have the two (2) spaces adjacent to the parking garage at 101 York Street be 30-minute commercial loading zones between 9 AM to 12 PM and 2-hour parking from 12 PM to 5 PM. The remaining three (3) spaces will be 2-hour spaces.

This item must be read on two separate days. It received its first reading on February 28, 2022. Five affirmative votes are required for passage after public comment.

Order 152-21/22 Approving the Agreements between the Maine Department of Transportation and the City of Portland Re: Forest Avenue Paving -- Sponsored by Danielle P. West, Interim City Manager

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill Forest Avenue, update and/or install new pedestrian curb ramps to meet ADA requirements, and all appurtenances when MaineDOT's contractor paves Forest Avenue. The agreement obligates the City to pay for 25% of the work as its municipal share, or an estimated \$65,575.00. A separate Utility Agreement for the approximately \$16,800 cost to adjust the manhole frame and covers will be paid from an already funded Water Resources account.

This item must be read on two separate days. It received its first reading on February 28, 2022. Five affirmative votes are required for passage after public comment.

Order 153-21/22 Amendment to Portland City Code Chapter 14 Re: Height Bonus in India Street Form-Based Code Zone - Sponsored by the Planning Board, Maggie Stanley, Chair

On January 11, 2022, the Portland Planning Board unanimously voted 6-0 (Smith recused) to recommend to the City Council adoption of the text amendment to allow a height bonus in the Urban Active Subdistrict along Commercial Street within the India Street Form-Based Code Zone. Maine Public Broadcasting Corporation applied for this zoning text amendment to allow for an additional floor for a future building at 35 Commercial Street.

This item must be read on two separate days. It received its first reading on February 28, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 153-21/22

ORDERS:

Order 160-21/22 Approving the Agreement between EVgo Services LLC and Portland Re: Electric Vehicle Charging Stations - Sponsored by Danielle P. West, Interim City Manager

This order approves an agreement between the City and EVgo Services LLC (EVgo) for the deployment of four DC fast chargers and up to forty-four (44) level 2 Electric Vehicle (EV) charging stations on publicly-owned property.

EVgo will provide all equipment, materials, labor, and other services required for this project at no cost to the City. Due to the specialized nature of this project and the substantial initial investment by EVgo, the agreement has a 10-year term. City contracts, particularly those that require the City to incur costs, typically include a termination for convenience provision, which allows the City to terminate all or part of an agreement with or without cause. Because this agreement does not include a termination for convenience provision, Council approval is required.

Five affirmative votes are required for passage after public comment.

Order 161-21/22 Accepting and Appropriating \$37,500 in Donations for the Portland Youth Corps - Sponsored by Danielle P. West, Interim City Manager

The Portland Youth Corps is a collaborative program of the Parks, Recreation and Facilities Department (PRF), the Portland Parks Conservancy (PPC), and Maine Audubon. The Parks, Recreation and Facilities Department operated a pilot program with 24 young people aged 14-17 in 2021, and are expanding the program in 2022 to provide additional leadership opportunities for participants. The Portland Youth Corps aims to provide job training and service opportunities for underserved youth through a summer service program in Portland's parks and open spaces. The direct program expenses are funded through grants and private fundraising, which is being led by the Portland Parks Conservancy. The City is providing overall oversight of the program and in-kind support in the form of staff time.

Current donations for the program that require Council approval and appropriation:

- \$30,000 from Portland Parks Conservancy
- \$7,500 from Maine Audubon (not including the donation of staff time)

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

Order 162-21/22 Approving the Maine Public Employees Retirement System Special Plan 3C for Certain Non-Union Employees - Sponsored by Danielle P. West, Interim City Manager

The Police and Fire unions during contract bargaining negotiated to move from the MainePERS 2C to the 3C retirement plan. The council approved this move on December 6, 2021. Police and Fire command staff were not included in that transition, as they are not part of those bargaining units and are non-union employees. This order is meant to create parity between union and non-union sworn police and fire staff so that employees are not disincentivized from moving into command positions by providing Police and Fire Command staff with the same MainePERS 3C retirement plan.

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

Order 163-21/22 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2023 Capital Improvement Program in an Amount not to Exceed \$21,145,000 - Sponsored by the Finance Committee, Mark Dion, Chair

The Finance Committee met on February 24, 2022 and voted (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

The Fiscal Year 2023 Capital Improvement Plan (FY23 CIP) has been in development since summer 2021 and has been reviewed by the Finance Committee at each of its meetings in 2022. The FY23 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 list of 2023 CIP calls for \$30.77M million(M) of new projects but only \$12M of this total will have a net impact to debt service in the general fund operating budget. A variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder. The \$12M was a borrowing target set by Finance staff in order to simply offset general fund CIP being retired. Two orders are required related to the CIP: one authorizing the FY23 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

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

Order 164-21/22 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$30,770,000 for the City's Fiscal Year 2023 Capital Improvement Program - Sponsored by the Finance Committee, Mark Dion, Chair

This is a companion order to the bond authorization order above.

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

Order 165-21/22 Approving the Three-Party Agreement between the Portland Area Comprehensive Traffic System, Maine Department of Transportation and the City of Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager

This project is part of the Municipal Partnership Initiative (MPI) Program; the City administers the project and typically receives 50% funding from the state MPO. By signing the partnership agreement, it enables the City to proceed with the project and obligates PACTS to pay 41% and the City to pay for 59% of the original estimated project cost; the City share is estimated to be \$178,300.

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:

ADJOURNMENT: