

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)

SPECIAL CITY COUNCIL MEETING - APRIL 25, 2022 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Tae Y. Chong, Councilor, 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).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, 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/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

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Webinar ID: 818 1393 6988

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft April 11, 2022 City Council Meeting Minutes

CONSENT ITEMS:

Order 201-21/22 Declaring June 11, 2022 the Shipyard Old Port Half Marathon & 5K Festival - Sponsored by Danielle P. West, Interim City Manager

The Shipyard Old Port Half Marathon & 5K is a for-profit event, however various non-profits benefit from the race including Gary's House, Habitat for Humanity, and Portland Trails.

This race will be the 11th time it has been held in the City. The 2022 half marathon and 5K race routes will be the same as 2021 routes, with the start and finish on Spring Street. The race organizer is working with businesses throughout the Old Port and the waterfront, including along Spring Street, Middle Street, and Commercial Street to inform them about expected impacts and to develop contingency plans. This year the number of half marathon and 5K runners will be capped at a maximum of 4,200 people total.

Order 202-21/22 Declaring May 1 to October 31, 2022 the Friends of Congress Square Park In the Square Festival - Sponsored by Danielle P. West, Interim City Manager

Friends of the Congress Square Park are requesting to organize and host events in Congress Square Park. The event season - May thru October - will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings.

Order 203-21/22 Declaring June 18, 2022 as Pride Portland! Parade & Festival - Sponsored by Danielle P. West, Interim City Manager

Pride Portland would like to host their Parade and Festival again in Portland. The event will take place this year on June 18, 2022. There will be a parade down Congress Street, High Street, and Park Avenue followed by a festival at Deering Oaks Park. The parade will start at 1 p.m. and the festival will start at 1 p.m. and last until 5 p.m. The festival will consist of music, speakers, food trucks, non-food vendors, and a beer garden.

Order 204-21/22 Declaring July 30, 2022 the 20th Annual Greater Portland Festival of Nations - Sponsored by Danielle P. West, Interim City Manager

This will be the 20th Annual Festival of Nations held at Deering Oaks Park. The festival is organized by Women In Need, Incorporated and it showcases Maine's ethnic diversity. The festival will feature music, food, cultural exhibits, children's activities and folk arts from America and nations around the world.

Five affirmative votes are required for passage of consent items after public comment.

LICENSES:

Order 205-21/22 Granting Municipal Officers' Approval of Karibu Kwetu LLC, dba Karibu Kwetu. Application for Class A Lounge at 263 Saint John Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/28/22. New City and State applications. Location was previously Cigarette Shopper.

Five affirmative votes are required for passage after public comment.

Order 206-21/22 Granting Municipal Officers' Approval of 4 Guys Water Taxi, LLC, dba Fogg's Water Taxi. Application for Class III & IV FSE at 72 Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/25/22. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 207-21/22 Granting Municipal Officers' Approval of Twelve LLC, dba Twelve. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment with no live music at 115 Thames Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/23/22. New City and State applications. Combined Entertainment License is conditioned for no live music.

Five affirmative votes are required for passage after public comment.

Order 208-21/22 Granting Municipal Officers' Approval of Nong LLC, dba Dok Mali Thai Kitchen. Application for Class I FSE with Outdoor Dining on Public Property at 47 India Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/24/22. New City and State applications. Location was previously Lois' Natural Marketplace.

Five affirmative votes are required for passage after public comment.

Order 209-21/22 Granting Municipal Officers' Approval of Toasted Brothers Portland LLC, dba The Friendly Toast. Application for Class I FSE with Outdoor Dining on Private Property at 211 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/22/22. New City and State applications. Location was previously Sebago Brewing Company.

Five affirmative votes are required for passage after public comment.

Order 210-21/22 Granting Municipal Officers' Approval of Miyake, LLC, dba Miyake. Application for Class I FSE at 468 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/25/22. New City and State applications. Establishment previously held a Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

Order 211-21/22 Granting Municipal Officers' Approval of Mami Food Truck LLC, dba Mami. Application for Outdoor Dining on Public Property at 339 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/29/22. New City application. Owner currently holds a Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

Order 212-21/22 Granting Municipal Officers' Approval of Navis LLC, dba Navis Cafe. Application for Parklet Outdoor Dining at 56 Thames Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/14/22. New City application. Owner currently holds a Class III & IV FSE.

Five affirmative votes are required for passage after public comment

Order 213-21/22 Granting Municipal Officers' Approval of Dock Fore Inc, dba Dock Fore. Application for Parklet Outdoor Dining at 336 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/25/22. New City application. Owner currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment

Order 214-21/22 Granting Municipal Officers' Approval of Foundation Brewing Co., dba Foundation. Application for Outdoor Dining on Private Property at 1 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/1/22. New City application. Owner currently holds a B/W/D with onsite consumption.

Five affirmative votes are required for passage after public comment

Order 215-21/22 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application for Outdoor Dining on Private Property at 50 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/29/22. New City application. Owner currently holds a B/W/D with onsite consumption.

Five affirmative votes are required for passage after public comment

Order 216-21/22 Granting Municipal Officers' Approval of Anoché LLC, dba Anoché. Application for Outdoor Dining on Private Property at 43 Washington Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/29/22. New City application. Owner currently holds a Class A Lounge.

Five affirmative votes are required for passage after public comment

Order 217-21/22 Granting Municipal Officers' Approval of J & B Food Services LLC, dba Cheese Louise. Application for Parklet Outdoor Dining at 363 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/28/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 218-21/22 Granting Municipal Officers' Approval of The Front Room LLC, dba The Front Room. Application for Parklet Outdoor Dining at 73 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/17/22. New City applications. Owner currently holds a Class A Lounge.

Five affirmative votes are required for passage after public comment

Order 219-21/22 Granting Municipal Officers' Approval of Portland Hunt + Alpine LLC, dba Portland Hunt + Alpine Club. Application for Parklet Outdoor Dining at 75 Market Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/28/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 220-21/22 Granting Municipal Officers' Approval of Cosmo LLC, dba The Bar at 8 Exchange. Application for Outdoor Dining on Public Property at 8 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/17/22. New City application. Owner currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

Order 221-21/22 Granting Municipal Officers' Approval of Local Food 1 LLC, dba Lupita's Taqueria. Application for Outdoor Dining on Public Property at 15 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/29/22. New City application. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 222-21/22 Granting Municipal Officers' Approval of Amigo's Mexican Restaurant, Inc., dba Amigo's Mexican Restaurant. Application for Parklet Outdoor Dining at 9 Dana Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/15/22. New City applications. Owner currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

Order 223-21/22 Granting Municipal Officers' Approval of Seamusfinn LLC, dba Petite Jacqueline. Application for Parklet Outdoor Dining at 46 Market Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/28/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

Order 224-21/22 Receiving and Referring the City Manager's Fiscal Year 2023 Municipal Budget to the Finance Committee and Setting Date of Public Hearing On the Fiscal Year 2023 Municipal Budget and Fiscal Year 2023 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

Under this order, the City Council receives the City Manager's proposed budget and refers it to the Finance Committee for review. The Finance Committee will review the budget starting on April 28, 2022. A Public Hearing will be held at a future remote Finance Committee meeting.

The City Manager will present an overview of the budget. The Mayor will present comments as required in the City Charter on May 2, 2022. Budget materials are included in the agenda packet.

The first read of the FY23 Appropriation Resolve and Public Hearing is scheduled for the May 16, 2022 City Council meeting.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 18-21/22 Brown Tail Moth in Deering Oaks and a Treatment Plan (Year 2) - by Alex Marshall, Parks Director

Staff will be treating the Brown Tail Moth infestation by means of ground spraying/misting into the canopy during the first week of budbreak (the week of May 16). During the time of actual treatment, we will close the park to all guests with the plan to reopen after 4 hours following treatment. Per the Pesticide Use Ordinance, chapter 34-5 subsection d, this treatment plan is exempt and will not require a waiver.

Events such as the Farmers Market will be moved to alternate locations for 4 weeks, starting the week of May 16 and ending June 12. Staff are working with the Farmers Market Organization on relocating to Payson Park during this time. The market ran very smoothly in this space last year for the 6 weeks it resided there.

City Parks staff is committed to ensuring that these modifications are feasible and effectively communicated to the public.

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

Com 19-21/22 Eastern Promenade Food Truck Operations - by Danielle West, Interim City Manager

The City Manager will provide an update regarding planned changes to food truck operations on the Eastern Promenade.

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

UNFINISHED BUSINESS:

Reconsideration of Order 158-21/22 Granting Municipal Officers' Approval of Tuffy McNutt LLC, dba Black Cow. Application for Outdoor Dining in a Public Park at 83 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

This item was passed at the March 7, 2022 City Council Meeting. The Council reconsidered this item, vote (8-0) at the same meeting and voted (8-0) to postpone to the April 25, 2022 meeting. This application was withdrawn on March 8, 2022.

Five affirmative votes are required for passage after public comment. Staff is requesting that this item be postponed indefinitely. Five affirmative votes are required to postpone an item indefinitely.

ORDERS:

Order 225-21/22 Approving the Purchase and Sale Agreement With Maine Cooperative Development Partners Re: 622 Auburn Street, Portland and 0 Gray Road, Falmouth - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

In 2018, the Housing Committee established a goal of identifying opportunities to engage in a public/private partnership on a project or projects that would add units to the city's affordable housing stock. The Housing Committee spent time working to identify through the creation of the city-owned property map and then to review specific properties that may be suitable for housing development. The subject property was identified as a suitable site for housing development. On November 17, 2020, the Economic Development Committee voted to authorize staff to issue a Request for Proposals (RFP) for the sale of the subject property. The RFP was issued on March 2, 2021 and responses were due by May 2, 2021. Three development proposals were received. On July 20, 2021, after reviewing the three proposals, the Housing & Economic Development Committee voted 4-0 to direct staff to negotiate a purchase and sale agreement with Maine Cooperative Development Partners LLC. On March 22, 2022 the Housing & Economic Development Committee voted 3-0 (Rodriguez absent) to recommend approval of the Purchase and Sale Agreement by the City Council.

Maine Cooperative Development Partners LLC is proposing to create a limited equity housing cooperative which is designed to create permanently affordable housing under The Maine Cooperative Affordable Housing Act (13 M.R.S. §§ 1741, et seq.). All of the homes will be permanently affordable to households earning at or up to 100% of the area median income (FY2021 limit for a family of four is \$99,900; FY2022 income limits have not been released). The project will comply with Inclusionary Zoning and Green Building Code requirements.

Five affirmative votes are required for passage after public comment.

Order 226-21/22 Approving the First Amendment to the Purchase and Sale Agreement with Maine Cooperative Development Partners Re: 165 Lambert Street - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

On December 21, 2020, the City Council voted 9-0 (Order 140-20/21) to approve a Purchase and Sale Agreement with Maine Cooperative Development Partners for an affordable housing development at 165 Lambert Street. On March 22, 2022, the Housing

& Economic Development Committee voted 3-0 (Councilor Rodriguez absent) to recommend that the City Council approve an Amendment to the Purchase and Sale Agreement. The amendment:

1. Corrects the name of the purchaser by changing it to “Maine Cooperative Development Partners LLC, a Maine limited liability company”;
2. Extends the due diligence period to 25 months after the date of the Amendment and the closing date to 27 months after the date of the Amendment to make those dates coterminous with the due diligence period and closing deadline in a separate purchase and sale agreement between the City and Maine Cooperative Development Partners, LLC, for property located at 622 Auburn Street; and
3. Adds provisions stating that the property will be conveyed subject to certain trail and drainage easements.

Five affirmative votes are required for passage after public comment.

Order 227-21/22 Approving the Publication of a Request for Proposals for the Sale of the Former Fort McKinley Hospital Building, a Tax-Acquired Property at Diamond Cove - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

At the April 5, 2022 meeting, the Housing & Economic Development Committee (HEDC) reviewed a draft Request for Proposals (RFP) for the sale of tax-acquired property located at Diamond Cove on Great Diamond Island, formerly known as the Fort McKinley Hospital Building, and voted 4-0 to forward the RFP to the City Council with a recommendation to authorize the City Manager to issue the RFP. Per the RFP, the property would be sold “As Is, Where Is”, with a goal to sell it for fair market value to recoup back taxes and interest (estimated at approximately \$150,000 with interest accruing daily), and costs of approximately \$30,000 incurred to board up the property over the years to keep the public safe due to its deterioration. The RFP includes support and involvement of members of the Diamond Cove Homeowners Association Board of Directors (DCHA) due to the DCHA ownership of all property surrounding the footprint of the Hospital Building, and the need for DCHA approval to connect to a new waste water system and water supply.

The property was tax-acquired in 2003. In May 2007, the City entered into a Purchase and Sale Agreement with David Bateman that included two separate properties (the former Double Barracks and the Hospital Building). The Double Barracks was redeveloped as the Inn at Diamond Cove. The Agreement to acquire the Hospital Building expired in 2019. That property has been vacant for a long period of time, and this historic building continues to deteriorate.

Five affirmative votes are required for passage after public comment.

Order 228-21/22 Granting a Central Maine Power Easement for Presumpscot School - Sponsored by Danielle P. West, Interim City Manager

This item grants an easement for Central Maine Power (CMP) at Presumpscot Elementary School. The easement is needed to extend the lines to the new electrical room to allow for phasing. If the contractor placed the new equipment in place of the existing equipment, the school building would be without power for an unacceptably prolonged

period of time. The easement ensures CMP will have access to their lines and equipment anytime needed, and the land owner - in this case the City of Portland - cannot prohibit them from accessing their equipment.

Staff requests this item be approved as an emergency in order to allow the work to proceed immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 229-21/22 Approving the Interlocal Agreement among Cumberland County Soil & Water Conservation District and Greater Portland Municipal Separate Stormwater Sewer System Regulated Entities - Sponsored by Danielle P. West, Interim City Manager

This request is for approval of an agreement with the Cumberland County Soil and Water Conservation District (District) and other communities in the Greater Portland Area regulated under the Municipal Separate Storm Sewer System (MS4) General Permit, to participate in the Interlocal Stormwater Working Group (ISWG). In accordance with the implementation of Portland's Municipal Separate Storm Sewer System (MS4) General Permit requirements, the City has participated in an interlocal agreement to share in a regional implementation of several of the Minimum Control Measures required under the Permit, including stormwater pollution prevention outreach and education, and community participation efforts. The agreement allows regulated communities to participate in the regional partnership on a cost-sharing basis with the District being the technical and educational service provider for the ISWG and the small MS4 permittees. Portland has been a part of this agreement since its inception in 2002. The newest agreement has been reviewed by the Associate Corporation Counsel.

Five affirmative votes are required for passage after public comment.

Order 230-21/22 Approving the Issuance of the Overlimit Permit Agreement to the Maine Department of Transportation – Sponsored by Danielle P. West, Interim City Manager

This agreement between the Maine Department of Transportation (MaineDOT) and the City of Portland allows the MaineDOT contractor to coordinate with the City of Portland if overweight equipment and loads on municipal ways are needed to complete their paving project along I-295. An overlimit permit may not be needed, and this order allows the Contractor to request one if it is later determined that large equipment or loads must be transported over a City of Portland roadway. There is no cost to the City. This construction overlimit permit does not supersede rules that restrict the use of public ways and the maximum speed on any municipal way shall be 25mph.

Five affirmative votes are required for passage after public comment.

Order 231-21/22 Approving the Agreement between the City of Portland, Greater Portland Council of Governments, and the Maine Department of Transportation Re: Portland-Libbytown Safety and Accessibility Project - Sponsored by Danielle P. West, Interim City Manager

This project is the next stage in the Libbytown Neighborhood initiatives, which have been based on studies funded by PACTS. In this case, the Maine Department of Transportation (MaineDOT) administers the project with City and public input, based on

75% of funding coming from the Portland Area Comprehensive Transportation System (PACTS) funding administered by Greater Portland Council of Governments, and 25% of funding coming from the City of Portland. By signing the partnership agreement, it enables the final scope of the project to be determined and preliminary engineering to begin. The overall cost of the work is \$260,000, with \$65,000 to be paid by the City from an approved FY23 CIP account.

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

ADJOURNMENT: