

IN COUNCIL REGULAR MEETING SEPTEMBER 16, 2013 VOL. 129 PAGE 20

ROLL CALL: Mayor Brennan called the meeting to order at 7:00 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Maovdones to amend the minutes of September 9, 2013 by deleting tabled with regard to Order 42. Passage 9-0.

Motion was made by Councilor Duson and seconded by Councilor Mavodones by moving the recess paragraph Motion from Order 43 to Order 42. Passage 9-0.

Motion was made by Councilor Mavodones and seconded by Councilor Suslovic to approve the minutes of September 9, 2013. Passage as amended 9-0.

ANNOUNCEMENTS:

RECOGNITIONS:

Motion was made by Councilor Anton and seconded by Councilor Mavodones to move to recess. Passage 8-1, (Duson), at 7:10 P.M.

Mayor Brennan reconvened the City Council meeting at 7: 35 P.M.

PROCLAMATIONS:

Proc 4-13/14 Proclamation Honoring James Lobley, Finance Department as Employee of the Month for September, 2013 – Sponsored by Mayor Michael F. Brennan.

LICENSES:

Order 47-13/14 Order Granting Municipal Officers' Approval of The King's Head d/b/a The King's Head at 254 Commercial St. Application for Class XI Restaurant/Lounge License – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 8-0, (Councilor Coyne out).

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Order 48-13/14 Order Granting Municipal Officer's Approval of Casa Fiesta Forest LLC d/b/a Casa Fiesta Bar and Grill at 865 Forest Avenue. Application for Class XI Restaurant/Lounge License with Entertainment without Dance and Outdoor Dining on Private Property – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Mavodones for passage. Passage 9-0.

Order 49-13/14 Order Approving Application of Prolerized New England Company, LLC/Schnitzer Northeast for a Scrap Metal Recycling Facilities License – Sponsored by Mark H. Rees, City Manager.

Motion was made by Councilor Anton and seconded by Councilor Suslovic for passage. Passage 9-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 4-13/14 Communication Re: Appointment of New Member to the Green Packaging Working Group – Sponsored by Mayor Michael F. Brennan.

RESOLUTIONS:

Resolve 1-13/14 Resolution to Clarify the Procedures for Access to the Agenda of the Portland City Council – Sponsored by Councilor Jill C. Duson.

Motion was made by Councilor Duson and seconded by Councilor Mavodones to refer this to the Nomination Committee. Passage 9-0.

UNFINISHED BUSINESS:

Motion was made by Councilor Coyne seconded by Councilor Suslovic to take Orders 44, 45, 46, 50, 51 out of order. Passage 9-0.

Councilor Anton recued himself from Orders 44, 45, and 46 as he is directly involved with Avesta Housing.

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Order 44-13/14 Order Allocating \$522,448 in Home Program Funds to Avesta Housing for Rental Housing Project at 134 Washington Avenue - Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on September 9, 2013.

Motion was made by Councilor Mavodones and seconded by Councilor Marshall for passage. Passage 8-0(Councilor Anton recused).

Order 45-13/14 Order Allocating \$500,000 in Home Program Funds to Avesta Housing Re: Bayside Anchor Affordable Rental Housing Development at Boyd and Oxford Streets – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on September 9, 2013.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue for passage. Passage 8-0 (Councilor Anton recused).

Order 46-13/14 Order Designating 409 Cumberland Avenue Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on September 9, 2013.

Motion was made by Councilor Mavodones and seconded by Councilor Donoghue to postpone Order 46 to the October 21, 2013 City Council meeting. Passage 8-0. (Councilor Anton recused).

ORDERS:

Order 50-13/14 Order Accepting Gifts of Art for Portland International Jetport - Sponsored by the Public Arts Committee, Lin Lisberger, Chair.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic for passage. Passage 9-0.

Order 51-13/14 Order Designating Nathan Clifford School at 180 Falmouth Street as a Local Landmark and Recommendation to List on National Register of Historic Places – Sponsored by Historic Preservation Board, -Rick Romano, Chair.

Motion was made by Councilor Suslovic and seconded by Councilor Anton for passage. Passage 9-0.

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Order 42-13/14 Order Approving Purchase and Sale Agreement with RB Portland Building, LLC Re: Congress Square – Sponsored by the Housing and Community Development Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This was given first reading on September 9, 2013. This item was postponed on September 9, 2013.

Motion was made by Councilor Mavodones and seconded by Councilor Duson to take up order 42 which was postponed at the 9/6 City Council meeting. Passage 9-0.

Motion was made by Councilor Leeman and seconded by Councilor Mavodones to amend Order 42 as follows: 1.) That prior to conveyance of the property, Rockbridge be required to complete the project development regulatory approvals, and that the Planning Board and Historic Preservation review must find the plan is compatible with the City's design of the adjacent Plaza and Congress Square as outlined in Section 14-C; of Purchase and Sales agreement.

Motion was made by Councilor Duson and seconded by Councilor Donoghue to divide this question into two questions the first question to end after comma and the second question to begin with the word and. Passage 9-0.

The Motion for the first part of the divided question ("That prior to conveyance of the property, Rockbridge will be required to complete the project development regulatory approvals") passed 9-0.

The Motion for the second part of the divided question ("That the Planning Board and Historic Preservation review must find the plan is compatible with the City's design of the adjacent Plaza and Congress Square as outlined in Section 14-c; of the Purchase and Sales agreement") failed 2-7 (Duson, Mavodones, Coyne, Donoghue, Marshall, Suslovic, Brennan).

2.) A Motion was made by Councilor Leeman and seconded by Councilor Mavodones to amend Order 42 so that the draft for the RFP for redesign of Congress Street be finalized by October 4th, put out for response in a shortened time frame of 15 days, consultant be brought on board shortly thereafter to work with the Task Force and its work be integrated into the regulatory process and Rockbridge's final plan. Passage 9-0.

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3.) Finally, a Motion was made by Councilor Leeman and seconded by Councilor Duson to amend Order 42 by adding language indicating that Rockbridge pay for the removal and crating of the Union Station Clock in coordination with the City. Passage 7-2 (Coyne, Suslovic).

Motion was made by Councilor Leeman and seconded by Councilor Suslovic for passage of Order 42 as amended. Passage 6-3 (Anton, Donoghue, Marshall).

Order 37-13/14 Amendment to Portland City Code Chapter 12 Garbage, Wastes and Junk Article V. Polystyrene Sections 12-210 through 12-215 – Sponsored by the Transportation, Sustainability and Energy Committee, Councilor David A. Marshall, Chair. This item was given first reading on August 5, 2013. It was postponed at the September 9, 2013 meeting.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic to refer Order 37 back to the Transportation, Sustainability and Energy Committee. Passage 8-1, (Donoghue).

AMENDMENTS:

Order 52-13/14 Amendment to City Code Sec. 14-49 (Zoning Map Amendment) Re: Conditional Rezoning for Dinosaur Enterprises LTD – Sponsored by the Planning Board, Carol Morrisette, Chair.

This is its first reading.

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Order 53-13/14 Amendment to Portland City Code Chapter 10. Fire Prevention and Protection Article I – Life Safety Code – Sponsored by the Public Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

This is its first reading.

Order 54-13/14 Amendment to Portland City Code Chapter 6 (Buildings) Section 6-17 (Fee Schedule) Chapter 19 (Peddlers and Solicitors) Sections 19-21 (Prohibited Operations) and 19-26 (Parking) Chapter 28 (Traffic) Section 28-84 (Violations) Re: Food Trucks – Sponsored by the Public

Safety, Health and Human Services Committee, Councilor Edward J. Suslovic, Chair.

This is its first reading.

Motion was made by Councilor Coyne and seconded by Councilor to adjourn. Passage 9-0, 11:47 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk