

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 11, 2022 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. 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).

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/82805568760?pwd=b3N6azJHZlbnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

US: +19292056099,,82805568760#,,,,*535147# or +13017158592,,82805568760#,,,,*535147#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 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/82805568760?pwd=b3N6azJHZlbnSVNSUXBvYU9mSzYxUT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 21, 2022 City Council Meeting Minutes

PROCLAMATIONS:

Proclamation 14-21/22 Recognizing April 11-15, 2022 as Community Development Week - Sponsored by Pious Ali, Councilor

Proclamation 15-21/22 Recognizing April 2022 as Genocide Awareness and Prevention Month - Sponsored by Pious Ali, Councilor

Proclamation 16-21/22 Recognizing April 2022 as Arab-American Heritage Month - Sponsored by Pious Ali, Councilor

Proclamation 17-21/22 recognizing April 10-16, 2022 as National Public Safety Telecommunicators Week - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 183-21/22 Appointing Election Clerks for 2022 to 2024 - Sponsored by Katherine L. Jones, City Clerk

This order appoints the Election Clerks for a term beginning on May 1, 2022 and expiring on April 30, 2024. Please see the order for the list of names.

Five affirmative votes are required for passage after public comment.

Order 184-21/22 Appointing Wardens and Ward Clerks for the 2022-2023 Election Year - Sponsored by Katherine L. Jones, City Clerk

This order appoints Wardens and Ward Clerks for the 2022-2023 Election Year, and they are listed in the attachment.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 185-21/22 Opening and Closing the Polls for June 14, 2022 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk

This order sets the time for opening and closing of the polls on June 14, 2022 for State and Local Elections. Pursuant to 21-A M.R.S., Section 626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls shall open at 7:00 a.m. and close at 8:00 p.m.

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

LICENSES:

Order 186-21/22 Granting Municipal Officers' Approval of LLULL LLC, dba Lady in the Moon. Application for Class III & IV FSE with Outdoor Dining on Public Property at 15 Monument Square - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/11/22. New City and State applications. Location was previously Others Coffee Shop.

Five affirmative votes are required for passage after public comment.

Order 187-21/22 Granting Municipal Officers' Approval of Terrarium, LLC, dba Terrarium. Application for Class III & IV FSE with Outdoor Dining on Public Property at 98 Cross Street North - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/11/22. New City and State applications. Location was previously Board and Brush.

Five affirmative votes are required for passage after public comment.

Order 188-21/22 Granting Municipal Officers' Approval of Man & Oak LLC, dba Man & Oak Bottle Club. Application for Bottle Club License at 44 Oak Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/11/22. New City and State applications. Location was previously OM Yoga.

Five affirmative votes are required for passage after public comment.

Order 189-21/22 Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC, dba Belleflower Brewing Company. Application for Outdoor Dining on Private Property at 66 Cove Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/15/22. New City application. Owner currently holds B/W/D On Premise Consumption.

Five affirmative votes are required for passage after public comment

Order 190-21/22 Granting Municipal Officers' Approval of AMA, LLC, dba Hugo's, Eventide Oyster Co., Honey Paw. Application for Parklet Outdoor Dining at 86 Middle Street - Sponsored by Danielle P. West, Interim City Manager

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

Five affirmative votes are required for passage after public comment

Order 191-21/22 Granting Municipal Officers' Approval of Duckfat Inc, dba Duckfat. Application for Parklet Outdoor Dining at 43 Middle 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 with Outdoor Dining on Public Property.

Five affirmative votes are required for passage after public comment

Order 192-21/22 Granting Municipal Officers' Approval of Miranda Restaurant Group LLC, dba Via Vecchia. Application for Parklet Outdoor Dining at 10 Dana Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/14/22. New City application. Owner currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment

Order 193-21/22 Granting Municipal Officers' Approval of Sophialk, dba Blue Spoon. Application for Parklet Outdoor Dining at 89 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/11/22. New City application. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 194-21/22 Granting Municipal Officers' Approval of Bailey Pickle LLC, dba Rosie's Restaurant and Pub. Application for Parklet Outdoor Dining at 330 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/14/22. New City application. Owner currently holds a Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment

Order 195-21/22 Granting Municipal Officers' Approval of Highroller Lobster LLC, dba Highroller Lobster Co. Application for Parklet Outdoor Dining at 104 Exchange Street - Sponsored by Danielle West, Interim City Manager

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

Five affirmative votes are required for passage after public comment

Order 196-21/22 Granting Municipal Officers' Approval of Sablage LLC, dba Gross Confection Bar. Applications for Outdoor Dining on Public Property and Parklet Outdoor Dining at 57 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/14/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 197-21/22 Granting Municipal Officers' Approval of Jing Yan LLC, dba Jing Yan. Application for Outdoor Dining on Public Property at 90 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/7/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 198-21/22 Granting Municipal Officers' Approval of Newsclapes Brewing Inc. dba Newsclapes Brewing. Application for Class IV FSE with Outdoor Dining on Private Property and Combined Entertainment at 163 Washington Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/14/22. New City and State applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 15-21/22 In-Person/Hybrid Meeting Update - By Danielle P. West, Interim City Manager

Com 16-21/22 HHS Homelessness and Emergency Shelter Update - By Kristen Dow, Director of Health & Human Services

Com 17-21/22 Delay of City Manager's Recommended FY23 Budget to April 25 Council Meeting - By Danielle P. West, Interim City Manager

As communications these items require no public comment or formal Council action.

BUDGET ITEMS:

Order 199-21/22 Amending the Fiscal Year 2022 Appropriation Resolve Order 12-21/22 Regarding Additional General Assistance Expenditures - Sponsored by Danielle P. West, Interim City Manager

The City's FY22 Health and Human Services budget included approximately \$10M within the General Assistance Division. The City has received a massive influx of asylum seekers presenting in Portland over the last several months, who immediately request State of Maine General Assistance benefits. State of Maine General Assistance rules include requirements around emergency shelter.

Due to the challenges presented by COVID along with extremely limited emergency shelter options, the use of hotels for sheltering has become a regular part of City Health & Human Services operations. As of April 2022, the City has over 1,500 individuals being sheltered on a nightly basis in a variety of locations, including hotels. The expense of hotels has exceeded \$3,000,000 per month and may reach \$4,000,000 per month by the end of the fiscal year.

For FY22 only, the hotel expenses will be fully reimbursed. 70% will be reimbursed by the State of Maine General Assistance program and 30% by one time Federal Emergency Management Agency (FEMA) COVID funding (the 30% Federal reimbursement is currently set to expire on July 1, 2022). This agenda item increases the City's spending authority by \$20M for the current fiscal year by appropriating the \$20M of expected reimbursement from the State of Maine and FEMA.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 200-21/22 Receiving and Referring to the Finance Committee the Portland Board of Public Education's Fiscal Year 2023 Budget Estimate and Setting a Public Hearing Thereon - Sponsored by Danielle P. West, Interim City Manager

Under this order the City Council receives the Portland Board of Public Education's proposed Fiscal Year 2023 budget and refers it to the Finance Committee for review and recommendations. The Portland Board of Public Education took a final vote on the budget at its April 5, 2021 meeting. Portland Board of Public Education Chair Emily Figdor will present the school budget when this item is considered.

The first reading and public hearing of the Fiscal Year 2023 school budget will be held on Monday, May 2, 2022, during the City Council meeting.

The second reading, public hearing and City Council action on the school budget will take place Monday, May 16, 2022, during the City Council meeting.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 9-21/22 Adopting the 2022-2026 Five-Year Consolidated Plan and Fiscal Year 2022-2023 Annual Action Plan including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto - Sponsored by Danielle P. West, Interim City Manager

The U.S. Department of Housing and Urban Development (HUD) requires that communities receiving HUD funding (CDBG, HOME, ESG) undertake a planning process every three to five years to review local affordable housing and community development needs. This process is designed to help communities develop priorities and multi-year goals in coordination with other community plans and resources to make a greater impact within the community.

The 5-Year Consolidated Plan will be submitted to HUD in May, 2022. The City Council approved the goals and priorities included in this plan at their meeting on October 4, 2021. The Annual Action Plan allocates a total estimated budget of \$6,005,657: including CDBG \$1,992,865, HOME, Program Income and Recapture \$1,239,554, ESG \$164,857, Downtown TIF \$120,000, Cotton St. proceeds \$20,000, Lead Safe Housing Program Income \$45,397, Jill C. Duson Housing Trust Fund \$2,172,194. In addition, a substantial amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan will re-program CARES Act funding from CDBG-CV3 \$124,669 and ESG-CV2 funding \$126,121.

The Housing & Economic Development Committee voted (3-0 Zarro absent) to recommend approval of the Housing Program Budget on February 2, 2022. The Emergency Shelter Assessment Committee (ESAC) voted to recommend approval of the ESG budget at their March 17, 2022 meeting.

This item must be read on two separate days. It received its first reading on March 21,

2022. Five affirmative votes are required for passage after public comment. This item will also receive two public hearings. This is its second public hearing.

Written Public Comment on Resolve 9-21/22

Resolve 10-21/22 Approving the City Council Rules of Procedure - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

The City Council Rules Committee has met regularly since January 24, 2022 to review the rules and make recommended changes. On March 7, 2022, the committee voted 4-0 to recommend passage of the rule changes presented in this item.

Among the rule changes it unanimously approved was a revision to Rule 32, Section 5, requiring persons offering public comment to identify themselves with a first and last name and city of residence and/or Council district. Rule 32 was updated to replace the word "scurrilous" with "abusive or disrespectful." In Rule 19 the word "majority" was replaced by "the prevailing side" for the sake of clarity and best practice under Robert's Rules. Rule 22 revisions would allow a councilor to sit after being recognized before speaking.

In a second vote, the Committee recommended that the full Council consider a change to the timing of public comment on un-agenda items. The Committee was generally in agreement that the 6:00 start time can be cumbersome for the Council and members of the public, alike. The Committee was divided, however, on whether taking comment at start of the meeting or the end is best.

This item must be read on two separate days. It received its first reading on March 21, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Resolve 10-21/22

UNFINISHED BUSINESS:

Order 182-21/22 Approving the Agreement between the Maine Department of Transportation and the City of Portland Re: State Street Paving - Sponsored by Danielle P. West, Interim City Manager

This project is part of the State Municipal Partnership Initiative (MPI) Program; the City administers the project and receives a portion of funding from the State. By signing the partnership agreement, the City may proceed with the project to pave State Street and the Maine Department of Transportation is obligated to pay \$335,000 and the City to pay the City share, estimated to be \$630,000. The project scope includes a 2-inch mill and fill, curb work, sidewalk work, ADA ramp reconstruction, and re-striping after final paving.

This item must be read on two separate days. It received its first reading on March 21, 2022. Five affirmative votes are required for passage after public comment.

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

ADJOURNMENT: