

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 21, 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).

ZOOM 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>

Passcode: 112769

Or One tap mobile :

US: +19292056099,,81813936988#,,,,*112769# or +13017158592,,81813936988#,,,,*112769#

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Webinar ID: 818 1393 6988

Passcode: 112769

International numbers available: <https://portlandmaine-gov.zoom.us/u/kdL3evbtBR>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

SPECIAL MEETING OF THE CORPORATOR OF THE PORTLAND FISH EXCHANGE:

Order 166-21/22 Appointing John Arnold a Class C Director of the Portland Fish Exchange - Sponsored by the Legislative & Nominating Committee, Councilor April Fournier, Chair

By this order, the City Council, acting as the Corporator, appoints John Arnold a Class C Director of the Portland Fish Exchange.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft March 7, 2022 City Council Meeting Minutes.

APPOINTMENTS:

Order 167-21/22 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative & Nominating Committee, Councilor April Fournier, Chair

The Legislative and Nominating Committee met on February 22, 2022 and March 2, 2022 for the purpose of interviewing 51 applicants for various boards and commissions. The committee voted 2-0 (Snyder absent) to send the following slate to the City Council for Approval. On March 15, 2022, the Legislative and Nominating Committee met and voted 3-0 to appoint a board member to the various boards and commissions.

Name	Board and Committee	Expiration
Carol Laboissonniere	Pesticide Management Advisory Committee	03-30-2025
Jessie O'Brien	Pesticide Management Advisory Committee	03-30-2025
Beth Rabbit	Parks Commission	06-30-2025
Cheri Musgrave	Parks Commission	06-30-2024
Katie Mears	Parks Commission	06-30-2024
Kristen Fulmer	Parks Commission	06-30-2023
Simon Rucker	Land Bank Commission	06-30-2025
Jon Kachmar	Land Bank Commission	06-30-2025
Brian Wasser	Land Bank Commission	06-30-2025
Thomas Valleau	Portland Housing Authority	06-30-2027
Joan White	Portland Housing Authority-Resident	06-30-2027
Linda Atkinson	Civil Service Employment Subcommittee	06-30-2025
Kenneth Lewis	Police Citizen Review Subcommittee	03-30-2025
Jean Desruisseaux	Police Citizen Review Subcommittee	03-30-2025
Regan Sweeney	Rental Housing Advisory Committee	03-30-2025
Jonathan Kruzfeld	Rental Housing Advisory Committee	03-30-2025
Anna Berke	Portland Public Art Committee	06-30-2025
Gillian Cook	Portland Public Art Committee	06-30-2025
Katilyn Buckley	Portland Public Art Committee	06-30-2025
Phoebe Cole	Portland Public Art Committee	06-30-2024
Sharon Dennehy	Portland Public Art Committee	06-30-2023
Amir Familmohammadi	Rent Board District 1	03-30-2025
Josef Kijewski	Rent Board District 2	03-30-2025

Five affirmative votes are required for passage after public comment.

Order 168-21/22 Appointing Danielle P. West to the Executive Board of the Portland Technology Park Condominium Association - Sponsored by Kate Snyder, Mayor

Former City Manager Jon Jennings was appointed President of the Executive Board of the Portland Technology Park Condominium Association on 1/18/2017, together with Christopher Branch as Treasurer and Eric Swanson of Patrons Oxford Insurance as Secretary. It is being requested that the Council appoint Interim City Manager Danielle P. West as President of the Board. The appointees need not be unit owners. The Housing and Economic Development Department provides staff assistance to the Board.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 169-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Russell Townsend - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Council to approve the transfer of \$1,212.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Russell Townsend.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

Order 170-21/22 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Ryan Egeland - Sponsored by Danielle P. West, Interim City Manager.

This order authorizes the City Council to approve the transfer of \$614.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Ryan Egeland.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department.

The money from these forfeiture orders will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

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

LICENSES:

Order 171-21/22 Granting Municipal Officers' Approval of Bread and Olive LLC, dba Bread and Olive. Application for Class XI Restaurant/Lounge at 937 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/22/22. New City and State applications. Location was previously Five Spot Sandwich Shop.

Five affirmative votes are required for passage after public comment.

Order 172-21/22 Granting Municipal Officers' Conditional Approval of Tangible Alchemy LLC dba Urban Farm Fermentory Renewal Application for a Combined Entertainment License at 200 Anderson Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 10/18/2021. Applicant currently holds a Class III & IV FSE with Combined Entertainment and Outdoor Dining on Private Property.

Staff recommends this license be conditioned per 4-55 (a) to state: Outdoor Entertainment must cease by 10:00pm and Indoor Entertainment must cease by 11:00pm.

Five affirmative votes are required for passage after public comment.

Order 173-21/22 Granting Municipal Officers' Approval of Casablanca Tours LLC, dba Casablanca Tours. Application for Class I FSE with Combined Entertainment at 18 Custom House Wharf - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/16/22. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 174-21/22 Granting Municipal Officers' Approval of Fermentation and Distillation LLC, dba Liquid Riot Bottling Company. Application for Indoor Entertainment at 250 Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/28/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

Order 175-21/22 Granting Municipal Officers' Approval of Dock Fore Inc, dba Dock Fore. Application for Outdoor Dining on Public Property at 336 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/16/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Outdoor Dining on Public Property.

Five affirmative votes are required for passage after public comment

Order 176-21/22 Granting Municipal Officers' Approval of The Miranda Group, dba Blyth and Burrows. Application for Parklet Outdoor Dining at 26 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/24/22. New City application. Owner currently holds a Class XI Restaurant/Lounge with Indoor Entertainment.

Five affirmative votes are required for passage after public comment

Order 177-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba Regards. Application for Outdoor Dining on Public Property at 547 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 2/23/22. New City application. Owner currently holds a Class I FSE.

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. This is its first reading. This item will also receive two public hearings. This is its first 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. This is its first reading.

UNFINISHED BUSINESS:

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 original agreement obligates the City to pay for 25% of the work as its municipal share, or an estimated \$65,575.00. Subsequently, an amended agreement was submitted increasing the project costs due to inflation. The amended agreement obligates the City to pay \$116,285 for its municipal share. 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. On March 7, 2022, it was postponed to March 21, 2022. 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. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on March 7, 2022. Seven affirmative votes are required for passage after public comment.

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.

This item must be read on two separate days. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

Additional Backup Materials for Orders 163-21/22 and 164-21/22

Additional Backup Materials from Finance Committee Review are attached in the Agenda Packet.

Please use the link below to access past Capital Improvement Plans:

<http://www.portlandmaine.gov/479/Capital-Improvement-Plan>

Written Public Comment on Orders 163-21/22 and 164-21/22

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. It received its first reading on March 7, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 178-21/22 Renaming Farm Field in Payson Park the Ron A. Farr Field - Sponsored by Councilor Andrew Zarro

Portland Little League proposed renaming Farm Field in Payson Park to Ron A. Farr Field and the Parks Commission voted unanimously on March 3, 2022 in support of changing the name from Farm Field to Ron A. Farr Field in honor of Ron A. Farr's service and commitment to Portland Little League. Ronald Farr started coaching Little League Baseball in 1962. Every spring and summer for the past 60 years, Ron Farr has been a fixture on Portland's little league diamonds. This order would name the Payson Park Little League field, Ron A. Farr Field.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 178-21/22

Order 179-21/22 Accepting and Adopting the 2022 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The Housing & Economic Development Committee met on February 1, 2022 and voted unanimously (3-0) (Zarro absent) to forward this item to the City Council with a recommendation for passage.

The Jill C. Duson Housing Trust fund is established by Section 18.3 of the City Code of Ordinances. Section 18.3.4 states that "each fiscal year the City Council shall adopt a Housing Trust Fund Annual Plan" and that the Housing Committee of the City Council or such other committee as the Council shall designate shall conduct public hearings on the recommended plan and refer the matter to the Council for action". The Plan establishes the allocation priorities of the balance of the Jill C. Duson Housing Trust Fund as of February 2, 2022.

2022 Housing Investment Priorities are to focus on opportunities where other funding resources do not work or are not effective, such as projects designed to create housing affordable for households earning at or below 50% of the area median income (AMI) (family of 4 = \$49,950) and to support public/private partnerships that create workforce housing units that are affordable for households earning 60% to 100% of the AMI (family of 4 at 60% AMI = \$59,940; at 100% AMI = \$99,900 for 2021, 2022 have not been released yet).

Five affirmative votes are required for passage after public comment.

Order 180-21/22 Approving City Application for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal (CAD) Cell in Portland Harbor - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This item was reviewed by the Housing & Economic Development Committee at its meeting on February 15, 2022, and voted 4-0 to forward it to the City Council for approval. The Council is being requested to authorize the City Manager to file an application for up to \$25 Million in Federal funding through the Rebuilding American Infrastructure with Sustainability and Equity or RAISE Transportation Discretionary Grant program to implement planned public and private dredging projects in Portland Harbor. Dredging vessel support areas will provide safe and full tide access to berthing, loading, and marine support services. Dredging will also remove and dispose of sediment impacted by historic industrial activities and non-point source pollution. These sediments will be responsibly disposed in a Confined Aquatic Disposal (CAD) cell to be constructed within Portland Harbor as a component of the project. The City of Portland will be the lead applicant for RAISE project funds, with the City of South Portland and the Portland Harbor Commission (PHC) as co-applicants, and critical support provided by the Maine Department of Transportation (MDOT).

Multiple variables may impact the total value of local contributions and the participation of project partners. These variables include potential receipt of Maine ARPA funds (allocated but not approved); MDOT funding (\$3,000,000 committed with additional funds requested to match increased local contributions); approvals for EPA Brownfields

funds; and, potential State legislative appropriation.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 180-21/22

Order 181-21/22 Approving the Modification of Agreement between the Maine Department of Transportation and Portland Re: West Commercial Street Multi-Use Path - Sponsored by Danielle P. West, Interim City Manager

The Maine Department of Transportation (MaineDOT) and the City are currently co-signatories on a Municipal-State Agreement to fund the design and construction of a segment of the West Commercial Street Trail along the frontage of the Star Match building. The current agreement obligates the state and the City to fund the project at an 80%/20% split. The modification before the Council increases the funding obligations from both parties to reflect revised construction cost estimates. (There are no changes to the funding split.) The City's 20% obligation as a result of the amendment would increase from \$70,698 to \$117,600. This increase in City share will be funded out of infrastructure accounts associated with development projects in the area that have been designated for the purposes of the West Commercial Street Trail construction.

The amendment is needed so that funding matches the latest cost estimate for the project, as this project is about to be sent out to bid. 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 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. This is its first reading.

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

ADJOURNMENT: