

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 AFTERNOON MEETING - AUGUST 8, 2022 AT 4:00 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 before 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/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

Passcode: 115765

Or One tap mobile :

US: +19292056099,,89911473409#,,,,*115765# or +13017158592,,89911473409#,,,,*115765#

Or Telephone:

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US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 646 931 3860 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171
Webinar ID: 899 1147 3409

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

4:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the July 11, 2022 draft Special City Council Meeting minutes (Meeting 1 of 2, 4:00pm)

Approval of the July 11, 2022 draft Special City Council Meeting minutes (Meeting 2 of 2, 6:15pm)

APPOINTMENTS:

Order 28-22/33 Appointing Andy Martin Constable for the Parking Division - Sponsored by Danielle P. West, Interim City Manager

This appointment of Andy Martin as a constable, allowing him to issue court summons for contested parking tickets, is effective from the effective date of this order until 12:00 midnight, December 31, 2022, and is made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests.

Five affirmative votes are required for passage after public comment.

Order 29-22/23 Appointing Dena Libner to the Board of Directors of EcoMaine - Sponsored by Kate Snyder, Mayor

This order appoints Chief of Staff Dena Libner to the Board of EcoMaine, which accepts City of Portland solid waste for its electricity-generating incinerator and sorts recyclable material for reuse. The Board is made up of 20 municipal representatives who are members and owners of the enterprise, which is also supported by associate members and contract members.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 30-22/23 Granting Municipal Officers' Approval of Bar Harbor Lobster Co., dba The Clam Bar. Application for Class I FSE with Outdoor Dining on Private Property at 199 W Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 7/10/22. New City and State applications. Location was previously Benny's Fried Clams.

Five affirmative votes are required for passage after public comment.

Order 31-22/23 Granting Municipal Officers' Approval of Stars and Stripes Brewing LLC, dba Stars and Stripes Brewing. Application for Combined Entertainment at 3 Spring Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 7/19/22. New City application. Establishment currently holds Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

Order 32-22/23 Granting Municipal Officers' Approval of Root Wild LLC, dba Root Wild. Application for Combined Entertainment at 135 Washington Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/30/22. New City application. Establishment currently holds Brewery/Winery/Distillery On-Premise Consumption.

Five affirmative votes are required for passage after public comment.

Order 33-22/23 Granting Municipal Officers' Approval of Maine Charitable Mechanics Association, dba Mechanics Hall. Application for Indoor Entertainment at 519 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 6/23/22. New City application.

Five affirmative votes are required for passage after public comment.

Order 34-22/23 Granting Municipal Officers' Approval of Downtown Lounge LLC, dba Downtown Lounge. Application for Class A Lounge at 606 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 7/18/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge FSE.

Five affirmative votes are required for passage after public comment.

Order 35-22/23 Granting Municipal Officers' Approval of Summit LLC, dba Nosh. Application for Class I FSE with Outdoor Dining on Public Property at 551 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 7/6/22. New City and State applications. New of ownership of an existing establishment.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 5-22/23 Monkeypox Update - by Tina Pettingill, Acting Public Health Director

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

UNFINISHED BUSINESS:

Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting Corporation Counsel

This item proposes two categories of change to Chapter 35 of the City Code, relating to marijuana businesses. Proposed revisions to subpart (a) of Ch. 35-36 (Security Requirements) would remove the requirement to maintain a door and window burglary alarm system at all fixed locations for a marijuana business. The provision retains a requirement for an intrusion alarm system that includes a panic button that can transmit its signal via City of Portland AES system directly to the City Dispatch Center. These changes address problems with false alarms and unnecessary costs. The second category relates to the issuance and renewal of business licenses and the ability of new and existing businesses to change the category of license/business from/to adult use/medical use.

This item must be read on two separate days. It received its first reading on May 16, 2022. At the June 6, 2022 Council Meeting, this item was postponed to June 22, 2022. At the June 22, 2022 Council Meeting, this item was postponed to the August 15, 2022 Special City Council Meeting, which was rescheduled to occur on August 8, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 261-21/22

Order 24-22/23 Approving the Contract between the City of Portland and the City Employees Benefit Association - Sponsored by Danielle P. West, Interim City Manager

This item approves the negotiated collective bargaining agreement between the City and the City Employees Benefit Association (CEBA) for the period of July 1, 2021 to June 30, 2024. This proposal is presented after previously receiving guidance from the City Council in executive session and after having reached a tentative agreement with the CEBA, which was voted on and approved by the members.

The tentative agreement provides for a 0% general wage increase for FY22 (due to CEBA employees taking their increase during the height of COVID where other unions agreed to forego that increase); a 2.5% general wage increase for FY23; and a 3% general wage increase for FY24. The proposal also increases night and weekend shift differentials at the Barron Center, and upgrades several positions in the pay plan to ensure that employees in those positions are paid competitively and in line with their peers who are performing comparable jobs. Finally, the proposal adds Juneteenth as a paid holiday, implements earned paid leave, and makes other minor adjustments in the agreement between the parties.

This item must be read on two separate days. It received its first reading on July 11, 2022. Five affirmative votes are required for passage after public comment.

Order 25-22/23 Approving the Collective Bargaining Agreement with the Communications Employees Association – Sponsored by Danielle P. West, Interim City Manager

This item approves the negotiated collective bargaining agreement between the City and the Communications Employees Association (“CEA”) for the period of July 1, 2021 through June 30, 2024. This proposal is presented after previously receiving guidance from the City Council in executive session and after having reached a tentative agreement with the CEA, which was voted on and approved by the members.

The tentative agreement creates a three-tiered pay plan, where wages increase as employees move up the tiers. Tier 1 is for those certified only as a call taker; Tier 2 is those who are also certified in one of the two disciplines (police or fire); and Tier 3 is for those certified in all disciplines. It also provides for a 3% general wage increase for FY22, retroactive to July 1, 2021; a 0% general wage increase for FY23 (in exchange for a more beneficial retirement plan); and a 3% general wage increase for FY24. The proposal also makes a majority of the CEA members eligible for the more favorable “3C” MainePERS retirement plan and adds a comparable increase to the 401a contributions; adds a \$.25 stipend for all members to become a notary public, a \$1.25 stipend for field trainers, and adds \$.25 to the EDQ stipend. Finally, the proposal agrees to pay double

time for all hours worked over 60 in one week, adds Juneteenth as a paid holiday, implements earned paid leave, and makes other minor adjustments in the agreement between the parties.

This item must be read on two separate days. It received its first reading on July 11, 2022. Five affirmative votes are required for passage after public comment.

Order 26-22/23 Confirming the Maine Public Employees Retirement System Special Plan 3C for Certain Union Members of the Communications Employees Association - Sponsored by Danielle P. West , Interim City Manager

The Communications Employees Association negotiated agreement provided that the City would provide the Maine Public Employees Retirement System Special Benefit Plan 3C (the “Special Plan 3C”) to members of the Communications Employees Association, excluding the Fire Alarm Specialist and the Radio Systems Specialist positions. This order approves that change.

This item must be read on two separate days. It received its first reading on July 11, 2022. Staff is requesting that an amendment in the back up material be approved to change the start date of the plan, as well as other administrative details. Five votes are required to approve the amendment. Five affirmative votes are required for passage as amended after public comment.

Order 27-22/23 Increasing Tow Company Fees - Sponsored by the Sustainability & Transportation Committee, Councilor Zarro, Chair

At the June 8, 2022 Sustainability & Transportation Committee Meeting, the Committee voted 2-0 (Pelletier Absent) to recommend this item to the City Council. Staff is supportive of this item.

The City of Portland regulates the fees paid to tow companies/operators as they provide services in response to accidents and illegally parked vehicles, as well as assist in achieving snow ban compliance.

Representatives of the towing companies have requested that the tow fees be increased as a result of increased costs since the fees were last adjusted. Tow company fees in the City of Portland were last raised in November 2017.

The fees will increase to \$135 from \$100 per non-accident tows, \$150 from \$125 for accident tows, and \$150 from \$105 for tows of any vehicle with dual tires on the rear axle. Other fees are increased as listed on the order in the back-up material.

This item must be read on two separate days. It received its first reading on July 11, 2022. Five affirmative votes are required for passage after public comment.

ADJOURNMENT: