

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 - SEPTEMBER 19, 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 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: +13092053325,,89911473409#,,,,*115765# or +13126266799,,89911473409#,,,,*115765#

Or Telephone:

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US: +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 or +1 669 900 6833 or +1 719 359 4580 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:

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

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Officer Matt Pavlis and K-9 Messi for their receipt of the United States Police Canine Association's National Detector Case of the Quarter Award - By Kate Snyder, Mayor

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Fish Pier Authority

Order 61-22/23 Amending the Portland Fish Pier Authority Articles of Incorporation - Sponsored by Danielle P. West, Interim City Manager

By unanimous vote of the Portland Fish Pier Authority Board of Directors - meeting held on May 31, 2022, Meredith Mendelson, President, Councilor Tae Chong, Vice President, the City Council is requested to approve two amendments to the Portland Fish Pier Authority Articles of Incorporation:

1. To amend the Fourth (4th) Article of the Portland Fish Pier Authority Articles in Incorporation to expand the Board of Directors by two seats from five (5) to seven (7) by adding one (1) additional Class B director representing the seafood industry; and, adding one (1) new Class C seat representing the Commissioner of the Maine Department of Marine Resources.
2. To amend the Fifth (5th) Article of the Portland Fish Pier Authority Articles of Incorporation to allow the Commissioner of the Maine Department of Marine Resources to appoint one Class C Director to the Portland Fish Pier Authority Board of Directors.

Five affirmative votes are required for passage after public comment.

Special Meeting of the Corporator of the Portland Fish Exchange

Order 62-22/23 Amending the Portland Fish Exchange Bylaws - Sponsored by Danielle P. West, Interim City Manager

At its May 19, 2022 meeting, the Portland Fish Exchange Board of Directors voted (5-0) to recommend that the City Council approve an amendment to the Portland Fish Exchange Bylaws. The amendment will expand eligibility for Class A Board members (sellers/harvesters) to include a person currently appointed or employed as a Sector Manager from a recognized Greater Atlantic Regional Fisheries Office (GARFO) sector. Sector Managers represent member-based groups of fishing vessels operating under a common management of harvesting "quota" (known as a "Sector") as allowed under current regional fisheries regulations.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting, September 1, 2022

PROCLAMATIONS:

Proclamation 3-22/23 Recognizing September 24 - October 2, 2022 as Diaper Need Awareness Week - Sponsored by Kate Snyder, Mayor

Proclamation 4-22/23 Recognizing September 26-30, 2022 as Clean Energy Week - Sponsored by Kate Snyder, Mayor

Proclamation 5-22/23 Recognizing September 30, 2022 as a Day of Remembrance for U.S. Indian Boarding Schools - Sponsored by Councilor April Fournier

APPOINTMENTS:

Order 63-22/23 Appointing Gynt Grube as Assistant Assessor - Sponsored by Danielle West, Interim City Manager

This order would appoint Gynt Grube as Assistant Assessor in order to assist the Assessor's Office with timely certification of the tax rolls, issuing assessor decisions, representing the Assessor's Office in appeals, and other assessment duties. Gynt Grube is a highly competent, experienced certified Maine Assessor, serving with Tyler Technologies as a project director for the City's Revaluation project over the past three years.

Five affirmative votes are required for passage after public comment. Staff is requesting that this item be passed as an emergency in order to fill this essential position as soon as possible. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 64-22/23 Declaring October 2, 2022 the 31st Annual Maine Marathon, Half Marathon & Relay Festival - Sponsored by Danielle P. West, Interim City Manager

This is the 31st year that the Maine Marathon Committee has sponsored and organized the Maine Marathon. The expected number of registered runners this year is expected to reach 3,500, with approximately 800 anticipated spectators lining much of the sidewalks, parks and pathways along the race route. Since 1997, more than 5.2 million dollars has been raised to support local charities.

The race will take runners from Baxter Boulevard to Washington Avenue onto Veranda Street, continuing on Route 1 and crossing over Martin's Point Bridge into Falmouth and back. Runners will both start and finish at Baxter Boulevard Extension (the area between Forest Avenue and Preble Street).

Order 65-22/23 Approving Transfer of Funds under 15 M.R.S. §§5824(3) and 5826(6) Re: Amanda Benwell - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Council to approve the transfer of \$1,332.00 and one 9 millimeter Taurus PTIII handgun in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Amanda Benwell.

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 this forfeiture order 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 items on the consent calendar after public comment.

LICENSES:

Order 66-22/23 Granting Municipal Officers' Approval of Yam Tamblin LLC, dba Blue. Application for Class A Lounge with Indoor Entertainment at 638 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 8/29/22. New City and State applications. Change of ownership of an existing establishment.

Five affirmative votes are required for passage after public comment.

Order 67-22/23 Granting Municipal Officers' Approval of Four Ball LLC, dba Rathskeller on Wharf. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property at 51 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 8/29/22. New City and State applications. Establishment currently holds Class I FSE with Outdoor Dining on Public Property.

Five affirmative votes are required for passage after public comment.

Order 68-22/23 Granting Municipal Officers' Approval of Fat Dragon LLC, dba Empire Venue. Application for Class A Lounge with Indoor Entertainment at 575 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 8/17/22. New City and State applications. New ownership of a previous establishment at the same location.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 6-22/23 ReCode Update - By Christine Grimando, Director of Planning & Urban Development

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

Communication 7-22/23 Historic Preservation Impact Study Update - By Christine Grimando, Director of Planning & Economic Development

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

Communication 8-22/23 Green New Deal Exemptions/Exceptions Granted - By Christine Grimando, Director of Planning and Urban Development

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

Communication 9-22/23 Fossil Fuel Infrastructure Report - By Troy Moon, Sustainability Director

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

Communication 10-22/23 Estimated Fiscal Impact of Proposed Citizen Initiatives and Charter Commission Recommendations - by Danielle P. West, Interim City Manager

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

UNFINISHED BUSINESS:

Order 58-22/23 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor and Trades - Sponsored by Danielle P. West, Interim City Manager

This order approves the negotiated collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00, Labor and Trades, for the period of July 1, 2022 to June 30, 2025. This proposal is presented after receiving guidance from the City Council in executive session and having reached a tentative agreement with Labor and Trades, which was voted on and approved by the members.

The tentative agreement provides for a 3% general wage increase for FY23; a 3% general wage increase for FY24; and a 2.5% general wage increase for FY25. The proposal also increases night and weekend shift differentials, upgrades to several positions in the pay plan and the addition of a 20+ year step to ensure that employees in those positions are paid competitively and in line with their peers who are performing comparable work. Finally, the proposal adds Juneteenth as a paid holiday, implements earned paid leave, removes gender-specific language and makes other minor adjustments in the agreement between the parties. The total estimated cost of the negotiated changes to L&T's 3-year contract is \$1,954,728.

This item must be read on two separate days. It received its first reading on September 1, 2022. Five affirmative votes are required for passage after public comment.

Order 59-22/23 Traffic Schedule Amendment Re: Thames Street - Sponsored by Danielle P. West, Interim City Manager

This traffic schedule amendment will introduce new parking restrictions on a portion of Thames Street (from the Ocean Gateway driveway to Freedom Way) proposed for acceptance on September 19, 2022.

The parking regulations include metered, 2-hour parking on the north side of the street, and unmetered, time-restricted parking (one-hour) on the south side. The unmetered time-restricted parking is intended to facilitate an extension of Residential Parking Zone 11, which is used by island residents.

This item must be read on two separate days. It received its first reading on September 1, 2022. Five affirmative votes are required for passage after public comment.

Order 60-22/23 Amendment to Portland City Code Chapter 34 re: Landcare Ordinance - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

On July 13, 2022, the Sustainability & Transportation Committee voted (3-0) to recommend amending Chapter 34 to regulate the use of fertilizers. The amendment would largely prohibit the use of synthetic fertilizers and require property owners to follow best management practices when using organic fertilizers. These measures would improve water quality in local waters by reducing the amount of excess nutrients running off both public and private property. Excess nutrients fuel algal blooms in local water bodies, damaging marine life and increasing acidification of local waters.

The amendment would also change the name of Chapter 34 from Pesticide Ordinance to Landcare Ordinance to reflect the chapter's emphasis on sound land management practices. The name of the Pesticide Management Advisory Committee would similarly be renamed the Landcare Management Advisory Committee.

This item must be read on two separate days. It received its first reading on September 1, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 69-22/23 Laying Out a Town Way/City Street Pursuant to 23 M.R.S.A. § 3022 Re: Thames Street Extension - Sponsored by Danielle P. West, Interim City Manager

This item would lay out an additional section of Thames Street (currently known as Thames Street Extension, from the end of Thames Street as it was accepted in 2008 to the boundary line of 58 Fore Street) as a city street requiring regular public maintenance and allowing the City to regulate parking on it.

Order 59-22/23, on this agenda for a second read under Unfinished Business, would establish certain parking regulations on this street and includes a portion of this street in Residential Parking Zone 11.

Five affirmative votes are required for passage after public comment.

Order 70-22/23 Approving Residential Parking Permit Re: Islander Parking - Sponsored by Danielle P. West, Interim City Manager

This order will expand the Residential Parking Zone 11 to a portion of Thames Street, providing eight (8) additional mainland parking spaces for Portland residents who live on Peaks, Cliff, Cushing, Great Diamond, and Little Diamond islands.

This number does not include all unrestricted parking spaces on Thames Street, as staff recommend maintaining the remainder to allow for more frequent turnover in support of existing and anticipated economic activity.

Five affirmative votes are required for passage after public comment.

Order 71-22/23 Accepting a Riverside Street Sidewalk Easement from Waste Management of Maine, Inc. - Sponsored by Danielle P. West, Interim City Manager

By this order, the City Council would accept the fourth permanent sidewalk easement on Riverside Street to accommodate a new sidewalk proposed from the Forest Avenue intersection to the new Homeless Services Center at 654 Riverside Street. Three other

easements were accepted for this project on September 1, 2022. The Department of Public Works has designed a sidewalk that is both compliant with the Americans with Disabilities Act standards as well as conscientious of existing conditions on Riverside Street. The proposed designed sidewalk avoids going over the Public Right of Way line wherever possible, although some permanent easements are needed.

Five affirmative votes are required for passage after public comment. Due to the proposed construction schedule for this project, staff is recommending that this item be passed as an emergency so that it can take effect immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 72-22/23 Accepting and Appropriating a \$200,409.09 Federal Emergency Management Agency Assistance to Firefighters Grant and Appropriating \$21,040.91 as the Local Match - Sponsored by Danielle P. West, Interim City Manager

This item would accept and appropriate a \$200,409.09 Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) program, and appropriate local match funding in the amount of \$20,040.91. This award will be used to install sprinkler systems at the Riverton and Munjoy Hill Fire Stations, a much needed investment in these buildings that would not otherwise would be funded in the current fiscal year. These funds would also be used towards a peer support training program which would enhance the newly created Mental Health Program for the Fire Department.

This item must be read on two separate days. Staff is requesting that the second reading be waived in order to meet the September 25, 2022 acceptance cutoff date, 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 73-22/23 Accepting and Appropriating a \$3,000,000 Grant from the United States Environmental Protection Agency for the City's Brownfield Revolving Loan Program - Danielle P. West, Interim City Manager

This would accept and appropriate \$3,000,000 in U.S. Environmental Protection Agency (EPA) Brownfields Revolving Loan Fund (RLF) grant funds. These grant funds will be used to recapitalize the City's Brownfields RLF, allowing the provision of greater assistance for remediation of both public and privately-owned Brownfields sites in Portland. According to the EPA, "A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant."

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

EXECUTIVE SESSION:

The Portland City Council will hold an Executive Session pursuant to 1 M.R.S. Section 405(6)(A) to discuss the duties of the City Council, City Manager, and Corporation Counsel.

ADJOURNMENT: