

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 - NOVEMBER 14, 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/84536489671?pwd=R0NHMmlyRXdPWXVKYUNYdDBoVIU3UT09>

Passcode: 649486

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 +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000

Webinar ID: 845 3648 9671

Passcode: 649486

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Jeremiah Bartlett's receipt of the The New England Section of the Institute of Transportation Engineers' "Transportation Engineer of the Year" award - by Kate Snyder, Mayor

Recognizing Troy Moon's receipt of a Conservation Leadership Award from the Natural Resources Council of Maine - by Kate Snyder, Mayor

Recognizing Ashley Rand and staff for their excellence in Election Day administration - By Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Minutes - October 17, 2022 at 5:00 PM

Special City Council Minutes: October 17, 2022 at 5:30 PM

PROCLAMATIONS:

Proclamation 9-22/23 Recognizing November 2022 as Native American Heritage Month - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 90-22/23 Appointing Michael Goldman as Acting Corporation Counsel - Sponsored by Kate Snyder, Mayor

This order appoints Attorney Michael Goldman, currently Associate Corporation Counsel, as the Acting Corporation Counsel effective November 19, 2022 and sets his salary at \$155,946. When Attorney Danielle West, currently Interim City Manager, resumes her appointment as Corporation Counsel, or there is another permanent appointment of a Corporation Counsel other than Attorney Goldman, Attorney Goldman shall resume his appointment as Associate Corporation Counsel. On October 4, 2021, Associate Corporation Counsel Jen Thompson was appointed as Acting Corporation Counsel. Attorney Thompson's resignation letter is attached in the back-up material, and her last day will be November 18, 2022.

Staff is requesting that this order be passed as an emergency to allow Attorney Goldman to begin work in this role on November 19, 2022. Seven affirmative votes are required for passage after public comment.

Order 91-22/23 Confirming the Appointment of Nicole M. Albert as Associate Corporation Counsel - Sponsored by Jen Thompson, Acting Corporation Counsel

Attorney Nicole M. Albert will serve the Office of Corporation Counsel as an Associate Corporation Counsel. This order would confirm her appointment and set her salary at \$113,168.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 92-22/23 Granting Municipal Officers' Approval of Ramen Factory Miyake II LLC, dba Pai Men Miyake. Application for Outdoor Dining on Public Property at 188 State Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 10/17/22. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 93-22/23 Granting Municipal Officers' Approval of Cocktail Mary LLC, dba Cocktail Mary's. Application for Indoor Entertainment at 229 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 10/06/22. New City application. Establishment currently holds Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 12-21/22 Update on Public Health / Shelter Challenges with Asylum-Seeking Population - Danielle P. West, Interim City Manager

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

UNFINISHED BUSINESS:

Order 89-22/23 Approving an Agreement between the Maine Department of Transportation and Portland Re: Modification 3 of Washington Avenue Improvements - Sponsored by Danielle P. West, Interim City Manager

The Department of Public Works requests that the City Council approve a modification to a previous agreement with the Maine Department of Transportation (MaineDOT) to fund construction of Washington Avenue from Congress Street to Oxford Street with Work Identification Number 22134. After delays and changes involving other projects, in August 17, 2022, the City received a single bid for the construction of Washington Avenue. The bid came in at \$2,950,377.04, about \$600,000 more than the engineer's estimate. In addition, the costs of the right-of-way process managed by MaineDOT also increased by over \$60,000. These cost increases are typical in the current economic and labor climate.

As such, this Modification 3 will utilize available City funds for paving, traffic signals, and sidewalks – the primary components in this project – to close the funding gap and allow this significant and long-planned project to move ahead, with \$1,176,049.12 in Portland Area Comprehensive Transportation System (PACTS) funds, and \$2,299,276.60 in City funds.

This item must be read on two separate days. It received its first reading on October 17, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 94-22/23 Accepting the Public Art Committee FY22 Annual Report and FY23 Budget Plan - Sponsored by Danielle P. West, Interim City Manager

On June 15, 2022, the Portland Public Art Committee voted 6-0 to recommend the Fiscal Year (FY) 22 Annual Report and FY23 Budget Plan to the Portland City Council.

Included in the plan are revisions to the Temporary Art Guidelines, which go into effect following the Council's acceptance, unless the Council refers these matters back to the

PPAC for further consideration or revision. The report also accepts adding Gathering Stones to the Portland Public Art Collection.

Five affirmative votes are required for passage after public comment.

Order 95-22/23 Approving and Appropriating \$31,765 in Caring Community Grants from Maine Medical Center - Sponsored by Danielle P. West, Interim City Manager

Maine Medical Center's (MMC) Neighborhood Advisory Committee has approved grant funding through MMC's Caring Community Grant Program for several projects to be led by the City on behalf of the surrounding neighborhood associations. These funds were requested by the neighborhood associations working in concert with staff in the Departments of Public Works, Parks, Recreation, & Facilities, Police, and Planning & Urban Development. The projects include:

1. **Bike repair stations (requested by the Parkside Neighborhood Association).** This grant funding (\$7,240) would be used by the Department of Public Works to construct two bike repair stations in the Parkside neighborhood, one at Deering Oaks and one at Bramhall Square. The stations would be similar to those recently installed at Ocean Gateway/Portland Harbor Commons.
2. **Portland Police Department St. John Street Community Policing Center furnishings (requested by the St. John/Valley Neighborhood Association).** This grant funding (\$11,839) would be used by the Portland Police Department to furnish their new community policing space at the former Greyhound building, now owned by MMC, at the corner of St. John Street and Congress Street.
3. **Valley Street Park improvements (requested by the St. John/Valley Neighborhood Association).** This grant funding (\$12,686) would be used by the Department of Parks, Recreation, and Facilities to augment a park improvement project at the Valley Street Dog Park & Community Garden.

Five affirmative votes are required for passage after public comment.

Order 96-22/23 Approving Modification Two to an Agreement between the Maine Department of Transportation and Portland Re West Commercial Street Pathway - 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, work identification number 018865.00, to fund the design and construction of a segment of the West Commercial Street Multi-use Path 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. Modification Two increases the funding obligations from both parties to reflect final construction cost estimates with no changes to the funding split. The City's 20% obligation under the modification would increase from \$117,600 to \$137,000. 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.

Five affirmative votes are required for passage after public comment.

Order 97-22/23 Approving Substantial Amendment to the 2022-2026 Five Year U.S. Department of Housing and Urban Development Consolidated Plan and 2022-2023 Annual Action Plan RE Allocation of Remaining FY23 Community Development Block Grant funding - Sponsored by Danielle P. West, Interim City Manager

The Portland City Council will hold a public hearing on a Substantial Amendment to the 2022-2023 U.S. Department of Housing and Urban Development (HUD) Annual Action Plan regarding the allocation of funds to two projects (1) Valley Street Park Improvements Project (\$195,000) submitted by the Department of Parks, Recreation and Facilities and (2) Sagamore Village Pedestrian and Green Infrastructure Project (\$72,000 total: \$65,117 entitlement, \$6,883 contingency), submitted by the Department of Public Works. The FY23 CDBG allocation included \$860,989 available to fund development activities, including public infrastructure improvements. On April 11, 2022, the City Council allocated \$600,872 through the annual CDBG allocation process, leaving \$260,117 of CDBG funds unallocated. Under the HUD approved Citizen Participation Plan, the City Council can approve the use of the remaining funds by following a substantial amendment process. A 30-day public comment period as well as a notice of the November 21 public hearing on this Substantial Amendment was posted in the Portland Press Herald on October 19, 2022.

The Valley Street Park Improvements project will create 4,000 square feet of ADA-compliant internal pathways, rebuild and improve an existing basketball court, create two new play settings for young families, provide new furnishings for seating and social activity and will add twelve half beds for community garden capacity. It will improve maintenance access for continued invasive plant management and increase safety and visibility, as well as develop new space for larger community gatherings. This project will also reduce direct storm-water loads to storm-water infrastructure, expand Portland's tree canopy, link the existing trail to the sidewalk space, and create ADA parking and safer parking lot facilities for visitors.

The Sagamore Village Pedestrian and Green Infrastructure Project will improve the green storm water infrastructure, provide sustainable storm water runoff treatment and protection against flooding within the Sagamore Village neighborhood. Pedestrian improvements will provide ADA-compliant infrastructure, allowing Sagamore Village residents to travel within, in their own neighborhood and connect to neighboring amenities safely and more equitably.

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

Order 98-22/23 Approving and Appropriating \$80,000 from the Land Bank Fund Toward the Purchase of North Deering Park Land and Placing that Land in the Land Bank - Sponsored by Danielle P. West, Interim City Manager

On September 8, 2021, the Land Bank Commission (LBC) voted unanimously (8/0) to recommend to the City Council the expenditure of \$80,000 towards the purchase of parcels related to North Deering Park.

This order would approve the expenditure of \$80,000 of existing Land Bank funds as the local funding match for federal and state grant funds, which would pay for the majority of the project, for the purchase of parcels 371-A047, 371-A048001 (comprised of parcels 371-A048 and 384-A011), 371-A004, 371-A020, 372-A001, 383-A010, 384-A010,

collectively known as “North Deering Park”, and place those parcels totalling approximately 24 acres into the Land Bank. The park is directly abutted by Washington Avenue Extension and Ballpark Drive.

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

Order 99-22/23 Approving the Collective Bargaining Agreement with The Professional and Technical City Employee Association - Sponsored by Danielle P. West, Interim City Manager

This order is to approve the negotiated collective bargaining agreement between the City and the Professional and Technical Employees Association (Pro Tech) for the period of July 3, 2022 to June 30, 2025. This proposal is presented after previously receiving guidance from the City Council in executive session and after having reached a tentative agreement with Pro Tech, which was voted on and approved by its members.

The tentative agreement provides for a retroactive 3% general wage increase, plus adding a 10-year step to the pay plan for FY 23; a 3% general wage increase for FY 24; and a 3% general wage increase for FY 25. The proposal also adds/increases to shift differentials for the Jetport as well as the Barron Center; provides upgrades to 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 work. Finally, the proposal adds Juneteenth as a paid holiday, implements earned paid leave, removes gender specific language and makes other minor adjustments to the agreement between the parties.

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

Order 100-22/23 Appropriating \$12,850,000 in American Rescue Plan Act Funding - Sponsored by The Finance Committee, Councilor Mark Dion, Chair

On October 20, 2022, the Finance Committee voted 3-0 to forward the American Rescue Plan Act second tranche funding recommendations it had developed over several meetings, attached in the back-up material.

Over the course of 2022 the City has undertaken an intensive public process to solicit input from the community on priorities for the City’s allocation of State and Local Fiscal Recovery Funds from the American Rescue Plan Act of 2021. The City is receiving \$46M of funding in two tranches, \$23M was received in 2021 and \$23M was received in 2022.

Details on the public outreach process, funding priorities identified, specific project recommendations and backup materials can be found in the agenda item attachments.

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

AMENDMENTS:

Order 101-22/23 Amendment to Zoning Map Re: 50 County Way from IL Low Impact Industrial to B-2 Community Business - Sponsored by the Planning Board, Maggie Stanley, Chair

On September 13, 2022, the Planning Board voted 6-0 (Barker absent) to find this proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the zoning map amendment. Cumberland County Government seeks a zoning map amendment to rezone 50 County Way from I-L Industrial Low-Impact to B-2 Community Business.

This zoning map amendment would allow the existing governmental use on the site, which is not allowed in the I-L zone, to be brought into compliance.

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

ADJOURNMENT: