

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

MAY 20, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a Regular City Council meeting at 5:30 p.m. in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft May 6, 2019 City Council Minutes.

PROCLAMATIONS:

Proc 32-18/19 Proclamation Honoring Laurie Carlson, Assessor's Office, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

BUDGET ITEMS:

SECOND READING AND FINAL PUBLIC HEARING OF THE FISCAL YEAR 2020 SCHOOL BUDGET:

Order 227-18/19 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Order 227-18/19 to Order 232-18/19 are orders required by 20-A M.R.S. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$84,658,230 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$70,510,824 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$117,833,270 will be \$93,795,139.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 228-18/19 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$577,882 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$577,882 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 229-18/19 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.

This order appropriates \$20,863,552 in additional city funds over and above regional Essential Programs and Services amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,863,552 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 230-18/19 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$111,628,495.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on June 11, 2019. \$91,952,258 of the \$111,628,495 would come from property taxes, \$16,645,909 would come from state subsidy, and \$2,530,328 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 231-18/19 Appropriating and Raising Funds for Adult Education for Fiscal Year 2020 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$2,432,506 for Adult Education for Fiscal Year 2019-2020 and raises the sum of \$1,718,435 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well being of the adult education program.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 232-18/19 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order raises and appropriates \$124,445 for the Food Service Program for Fiscal Year 2019-2020. The Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well being of the food service program.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 232A-18/19 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

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

SECOND READING AND FINAL PUBLIC HEARING ON FISCAL YEAR 2020 MUNICIPAL BUDGET:

Order 233-18/19 Approving Fiscal Year 2020 Administrative Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes certain administrative charges.

The increases and new fees are located in the following departments and/or divisions: Parking (Parking Violations), Fire (MEDCU), Public Works (Trash Bags) and Parks Recreation and Facilities (Athletic Fields, Camps, Aquatics & PAF Event Permit Fees).

At the May 6, 2019 Council meeting this order was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 234-18/19 Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2020 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2020 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

This item must be read on two separate days. It was given a first reading on May 6, 2019. This item must be read on two separate days. Five affirmative votes are required for passage after public comment.

Order 235-18/19 Re: Fiscal Year 2020 Self-Insured Liability Program - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order establishes the limit of the city's liability as \$400,000 as required by the Maine Tort Claims Act and states the city's commitment to "self-insure" for such liability by approving funds for this purpose.

At the May 6, 2019 Council meeting this order was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 236-18/19 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed. This order would authorize the Director or her or his designee to continue to sign such agreements and reaffirm this long-standing practice.

Venues/programs such as the Public Assembly, Recreation Division before and afterschool, Riverside Golf Course, Riverside Grill, Cemeteries and Troubh Ice Arena are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

At the May 6, 2019 Council meeting this order was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 237-18/19 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2020 Health and Human Services Budget –Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 238-18/19 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to accept and appropriate donations up to \$50,000 for existing and new scholarship trusts and enter into standard form trust agreements as approved by Corporation Counsel.

At the May 6, 2019 Council meeting this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 239-18/19 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case by case approach.

At the May 6, 2019 Council meeting this item was postponed to this meeting to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 240-18/19 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

This order authorizes the City Manager to utilize a 2.5% COLA for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. It given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 241-18/19 Designating Fiscal Year 2020 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.-Chair.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY20:

Item A:	Peaks Island Summer Bike Ticket Program	\$500
Item B:	PI Needs-Based Boat Tickets	\$3,800
Item C:	PI Portland Public Middle & High School Student Boat Passes	\$5,000
Item D:	PI Full-time College Students (Portland Area) 3 Monthly Stickers	\$247
Item E:	PI Children Attending Private Schools Vouchers	\$330
Item F:	PI Police Cadet Funding	\$2,067
Item G:	PI ITS (Island "Taxi"): Island Transportation System	\$20,000
Item H:	PI PITEA (Heating): Peaks Island Tax & Energy Assistance	\$4,750
Item I:	PI PEAT Brochure: Peaks Island Environmental Team	\$750
Item J:	PI Administrative Expenses	\$2,056
Item K:	Peaks Island Website (Friends of the Peaks Island Library)	\$500
TOTAL:		\$40,000

This item must be read on two separate days. It received its first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicolas M. Mavodones, Jr. Chair.

The final \$1,000,000 of sale proceeds from the 0 Hancock Street sales proceeds are allocated as follows: \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Landing capital improvement plan project.

This item must be read on two separate days. It received its first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

Order 243-18/19 Appropriating \$750,000 from Assigned Fund Balance for Workers' Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

The sum of Seven Hundred Fifty Thousand Dollars (\$750,000) of Assigned Fund Balance is hereby appropriated for use within the City's Workers' Compensation and Self Insurance program. This funding is in lieu of an FY20 operating budget request and will be used to pay one-time expenses related to workers compensation claims.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

RELATED ORDINANCE AMENDMENT:

Order 244-18/19 Amendment to Portland City Code RE: Various Fee Increases for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Part 1 adds definitions and a new license in **Chapter 3 §§31-33**

Chapter 3	Description	Current Fee	Current Fee
Sec.(New)			
§§31-33	Small and Large Brewery, Winery, and Distilling Manufacturing License	NA	NA

Part 2 adds the following new fees in **Chapter 6 (§6-152):**

Chapter 6	Description	Current Fee	Proposed Fee
Sec.(New)			
	Rental Registration more than 30 days expired	NA	\$10 / Unit
Total revenue increase for FY20: \$32,360			

Part 3 adds the following new fees in in **Chapter 15 in §15-12:**

Chapter 15	Description	Current Fee	Proposed Fee
Sec. 15-12			
	Small Breweries (50,000 Gal & Less)	NA	\$250
	Large Breweries (More than 50,000 Gal)	NA	\$2,000
	Small Wineries (50,000 Gal & Less)	NA	\$250
	Large Wineries (More than 50,000 Gal)	NA	\$2,000
	Small Distilleries (50,000 Gal & Less)	NA	\$250
	Large Distilleries (More than 50,000 Gal)	NA	\$2,000
Total revenue increase for FY20: \$26,250			

CONTINUATION OF RELATED ORDINANCE AMENDMENT:

Part 4 amends the following fees in **Chapter 24** in §24-72 and §24-84.

The proposed sewer rate for July 1, 2019 is \$10.40 per hundred cubic feet (hcf), up from the July 1, 2018 rate of \$9.95 hcf.

Chapter 24	Description	Current Fee	Proposed Fee
Sec. 24-72	Sanitary sewer user charges		
24-72 (c)	Sewer user fees	\$9.95/ hcf	\$10.40/ hcf
Total revenue increase for FY20: \$1,132,574			

Part 5 adds the following new fees in **Chapter 25** in §25-27:

Chapter 25	Description	Current Fee	Proposed Fee
Streets, Sidewalks, and Other Public Places			
Sec. 25-27	Fees and fines		
25-27 (a) (3)	Parking Space Permit	\$20/day	\$25/day
Total revenue increase for FY20: \$85,000			

All fee increases are effective July 1, 2019.

This item must be read on two separate days. It received its first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

APPROPRIATION RESOLVE

Order 245-18/19 Fiscal Year 2019-2020 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2020 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2020 for general municipal purposes in the amount of \$263,392,070. In addition it contains the Portland Board of Education's recommended budget for FY2020 for school purposes in the amount of \$117,833,270

The tax levy based upon the City Manager's recommended budget is \$93,184,789 and \$93,795,139 for the Portland Board of Education's recommended School Budget. The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$186,979,928 for Fiscal Year 2020. The tax rate based on the combined levies would be \$23.42 per \$1,000 of assessed value, a 4.2% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2019 and sets September 13, 2019, as the tax due date, which may be paid in two installments due on September 13, 2019, and March 8, 2020.

The delinquency rate of interest is set at 9.0% per year, and the abatement rate of interest is set at 5.0% per year.

This item must be read on two separate days. It was given a first reading on May 6, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - Sponsored by Jon P. Jennings, City Manager.

This order approves the contract with Firefighters Local 740, International Association of Firefighters Contract Staff has reached a tentative agreement with the Local 740, International Association of Firefighters on a successor one (1) year contract. The prior contract expired on December 31, 2018. Local 740 has ratified the tentative agreement and the Administration will seek your support for the agreement on May 20, 2019. The tentative agreement is within guidance received from the Council. This order will require a second reading on June 3, 2019. This memorandum reflects the substantive changes to the expired collective bargaining agreement. The parties have tentatively negotiated a one year contract with just a wage adjustment. The cost summary for the tentative agreement is also included as an attachment. Article 25 - Salaries Base Wages 3% increase, effective January 6, 2019, retroactive Article 38 – Term. The new contract term is January 1, 2019, through December 31, 2019.

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

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

The Health & Human Services and Public Safety Committee met on April 16th and voted 3 - 0 to forward this order and the following order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one is the best option for the City.

This order approves Angelo's Acre, 431 Commercial Street, as the location for the Homeless Services Center.

A public hearing on this item will be held this evening.

Mayor Strimling is requesting that final action on this item be postponed to the June 3, 2019 City Council meeting.

**Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street -
Sponsored by the Health & Human Services and Public Safety Committee, Councilor
Belinda S. Ray, Chair.**

The Health & Human Services and Public Safety Committee met on April 16, 2019 and voted 3 - 0 to forward this order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one was the best option for the City.

This order approves 654 Riverside Street as the location for the Homeless Services Center.

A public hearing on this item will be held this evening.

Mayor Strimling is requesting that final action on this item be postponed to the June 3, 2019 City Council meeting.

AMENDMENTS:

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on May 14, 2019 and voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to forward this item to the City Council with a recommendation for passage.

In December, 2018, the Portland City Council enacted a six-month moratorium on non-marine development within the Waterfront Central Zone (WCZ), to provide time for the City to address concerns raised by members of the fishing community and other interests related to recent development proposals. The City Manager's Office convened the "Waterfront Working Group", a task force representing various stakeholders, with representation from the fishing community, pier and business owners within the zone and other engaged residents. As of the writing of this request, the group has met eleven (11) times, providing feedback on a variety of issues including traffic, parking, waterfront access, marine infrastructure investment and the incompatibility of certain non-marine uses.

The proposed zoning amendments, now before the Council, reflect this feedback and are the synthesis of this months' long discussion with intent of redressing the balance between marine and non-marine use. All sections of the WCZ zoning text considered by the Planning Board featured some level of amendment, with the most substantive changes being reduction of the overlay zone extent, restriction of high traffic generating uses (such as general retail and restaurant) to the overlay zone, elimination of contract and conditional rezoning as a tool permitted within the zone, and a strengthening of the performance standards through a new requirement for an 'Operations and Access Management Plan' (please see attached summary sheet for complete overview of proposed amendments). The resulting text improves the document's interpretability and enforceability, and helps to mitigate legitimate concerns regarding the future success of Portland's working waterfront.

The Planning Board reviewed the proposed text amendments generated by City staff and is forwarding a recommendation, 4-2 (Dundon and Stanley opposed, Dunfey absent) to the City Council to adopt the revised Division 18 Waterfront Central Zone, excluding changes to the overlay zone's extent. Board members voting opposed were supportive of the entire suite of amendments as presented by staff, including reductions to the overlay zone.

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