

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)

## **JUNE 3, 2019 CITY COUNCIL AGENDA**

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ANNOUNCEMENTS:**

### **RECOGNITIONS:**

### **PRESENTATIONS:**

Arts in the Chamber - Patricia Daunis-Dunning, Daunis Fine Jewelry

### **ANNUAL MEETING:**

### **SPECIAL MEETING:**

### **APPROVAL OF MINUTES OF PREVIOUS MEETING:**

Approval of the Draft May 20, 2019 City Council Minutes.

### **PROCLAMATIONS:**

Proc 33-18/19 Honoring Devin McKenzie, Information Technology Department, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

### **APPOINTMENTS:**

**Order 250-18/19 Appointing Constables for 2019 for the Fire and Parks, Recreation and Facilities Departments, Parking Division and Portland Jetport - Sponsored by Jon P. Jennings, City Manager**

The Fire Department is requesting that Fire Captain Aaron Bridges be appointed as a constable. The Parking Division requests that Matthew Ouellette, Parking Division Supervisor, be appointed Constable.

Constables in the Department of Parks, Recreation, and Facilities enforce dogs at large violations in the parks, playgrounds and cemeteries as well as failure to dispose of animal waste. That department requests that John Mlcuch, Michael Lipka, Carmin Jiadonisi, Samuel Stone and Matt Teneyck be appointed constables.

In order to meet requirements of state law for parking enforcement at the Jetport, the Jetport requests the following SP+ (Standard Parking) employees be named constables: David Doyon, Dale Williams, Frank Oravitz, Andrew Ledger, Greg Hoyt, Dale Hersom, and Nicholas Kenny.

These appointments are effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

Five affirmative votes are required for passage after public comment.

**Order 251-18/19 Appointing Members to Various Boards and Commissions -  
Sponsored by the Legislative and Nominating Committee, Councilor Pious Ali,  
Chair.**

The Nominating Committee is making the following recommendations to the Various Boards and Commissions.

| Name                                     | Board and Commission                                                    | Expiration Date |
|------------------------------------------|-------------------------------------------------------------------------|-----------------|
| Anna Berk *                              | Portland Public Art<br>Committee                                        | 06/30/2022      |
| Nick Aceto *                             | Portland Public Art<br>Committee                                        | 06/30/2022      |
| Julia Kirby                              | Portland Public Art<br>Committee                                        | 06/30/2022      |
| Caitie Whelan*                           | Park Commission                                                         | 06/30/2022      |
| Amy Segal                                | Park Commission                                                         | 06/30/2022      |
| Simon Rucker                             | Land Bank Commission                                                    | 06/30/2022      |
| Jon Kachmar*                             | Land Bank Commission                                                    | 06/30/2022      |
| Patrick Rombalski*                       | Land Bank Commission                                                    | 06/30/2022      |
| Stephen Houdlette*                       | CDBG                                                                    | 09/30/2022      |
| Brad Hanscom*                            | CDBG                                                                    | 09/30/2022      |
| Lawson Condrey*                          | CDBG                                                                    | 09/30/2022      |
| Christian MilNeil                        | Portland Housing Authority                                              | 06/30/2024      |
| Robyn Tucker (Resident of<br>PHA)        | Portland Housing Authority                                              | 06/30/2024      |
| Monique Mutumwinka<br>(Resident of PHA)* | Portland Housing Authority                                              | 06/30/2024      |
| April Fournier *                         | Civil Service<br>Subcommittee:<br>Police Citizen Review<br>Subcommittee | 03/30/2022      |
| Dianne Clarke *                          | Civil Service<br>Subcommittee<br>Employment subcommittee                | 06/30/2022      |
| Kent Avery*                              | Fair Hearing Officer                                                    | 06/30/2022      |

\* = New member

Five affirmative votes are required for passage after public comment.

**CONSENT ITEMS:**

**Order 252-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Tyrone Muldrow Jr. – Sponsored by Jon P. Jennings, City Manager.**

This order authorizes the City Council to approve the transfer of \$1,000.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Tyrone Muldrow, Jr.

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

**Order 253-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Dean Miller. – Sponsored by Jon P. Jennings, City Manager.**

This order authorizes the City Council to approve the transfer of \$571.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jason Dean Miller.

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

**Order 254-18/19 Declaring July 4, 2019 the July 4th Festival - Sponsored by Jon P. Jennings, City Manager.**

This order declares July 4, 2019 the July 4th Festival, to be held on that Thursday from 10:00 a.m. - 10:00 p.m. The rain date is Friday, July 5, 2019. Street closures are included in the agenda backup.

This year's festival will included 25-minute fireworks display, the Portland Symphony Orchestra concert, food and entertainment vendors, reserved seating in the area closest to the stage, and limited ticketed area on grass area closest to the stage.

Five affirmative votes are required for passage of the Consent Calendar after public comment.

**LICENSES:**

**Order 255-18/19 Granting Municipal Officers' Approval of Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue - Sponsored by Jon P. Jennings, City Manager.**

Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue.

Application was filed on 4/19/2019. New City and State Applications. Location was previously Linda Bean Lobster.

Five affirmative votes are required for passage after public comment.

**Order 256-18/19 Granting Municipal Officers' Approval of Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street - Sponsored by Jon P. Jennings, City Manager.**

Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street.

Application was filed on 4/24/2019. New City and State Applications. New owners of an existing business.

Five affirmative votes are required for passage after public comment.

**Order 257-18/19 Granting Municipal Officers' Approval of LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Jon P. Jennings, City Manager.**

LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street.

Application was filed on 4/17/2019. New City and State Applications. New owners of an existing business.

Five affirmative votes are required for passage after public comment.

**Order 258-18/19 Granting Municipal Officers' Approval of Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.**

Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue.

Application was filed on 4/22/2019. New City and State Applications. Applicant currently holds a Class I FSE with Entertainment without Dance.

Five affirmative votes are required for passage after public comment.

**Order 259-18/19 Granting Municipal Officers' Approval of Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street - Sponsored by Jon P. Jennings, City Manager.**

Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street.

Application was filed on 4/2/2019. New City and State Applications. Location was previously Federal Spice.

Five affirmative votes are required for passage after public comment.

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**RESOLUTIONS:**

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

**UNFINISHED BUSINESS:**

**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 City Council support for the agreement on May 20, 2019. The tentative agreement is within guidance received from the Council. The 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. It was given a first reading on May 20, 2019. Five affirmative votes are required for passage after public comment.

**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.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

**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.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

**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. It was given a first reading on May 20, 2019. Five affirmative votes are required for passage after public comment.

**ORDERS:**

**Order 260-18/19 Approving Residential Parking Permit Extension - Sponsored by Councilor Belinda Ray.**

This order would extend the approval to maintain 10 spaces on Hancock Street and 12 spaces on Thames Street, four less on Thames Street than last year, as signed one hour parking for another year until June 30, 2020.

It would also approve 42 parking spaces on the north side of Marginal Way from the Park & Ride Lot to Cove Street to be included in the Island Residential Zone for one year, from the effective date of this order and expiring on June 30, 2020.

Staff is requesting that this order be passed as an emergency, in order to allow the order to be effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

**Order 261-18/19 Approving Portland International Jetport Rental Car Concessionaire Agreement - Sponsored by Jon P. Jennings, City Manager.**

The Portland International Jetport is requesting approval of the standard agreement between the City of Portland and its four On-Airport Automobile Rental Concessionaires. The current agreements expire on June 30, 2019 and the new agreements will be for a five year term ending on June 30, 2024. In anticipation of the expiration of the current agreement the City issued competitive Bid #19076 for automobile rental concessionaires. Only the current rental car concessionaires attended the mandatory pre-bid meeting. These are: Avis Budget Car Rental, LLC; Hertz Corporation d/b/a Hertz and Dollar; Enterprise Rent-A-Car Company of Boston, LLC d/b/a Enterprise Rent-A-Car; and Enterprise Rent-A-Car of Boston, LLC d/b/a Alamo Car Rental & National Rent A Car.

Five affirmative votes are required for passage after public comment.

**Order 262-18/19 Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group - Sponsored by Jon P. Jennings, City Manager.**

Hooper Street (a dead-end public street) which primarily serves as access to the Eyecare Medical Group (EMG) needs to be repaved and EMG has agreed to provide a donation, in the amount of \$8,934.50, to the City to cover one-half of the expense. See attached aerial map.

Five affirmative votes are required for passage after public comment.

**Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development Committee reviewed this item at its May 21, 2019 meeting and voted 3-0 to forward this to the City Council with a recommendation for passage.

City Council authorization of Portland Downtown annual documents for Fiscal Year 2020 is needed for the continued operation of Portland Downtown (PD). This includes: (1) Adopting Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

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

**Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

This item is a companion order to Order 263 above.

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

**Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

This is a companion to Orders 264 and 265 above.

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

**Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development Committee met on May 7 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding four additional properties to expand the Waterfront TIF District, and propose one adjustment to the WGA Map.

City staff proposed amendments do not involve credit enhancement agreements.

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

**AMENDMENTS:**

**Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.**

This is a companion order to Order 266 above.

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

**Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.**

The developer of the AC Hotel and nearby properties has requested that four parking spaces in front of the new retail spaces at 20 Thames Street be converted to two-hour metered spaces, which this amendment does. The installation of four (4), two-hour parking meters at Thames Street will provide much need turnover parking for the new retail businesses on the block.

This item must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, which requires seven votes. Staff is also requesting that this order be passed as an emergency. Seven affirmative votes are required for passage as an emergency following public comment.

**AMENDED MINUTES**