

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)

OCTOBER 21, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a 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:

ANNOUNCEMENTS:

ANNUAL MEETING:

Annual Meeting of Corporator of the Portland Fish Exchange - Sponsored by Mayor Ethan K. Strimling

The City Council, as Corporator of the Portland Fish Exchange, meets annually to conduct business, including appointment of members to the Portland Fish Exchange – namely Robert Odlin and Tim Merrill - and receiving an update of activities.

Order 62-19/20 Appointing Robert Odlin and Tim Merrill Directors to the Portland Fish Exchange - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on September 23, 2019 and voted 2-0 (Mayor Strimling absent) to forward this item to the City Council with a recommendation for passage.

This order appoints Robert Odling and Tim Merrill as directors to the Portland Fish Exchange.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING: MINUTES ARE DRAFTS UNTIL APPROVED BY THE CITY COUNCIL.

Approval of the October 7, 2019 Draft City Council Meeting Minutes

PROCLAMATIONS:

Proclamation 4-19/20 Honoring Ann Machado as Employee of the Month - Sponsored by Mayor Ethan K. Strimling

APPOINTMENTS:

Order 63-19/20 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on September 23, 2019 and voted 2-0 (Mayor Strimling absent) to forward this item to the City Council with a recommendation for passage.

Zoning Board of Appeals - Expiring 12/31/2022

Joseph Zamboni

Kent Avery

Jared Falcon* - **Expiring 12/31/2021**

Historic Preservation - Expiring 11/30/2022

Robert O'Brien

Penny Pollard

John Turk

Joy Naiefteh*

Community Development Block Grant Annual Allocation Committee - Expiring 09/30/2022

Lucinda Pyne

D. Kelly Young

Edward Loro*

Leslie Clague*

*Indicates new Board members.

Five affirmative votes are required for passage after public comment.

Order 64-19/20 Appointing Directors of the Portland Widows' Wood Society for the 2019-2020 Term - Sponsored by Jon P. Jennings, City Manager

The Portland Widows' Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widows' Wood Society for the 2019-2020 term:

John Knox
Nancy English
Henry Donovan
Everett Ingalls
Cyrus Hagge
Thomas Pierce
Cheryl Hallett

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 65-19/20 Granting Municipal Officers' Approval of Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street - Sponsored by Jon P. Jennings, City Manager

Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street.

Application was filed on 9/24/2019. New City and State applications. Location was previously Espo's.

Five affirmative votes are required for passage after public comment.

Order 66-19/20 Granting Municipal Officers' Approval of Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue.

Application was filed on 9/26/2019. New City and State applications. Location was previously The Cheese Shop.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 2-19/20 RE: Asylum Seeker Donations - Sponsored by Jon P. Jennings, City Manager

To date, the City has received more than \$918,000 in donations to support asylum seekers. The cost to the City to run the Expo emergency shelter for asylum seekers exceeded \$400,000 and overflow shelter costs so far since the Expo closed is approximately \$15,000. All asylum seekers who were previously housed at the Expo are either in permanent housing or residing at the City-run Family Shelter. Since closure of our emergency operations at the Expo, the City has been incurring additional costs to provide housing and basic necessities to asylum seekers, some of which may be reimbursed by the State's General Assistance Program. The City has not yet received reimbursement from the State because our General Assistance billing runs 90 days out. We just recently submitted for July reimbursements, but have not received payment yet. Once the amount of State reimbursement is known, the City will formally launch an application process for our non-profit partners who assisted with our aid to asylum seekers to seek reimbursement for their expenses incurred with remaining donated funds. Additional information will be formally announced by the City Communications Department on the application process no later than December 2019.

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

RESOLUTIONS:

Resolution 6-19/20 Supporting the Continued Protections of the Federal Law for the Deferred Action for Childhood Arrivals Program - Sponsored by Mayor Ethan K. Strimling

The United States Supreme Court will hear an appeal filed by the U.S. Department of Homeland Security against lower court rulings that have allowed continued protections under the Deferred Action for Childhood Arrivals program (DACA), established in 2012. In 2017, the Department of Homeland Security ordered that the program be rescinded and its protections against deportation and other benefits end for the approximately 800,000 registered Dreamers, as they are known.

That action has been fought in court, with lower courts ruling that rescinding the program is unlawful. Those decisions were in turn appealed, bringing the matter this year to the highest court in the country.

By this Resolution, the City Council would express its support for DACA and the continuation of the protections it offers people who were brought to this country as children. The Resolve further authorizes the City Attorney to sign, on behalf of the Council, in support of the amicus brief filed with the Supreme Court.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 44-19/20 Designating 17 Structures on or Adjacent to Forest Avenue as Historic Landmarks and Amending the Map of Designated Historic Resources - Sponsored by Jon P. Jennings, City Manager

The Historic Preservation Board met on July 24, 2019, and voted 6-0 to forward this item to the City Council with a recommendation for passage.

The Historic Preservation Board is recommending that seventeen 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of Portland's historic preservation ordinance. Properties recommended for landmark designation are as follows: 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue; and 536 Deering Avenue.

All of the buildings, located between the I-295 interchange and Woodfords Corner, are thematically related in that they represent key chapters in Forest Avenue's late 19th and early 20th century development, particularly its era as a street car line serving the emerging suburban neighborhoods around it as well as the period when this section of Forest Avenue was known as "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses. The Historic Preservation Board's recommendation is based on findings that each of the buildings meet the historic preservation ordinance's minimum criteria for designation.

Designation of Forest Avenue's key historic structures is pursuant to a number of expressed goals and strategies included in the City's recently adopted Comprehensive Plan, Portland's Plan 2030. In the Plan, Woodfords Corner is identified as a priority node warranting enhancement in order to better serve neighborhood needs. The Plan identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth. The Plan also recommends ongoing identification and designation of important historic assets, particularly in off-peninsula areas, and highlights historic preservation as an effective economic development tool. By preserving and enhancing Forest Avenue's key historic assets, the corridor's unique identity will be retained and the positive urban design characteristics exhibited by the identified historic structures will serve as a model for new development.

Landmark designation does not run counter to the City's goal of encouraging additional mixed-use, higher density growth along Forest Avenue. As is made clear in the cover document accompanying the recommended landmark designations and in the individual building descriptions themselves, the subject properties may be more intensively developed in the future, either through the construction of additional floors set back from the building façade and/or removal of noncontributing rear portions of the building for redevelopment. This preservation approach has been used effectively in numerous communities with designated one-or two-story historic auto showrooms.

This item was given a first reading on September 4, 2019. Second reading was given on September 16, 2019 and postponed to this meeting. Five affirmative votes are required for passage.

Order 54-19/20 Appropriating \$36,000 from the Housing Trust Fund to Home Start for Affordable Housing at 18 Luther Street - Sponsored by the Housing Committee, Jill C. Duson, Chair

The Housing Committee met on September 11, 2019 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

Home Start, a 501 (c) (3), is requesting \$36,000 from the Housing Trust Fund to make further upgrades on the single-family rental house and to add an accessory dwelling unit (ADU) to 18 Luther Place.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 55-19/20 Authorizing the Issuance of General Airport Refunding Revenue Bonds Series 2019 (Green Bonds) to Refund the Outstanding General Airport Revenue Bonds Series 2010 - Sponsored by Jon P. Jennings, City Manager

The Portland International Jetport requests City Council authorization to issue airport revenue refunding bonds in an amount not to exceed \$70,000,000. This authorization will allow the City to refund on a current basis the General Airport Revenue Bonds Series 2010 with new General Airport Refunding Revenue Bonds Series 2019 at a lower rate.

At current rates, this refunding is estimated to provide \$14.4 million in net present value savings or approximately \$900,000 of annual debt service savings to the Jetport over the 20 year term.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Seven affirmative votes are required for passage after public comment.

Order 56-19/20 Appropriating Proceeds of General Airport Refunding Revenue Bonds (Green Bonds) - Sponsored by Jon P. Jennings, City Manager

This is a companion order to Order 55-19/20 above. It appropriates the money received from the sale of the General Airport Refunding Revenue bonds to refund those Jetport bonds.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage.

Order 57-19/20 Establishing a Charter Commission - Sponsored by Danielle West-Chuhta, Corporation Counsel

Recently, a citizen-initiated petition to add a public financing system for Council elections to the charter failed and was indefinitely postponed by a vote of 6-2 due to technical and procedural deficiencies. If approved, these orders would put the question of whether to establish a Charter Commission for the purpose of revising the Charter to voters in the same way that the citizen-initiated petition would have had it contained language, contemplated by 30-A M.R.S. 2104(4), seeking alternative treatment of the question as a revision.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 58-19/20 Submitting the Question for the Establishment of a Charter Commission to the Voters at the Election on June 9, 2020 - Sponsored by Danielle West-Chuhta, Corporation Counsel

This is a companion order to Order 57-19/20, above.

This item must be read on two separate days. It received its first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 59-19/20 Approving Amendment To Portland City Code Chapter 10 Re: Life Safety Code 2018 Edition - Sponsored by Health and Human Services and Public Safety Committee, Councilor Belinda Ray, Chair

The Health and Human Services and Public Safety Committee met on September 19, 2019, and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment updates Chapter 10 of the Portland City Code to adopt the 2018 Editions of the National Fire Protection Association 101, Life Safety Code and National Fire Protection Association 1, Fire Code.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 60-19/20 Approving Traffic Schedule Amendment Re: Two-hour Parking on Waterville Street - Sponsored by Jon P. Jennings, City Manager

Waterville Street extends from Monument Street to Fore Street and is two-way with unrestricted parking on both sides of the street, except during weekly street cleaning events. The requested Council action would amend the Traffic Schedule to change unrestricted parking to two-hour parking between 9:00 a.m. and 6:00 p.m. for the entire length of Waterville Street. A map is included in the agenda backup.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 61-19/20 Amendment to Chapter 12, Prohibition on the Distribution of Plastic Straws, Stirrers, and Splash Sticks - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The amendment prohibits the distribution of plastic straws, plastic stirrers, and plastic splash sticks in the City of Portland with limited exceptions including distribution to individuals with a disability and straws included with pre-packaged drinks. It allows food and beverage providers to provide straws, stirrers, and splash sticks made of plastic to customers only upon request from its effective date April 1, 2020 until January 1, 2021, when these items will be prohibited.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 67-19/20 Releasing of Sewer Right of Way over Parcel 189-A-3 on Sewall Street - Sponsored by Jon P. Jennings, City Manager

This order approves the release of the City's interest in the 30-foot-wide sewer right of way that was abandoned in 1976 and that crosses over Parcel 189-A-3 on Sewall Street.

Five affirmative votes are required for passage after public comment.

Order 68-19/20 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor & Trades - Sponsored by Jon P. Jennings, City Manager

City staff has reached a tentative two (2) year contract agreement with AFSCME Labor & Trades which is within guidance received from Council on June 20, 2019. AFSCME Labor and Trades represents approximately 162 Trades, Maintenance, Mechanic and Custodial workers. The parties have tentatively agreed to a two (2) year contract with general wage increases of 2.50% effective July 7, 2019 and 2.75% effective July 1, 2018. The parties have further agreed to two (2) new longevity steps in the pay plan. A 12+ year step effective July 7, 2019 and a 15+ year step effective July 5, 2020. In addition, the parties have agreed to roll in \$.50/hour in the second year of the contract to all steps in the pay plan and eliminate several stipends, the meal allowance and the allowance for pants.

The parties also agreed to other minor contract language changes that do not add any costs to the City.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

The contract term is July 7, 2019 through June 30, 2021. The total direct costs of the general wage increases and other economic updates are approximately \$586,000.00 over the two-year term. The cost sheet is included the agenda backup.

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

Order 69-19/20 Approving the Collective Bargaining Agreement with the City Employees Benefit Association of the American Federation of State, County and Municipal Employees, Local 1373 - Sponsored Jon P. Jennings, City Manager

City staff has reached a tentative two (2) year agreement with our largest bargaining unit, the City Employees Benefit Association (CEBA) of the American Federation of State, County and Municipal Employees (AFSCME) Local 1373 representing approximately 500 City employees. The CEBA contract expired on June 30, 2019. Terms of the two-year agreement include a 2.50% general wage increase for Fiscal Year (FY) 2020 retroactive to July 7, 2019 and a 2.75% general wage increase effective July 1, 2020. The general wage increases are consistent with guidance received by Council on July 8, 2019 and they are consistent with other negotiated contracts for the same period. The contract term is July 7, 2019 through June 30, 2021. The total direct cost of the general wage increase is approximately \$810,000.00.

Other terms of the tentative agreement include: Article 26 – added \$75.00 per year for Support Team Workers to purchase non-slip footwear

Appendix B1 – upgraded the following positions:

Accountants Grade 11 to Grade 12

Customer Service Representative Grade 8 to Grade 9

Computer Operator Grade 10 to Grade 12

Geriatric Social Worker Grade 14 to Grade 15

There are also minor language changes that do not add any additional cost to the City. Other provisions of the contract remain intact for the term of the agreement.

The union membership has ratified the tentative agreement and the Administration recommends your support for the agreement.

The cost sheet is included in the agenda backup.

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

Order 70-19/20 Setting a Public Hearing on an Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on October 15, 2019 and voted 3-0 to forward a ranked choice voting amendment to the Portland City Charter to the City Council with a recommendation for passage. This item sets the public hearing on the proposed amendment for November 18, 2019.

The amendment itself, as recommended by the Legislative/Nominating Committee, proposes to make Ranked Choice Voting used for the election of all City Council and School Board seats, and sends the proposed amendment to the voters in March 2020.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 71-19/20 Approving Traffic Schedule Amendment Re: St. John and Valley Street Neighborhood - Sponsored by Jon P. Jennings, City Manager

On September 11, 2018, the City of Portland Planning Board conditionally approved a Level III site plan for Maine Medical Center's new 2,400 space employee garage at 190 St. John Street. The approved plan, which contemplates the introduction of a signal at the St. John Street/D Street intersection, includes numerous changes within the city's right of way on St. John Street, including the integration of new sidewalks, crosswalks, bicycle lanes, and turn lanes, and the elimination of approximately 13 spaces of on-street parking. As of October 15, 2019, Maine Medical Center has completed many of the changes to the right-of-way, including the striping of St. John Street, which has resulted in the elimination of on-street parking.

In the time since the site plan approval, and particularly since construction of the garage has affected the availability of on-street parking, neighbors have become increasingly aware of and concerned about the loss of on-street parking on St. John Street in the vicinity of D Street. The Department of Planning and Urban Development, the Parking Division, the City Manager's office, and the City Council have heard numerous complaints about potential impacts to residential and other properties in the area. In response, the Department of Planning & Urban Development has worked with the City Manager, the Department of Public Works, and the Parking Division to develop three potential changes to the city's traffic schedule, each of which would, either alone or in concert with the others, have the effect of restoring or creating neighborhood parking supply in the area of St. John Street. The goal of these changes is to address neighbors' concerns regarding loss of on-street parking while balancing the operational needs of MMC's garage and the city's broader street network. The changes include: 1) a change to the striping plan for St. John Street at D Street (*with two options presented here for Council consideration*); 2) a conversion of C Street to two-way operation between St. John Street and Valley Street; and 3) a change to time restrictions for on-street parking on the east side of Valley Street between C Street and D Street.

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

Order 72-19/20 Amendment to the Portland City Code Chapter 17 Re: Facial Recognition Technology Prohibition - Sponsored by Councilor Pious Ali

Concerns about loss of privacy and civil rights matters have arisen with the advent of facial recognition technology around the world. This prohibition, based on others in the United States that have already been adopted, prohibits the use of facial recognition technology by city officials and employees and does not provide any exceptions, including for law enforcement officers.

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

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

