

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)

NOVEMBER 4, 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:

PRESENTATIONS:

RECOGNITIONS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation - Sponsored by Mayor Ethan K. Strimling

Pursuant to the bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its annual meeting in the month of September each year or at a special meeting.

This year's Special Meeting Agenda includes:

1. Accepting, as a communication, the attached PDC FYE 2019 Activity and Financial Reports;
2. Reappointing Director Julie Viola; and
3. Transacting other business as may be deemed necessary.

PDC FYE 2019 Activity and Financial Reports

In 2019, PDC invested just over \$600,000 in 18 businesses and economic development projects, which leveraged over \$2 Million in private sector funds associated with creating 43 jobs and retaining 7 jobs. Fiscal Year 2019 loan activity included a public to private investment ratio of 1:6.

Order 73-19/20 Appointing Julie Viola as a Director of the Portland Development Corporation - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

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

This Order appoints Julie Viola as a Director of the Portland Development Corporation for a three-year term.

Five affirmative votes are required for passage after public comment.

ANNUAL MEETING:

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

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FY19 Activity and Financial Reports;
2. Appointment of members Eliza Ginn, Sam Mateosian, and reappointment of Gerard Salvo for three-year terms expiring 11/30/2022; and
3. Transaction of other business as may be deemed necessary.

In addition to its signature programs, like First Friday Art Walk and Arts in the Chamber, 2019 notable accomplishments include:

1. Cultural Plan Update of 2018: A Living Action Plan, adopted by City Council 3/19;
2. Arts & Culture Summit 2019 hosted at Ocean Gateway, with 200 cultural leaders;
3. Hear Here, a local talent showcase of performing artists at Merrill Auditorium, debuted to an audience of 700 on a Sunday afternoon in February, with Governor Janet Mills and Congresswoman Chellie Pingree in attendance;
4. NEA Our Town 2019 Grant recipient for Creative Bus Shelter Initiative;
5. Creative Portland Art Gallery (two show openings per year with over 100 attendees each);
6. 2 Degrees Portland program re-launched with Live + Work in Maine & People's United Bank as new sponsors; and
7. Fiscal Sponsorships (CP provided 13 sponsorships to fledgling organizations & initiatives).

Order 74-19/20 Appointing Eliza Gin, Sam Mateosian, and Gerard Salvo as Directors of the Creative Portland Corporation - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

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

This order appoints Eliza Gin, Sam Mateosian and reappoints Gerard Salvo as Directors of Creative Portland Corporation for three-year terms expiring on November 30, 2022.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft October 21, 2019 City Council Minutes.

PROCLAMATIONS:

Proclamation 5-19/20 Honoring The People of the Great City of Arkhangelsk - Sponsored by Mayor Ethan K. Strimling

Proclamation 6-19/20 Honoring Mark Adelson - Sponsored by Mayor Ethan K. Strimling

APPOINTMENTS:

CONSENT ITEMS:

Order 75-19/20 Declaring November 29, 2019 to December 22, 2019 the Portland Downtown Light Up Your Holidays Festival – Sponsored by Jon P. Jennings, City Manager

Order declaring November 29, 2019 to December 22, 2019 Portland Downtown's Light Up Your Holidays a Festival, to be held Fridays, Saturdays, and Sundays from November 29 to December 22, 2019, and Thursday, December 5, 2019. The Monument Square Tree Lighting is scheduled on Friday, November 29; Thursday, December 5 is Merry Madness, promoting local shopping.

Additional details about the event are included in the agenda backup.

Order 76-19/20 Declaring January 30, 2020 to February 1, 2020 the CarnavalME 2020 Festival – Sponsored by Jon P. Jennings, City Manager

This order declares January 30, 2020 to February 1, 2020 the CarnavalME 2020 Festival.

CarnavalME 2020 will run Thursday, January 30, 2020 through Saturday, February 1, 2020 and will be held on the Eastern Promenade Park (including the hillside and Cutter Street parking lots). Some events will be free to attendees, others will be ticketed events.

Additional details about the event are included in the agenda backup.

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

LICENSES:

Order 77-19/20 Granting Municipal Officers' Approval of Ada's Pasta, Inc. dba Ada's Pasta. Application for a Class III & IV FSE at 642 Congress Street - Sponsored by Jon P. Jennings, City Manager

Ada's Pasta, Inc. dba Ada's Pasta. Application for a Class III & IV FSE at 642 Congress Street.

Application was filed on 10/15/2019. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 78-19/20 Granting Municipal Officers' Approval of 207 Holdings LLC dba 207 Holdings. Application for a Class XI FSE at 337 Cumberland Avenue- Sponsored by Jon P. Jennings, City Manager

207 Holdings LLC dba 207 Holdings. Application for a Class XI FSE at 337 Cumberland Avenue.

Application was filed on 10/15/2019. New City and State applications. Location was previously Maria's Restaurant.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 162-18/19 Amendment to the Portland City Code Chapter 14 Re: Drive-throughs in the B-2, B-2b and B-2c Community Business Zones - Sponsored by the Planning Board, Sean Dundon, Chair

The Planning Board unanimously recommended adoption of text amendments to the B-2, B-2b and B2c zones to allow bank and pharmacy drive-throughs in all B-2 zones, but only when they are in developments that include upper story housing. Currently, drive-throughs associated with permitted uses are allowed in B-2 and B-2c as a conditional use, but no drive-throughs are allowed in the B-2b zone. This proposed amendment would allow drive-throughs in all of these zones, but only in multiple story buildings with housing above. Specifically, the proposed text amendments revise the B-2 Table of Uses to limit drive-throughs to those associated with a pharmacy or banking facility in the three B-2 zones as a conditional use. A proposed footnote in the Use Table clarifies that drive-throughs are not permitted for restaurant, bakery or other food or beverage service uses. The conditional use standards for drive-throughs are revised to only permit a drive-through (associated with a bank or pharmacy) in a building of 3 or more stories where a majority of the upper stories is devoted to 3 or more dwelling units. Screening, location of drive-throughs, and stacking capacity for safe pedestrian and vehicle circulation on and off site are included in the location standard and the other existing 5 standards are retained.

This item must be read on two separate days. It received its first reading on February 20, 2019. On April 22, 2019 the City Council postponed this item to this meeting. The Planning & Urban Development requests this be postponed indefinitely, in light of the current ReCode initiative to produce a new version of Chapter 14 (Land Use) of the City Code.

Order 59-19/20 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. At the October 21, 2019, City Council meeting this item was postponed to this meeting. 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. It was given a first reading on October 21, 2019. Five affirmative votes are required for passage after public comment.

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. It received its first reading on October 21, 2019. Five affirmative votes are required for passage after public comment.

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 (MMC) 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. It was given a first reading on October 21, 2019. Staff is recommending that this item be postponed to November 18, 2019.

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

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 item was given a first reading on October 21, 2019. Staff is recommending that this item be postponed to November 18, 2019.

ORDERS:

Order 79-19/20 Accepting and Appropriating the Firehouse Subs Public Safety Foundation, Inc. Grant of \$20,950.00 for Fire Equipment - Sponsored by Jon P. Jennings, City Manager

This item approves the Memo of Understanding from the Firehouse Subs Public Safety Foundation, Inc. and authorizes the City to accept the \$20,950.00 of grant funds awarded to the Portland Maine Fire Department for a one-time purchase of 50 pairs of Globe Boots. It also appropriates the funds for this use.

This item must be read on two separate days. The Council will be asked to waive the second reading and enact this order as an emergency. Seven affirmative votes are required to waive the second reading and also for passage as an emergency after public comment.

Order 80-19/20 Approving the Collective Bargaining Agreement with the Professional and Technical City Employee Association - Sponsored by Jon P. Jennings, City Manager

The collective bargaining agreement with the Professional and Technical City Employee Association expired on July 6, 2019. The Association is comprised of approximately 140 Professional and Technical employees, namely engineers, nurses and nurse practitioners and other jobs located throughout the City. The City staff has reached a tentative agreement for a two (2) year contract. Terms of the two year agreement include a 2.50% general wage increase for Fiscal Year 2020 retroactive to July 7, 2019; also effective July 7, 2019 is a longevity step at 15 years of service, and a 2.75% general wage increase effective July 5, 2020. The general wage increases are consistent with guidance received by Council on July 8, 2019.

Other terms of the tentative agreement include:

Article 11 – minor changes to who is eligible for shifts differentials and when they receive them

Appendix A – the following positions received one grade upgrades:

Elections Administrator

Historic Preservation Manager

Recreation Supervisor

Aquatics Supervisor

Human Services Councilors/Shelters

The total direct cost for the three-year agreement is approximately \$810,000.

Pro Tech members have ratified the two (2) year tentative agreement.

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

Order 81-19/20-19/20 Approving Modification to Agreement between Portland and Maine Department of Transportation Re: Cumberland Avenue Improvements - Sponsored by Jon P. Jennings, City Manager

This modification to agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill Cumberland Avenue, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet American Disability Act requirements, and all appurtenances when MaineDOT's contractor paves Cumberland Avenue. The modification obligates the City to pay MaineDOT for 25% of the work as its municipal share, or \$136,471.20, and an additional \$14,000.00 for manhole adjustments from a water resources fund. This is an increase \$37,196.20 from the original agreement due to higher bid prices currently occurring in the area.

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

Order 82-19/20 Approving the Modification to Agreement between Portland and the Maine Department of Transportation Re: Danforth Street Improvements - Sponsored by Jon P. Jennings, City Manager

This modification to agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill Danforth Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet American Disability Act requirements, and all appurtenances when MaineDOT's contractor paves Danforth Street. The modification obligates the City to pay MaineDOT for 25% of the work as its municipal share, or \$212,628.57, and an additional \$10,000.00 for manhole adjustments from a water resources fund. This is an increase of \$35,978.57 from the original agreement due to higher bid prices currently occurring in the area.

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

Order 83-19/20 Approving Modification to Two-Party Agreement between Portland and the Maine Department of Transportation Re: India Street Improvements - Sponsored by Jon P. Jennings, City Manager

This modification to agreement, between Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street and adjust the City's sanitary sewer manhole frames and covers, as necessary, when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$183,874.00, and an additional \$10,000.00 for manhole adjustments from a water resources fund. This is less than the original agreement cost the City, due to removing American Disability Act requirement work and an error in the original state estimate.

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

Order 84-19/20 Approving the Application for, Acceptance and Appropriation of an up to \$250,000 Brownfields Assessment Grant - Sponsored by Jon P. Jennings, City Manager

City Council approval is sought to submit an application to the United States Environmental Protection Agency (EPA) for up to \$250,000 of additional Brownfield Assessment Grant Funding, as well as accepting and appropriating the Grant if awarded.

At this time, only \$40,000 remains of \$200,000 in Assessment Funds that the City received from EPA in 2018.

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

AMENDMENTS:

Order 85-19/20 Amendment to Portland City Code Chapter 3 Re: Brewery Manufacturing Licenses - Sponsored by Jon P. Jennings, City Manager

The City of Portland enacted an ordinance to license Brewery, Winery and Distillery Manufacturing businesses as part of the budget process for fiscal year 2020, and the City Council voted later to delay the implementation until November 1, 2019, requesting review of the classifications. This amendment aligns the city ordinance with the current state definition, revised by the Maine State Legislature effective in September, 2019. A large brewery, winery or distillery has, under that definition, a gallon amount of 930,000 gallons of annual product. Two businesses in Portland fall under that classification. Twenty-eight businesses would be, under this amendment, classified as a small brewery, winery or distiller, manufacturing less than that. License fees are \$250.00 for small and \$2,000 for large breweries, wineries and distilleries.

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: