

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 18, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a Special City Council meeting at 4:30 p.m. in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

State of the Schools Address - Roberto Rodriguez, Chair, Portland Board of Public Education

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft City Council Minutes of November 4, 2019.

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

Order 86-19/20 Granting Municipal Officers' Approval of The Francis LLC dba The Francis. Application for a Class I-A Hotel at 747 Congress Street - Sponsored by Jon P. Jennings, City Manager

The Francis LLC dba The Francis. Application for a Class I-A Hotel at 747 Congress Street.

Application was filed on 10/24/2019. New City and State applications. Applicant previously held a Class I FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 87-19/20 Granting Municipal Officers' Approval of The Knotted Apron LLC dba The Knotted Apron. Application for a Class I FSE with Outdoor Dining on Private Property at 496 Woodford Street - Sponsored by Jon P. Jennings, City Manager

The Knotted Apron LLC dba The Knotted Apron. Application for a Class I FSE with Outdoor Dining on Private Property at 496 Woodford Street.

Application was filed on 10/28/2019. New City and State applications. Location was previously JP's Bistro.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

Com 3-19/20 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 since the Expo closed through October is approximately \$15,000. 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. The City 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 the City's 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.

In October, the City of Portland was awarded \$864,079 through the Federal Emergency Management Agency's (FEMA) Emergency Food and Shelter National Board Program (EFSP). Staff continue to work with FEMA to execute this award. No funds have been received yet.

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

RESOLUTIONS:

Resolve 7-19/20 Outlining Policy Goals for the City of Portland's Single-Adult Shelter Facility - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda Ray, Chair

The Health & Human Services and Public Safety Committee met on November 12, 2019 and voted 3-0 to forward this resolve to the City Council with a recommendation for passage.

The resolution provides a history of the Oxford Street Shelter and the City of Portland's efforts to provide shelter and services for single adults at this facility. It also codifies the will of the Council to continue the city's Housing First approach and its award-winning Long-Term Stayers Initiative at the current single adult shelter, and to commit to the following policy goals:

- Expand diversion and prevention tactics to prevent more individuals from ever entering homelessness;
- Work with other cities and towns to develop a regional strategy for addressing homelessness and more equally distributing the responsibility of caring for the homeless across municipalities;
- Continue pursuing partnerships to address the needs of specific homeless populations, increase the supply of permanent housing for the chronically homeless, and reduce the average nightly census at the City run facility; and
- Develop clear guidelines establishing that services provided by the shelter, including meals, are only for shelter clients who have completed or are completing the intake process.

With regard to capacity, the committee settled on the following guidance:

- Ensure the new facility is built with ample capacity to handle our current average annual nightly census for the previous 12 months. As of September 30, 2019, the average nightly census for the previous 12 months was 210;
- Ensure the new facility has adequate capacity to handle overflow onsite as needed; and
- Over time, as the average nightly census regularly and on a year-round basis comes in below 200, consider establishing an appropriate cap on city services at the facility, with sufficient advanced notice to other communities and the State government regarding when said cap will go into effect.

Five affirmative votes are required for passage after public comment.

Resolve 8-19/20 Supporting the Youth Strikes for Emergency Climate Crisis Action in Maine - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The Sustainability and Transportation Committee met on October 16, 2019, and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This Resolution declares a climate emergency and commits the City to seek opportunities to achieve carbon neutrality by 2030.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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. On November 4, 2019, this item was postponed to November 18, 2019. Five affirmative votes are required for passage after public comment.

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. On November 4, 2019, this item was postponed to November 18, 2019. Five affirmative votes are required for passage after public comment.

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, and others will be ticketed events. Additional details about the event are included in the agenda backup.

Consideration of this item was postponed to this meeting at the November 4, 2019 City Council Meeting. Five affirmative votes are required for passage 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. It was given a first reading on November 4, 2019. Five affirmative votes are required after public comment.

Order 81-19/20 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. It was given a first reading on November 4, 2019. Five affirmative votes are required after public comment.

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. It was given a first reading on November 4, 2019. Five affirmative votes are required for passage after public comment.

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. It was given a first reading on November 4, 2019. Five affirmative votes are required for passage after public comment.

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. It was given a first reading on November 4, 2019. Five affirmative votes are required for passage after public comment.

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, an 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, 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. It was given a first reading on November 4, 2019, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 88-19/20 Accepting an Easement Deed for a Bus Shelter at 758 Stevens Avenue from the University of New England - Sponsored by Jon P. Jennings, City Manager

The University of New England (UNE) in coordination with Greater Portland Transit District (METRO) is seeking to install a bus shelter on UNE's property near the Armory building on campus in an effort to increase usage of public transportation by UNE students, faculty and staff, as well as by residents of Park-Danforth and the neighborhood. In order to do this, UNE seeks to grant easement to the City and to construct a concrete pad on said easement on which METRO shall install a bus shelter.

Five affirmative votes are required for passage after public comment.

**Order 89-19/20 Setting Election Date on Amendment to the Portland City Charter
Re: Ranked Choice Voting - 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 this item to the City Council with a recommendation for passage.

This order sets the election date for the amendment to the Portland City Charter on Ranked Choice Voting as March 3, 2019.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

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

EXECUTIVE SESSION:

Potential Executive Session, Pursuant to 1 M.R.S. Section 405(6)(E), to Consult with the City's Attorney Regarding the City's Legal Rights and Duties relating to Homeless Shelter Policies - Sponsored by Danielle West-Chuhta, Corporation Counsel