

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

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

FEBRUARY 3, 2020 CITY COUNCIL AGENDA

The Portland City Council will hold the Regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Kate Snyder, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the January 22, 2020 Draft City Council Minutes.

PROCLAMATIONS:

Proclamation 7-19/20 Honoring Nell Donaldson as Employee of the Month for September 2019 - Sponsored by Mayor Kate Snyder

Proclamation 8-19/20 Honoring Jessica Hanscombe as Employee of the Month for October 2019- Sponsored by Mayor Kate Snyder

Proclamation 9-19/20 Recognizing Black History Month 2020 - Sponsored by Mayor Kate Snyder

APPOINTMENTS:

**Order 121-19/20 Appointing Members to Various Boards and Committees -
Sponsored by the Nominating Committee, Councilor Pious Ali, Chair**

The Nominating Committee met on January 21, 2020 and voted (3-0) to send forward the following recommendations to the Various Boards and Committees.

Names	Board and Committee	Expiration
Brandon Mazer	Planning Board	02/28/2023
Marpheen Chann *	Planning Board	02/28/2023
Reggie Parson	Police Citizen Review Subcommittee	03/30/2023
Emily West	Police Citizen Review Subcommittee	03/30/2023
Kaylin Kerina *	Police Citizen Review Subcommittee	03/30/2023
Karen Snyder	PMAC-Resident	03/30/2023
Priscilla Skerry	PMAC-Resident	03/30/2023
Aaron Berger	Rental Housing Advisory Committee	03/30/2023
Crow Norlander	Rental Housing Advisory Committee	03/30/2023
Nora Graves	Rental Housing Advisory Committee	03/30/2023
Amy Carole *	Rental Housing Advisory Committee	03/30/2023
Jennifer Fox*	Land Bank Commission	06/30/2023
Barbara Brewer*	Board of Assessment Review	09/30/2020

* Indicates new member

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 122-19/20 Declaring May 25, 2020 the Memorial Day Parade Festival -
Sponsored by Jon P. Jennings, City Manager**

The Memorial Day Parade will be held Monday, May 25, 2020, on Congress Street from Longfellow Square to Monument Square from 10:30 a.m. to 12:00 p.m., organized by the American Legion, Harold T. Andrews Post No. 17.

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

Order 123-19/20 Adding Two October Sundays to the Sundays on the Boulevard Festival - Sponsored by Jon P. Jennings, City Manager

The Sundays on the Boulevard Festival, approved on January 22, 2020 by Order 112-19/20, shall be extended from October 11, 2020 to October 25, 2020.

**Order 124-19/20 Declaring August 1, 2020 the Picnic Craft Fair Festival -
Sponsored by Jon P. Jennings, City Manager**

The Picnic Craft Fair will be held Saturday, August 1, 2020, from 11:00 a.m. to 6:00 p.m., at Lincoln Park, with a rain date of Sunday, August 2.

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

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

LICENSES:

**Order 125-19/20 Granting Municipal Officers' Approval of Red House 332 LLC
dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public
Property at 547 Congress Street - Sponsored by Jon P. Jennings, City Manager**

Red House 332 LLC dba Broken Arrow. Application for a Class XI FSE with Outdoor Dining on Public Property at 547 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously West End Deli.

Five affirmative votes are required for passage after public comment.

**Order 126-19/20 Granting Municipal Officers' Approval of Flores Restaurant LLC
dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street -
Sponsored by Jon P. Jennings, City Manager**

Flores Restaurant LLC dba Flores Restaurant. Application for a Class I FSE at 431 Congress Street.

Application was filed on 1/13/2020. New City and State applications. Location was previously Mainely Wraps.

Five affirmative votes are required for passage after public comment.

Order 127-19/20 Granting Municipal Officers' Approval of The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street - Sponsored by Jon P. Jennings, City Manager

The Oasis II LLC dba Oasis. Application for a Combined Entertainment License at 42 Wharf Street.

Application was filed on 1/9/2020. Applicant currently holds a Class A Lounge license with Entertainment with Dance. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

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.

Public comment was taken on November 18, 2019, but action on this Resolve was postponed twice, once to December 16, 2019 and then to February 3, 2020.

Five affirmative votes are required for passage.

COMMUNICATIONS:

Communication 9-19/20 RE: Asylum Seeker Donations - Sponsored by Jon P. Jennings, City Manager

The City opened the application process for non-profits to request reimbursement for assistance provided to asylum seekers at the end of November 2019. The City is pleased to announce it has awarded 11 community partner organizations with more than \$140,000 as part of an initial round of funding from the asylum seeker donations the City received. The funds are reimbursement for the assistance the non-profit groups provided to asylum seekers while the City operated an emergency shelter at the Expo.

The 11 organizations include:

Catholic Charities of Maine (\$5,675)
Greater Portland Health (\$4,671)
Greater Portland Immigrant Welcome Center (\$4,900)
Greater Portland Transit District - METRO (\$6,075)
LearningWorks (\$480)
Immigrant Legal Advocacy Project (\$6,178)
Maine Emergency Management Agency - MEMA (\$11,946)
Portland Public Schools (\$15,108)
The Emergency Action Network - TEAN (\$11,765)
Town of Brunswick (\$70,000)
Wayside Food Programs (\$5,000)

The backup material shows the description of services provided from each organization. The City is still accepting applications on an on-going basis. Organizations interested in receiving information on how to apply should send an email to ASDonations@portlandmaine.gov.

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

UNFINISHED BUSINESS:

Order 120-19/20 Approving the Modification to Agreements between the Maine Department of Transportation, Portland Area Comprehensive Transportation System and Portland Re: Congress St. Signal & Intersection Improvements - Sponsored by Jon P. Jennings, City Manager

Both the proposed two-party and modification of three-party agreements obligate the Maine Department of Transportation (MaineDOT), Portland Area Comprehensive Transportation System (PACTS) and the City of Portland to update traffic signal controls, technology and communications and construct a number of new signal structures and related Americans with Disabilities Act (ADA) ramps. The work will allow for this section of Congress Street to be transit priority ready.

The two-party and modification to 3-party agreements obligate the City to pay \$317,518.34, or 25% of the total cost of the project estimated at \$1,270,073.37 and an additional \$3,200 for sewer/manhole adjustments. This is \$158,955.84 increase of municipal funds due to high bid pricing.

This item must be read on two separate days. It was given a first reading on January 22, 2020. Staff is requesting that this order be passed as an emergency, to make it effective immediately and allow the State to publish the Request for Bids for the work. Seven affirmative votes are required for passage as an emergency after public comment.

ORDERS:

Order 128-19/20 Renaming the Portland Exposition Building the James A. Banks, Sr. Exposition Building - Sponsored by Councilor Nicholas M. Mavodones, Jr.

This order renames the Portland Exposition Building the James A. Banks, Sr., Exposition Building.

Portland's historic Exposition Building was built in 1914, making it the second oldest arena in continuous operation in the United States. Today's Expo Center is an important fixture in Portland's economy and community, thanks to the vision and commitment of community leaders like James A. Banks, Sr.

In 1981, the City of Portland was struggling with how to reduce the deficit caused by public operation of The Expo. According to an article printed in the Portland Evening Express (Jan. 29, 1981), then-Portland City Manager Tim Honey had begun to make plans to sell or demolish the cavernous gymnasium after running a deficit of almost \$89,000 related to its operations in 1980.

The most significant opposition to the proposed sale or demolition came from the Advisory Committee of the Portland Exposition Building, led by James Banks. In this position, Mr. Banks spearheaded the fight to give operational responsibility for The Expo to the School Board and protect the City's primary venue of school sports programs and activities.

Mr. Banks, as Chairman of the Portland School Committee during The Expo's rescue and revitalization, was instrumental in its incredible turnaround. By 1986, his work had been deemed a success; over \$200,000 in improvements had been made to the once run-down, leaking building, including renovations to the gym floor, concession stands, and locker rooms. The ceiling was lowered to accommodate musicians, and the Expo was showing a \$20,000 net operating surplus (Press Herald, June 6, 1986).

Five affirmative votes are required for passage after public comment.

**Order 129-19/20 Approving the Agreement between Portland and South Portland
Re: Economic Assessment for the Portland Harbor Dredge Project -Sponsored by
Jon P. Jennings, City Manager**

The City of Portland, the City of South Portland, the Portland Harbor Commission, and the State of Maine Department of Transportation have worked for several years toward dredging the waters beside piers, marinas, and vessel support areas in Portland Harbor. Using state transportation funds and Environmental Protection Agency Brownfields Assessment Grants, the Dredge Team partners have recently applied for state and federal permits to perform dredging and sediment disposal benefiting 32 private and public properties on both sides of the Fore River.

The permit review process is well underway and, based on agency feedback, approvals are anticipated from all entities. Funding for the final design, bid document development, and dredge construction will require federal grants from the United States Department of Transportation BUILD program. The BUILD application process requires an economic assessment of the benefits and costs of the proposed project.

The City Council is asked to approve an inter-local agreement with South Portland to jointly fund the economic assessment. The agreement stipulates that the City of Portland will advertise a request for proposals (RFP) to conduct the economic assessment. The selection of a consultant team and cost will be shared equally by the two communities. The cost of the economic assessment is anticipated to be less than \$60,000, but the final cost will be determined by the RFP process. The City of Portland portion of the costs will be requisitioned from previously allocated Waterfront Tax Increment Financing District funds.

The South Portland City Council approved the agreement on January 14, 2020.

Five affirmative votes are required for passage after public comment.

**Order 130-19/20 Adopting Council Rules of Procedure for 2020 - Sponsored by
Mayor Kate Snyder**

The Rules and Reports Committee met on January 3, 2020 and January 27, 2020. At the January 3rd meeting, among other things, the Committee took public comment and reviewed the current City Council Rules in detail. On January 27, the Committee reviewed the final proposed revisions to the Rules and voted 3-0 to forward them to the full Council with a recommendation for approval.

The proposed revisions to the rules primarily involve amendments to Rules 12, 13 and 32, and address prior review of items by a committee, sponsorship of items, and various changes to the public comment procedures.

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

AMENDMENTS:

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