

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)

MARCH 16, 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 March 2, 2020 Draft City Council Minutes.

APPOINTMENTS:

Order 153-19/20 Appointing Wardens and Ward Clerks - Sponsored by Katherine L. Jones, City Clerk

The following people shall be appointed as Wardens and Ward Clerks from June 1, 2020 to May 31, 2021.

Warden	Ward Clerk	District/Precinct
Denise Shames	Anne Rand	1-1
Carol Morrisette	Frank Spring	1-2
Fred O'Keefe	Kimberly McIssac	1-3
Dennis Martin	Heather Tanguay	2-1
Susan Litchman	Roseanne Graef	2-2
Sarah Crampton	Christine Brown	3-1
Dale Kinney	Robert Smith	3-2
Alishia Grinnell	Melissa Newsome	4-1
John Coyne	Timothy Whitney	4-2
Barbara Harvey	Virginia Fisher	5-1
George Smyth	Edmond Szalajeski	5-2

Five affirmative votes are required for passage after public comment.

Order 154-19/20 Appointing Election Clerks for 2020 to 2022 - Sponsored by Katherine L. Jones, City Clerk

This order appoints the Election Clerks for a term beginning on May 1, 2020 and expiring on April 30, 2022. Please see the order for the list of names.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 155-19/20 Setting Time for Opening of Polls on June 9, 2020 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk

Pursuant to 21-A M.R.S. sec. 626, the hours of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m. Notices are posted in each district and at City Hall.

Order 156-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Justin Antonio Neves - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$675.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Justin Antonio Neves.

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 157-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Abdifatah Shariff Ali - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$2,540.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Abdifatah Shariff Ali.

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 158-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Rebecca Hassett - Sponsored by Jon P. Jennings, City Manager

This order authorizes the City Council to approve the transfer of \$620.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Rebecca Hassett.

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 159-19/20 Declaring July 24 & 25, 2020 the 18th Annual Greater Portland Festival of Nations - Sponsored by Jon P. Jennings, City Manager

The Festival of Nations is expanding for the Bicentennial Summer and will be held Friday and Saturday, July 24 & 25, 2020, at Deering Oaks Park.

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

Order 160-19/20 Declaring July 16 to September 3, 2020 the Friends of Eastern Promenade 2020 Summer Community Concert Series Festival - Sponsored by Jon P. Jennings, City Manager

This order declares the Friends of Eastern Promenade 2020 Summer Community Concert Series as a weekly festival. The event will be held at Fort Allen Park every Thursday evening from July 16 to September 3, 2020, from 5:00 p.m. to 9:00 p.m.

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

Order 161-19/20 Declaring July 14, 2020 to August 11, 2020 the LoveLincolnPark Summer Concert Series Festival - Sponsored by Jon P. Jennings, City Manager

This order declares Tuesday evenings, from July 14, 2020 to August 11, 2020, the LoveLincolnPark Summer Concert Series festival, organized by the Friends of Lincoln Park.

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

Order 162-19/20 Declaring June 28, 2020 the SummerSide Music & Arts Festival - Sponsored by Jon P. Jennings, City Manager

This order declares Sunday, June 28, 2020 the SummerSide Music & Arts Festival, to be held in Deering Oaks Park.

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

Order 163-19/20 Declaring June 21, 2020 the Make Music Portland Festival Day - Sponsored by Jon P. Jennings, City Manager

This order declares Sunday, June 21, 2020, as Make Music Portland Festival Day, with bands and musicians playing music all over the city, including in Monument Square, Congress Square Park, Deering Oaks Park, Post Office Park, Lobsterman Park, Lincoln Park, Longfellow Square, and Fort Allen Park, among other parks and squares.

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

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

LICENSES:

Order 164-19/20 Granting Municipal Officers' Approval of J & TL Inc. dba Andy's Old Port Pub. Application for a Class XI FSE with Indoor Entertainment at 94 Commercial Street - Sponsored by Jon P. Jennings, City Manager

J & TL Inc. dba Andy's Old Port Pub. Application for a Class XI FSE with Indoor Entertainment at 94 Commercial Street.

Application was filed on 11/25/2019. New City application. Applicant has a pending Class XI FSE license,

Five affirmative votes are required for passage after public comment.

Order 165-19/20 Granting Municipal Officers' Approval of Amigos Mexican Restaurant Inc dba Amigos. Application for a Combined Entertainment License at 9 Dana Street - Sponsored by Jon P. Jennings, City Manager

Amigos Mexican Restaurant Inc dba Amigos. Application for a Combined Entertainment License at 9 Dana Street.

Application was filed on 2/19/2020. Applicant currently holds a Class XI FSE license with Entertainment with Dance. Portland City Code 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:

Resolution 11-19/20 Calling on the Legislature to Pass LD 433, the Maine Equal Rights Amendment - Sponsored by Mayor Kate Snyder

This resolution calls on the Maine Legislature to pass LD 433, the Maine Equal Rights Amendment, which reads simply, "Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The Legislature has the power to enforce this section by appropriate legislation."

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 148-19/20 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Marginal Way Improvements - Sponsored by Jon P. Jennings, City Manager

The Marginal Way improvement project, for paving Marginal Way between 20 Marginal Way near Forest Avenue to Franklin Street, is part of the Municipal Partnership Initiative (MPI) Program. The City administers the project and receives 50% funding from the state Metropolitan Planning Organization (MPO). By signing the partnership agreement, the City is enabled to proceed with the project, obligating its MPO, Portland Area Comprehensive Transportation System (PACTS), to pay for 50% of the estimated project cost, or \$212,752.00. The local share of the cost of this project is funded through the Fiscal Year 2021 Capital Improvement Plan.

This item must be read on two separate days. It was given a first reading on March 2, 2020. Five affirmative votes are required for passage after public comment.

Order 149-19/20 Approving the Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System and the Maine Department of Transportation Re: Paving Washington Avenue from Presumpscot to Veranda - Sponsored by Jon P. Jennings, City Manager

The Washington Avenue Improvement Project, which includes paving from Presumpscot to Veranda Streets, is part of the Municipal Partnership Initiative (MPI) Program. The City administers the project and receives funding from the state Metropolitan Planning Organization (MPO). By signing the partnership agreement, the City is enabled to proceed with the project, obligating its MPO, Portland Area Comprehensive Transportation System (PACTS), to pay for for 29% of the estimated project cost, or \$97,248.00, which represent the remaining balance available to PACTS for funding the MPI program in City of Portland. The total City cost of this paving work, estimated to be \$239,672.00, would be paid from a Fiscal Year 2021 Capital Improvement Plan account established for this project.

This item must be read on two separate days. It was given a first reading on March 2, 2020. Five affirmative votes are required for passage after public comment.

Order 150-19/20 Approving the Agreement between Portland and the Maine Department of Transportation Re: Franklin Street Storm Drain at I-295 Exit 7 - Sponsored by Jon P. Jennings, City Manager

This order approves the agreement to replace a large culvert from Back Cove to the intersection of Franklin Street and Marginal Way. The state-funded culvert replacement is part of a larger initiative to design/build the Back Cove South Storage Facility (BCSSF). The culvert will serve as a separated storm drain for future Franklin Street corridor work. This dedicated storm drain will both reduce the volume of water collected in the Combined Sewer Overflow storage facility and reduce flooding in the Marginal Way and Somerset neighborhoods.

This item must be read on two separate days. It was given a first reading March 2, 2020. Five affirmative votes are required for passage after public comment.

Order 151-19/20 Approving the Modification to Three-Party Agreement between Portland, the Portland Area Comprehensive Transportation System, and the Maine Department of Transportation and Two-Party Agreement Re: Washington Avenue from Regan to Riverside - Sponsored by Jon P. Jennings, City Manager

This project requires a two-party agreement between The Maine Department of Transportation (MaineDOT) and the City of Portland and also a modification of a three-party agreement between Portland Area Comprehensive Transportation System (PACTS), MaineDOT, and the City of Portland.

Both agreements obligate MaineDOT to mill and fill Washington Avenue, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet Americans with Disabilities Act requirements, and all appurtenances when MaineDOT's contractor paves Washington Avenue between Regan Lane and Riverside Street.

The modification increases the total project estimate by \$192,613.00, and the municipal share by approximately \$48,000.00, due to higher bid prices since it was approved by Order 16-17/18 in August 2017, when it was originally estimated, and because of slightly longer paving limits. These agreements obligate the City to pay MaineDOT, through PACTS for 25% of the work as its municipal share, or \$164,094.00, and an additional \$22,500.00 for manhole adjustments from a water resources fund. The project is funded by the Fiscal Year 2021 Capital Improvement Plan.

This item must be read on two separate days. It was given a first reading on March 2, 2020. Five affirmative votes are required for passage after public comment.

Order 152-19/20 Amendment to Portland City Code Chapter 15 Re: Sound Mitigation Review Fee - Sponsored by the Health and Human Services & Public Safety Committee, Councilor Belinda S. Ray, Chair

The Health and Human Services & Public Safety Committee met on February 11, 2020 and voted 3 to 0 to recommend passage to the full Council.

This order would update the sound ordinance to include a \$150 fee to cover the cost of reviewing Sound Mitigation Plans.

This item must be read on two separate days. This item was given a first reading on March 2, 2020. Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 166-19/20 Amendment to Portland City Code Chapters 10, 11, 15 and 35 Re: Marijuana Business Licenses - Sponsored by the Health and Human Service and Public Safety Committee, Councilor Belinda Ray, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair

The Health and Human Services & Public Safety Committee and the Economic Development Committee met on February 25, 2020 and voted 6-0 to recommend passage to the full Council.

This order adds Chapter 35 Marijuana Licensing to the City Code and amends Chapter 11 to include marijuana food processing establishments and Chapter 15 to include the fees for new licenses. The order also adds sprinkler and gas detection requirements for marijuana extraction facilities to the fire code in Chapter 10.

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

Order 167-19/20 Amendment to Chapter 5 Re: Restricting Off-Leash Dogs in Baxter Woods - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The Sustainability and Transportation Committee voted 3-0 in support of the recommendation on February 26, 2020.

The Parks, Recreation, and Facilities Department is recommending that the City Council amend Chapter 5 of the City's Code of Ordinances in order to place new restrictions on the presence of off-leash dogs in Baxter Woods. Currently, Chapter 5 of the City's Code permits dogs to be off-leash in Baxter Woods so long as they are under voice control. The proposal seeks to impose limited restrictions on the presence of off-leash dogs in Baxter Woods in order to better fulfill the City's charge to maintain Baxter Woods as a bird sanctuary and to address public safety concerns.

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

Order 168-19/20 Amendment to Portland City Code Chapter 12 Re: Repeal of Single-use Carry-out Bag Ordinance - Sponsored by the Traffic and Sustainability Committee, Councilor Spencer Thibodeau, Chair

The Sustainability and Transportation Committee met on February 26, 2020 and voted 2-1 to recommend this item for passage by the City Council.

In July, 2019, Governor Janet Mills signed a new state law banning the distribution of plastic shopping bags in Maine. The new law has a provision that preempts local ordinances regulating plastic bags and gives the State of Maine the sole authority to do so. Corporation Counsel recommends the City Council repeal Portland's bag ordinance because the State's action nullifies it.

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:

EXECUTIVE SESSION: