

IN COUNCIL REGULAR MEETING May 16, 2011 VOL. 127 PAGE 107

ROLL CALL: Mayor Mavodones called the meeting to order at 7:05 P.M.
(Anton, Coyne, Leeman arrived during the Proclamations).

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor
Duson to approve the minutes of May 2, 2011 and May 9, 2011. Passage
6-0.

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

- Proc 31-10/11** Honoring Daniel McMahan, Recreation and Facilities
Management Department, as Employee of the Month for May 2011 –
Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 32-10/11** Honoring Jessica Googins as Police Officer of the Month
for April 2011 – Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 33-10/11** Honoring Maine Walks for Haiti, June 4, 2011 –
Sponsored by Mayor Nicholas M. Mavodones, Jr.
- Proc 34-10/11** Honoring Arbor Week, May 15-21, 2011 – Sponsored by
Mayor Nicholas M. Mavodones, Jr.

APPOINTMENTS:

CONSENT ITEMS:

- Order 230-10/11** Declaring “Lobster Fest 2011” as a Festival and Approving
Contract and Permits Therefor – Sponsored by Pat Finnigan, Acting
City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor
Donoghue for passage. Passage 9-0.

- Order 231-10/11** Declaring Fenix Theater Company’s “Shakespeare in the Park”
at Deering Oaks Park – Sponsored by Pat Finnigan, Acting City

Manager.

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Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

Order 232-10/11 Declaring “Kah Bang Arts Presents G Love & Special Sauce” as a Festival and Approving Contract and Permits Therefore – Sponsored by Pat Finnigan, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

Order 233-10/11 Declaring “Pier Revue, Featuring Dropkick Murphys” as a Festival and Approving Contract and Permits Therefor – Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

Order 234-10/11 Declaring 9th Annual Greater Portland Festival of Nations in Deering Oaks Park – Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

Order 235-10/11 Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5836(6) – Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Donoghue for passage. Passage 9-0.

LICENSES:

PUBLIC HEARINGS:

BUDGET ITEMS:

COMMUNICATIONS:

Com 4-10/11 Communication Re: Development Activity within the Congress Street Historic District since Designation in 2009 – Sponsored by Pat Finnigan, Acting City Manager.

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RESOLUTIONS:

Resolve 20-10/ Honoring and Supporting Public Employees and Their Rights to Organize and Bargain Collectively – Sponsored by Councilor Dory Richards Waxman.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage. Passage 7-2 (Leeman, Suslovic).

UNFINISHED BUSINESS:

Order 198-10/11 Granting Municipal Officer's Approval of NCPTWO, LTD, d/b/a FLASK at 117 Spring Street. Request to Add Outdoor Dining on Public Property – Sponsored by Katherine L. Jones, City Clerk. The Sound Oversight Committee met on May 11th and voted to forward this item back to the City Council with a recommendation for approval.

Motion was made by Councilor Anton and seconded by Councilor Dusen for passage. Passage 9-0.

Order 216-10/11 Authorizing FY 2012 Administrative Fees in Various Departments – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was postponed on May 2, 2011.

Motion was made by Councilor Dusen and seconded by Councilor Waxman for passage. Passage 9-0.

Order 217-10/11 Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2012 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Pat Finnigan, Acting City Manager. This was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

Order 218-10/11 Re: Self-Insured Liability Program - Sponsored by Pat Finnigan, Acting City Manager. This item was postponed on May 2, 2011.

Motion was made by Councilor Suslovic and seconded by Councilor Waxman for passage. Passage 9-0.

Order 219-10/11 Authorizing City Manager to Enter into Certain Agreements to Implement the FY 2012 Health and Human Services Budget –

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Sponsored by Pat Finnigan, Acting City Manager. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Duson for passage. Passage 9-0.

Order 220-10/11 Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements – Sponsored by Pat Finnigan, Acting City Manager. This item was postponed on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

Order 221-10/11 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was postponed on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Duson for passage. Passage 9-0.

Order 222-10/11 Amending 2002 Waterfront Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0 .

Order 223-10/11 Amending 2003 Bayside Tax Increment Financing Plan and Appropriating Funds – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

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Order 224-10/11 Amending Personnel Policies Re: City Council Appointees (City Manager, Corporation Counsel, City Clerk) – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair. This item was postponed on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

Order 225-10/11 Setting Salary of Acting City Manager – Sponsored by the Appointments and Non-Union Personnel Committee, Councilor John R. Coyne, Chair. This item was postponed on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0.

Order 226-10/11 Approving Salary Increase for Non-Union Personnel – Sponsored by the Non-Union Personnel Committee, Councilor John R. Coyne, Chair. This item was giving first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0.

Order 226A-10/11 Designating FY12 Funds for Specific Island Services – Sponsored by the Finance Committee, Councilor John M Anton, Chair. This item was giving first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Donoghue for passage. Passage 9-0.

BUDGET RELATED ORDINANCE AMENDMENTS:

Order 227-10/11 Amendment to Portland City Code Section 24-72(c) Re: Sewer User Charges – Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Coyne for passage. Passage 9-0.

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Order 228-10/11 Amendment to Portland City Code Chapter 25 § 119 (Streets, Sidewalks and Other Public Places) Re: Excavator's License Fee - Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

APPROPRIATION RESOLVE:

Order 229-10/11 Fiscal Year 2011-2012 Appropriation Resolve - Sponsored by the Finance Committee, Councilor John M. Anton, Chair. This item was given first reading on May 2, 2011.

Motion was made by Councilor Anton and seconded by Councilor Waxman for passage. Passage 9-0.

ORDERS:

Order 235 A-10/11 Approving Agreement with Maine Department of Transportation Re: Fore River Parkway Trail – Sponsored by Pat Finnigan, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Anton for passage. Passage 8-0. (Coyne out).

Order 236-10/11 Approving Modification to Agreement with Maine Department of Transportation Re: Safe Routes to Schools – Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Donoghue and seconded by Councilor Waxman for passage. Passage 8-0. (Coyne out).

Order 237-10/11 Approving Three-Party Partnership Agreements Between the City of Portland, the Maine Department of Transportation and the Portland Area Comprehensive Transportation System - Sponsored by Pat Finnigan, Acting City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to postpone this item until June 6, 2011. Passage 8-0 (Coyne out).

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- Order 238-10/11** Approving Agreement with Maine Department of Transportation Re: Somerset Street Extension - Sponsored by Pat Finnigan, Acting City Manager.
- Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 9-0.
- Order 239-10/11** Allocating \$350,000 in Home Program Funds to Community Housing of Maine for a Housing Project at 66-68 High Street – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. This is first reading.
- AMENDMENTS:**
- Order 240-10/11** Amendment to Portland City Code Chapter 14 Land Use Article III. Zoning RE: B-7 Zone – Sponsored by the Planning Board, Joe Lewis, Chair. This is first reading.
- Order 241-10/11** Amendment to Portland City Code Chapter 14 (Land Use), Article III Re: Housing Preservation and Replacement – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair. This is a first reading.
- Motion was made by Councilor Suslovic and seconded by Councilor Coyne to take up a un- agenda item for passage. Passage 9-0.
- Order 242-10/11** City of Portland, Maine Order reallocating excess bond proceeds. This is a first reading.
- Motion was made by Councilor Coyne and seconded by Councilor Donoghue to adjourn. Passage 9-0, 8:25 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk