

IN COUNCIL REGULAR MEETING SEPTEMBER 3, 2014 VOL. 130 PAGE 14

ROLL CALL: Mayor Brennan called the meeting to order at 7:20 P.M. All Councilors present.

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Suslovic and seconded by Councilor Leeman to approve the minutes of the August 4, 2014 Special City Council Meeting and August 4, 2014 Regular City Council Meeting. Passage 9-0.

PROCLAMATIONS:

Proc 4-14/15 Proclamation Recognizing Andres Verzosa – Sponsored by Mayor Michael F. Brennan.

Proc 5-14/15 Proclamation Honoring Mirjana Jankovic as Employee of the Month for August, 2014 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

Order 36-14/15 Order Appointing Police Cadet as Constable for 2014 – Sponsored by Danielle West-Chuhta, Corporation Counsel.

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

Order 37-14/15 Order Approving Appointment of Paul W. Rosenblum as Fair Hearing Officer – Sponsored by the Nominating Committee, Councilor Cheryl A. Leeman, Chair.

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

CONSENT ITEMS:

Order 38-14/15 Order Approving Transfer of Funds Under 15 M.R.S.A. Secs 5824(3) and 5826(6) RE: Paul Henry – Sponsored by Danielle West-Chuhta, Corporation Counsel.

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

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LICENSES:

Order 39-14/15 Order Granting Municipal Officers' Approval of Shangri-la Sichuan Cuisine LLC d/b/a Shangri-la at 90 Exchange St. Application for a Class I FSE License – Sponsored by Katherine L. Jones, City Clerk.

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

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 35-1/15 Order Authorizing Amendment to City Code Sec. 14-49 (Zoning Map Amendment) Re: First Amendment to Conditional Rezoning For 802-828 Ocean Avenue – Sponsored by the Portland Planning Board, Stuart O'Brien, Chair. This item was given first reading on August 4, 2014.

Motion was made by Councilor Mavodones and seconded by Councilor Marshall to refer Order 35 to the Housing and Community Development Committee.

Motion failed 3-6 (Coyne, Hinck, Donoghue, Leeman, Suslovic Brennan).

Motion was made by Councilor Duson, to amend Order 35 by adding 1) requirement for a blasting plan to part of the Planning Board review with an independent third-party seismologist conducting an evaluation for review and monitoring during construction, and an increase in the liability insurance binder from \$2m to \$4m; 2) establishes an expiration term for the agreement and a reversion clause to the original conditional agreement; and 3) seeks the greatest separation of access drive from Ridge Road as practicable. Councilor Duson withdrew her amendment.

Motion was made by Duson and seconded by Councilor Marshall for passage. Motion failed 4-5(Hinck, Donoghue, Leeman, Suslovic, Brennan).

Motion was made by Councilor Hinck and seconded by Councilor Suslovic to postpone order 35 indefinitely. Passage 5-4 (Duson, Mavodones, Coyne, Marshall).

ORDERS:

Order 40-14/15 Order Accepting Resignation of City Manager Mark H. Rees Effective September 3, 2014 – Sponsored by Mayor Michael F. Brennan.

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

Order 41-14/15 Order Appointing Sheila Hill-Christian as Acting City Manager Effective September 4, 2014, and Setting Annual Salary – Sponsored by Mayor Michael F. Brennan.

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

Order 42-14/15 Order Establishing the City Manager Search Committee – Sponsored by Mayor Michael F. Brennan.

Members of the City Manager Search Committee shall be Mayor Michael F. Brennan as Chair, and Councilors Jill C. Duson, Nicholas M. Mavodones, Jr., and Edward J. Suslovic.

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

Order 43-14/15 Order Receiving and Referring the India Street Sustainable Neighborhood Plan to the Housing & Community Development Committee, the Planning Board, and the Historic Preservation Board - Sponsored by Councilor Kevin J. Donoghue.

Motion was made by Councilor Donoghue and seconded by Councilor Leeman to postpone Order 43 to the September 15, 2014 City Council meeting. Passage 9-0.

Order 44-14/15 Order Granting Revocable License Agreement to 113 Newbury Street, LLC – Sponsored by Danielle West-Chuhta, Corporation Counsel.

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

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Order 45-14/15 Order Approving Rockland Avenue Stormwater Outfall Improvements at Capisic Pond Park – Sponsored by the Land Bank Commission, Councilor Cheryl A. Leeman and Tom Jewell, Co-Chairs.

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

Order 46-14/15 Order Authorizing General Obligation Bonds in an Amount not to Exceed \$700,000 Re: Somerset Street – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 47-14/15 Order Appropriating \$700,000 Bond Proceeds Re: Somerset Street – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 48-14/15 Order Approving and Authorizing the Acting City Manager to Sign the Second Amendment of the Purchase and Sale Agreement, The Guaranty and the Somerset Street Cost Share Agreement Re: The Federated Companies LLC – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone Order 48 until the September 15, 2014 City Council meeting. Passage 9-0.

Order 49-14/15 Order Approving and Authorizing the Acting City Manager to Amend the Bayside Housing and Urban Development 108/Brownfields Economic Development Initiative Grant Program RE: Somerset Street - Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue to postpone Order 49 until the September 15, City Council meeting. Passage 9-0.

Order 50-14/15 Order Authorizing a Loan from Finance Authority of Maine in an Amount not to Exceed \$3,500,000 – Sponsored by the Portland Development Corporation Board President, Jack Lufkin.

Order 51-14/15 Order Approving the Collective Bargaining Agreement with Professional and Technical City Employees Association (PRO TECH) – Sponsored by Danielle West-Chuhta, Corporation Counsel.

This is its first reading.

AMENDMENTS:

Order 52-14/15 Amendment to Portland City Code Section 15-12 Re: Valet Parking Fees and Expiration Dates – Sponsored by Danielle West-Chuhta, Corporation Counsel.

The Portland City Council approved permit fees for valet parking and valet parking special events in Order 234-12/13 on June 3, 2013. A companion order adding the fees to the fee schedule in Chapter 15, Section 12 was inadvertently omitted from the agenda request. This order is that companion order.

This is its first reading.

Order 53-14/15 Amendment to Portland City Code Chapter 14. Land Use Article III. Zoning, DIVISION 1. Generally, Section 14-47. Definitions, and DIVISION 14. I-M, I-Ma and I-Mb Industrial Zones Section 14-247. Permitted Uses. Re: Industrial I-M Zone – Sponsored by the Planning Board, Stuart O'Brien, Chair.

This is its first reading.

Motion was made by Councilor Coyne and seconded by Councilor Suslovic to adjourn. Passage 8-0 (Marshall gone).

A TRUE COPY.

Katherine L. Jones, City Clerk