

1. Agenda

Documents: [PUBLIC SAFETY 03-18-2014 AGENDA.PDF](#)

2. Food Truck Memo

Documents: [BITE INTO MAINE.PDF](#)

3. 3-18-14 Memo For PSH&H Committee

Documents: [03 18 2014 MEMO FOR PSHH COMMITTEE.PDF](#)

4. Performance And Management Study Update

Documents: [FIRE UPDATED DCUMENT.PDF](#)

5. Statewide Arrest Powers

Documents: [STATEWIDE ARREST POWERS.PDF](#)

CITY OF PORTLAND, MAINE

Agenda

Public Safety, Health and Human Services

DATE: 3/18/2014

TIME: 5:30 PM

LOCATION: Room 209

AGENDA

- 1 Meeting Called to Order and Minutes from February Meeting Reviewed - Chair Suslovic
(Please note: There will be no public comment on this item)
- 2 Food Truck Ordinance Update and Potential Changes - J.Thompson/Legal (Please note:
There will be public comment taken on this item)
- 3 Fire Department Update - J. LaMoria/FPD (Please note: There will be no public comment
taken on this item)
- 4 Statewide Arrest Powers for the Police Department - M. Sauschuck/PPD (Please note:
There will be public comment taken on this item)

Jennifer Thompson - Dear members of the Public Safety Committee and City Officials,

From: Bite into Maine <biteintomaine@gmail.com>
To: Edward Suslovic <edsuslovic@portlandmaine.gov>, Jill Duson <jduson@maine...
Date: 12/19/2013 4:18 PM
Subject: Dear members of the Public Safety Committee and City Officials,
CC: "Hall, Christopher" <chall@portlandregion.com>, <ccameron@portlandmaine....

Dear members of the Public Safety Committee and City Officials,

At your September meeting, you covered some food truck ordinance amendments. You also asked that we meet as a group to discuss what other changes we would like and proposed parking places for successfully operating in the city of Portland.

We have met twice as a group in the past 6 months, and this is information gathered from input from the food trucks Bite into Maine, Mainely Burgers, Small Axe, Love Cupcakes, Gustos, Wicked Good Street Kitchen, and the Gorham Grind.

We would appreciate if we could include this on the next agenda, so we could plan to strengthen and grow this growing sector of the Portland food scene with changes effective for the 2014.

If there is any other process we need to follow to have this on the meeting agenda, please inform us as soon as possible.

We propose the following:

Open Compass Park to a RFP process for a limited amount of permitted food trucks to operate as originally suggested by the Portland Food Truck Task force. This was a mutually agreed on area in the city that trucks could possibly operate more consistently, as well as have access to electricity.

Open all city parks to permitted food trucks with an RFP process. The hope is that permitted food trucks could cluster at any given point at any of them and draw more people to the city parks, i.e. Thursday nights at Eastern Promenade, Wednesday nights at Back Bay, Saturday mornings at Deering Oaks farmers market.

Allow permitted food trucks to operate on Monument Square in some capacity, perhaps starting with one or two days a week (similar to the farmer's market)

Adding metered parking spot designated for food trucks only, similar to the Uhaul program that currently exists in Portland. The specific area we discussed that would be beneficial are the current metered spots next to Monument Square.

Allow permitted food trucks to park in metered spots anywhere in the city after 6 p.m. when the meters expire to allow as long as they follow the other ordinance specifics in place

Best,

Sarah & Karl Sutton

--

Bite Into Maine

Mainecentric Mobile Food

www.BiteintoMaine.com

Winner of Portland's Best Lobster Roll!

Policy recommendations for Food Trucks and Trailers

Adopted by Creative Portland - October 5, 2011

Food Truck definition: a vehicle or trailer capable of mobility and licensed for the road used for the purpose of preparing and dispensing food and drinks.

1. Food Trucks must be at least 65 feet from a bricks and mortar restaurant unless restaurant agrees in writing to permit it.
2. Food Trucks can be no wider than 10 feet nor longer than 40 feet. (UPS trucks are 9.8 feet wide. Parking spaces are 20 feet long.)
3. Food Trucks can park in any legal non-commercial parking space, following all rules including turnover parking rules. Food Trucks cannot occupy commercial loading/unloading spaces.
4. Food trucks allowed in City Parks or schools but in parking areas only
5. Food trucks may not operate where restaurants are prohibited by zoning (except allowed in city parks or schools in parking areas).
6. Food Trucks can park in private parking lots with permission from their owners.
7. Food Trucks can park in Public Parking surface lots, but not in Parking Garages.
8. Food Trucks can not be parked overnight on city streets or city parking lots, but may be permanently sited on private land properly zoned.
9. Food Trucks are allowed to cluster.
10. Food Trucks must have receptacles for trash and recyclables.
11. Food Truck generators must follow National Park noise guidelines of 74db at 10 feet, 67 db at 23 feet, and 60 db at 50 feet.
12. Food Truck exterior lighting cannot exceed 5000 lumens (? - 75 watt bulb produces 1100 lumens)
13. Tiered permit cost-
 - Inspection cost (one time cost)- \$100
 - private parking lot, power from the pole or a building - \$750 yearly
 - mobile food truck with generator used in public ways - \$1500 yearly
 - single day license - \$50 daily
14. Seating not allowed
15. Food Trucks can operate the same hours that restaurants can (Bill's Pizza's closing hour)
16. Limit number of permits/licenses? No.
17. Standard Health, Safety, and Insurance rules should apply



CITY OF PORTLAND, MAINE
REQUEST FOR PROPOSALS
FOR CONCESSION OPERATIONS AT VARIOUS PARK LOCATIONS
DEPARTMENT OF PUBLIC SERVICES

The purpose of this Request is to solicit proposals from which the City of Portland, Maine can select qualified vendors to provide CONCESSION SERVICES at the following parks: Lincoln Park, Harbor View Park, Back Cove Trail, Deering Oaks Park, Western Prom, and Kiwanis Pool. Each of these locations will be awarded separately. These park areas are City owned and provides for varied recreational activities. The locations indicated on the map on page 8 are approximate and the exact location for carts is to be determined by site visits with city representatives upon awarding of contract. It is the intent of the City to have vendors offer to the public a variety of food products at reasonable cost, with preference given to fresh fruits and vegetables. The City makes no guarantee as to the number of patrons who will utilize these services.

Sealed Proposals will be received at City Hall, 389 Congress Street, Purchasing Office, Room 103, Portland, Maine 04101, until **3:30 p.m., Tuesday, February 28, 2012** at which time they will be publicly opened. Proposals that are late; submitted without the required surety; submitted without original signature(s), and/or submitted via fax shall not be accepted. Any other comments, information, etc., about their organization, which a bidder wishes to provide, should be attached on a separate sheet of paper and enclosed in the same envelope containing the City provided form. NOTE: All potential proposers are reminded that information contained in submitted material will be a public record.

Copies of the above documents will be available at the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, ME 04101. Each prospective bidder will be required to obtain from the City each copy of the proposal form and each set of plans; e-mail jrl@portlandmaine.gov, or phone (207) 874-8654, fax (207) 874-8652.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a vendor receive this Request from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

All inquiries dealing with this solicitation shall be made in writing, and be mailed or faxed to the Purchasing Office at 207-874-8652 (email: JRL@portlandmaine.gov) being received no later than five working days prior to the scheduled opening. A written response, if provided, will be in the form of an Addendum to the RFP and will be sent to all document holders registered in the Purchasing Office.

Addenda must be duly acknowledged with any submission. Corrections or changes to this document will be made only by written addendum; any oral explanation or interpretation shall not be binding. Proposers are cautioned not to contact City employees or Committee members concerning this procurement during the competitive procurement process or the evaluation process.

Proposals shall be submitted in sealed envelopes plainly marked on the outside with this Request's number and title. Six (6) complete copies/sets of the PROPOSAL AND ALL REQUESTED MATERIAL shall be submitted. The original copy, so marked, shall be signed with the firm's name, its corporate seal (if applicable) and bear the handwritten signature of an officer or an authorized employee having the authority to bind the company to a contract by his/her signature. Proposals must include a surety deposit in the amount of \$100.00. This deposit can be in one of the following forms: cash, a money order, a bank's treasurer's check, or a bank's cashier's check. Checks shall be made payable to the CITY OF PORTLAND, MAINE and they will be deposited in the City's account. Deposits will be returned to all unsuccessful proposers with the deposit(s) of the selected vendor(s) being retained and applied to the amount offered to the City for the concession site. If the successful proposer fails to sign and return the contract, with the required insurance certificates, within ten (10) working days after receiving notification by the Corporation Counsel's office that it is ready for signature, their deposit shall be forfeited and retained by the City as an agreed amount of liquidated damages.

The awarded Proposer(s) shall have the exclusive right to sell food products and non-alcoholic beverages if the applicant's menu is comprised of 50% or more fresh fruit or vegetable options. If an awarded applicant's menu is not comprised of 50% or more fresh fruit or vegetable options, there may also exist one additional vendor selling only fresh produce in that park.

NOTE WELL: this exclusive right SHALL NOT APPLY during the FOURTH of JULY or any other special event sponsored by the City at the Deering Oaks site. The City reserves the right to exclude other dates and areas as may be required. Especially in the case of City Council Declared Festivals, where the vendor would need prior permission from the Festival organizer in order to vend at the park that day. Vendors may operate on days they elect, making note that the City especially desires their presence between May 1 through October 1, although there are no requirements for daily sales. In relation to events happening in the park areas, the vendor and event organizer should work in conjunction with one another to ensure there are no conflicts with set-up, service, events, etc.

The sale of items shall be made only at designated sites within the park, with each site receiving prior City approval, taking into consideration proximity to traffic, play areas, private homes, etc. Signs and where and how they are displayed must receive prior City approval. Only "mobile type" carts or vehicles may be used, as neither temporary nor permanent structures may be erected. The unit must be self-contained, i.e. no use of electricity on-site. The vendor must comply with park rules to include no vehicles or units parked illegally, on the grass, or any other area within the park not designated for parking.

The initial contract award period will be from its execution until December 31, 2012, with the City retaining the option to extend any contract for two (2) additional one (1) year periods. The successful awardee(s) will immediately enter into a three (3) month probationary period beginning on or about June 25, 2012. During this probation the awardee's performance will be closely scrutinized by City staff. If the awardee's performance fails to consistently meet the standards specified within this Request, or as may be established by Portland City Council, his/her contract will be immediately

cancelled for cause. If his/her performance is acceptable, then he/she will be so notified and the contract will extend through the stated date.

The awarded Proposer(s) agrees to obtain all licenses, provide all equipment, observe and comply with all applicable Federal, State and or City rules and regulations, including those adopted by the City with respect to selling of foods (specifically reference the following sections of Portland City Code 18-25 and 25-27). The awardee(s) will be responsible for the disposal of all trash they or their customers generate away from the park site.

The awarded Proposer(s) will be required: to display menu boards on concession units and to provide prompt, efficient and courteous service. The public's right of use and enjoyment of the park shall not be infringed upon by any activity of the awarded Proposer(s). Their activities shall be conducted so as to render the best possible service to the public in a dignified manner and no pressure, coercion, persuasion or other forms of intimidation shall be used in an attempt to influence the public to use their services or buy their products. Operation must be conducted so as not to interfere, through excessive noise or odor, with the public's enjoyment of the park. Concession hours, during which services may be provided, shall receive prior approval by the City.

Any contract awarded may be cancelled, without cause, by the City giving thirty (30) days prior notice in writing to the awarded Proposer. The City may also cancel any contract immediately for cause due to non-payment of proposed fees or due to failure by a vendor's non-performance. Non-performance will include, but not limited to, the failure of the awarded Proposer to regularly provide the services identified herein without specific reason as to its cause and/or without the approval of the Department's Director, or designee.

Payment due the City under any contract awarded, shall be paid either in full for the entire year on contract signing or in equal monthly payments to the CITY of PORTLAND, MAINE, delivered in care of Principal Finance Officer, Department of Public Services, on or before the tenth (10th) day of each month for the previous month for which the payment is applicable. The first year's contract will be pro-rated.

The successful proposer(s) shall agree to save the City harmless from all losses, costs or damages caused by his/her acts or those of his/her agents, and before signing the contract, will produce evidence satisfactory to the Corporation Counsel of the City of Portland that he/she has secured AUTOMOBILE and PUBLIC LIABILITY insurance coverage in the amount of not less than \$400,000 combined single limit for bodily or personal injury, death and property damage, protecting the contracted firm and naming the City as an additional insured from such claims, and proof of Workers Compensation Insurance, if applicable. The City disclaims any and all responsibility for injury to the contractors, their agents or others at any time. The awarded proposer shall be an independent contractor and shall not represent themselves as employees or agents of the City.

SUBMISSION INFORMATION

Proposers shall include the following information and submittals:

- a) Letter of Transmittal – this letter will summarize in a brief and concise manner, the proposer understands of the Scope of Work and make a positive commitment to timely performance of work. The letter must name all of the persons authorized to make representations for the proposer, including the titles and addressed and telephone numbers of such persons.

- b) Identify the type of business entity involved (e.g. sole proprietorship, partnership, corporation, etc.)
- c) Qualifications and experience of the firm/individuals(s) who will provide the services. Provide a summary of the offeror's experience in concession operations, including firm's history, references (attaching letters if available), etc.
- d) Provide a proposed plan that explains and/or illustrates the type of concession services you intend to provide, the methods and equipment to be used, innovative ideas/approaches. The plan may be accompanied by pictures, layouts and other appropriate information that will convey to the City exactly what you are proposing. Include proposed menu with pricing.
- e) Provide a summary of litigation filed by or against the proposer in the past five (5) years which is related to the services that proposer provides in the regular course of business.
- f) State your price proposal. The City allows each Offeror to submit their own proposal regarding the amount he/she is willing to pay for concession rights. Each Offeror is given the opportunity to specify a fixed yearly amount for this location.

SELECTION PROCESS/EVALUATION CATEGORIES

It is the intent of the City to select those proposers who demonstrate the ability to provide the highest quality service to the public and who will provide the highest revenue to the City. In evaluating the proposals, the city will consider the following factors, none of which, standing alone, will become conclusive:

ITEM	CRITERIA	WEIGHT
1.	PRICE PROPOSAL - amount and type	25 %
2.	QUALIFICATIONS – variety, volume and quality of equipment owned; past experience of individuals and/or firms previous contracting experience with the City and/or other government entities; responsiveness of proposal regarding format.	25 %
3.	PLAN OF OPERATION – operational plan, understanding of City's needs, technical soundness of proposal, appropriate hours of operation, reasonableness of proposed menu list.	50 %

Interviews may be conducted with any proposer to clarify submitted material. The City further reserves the right to negotiate with the selected vendor(s) as to the terms of the contract, including but not limited to price, plan of operation, etc. All negotiations are intended to lead to a binding contract(s) with all contracts requiring City Council approval.

EQUAL EMPLOYMENT OPPORTUNITIES

Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional

Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

RESERVATION OF RIGHTS

The City of Portland reserves the right to waive any informalities in Proposals, to accept any Proposal or portions thereof and to reject any and all Proposals should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate proposer's qualifications, capability to perform, availability, past performance record and to verify that proposers are current in their obligations to the City.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

February 13, 2012

Matthew F. Fitzgerald
Purchasing Manager

*****THIS FORM MUST BE SIGNED AND RETURNED WITH YOUR PROPOSAL*****

Request for Proposals to Provide Concession Operations in Various City Parks

The **UNDERSIGNED** hereby declares that he, she or they are the only person(s), firm or corporation interested in this proposal as principal; that it is made without any connection with any other person(s), firm or corporation submitting a bid for the same.

The **UNDERSIGNED** hereby declares that they have read and understand all conditions as outlined herein, and that the proposal is made in accordance with same.

The **UNDERSIGNED** hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal, or in any profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principals or shareholders of your firm or you. If in doubt of status or interest, please disclose to the extent known.)

The **UNDERSIGNED** acknowledges the receipt of Addenda numbered _____

COMPANY NAME: _____

AUTHORIZED SIGNATURE _____ **DATE:** _____

PRINT NAME AND TITLE: _____

ADDRESS: _____

DAYTIME PHONE NUMBER: _____ **FAX NUMBER:** _____

TYPE OF ORGANIZATION: Individual ____ Partnership ____ Other ____ Corp. ____

STATE OF INCORPORATION, if applicable: _____

FEDERAL TAX IDENTIFICATION/SOCIAL SECURITY NUMBER: _____

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

SEE FOLLOWING PAGE FOR SUBMISSION OF PRICE PROPOSALS

*****THIS FORM MUST BE RETURNED WITH YOUR PROPOSAL*****

The above signed agrees to pay the City of Portland, Maine for the exclusive privilege, as described herein, for a period of one year, to provide CONCESSION SERVICES at:

Deering Oaks: _____ PER YEAR

Lincoln Park: _____ PER YEAR

Harbor View Park: _____ PER YEAR

Back Cove Trail: _____ PER YEAR

Western Prom: _____ PER YEAR

Kiwanis Pool: _____ PER YEAR

Please provide a price for each location you are interested in.

NOTE: It is not necessary to bid on all locations.

No person shall operate a mobile food service establishment in any park or on any public grounds except in accordance with the provisions of this section.

- (a) *Permit authority.* The city manager or his designee is authorized to issue revocable, nontransferable permits for the operation of licensed mobile food service establishments in any park or on any public grounds, including but not limited to recreation areas and playing fields. Said permits may be subject to such terms and conditions as the city manager or his designee deems advisable, including restrictions on the time, place and manner of operation; however, no such permit shall be issued or remain valid without the holder's maintaining adequate public liability and other insurance coverage protecting the city at all times.
- (b) *Permit fees.* The fees for issuance of permits authorized under this section shall be the same as provided in section 25-27 for street and sidewalk occupancy permits.
- (c) *Revocation; trespass.* Permits authorized under this section may be revoked at any time by the city manager or his designee upon actual notice to the holder. Any person who remains on or returns to any park or public grounds for the purpose of operating a mobile food service establishment without a valid permit issued under this section shall be liable for trespass.
- (d) *Exceptions.* This section shall not apply to the operation of mobile food service establishments in any park or on any public grounds by or in conjunction with the sponsor of any festival, celebration or other special event authorized by the city council.

(Ord. No. 655-84, § 1, 5-30-84)

Sec. 18-26. Reserved.
Sec. 18-27. Reserved.
Sec. 18-28. Reserved.
Sec. 18-29. Reserved.
Sec. 18-30. Reserved.

Sec. 18-31. Reserved.
Sec. 18-32. Reserved.
Sec. 18-33. Reserved.
Sec. 18-34. Reserved.
Sec. 18-35. Reserved.
Sec. 18-36. Reserved.
Sec. 18-37. Reserved.
Sec. 18-38. Reserved.
Sec. 18-39. Reserved.

Sec. 18-40. Permit required.

(a) Any person who desires to conduct or sponsor an event at a park or public ground of the city in which it could reasonably be assumed that twenty-five (25) or more persons might gather or participate shall first apply for and obtain a permit from the permitting authority as defined in section 18-41. The application for a permit shall be filed with the appropriate permitting authority no later than thirty (30) days prior to the proposed event.

(b) An application for a permit shall be accepted by the permitting authority no earlier than eighteen (18) months prior to the proposed event.

(c) Applications for permits filed less than thirty (30) days prior to the proposed event shall be subject to a late fee which shall be established by order of the city council.

(d) Events sponsored or conducted by the city shall be exempt from permitting requirements.

(e) Athletic events regulated by the recreation department are exempt from this requirement.

(f) The council shall define by order the parks and public grounds to which this permit requirement shall apply, and such order shall be kept on file in the office of recreation.*

(Ord. No. 203-91, 1-23-91; Ord. No. 56-05/06, 9-19-05)

* **Editor's note** - The list below was passed by Council Order 257-91 on 2-20-91, and amended by Council Order 54 passed on 9-19-05.



Policy - Procedure Planning and Urban Development Department Planning Division

Written by: Caitlin Cameron, Urban Designer

Date: March 11, 2014

Subject: Mobile Food Service Vending in Public Parks

Previously, mobile vendors have been allowed to locate in City Parks through an RFP process.
Those areas previously included through an RFP include:

Back Cove Park
Deering Oaks Parking Lot
East End Beach
Kiwanis Pool
Lincoln Park
Western Promenade

The proposed list of spaces has been revised (*revisions in italics*) and would include the following:

Pushcarts would be allowed to operate in the following locations:

East End Beach (1 space)
Kiwanis Pool (1 space)
Lincoln Park (2-3 spaces)
Western Promenade (1 space)

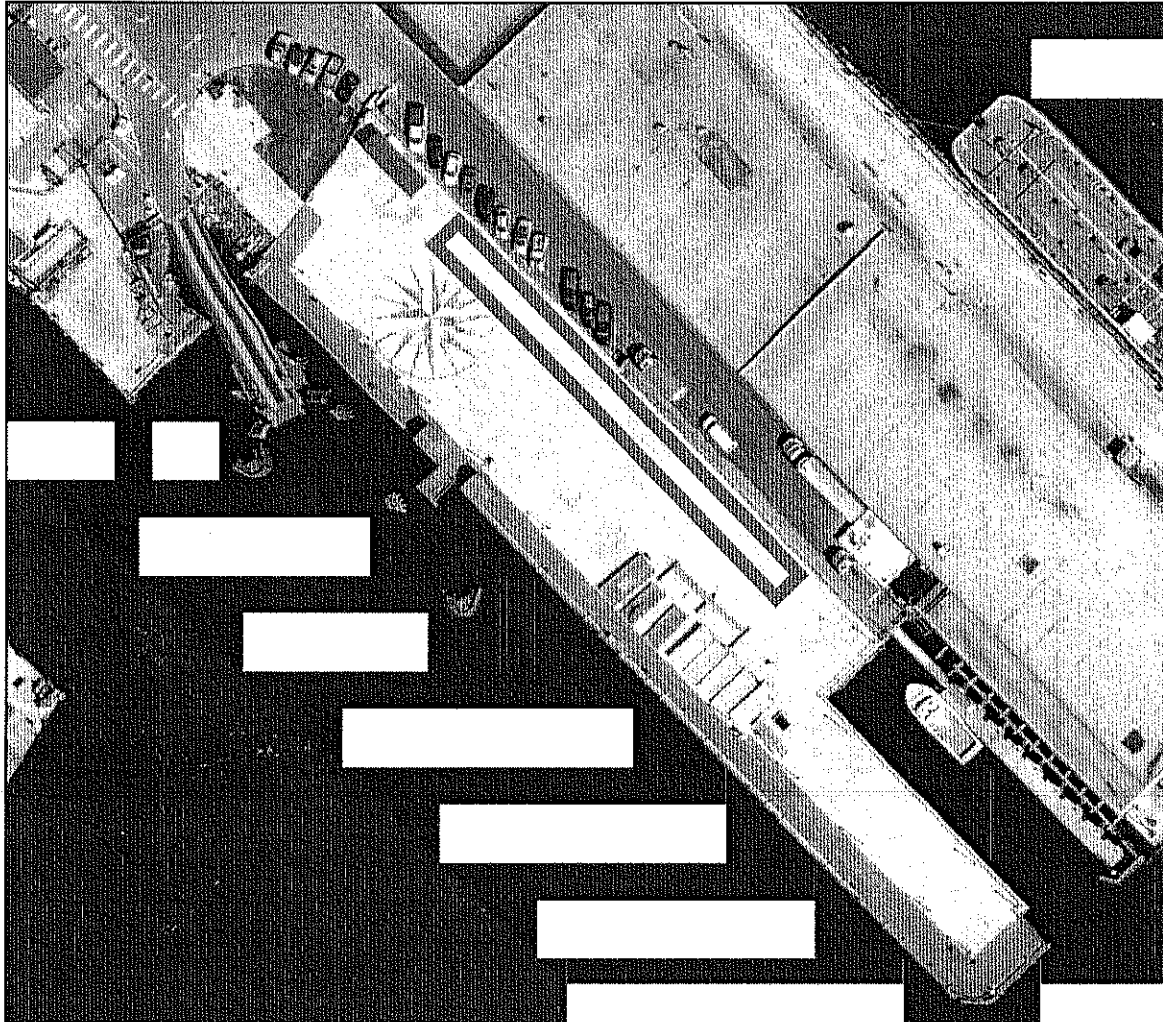
Food Trucks would be allowed to operate in the following locations:

Back Cove Park (1 space)
Compass Park (1-2 spaces)
Congress Square Plaza (1-2 spaces)
Deering Oaks Parking Lot (2 spaces)
Kiwanis Pool Parking Lot (1 space)
Lincoln Park (1-2 spaces)
Western Promenade (1-2 spaces)

- Proposed locations are depicted in the attached diagrams.

- Two permits are proposed – one for Food Trucks in City Parks and one for Pushcarts in City Parks. Two permit types are required because the size of the mobile units differ (Food Trucks need a space that is 10' x 24' while Pushcarts need a space that is 8.5' x 7') which affects where in the public parks the mobile food service can be (meaning that the park locations for food carts and food trucks are not the same).
- All existing Rules and Regulations pertaining to Food Trucks and Pushcarts would continue to apply to mobile food vending units with permits to operate in City Parks except as noted below.
- A system has yet to be devised for designating the locations and times for these permits. Depending on interest and feedback from the Food Truck Task Force, a lottery system might be the most suitable method for distributing permits.
- In the case of each permit type, the following would be true for Mobile Food Service in City Parks:
 1. An application must be submitted on a form provided by the City Clerk's office
 2. Operation would follow park hours from 6:00am to 10:00pm in the following locations:
 - a. For Food Trucks
 - Back Cove Park (1 space)
 - *Compass Park (1-2 spaces)*
 - *Congress Square Plaza (1-2 spaces)*
 - Deering Oaks Parking Lot (2 spaces)
 - *Kiwanis Pool Parking Lot (1 space)*
 - Lincoln Park (1-2 spaces)
 - Western Promenade (1-2 spaces)
 - b. For Pushcarts
 - East End Beach (1 space)
 - Kiwanis Pool (1 space)
 - Lincoln Park (2-3 spaces)
 - Western Promenade (1 space)
 3. Night Vending: Night Vendor's Licenses would not apply to the City Parks.
 4. Separation Requirement: The separation requirements as described in the Food Truck Rules and Regulations and the Pushcart Regulations are applicable to mobile vending in City Parks.
 5. Mobile Food Service units may not be parked overnight in City Parks.
 6. Size limitations: Size limitations as described in the Food Truck Rules and Regulations and the Pushcart Regulations for operation on private property are applicable to mobile vending units in City Parks.
 7. Fees: There would be an application fee for the permit (\$30?). The fees associated with the City Park mobile vending permit will be commiserate with the parking meter fee Food Trucks pay to park on city streets.
 8. Mobile Food Vendors will be required to display their permit which will list the locations and times permitted. Mobile Food Vendors will not be allowed to operate in City Park locations or during times other than those listed on the permit.

Mobile Food Service Vendor Areas in Parks - Food Trucks (10' x 24')



Compass Park (1-2 spaces)

0 45 90 180 Feet

Mobile Food Service Vendor Areas in Parks - Food Trucks (10' x 24')



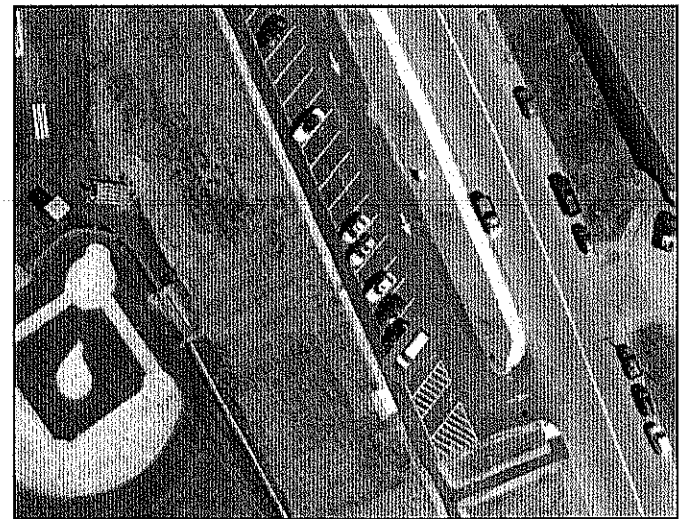
Back Cove Park (1 space)



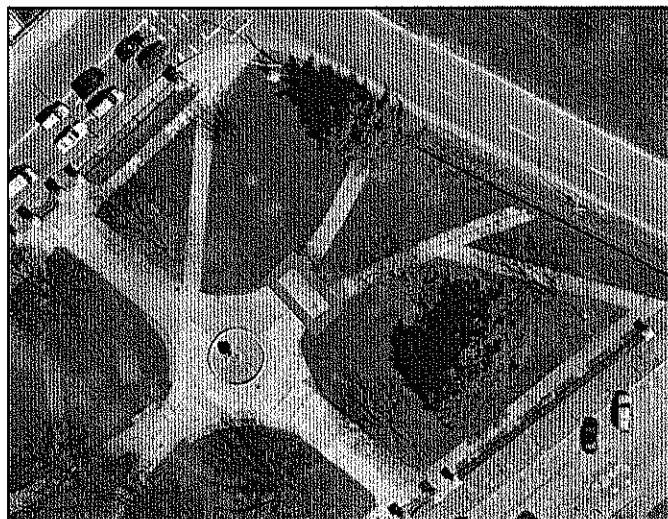
Congress Square Plaza (1-2 spaces)



Deering Oaks Parking Lot (2 spaces)



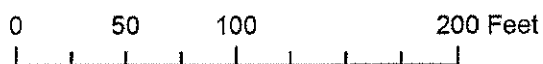
Kiwanis Pool Parking Lot (1 space)



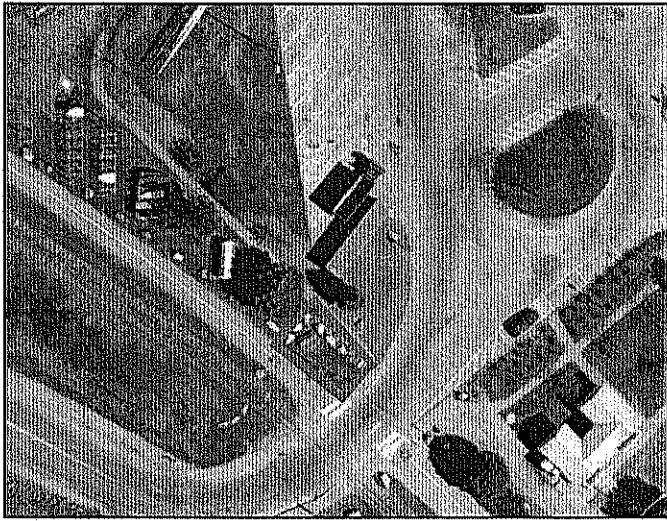
Lincoln Park (1-2 space)



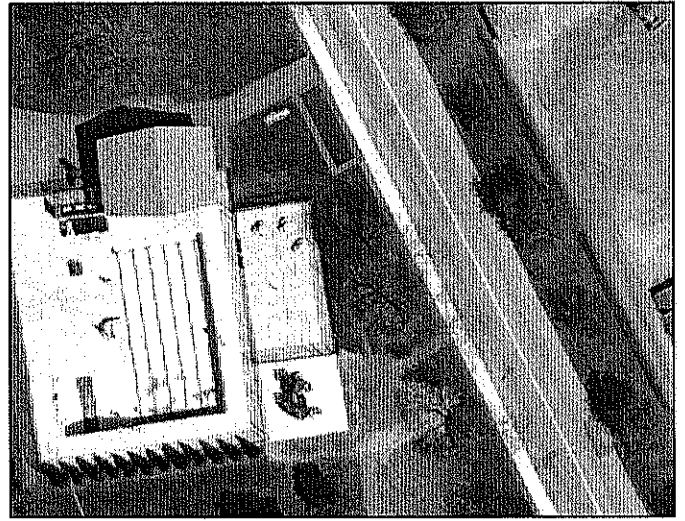
Western Promenade (1-2 spaces)



Mobile Food Service Vendor Areas in Parks - Pushcarts (8.5' x 7')



East End Beach (1 space)



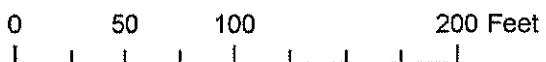
Kiwanis Pool (1 space)



Lincoln Park (2-3 spaces)



Western Promenade (1 space)



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City of Portland Food Truck Rules and Regulations

These Rules and Regulations are promulgated pursuant to Section 19-23 of the City Code:

1. An application must be submitted on a form provided by the City Clerk's office with colored pictures of at least two different angles of the unit you are applying to license and a description that includes the length and width, when in its widest configuration.
2. Operation from 6:00 a.m. to 10:00 p.m. food trucks may operate on private property in all zones where food trucks are permitted with the permission of the property owner and in the following locations:
 - a. On the following city streets on the Peninsula:
 - West Commercial Street from Park Street to Danforth Street;
 - Bayside along Marginal Way from Forest Avenue to East End Beach Trail, along Washington Avenue from I295 to Cumberland Avenue, along Cumberland Avenue from Washington to Forest Avenue and along Forest Avenue from Cumberland to Marginal Way;
 - On the north side of Park Avenue between High Street and I295, except when there is a game or event at Hadlock Field in which case food trucks are limited to Park Avenue along Deering Oaks Park until two (2) hours before a game or event and starting again two (2) hours after the game or event;
 - Spring Street between Temple and Center Street;
 - Commercial Street from Franklin Arterial to India Street and then along Thames Street;
 - Eastern Promenade from Washington Avenue to Cutter Street;
 - St. John Street from A Street to Valley Street and along Valley Street back to A Street and along A Street between Valley and St. John Street.
 - b. On city streets or in city-owned parking lots off the Peninsula:
 - In the B-3, B-4, B-5, B-6, B-7 and Industrial Zones.
 - c. City Parks:
 - On city streets or in city-owned parking lots in city parks, if granted a license through the competitive bid process or RFP process described in Chapter 2, Sections 2-301 through 2-314 of the Portland City Code.
3. Night Vending: Food Trucks may operate in all non-residential zones where food trucks are permitted between the hours of 10:00 p.m. and 6:00 a.m. both on and off peninsula subject to the Separation Requirements in paragraph seven (7) of these rules.

Additionally, the food truck shall obtain the appropriate Night Vendor's License from the City Clerk.

The Portland Police Department has the right to close down or request a food truck to relocate after 10 p.m. where in the opinion of the Department, the food truck vending is causing or contributing to an imminent public safety hazard.

4. Food trucks are not allowed on the grounds of any school unless as part of a school authorized function.
5. Food trucks are not allowed in cemeteries.
6. Except as provided in Paragraph 2(a) above, food trucks are not allowed in residential (R) zones.
7. Separation Requirement:
 - a. On Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least sixty-five (65) feet from:
 - i. Any fixed-base food service establishment with an operating kitchen measured from the front door; and
 - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
 - b. Off Peninsula: Except when operating in connection with a festival or special event approved pursuant to Section 19-22 of the City Code, food trucks must locate at least two-hundred (200) feet from:
 - i. Any fixed-based food service establishment with an operating kitchen measured from the front door; and
 - ii. Any hotel, bed and breakfast, motel, hostel, or inn measured from the nearest edge of the property.
8. In addition to complying with the City's ordinances related to food trucks and these regulations, the owner and operator of a food truck is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages, the food truck itself must be in compliance with the motor vehicle laws of the State of Maine, and the food truck owner is responsible for verifying that a specific location, other than those identified in paragraph 3(a), does not violate a zoning ordinance of the City.
9. Food truck locations, other than those on private property or those permitted through the City's competitive bid process, are based on a first come, first serve basis; there will be no designated parking spots for specific food truck vendors.

10. In locations on public property where food trucks are permitted to operate, food trucks shall comply with all parking rules, except that food trucks otherwise operating lawfully on city-owned property may, in any twenty-four (24) hour period, "feed" any parking meter once in order to extend the maximum parking time by two times (2x) the usual maximum parking time limit.
11. Food trucks may not be parked overnight on city streets or in city parking lots.
12. Size limitations: Food trucks must not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks parking in metered parking spaces on city-owned property must not exceed twenty (20) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks parking in non-metered parking spaces on city-owned property must not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension. If the food truck is parked on private property, the food truck with attached trailer, or other extension must not exceed forty (40) feet in length.
13. Food trucks must be self-contained when operating, except for the required trash and/or recycling receptacles which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians.
14. Food trucks must serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
15. Only food and/or non-alcoholic beverages are allowed to be sold on City property.
16. Each food truck vendor must provide the City of Portland with a certificate of insurance to cover public liability in the amount of at least \$400,000.00
17. The food truck base station must be inspected and properly licensed pursuant to Chapter 19 and Sections 15-12 and 6-17 (if applicable) of the City code.
18. Food trucks shall comply with the City's noise requirements pursuant to Section 17-20 of the Portland City Code.
19. Failure to adhere to the regulations for food truck is cause for revocation or suspension of your license by the City Clerk pursuant to Chapter 15 of the City Code.

Dated: 1/2/2014

Signed: /s/ Mark H. Rees
Mark Rees
City Manager

Please Direct Inquiries Regarding the Food Trucks in the City of Portland or Food Truck Inspections to (207)756-8365.

6

City of Portland, Maine
Code of Ordinances
Sec. 263

Administration
Chapter 2
Rev. 10-1-00

Sec. 2-263. Reserved.
Sec. 2-264. Reserved.
Sec. 2-265. Reserved.
Sec. 2-266. Reserved.
Sec. 2-267. Reserved.
Sec. 2-268. Reserved.
Sec. 2-269. Reserved.
Sec. 2-270. Reserved.
Sec. 2-271. Reserved.
Sec. 2-272. Reserved.
Sec. 2-273. Reserved.
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Sec. 2-280. Reserved.
Sec. 2-281. Reserved.
Sec. 2-282. Reserved.
Sec. 2-283. Reserved.
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Sec. 2-286. Reserved.
Sec. 2-287. Reserved.
Sec. 2-288. Reserved.
Sec. 2-289. Reserved.
Sec. 2-290. Reserved.
Sec. 2-291. Reserved.
Sec. 2-292. Reserved.
Sec. 2-293. Reserved.
Sec. 2-294. Reserved.
Sec. 2-295. Reserved.
Sec. 2-296. Reserved.
Sec. 2-297. Reserved.
Sec. 2-298. Reserved.
Sec. 2-299. Reserved.
Sec. 2-300. Reserved.

ARTICLE VII. PROCUREMENT AND CONTRACTING PROCEDURES;
SALE OR DISPOSAL OF REAL OR PERSONAL PROPERTY

DIVISION 1. GENERAL

Sec. 2-301. Authority of Finance Director.

In addition to the duties described in § 2-17 of this chapter, the

Director of Finance shall have direction and control over the purchasing of supplies, materials and/or services for the city and the several officers and boards thereof; and over the sale or disposal of real or personal property of the city. Said Director may delegate such of his or her responsibility and duties hereunder as he or she may deem fit and necessary. The provisions of division 2 shall apply to the City schools as provided in section 2-312 below. City and school compliance with this article will be subject to review through the annual audit process.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

DIVISION 2. COMPETITIVE PROCESS FOR CONTRACTS

Sec. 2-302. Contracts; purchases.

(a) *City Council authorization.* All contracts for the management of city-owned facilities that require the management entity to invest in equipment or improvements to the facility, except contracts at the Portland International Jetport, shall be approved by the City Council.

All other contracts or purchases of supplies, materials or services, including contracts at the Portland International Jetport, shall be authorized by the City Council, unless they meet the conditions outlined herein for approval by the City Manager.

Members of the City Council or School Committee shall not participate in the process for competitive bidding or request for proposals set out in paragraphs (c) and (d) below.

(b) *Supplies, materials and/or services procurement.* The City Manager shall have the authority to award any bid and to execute any contract or approve any purchase for and in behalf of the City for supplies and/or materials to be furnished and/or services to be performed for the city, including without limitation professional consulting services, provided that:

- (1) The Finance Director certifies that funds are available for such procurement; and
- (2) The bid is awarded and the contract or purchase executed as the result of a competitive process, which shall mean either by competitive bidding or request for proposals.

(c) *Competitive bidding.* Competitive bidding, as used herein, shall include, at a minimum, prior public notice of the procurement, including publication in a newspaper of general circulation in the City, unless the Finance Director determines in a particular case that publication elsewhere would be reasonably expected to provide effective competition; solicitation of sealed bids based on identical specifications; and intent to award the bid to the lowest qualified and

responsible bidder who meets the specifications.

(d) *Competitive request for proposal.* The request for proposal competitive process shall consist of the following:

- (1) *Request for proposals.* A request for proposals shall be issued identifying all significant evaluation factors, including price or cost, and their relative importance or weighting.
- (2) *Solicitation.* Proposals shall be solicited from an adequate number of qualified sources to permit reasonably competition consistent with the nature and requirement of the procurement. The request for proposals shall be published at a minimum in a newspaper of general circulation in the city, unless the Finance Director determines in a particular case that publication elsewhere would be reasonably expected to provide effective competition.
- (3) *Evaluation.* The Finance Director shall provide mechanisms for technical evaluation of the proposals received, determinations of qualified and responsible proposers for the purposes of further written or oral negotiations, and the selection for contract award. Said evaluation of proposals shall include a determination of compliance with the request for proposals and its evaluation factors. The evaluation process may include interviews with some or all of the proposers.
- (4) *Negotiations.* Negotiations may be undertaken with the qualified and responsible proposer(s) whose proposal(s) is determined to be most advantageous to the city, considering the price and the evaluation factors set forth in the request for proposals.
- (5) *Award.* The contract shall be awarded by the City Manager to the qualified and responsible proposer whose proposal and the result of the subsequent negotiations are determined by the City Manager to be in the best interest of the city.

(e) *Exceptions to required competitive process.* The requirement of a competitive process set forth in subsection (b) above may be waived by the City Manager, in his or her discretion, if one (1) or more of the following conditions are met, and the Finance Director has certified that funds are available for such procurement:

- (1) Such procurement does not equal or exceed the aggregate sum of twenty-five thousand dollars (\$25,000.00) and the procurement is done in accordance with the Finance Director's rules for said procurement; or

- (2) The City Manager determines in writing that the procurement of such services, supplies and/or materials is of such an emergency nature that the requirements of a competitive process cannot be followed, in which event the Manager shall specify such efforts in aid of a competitive process which he or she determines to be feasible under the circumstances; or
- (3) In connection with any project funded or reimbursable by state or federal sources, such source requires a different procurement process to be followed and procurement is effected through or in accordance with such process; or
- (4) The procurement is through an award by any governmental entity or group of governmental entities, which award is the result of a competitive process by said entity or group; or through any public or private group purchasing program; or
- (5) There has been a competitive process but no bids or proposals were received or the City Manager determines that the bids or proposals received are unreasonable or in excess of the funds available for such procurement or not independently reached in open competition. In such cases, he or she may negotiate a contract if he or she determines:
 - a. That it is not feasible to re-solicit bids or proposals again; and
 - b. Each qualified and responsible bidder or proposer, if any, has been notified of the intention to negotiate with the bidders or proposers, starting with the lowest qualified bidder or proposer first and proceeding consecutively until a contract acceptable to the city is reached; or
- (6) The procurement is of computer equipment, investment services, appraisal services, repair parts, travel, transportation, island transportation, maintenance contracts and similar purchases to the extent specified by rule of the Director of Finance; or
- (7) The procurement is of legal services, including but not limited to lawyers, paralegals, court reporters and other persons necessary to provide legal services to the city, said procurement to be after consultation with the corporation counsel; or
- (8) The procurement is of medical services, including but not limited to physicians, physician assistants, nurses and related medical or dental personnel; or other specialized

professional services, needed for the administration of city programs.

(9) The procurement is of used vehicles and equipment.
(Ord. No. 376-90, §3, 6-6-90; Ord. No. 244-93, § 3, 4-16-93; Ord. No. 142-96, 1-17-96; Ord. No. 131-00, 12-18-00; Ord. No.87-10/11, 12-6-10)

Sec. 2-303. Sole source.

Unless otherwise prohibited by applicable state or federal law, the City Manager may authorize a contract or purchase of supplies, materials and/or services in any amount without any competitive process if:

- (a) The Finance Director certifies that funds are available for said procurement; and
 - (b) The City Manager makes a written finding that said supplier, contractor or consultant is the sole available source for said goods or services, and the basis for said finding.
- (Ord. No. 376-90, §3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-304. Brand names.

Unless otherwise prohibited by applicable state or federal law, nothing herein shall prevent or prohibit the City from soliciting bids for supplies or materials on the basis of brand names so long as;

- (a) The Finance Director certifies that funds are available for said procurement;
 - (b) The solicitation is approved in advance by the City Manager; and
 - (c) The solicitation is in furtherance of a policy of standardization of such supplies or materials; and
 - (d) The City Manager determines that there is a sufficient number of dealers in said brand-name supplies or materials in the area of the solicitation to provide a reasonable expectation of competition for the bid.
- (Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-305. Rights of the City.

The City Manager may waive any informality or irregularity in any bid or proposal received and shall have the right to reject any or all bids or proposals received for whatever reason he or she deems in the best interest of the City.

(Ord. No. 376-90, §3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-306. Rules and regulations.

(a) The Finance Director is authorized to issue rules and regulations which are not inconsistent with this article, which rules and regulations may include, but are not limited to, requirements for bid security, performance and payment bonds, insurance and payment practices.

(b) The Finance Director is further authorized to issue rules and regulations to govern purchases of supplies, materials and/or services of less than twenty-five thousand dollars (\$25,000.00), which rules may include, but not necessarily be limited to, a procedure for the solicitation of informal quotations for purchases of less than twenty-five thousand dollars (\$25,000.00) and for the City use of purchase orders.

(c) All rules and regulations promulgated hereunder shall be effective upon approval by the City Manager. A copy of all such rules and regulations shall be kept on file, at a minimum, in the office of the Finance Director.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00; Ord. No. 87-10/11, 12-6-10)

Sec. 2-307. Termination for convenience.

Any contract executed or purchases awarded by the City Manager without council approval shall be subject to termination at the convenience of the City, with the City responsible only for the contractor's unpaid, unrecovered, or unrecoverable out-of-pocket costs for supplies, materials and/or services provided or amounts expended or incurred in reliance thereon prior to the effective date of such notice.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00; Ord. No. 87-10/11, 12-6-10)

Sec. 2-308. Contractor or consultant qualifications.

(a) The City Manager or the Finance Director may inspect or inquire into the qualifications of any bidder or proposer to determine whether they are qualified and responsible bidders or proposers. The failure of any bidder or proposer to promptly supply information or submit to such inspection shall be grounds for a determination that the bidder or offeror is not a qualified and responsible bidder or proposer. The right to inspect shall include the plant or business of a contractor, consultant or any subcontractor or subconsultant under any procurement contract awarded or to be awarded by the city and the right to audit the books and records of any person seeking to become a contractor, consultant or subcontractor or subconsultant under any procurement contract with the city. The City Manager or Finance Director may establish rules and regulations for the qualification or prequalification of bidders or proposers. Such rules and regulations may apply to any procurement methods as set forth in this section, or may be specifically promulgated for any particular procurement

situation.

(b) In determining whether a bidder or proposer is a qualified and responsible bidder or proposer, in addition to price and compliance with all applicable bid specifications, the City Manager or Finance Director may consider:

- (1) The documented quality of performance of other contracts or services for the city or for others;
- (2) Whether the bidder or proposer can perform the contract or service within the time specified, without delay or interference;
- (3) The past and current compliance with City laws and ordinances;
- (4) Whether the bidder or proposer is current on its obligations to the City, including taxes, sewer assessments and any other City accounts receivable; and
- (5) The sufficiency of the manpower and financial resources of the bidder or proposer to perform the contract or provide the service.

(c) In addition to the foregoing determination, the Finance Director may disqualify a bidder or proposer from contracting with the city for a period of time, up to and including two years, for good cause shown. Such cause shall include, but not be limited to, the foregoing factors used for determining the qualifications of a bidder or proposer.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-309. Disqualification appeal procedure.

In the event of disqualification of any bidder or proposer under section 2-308(c) above, the affected party may appeal the disqualification as follows:

- (a) First, by filing a complaint, in writing or orally, with the Finance Director for an informal discussion of the basis of the disqualification by the city. Such complaint shall be filed within five (5) business days after the affected party had notice of the action taken by the city. Following such discussions, the Finance Director, or his or her designee, shall provide the complaining party with a written decision on the complaint.
- (b) In the event the complaint is not resolved in step 1 above to the satisfaction of the complaining party, then such party

may appeal the decision to the City Manager within five (5) business days of the Finance Director's decision. Within ten (10) business days thereafter, the City Manager shall each have the opportunity to be heard. The City Manager shall issue a written decision, which decision shall be final.

(Ord. No. 131-00, 12-18-00)

Sec. 2-310. No prohibition.

Nothing herein is intended, nor shall it be deemed, to prevent or prohibit the City Manager from requiring Council approval of any proposed City contract, purchase or lease should he or she choose to do so. Nothing in this article shall bind the City Council in its choice of a contractor or consultant including, but not limited to, the choice of an auditor pursuant to article VII, section 1 of the Charter.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-311. Applicability to schools.

(a) The procedures provided in this division shall apply to the procurement of supplies, materials and/or professional, consulting or other services for the City's schools, provided, however, that the Portland Superintending School Committee shall designate the person or persons within the school department to assume the authority of the Finance Director as provided herein.

(b) All reference to "City Manager" herein, when applied to school procurement, shall mean the superintendent of schools, unless another person within the school department is designated by order of the said school committee. All references to the "City Council" herein, when applied to school procurement, shall mean the said School Committee. All proposed rules and regulations to be issued by the responsible school department official under § 2-308 shall be submitted to the City's Finance Director for review and comment prior to their final adoption by the said School Department.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

Sec. 2-312. Employment contracts.

Nothing herein shall be construed or required to apply to teaching or other employment contracts in which the relationship is that of employer-employee rather than that of independent contractor to the city or the school department.

(Ord. No. 376-90, § 3, 6-6-90; Ord. No. 131-00, 12-18-00)

DIVISION 3. SALE OR DISPOSAL OF REAL OR PERSONAL PROPERTY

Sec. 2-313. Sale or disposal of real or personal property.

(a) *Redemption of tax-acquired real property.*

MEMORANDUM

TO: Public Safety, Health and Human Services Committee

FROM: Jennifer L. Thompson, Associate Corporation Counsel

DATE: March 18, 2014

RE: Food Truck Ordinance and Rules

In September of last year, in response to concerns raised by the food truck community about the efficacy of the City's new food truck ordinance, this Committee considered several modest amendments to the City's food truck ordinance and to the administrative rules governing food trucks. Specifically, this Committee recommended, and the full Council ultimately adopted, amendments that: eliminated a prohibition on food trucks clustering together; allowed food trucks to park in metered spots for four hours rather than the usual two; allowed trucks operating in non-metered spaces to measure 26 feet long rather than 24 feet; and created a more efficient and less-expensive permitting system for trucks operating on private property.

When it considered these recommendations, this Committee also recognized that there might be room for additional improvement in terms of encouraging the growth of the food truck industry in Portland while also continuing to protect and encourage bricks and mortar businesses operating in the City. Therefore, the Committee encouraged the food truck community to compile a list of requests and/or recommendations for further changes to the City's policies and practices and to submit those recommendations to this Committee for its consideration.

The Food Truck community has responded. Attachment A to this Memo is an email from Sarah and Karl Sutton of Bite Into Maine. The Suttons' email contains a list of proposed changes that have been discussed and agreed to by a group of approximately 7 food truck operators. The proposals include:

1. Opening Compass Park to food trucks through an RFP (or other similar) process.
2. Opening all City parks to food trucks through an RFP (or similar) process.
3. Allowing food trucks in Monument Square "in some capacity, perhaps starting with one or two days a week (similar to the farmer's market)."
4. Adding designated metered spots for food trucks only – specifically in metered spots next to Monument Square.
5. Allow permitted food trucks to park in metered spots "anywhere in the City after 6:00 p.m. when the meters expire.

This memo will consider each of these proposals in turn and offer preliminary thoughts and guidance from City staff on feasibility, utility, etc.

1. Opening Compass Park and Other City Parks to Food Trucks Through an RFP (or similar) Process.

A. Existing Practice

When the food truck ordinance was originally enacted, the food truck task force recommended, among other things, that food trucks be allowed in the parking areas of City Parks. (See Attachment B) After a discussion with City staff as well as with the Parks Commission, my understanding is that a list of parks that are most suitable for food trucks and that do not pose potential problems to other City interests was vetted by various City departments and by the City's Parks Commission. That list included:

Back Cove Park
Deering Oaks Parking Lot
East End Beach
Kiwanis Pool
Lincoln Park
Western Promenade

Bidding on the exclusive right to operate in these six parks has been done through a Request for Proposals (RFP) process. (Attachment C). Under the existing process, the RFP is typically issued in late February or early March.¹ The existing RFP includes the following conditions:

"The awarded Proposer(s) shall have the exclusive right to sell food products and non-alcoholic beverages if the applicant's menu is comprised of 50% or more fresh fruit or vegetables options. If an awarded applicant's menu is not comprised of 50% or more fresh fruit or vegetable options, there may also exist one additional vendor selling only fresh produce in that park."

Additionally, the RFP process includes liability insurance requirements and a limitation on the ability to operate in parks during festivals. As currently drafted, the RFP is similar to a request for concession services.

After two years, City staff report that very few food truck operators have participated in the RFP process either due to a lack of awareness of its existence or a feeling that the process is too cumbersome or restrictive.

B. Possible Changes

A review of existing City ordinances reveals that the use of the RFP process is mandated by the zoning provisions of the Code as they relate to the Recreational and Open Space (ROS) Zone. Chapter 14 of the Code makes the operation of food trucks a permitted use in City parks but requires that any trucks operating in ROS parks are properly licensed and go through the competitive bid process. (See Code § 14-14-154(p)).

The RFP process is certainly one way to ensure transparency and fairness with respect to the ability to operate in City parks. However, given that the current process does not appear to maximize the availability of City parks to food trucks, there has been some discussion of developing a permitting system. In fact, some sections of the Code seem to contemplate the issuance of a permit for operating food trucks in City parks. (Attachment D). In the long run, such a system might better enable the City to

¹ The RFP for 2014 is on hold pending a recommendation from this Committee.

grant permission to more than one truck to operate in a particular park (“clustering”) and encourage rotation of different trucks in the parks. Additionally, although there may be compelling reasons to limit which parks are available to food trucks, it may be possible to revisit the existing list and consider expanding or otherwise altering it.

Attached is a memo by Caitlin Cameron of the Planning Department who has worked with various members of City staff to develop an expanded list of food truck-eligible parks and to explore the details of a potential permitting system. (Attachment E) Under this proposal, the existing list of food truck-eligible parks would remain in place but Kiwanis Pool, Compass Park and Congress Square Plaza would be added. Additionally, some of the parks included on this list appear able to accommodate more than one food truck at a time. I refer the Committee to Ms. Cameron’s memo for the details of the proposal.² I do note, however, that this list has yet to be finally vetted by the Food Trucks Task Force or the City’s Parks Commission.

The Parks Commission has been consulted about the proposal to expand the list of food truck-eligible parks and the possibility of a permitting system. The recommendation from the Chair at the Commissions’ March 6 meeting was that to the extent a permitting process is adopted, it should be applied to the existing list on a trial basis and, if the permitting process works, the City can look to further expand the list thereafter.

With respect to options for this Committee, it would appear there are several:

- (1) continue with the RFP process either as it exists or amend it to remove some of the restrictions (limits on the kinds of foods that can be served and the exclusivity of use, for example) that may be prohibitive for food truck operators;
- (2) continue to use the RFP process (as it exists or as amended) and expand the list of eligible parks;
- (3) recommend that staff develop a permitting process for food trucks to operate in the existing list of food truck-eligible City Parks and propose an ordinance change that creates that permit and fee structure and changes the requirement that food trucks go through the RFP process³;
- (4) recommend that staff to continue to work with various City departments, the food truck task force, and the Parks Commission to expand the current list of eligible parks, to develop a permitting process for food trucks to operate in those parks, and propose an ordinance amendment that changes the requirement that food trucks go through the RFP process.

It is understood that time is of the essence for the City’s food truck operators. Given that “food truck season” is fast approaching, it may be that the best approach for 2014 is to continue with the existing RFP process but ease some of the existing restrictions and weighting requirements. Then, over

² Ms. Cameron’s memo also: specifically identifies which locations in the parks are appropriate for food trucks, given their size; and creates an additional permitting scheme for push carts, which are smaller than food trucks.

³ The competitive bid process is outlined in Sections 2-301 through 2-312 of the Code, attached hereto as Attachment F.

the course of the spring and summer, develop an expanded list of eligible parks and further explore the possibility of instituting a permitting system that would continue to protect the City's interests (by, for example, continuing to require proof of insurance and revocability) while also improving accessibility for food truck operators.

2. Proposals Regarding Monument Square

The food truck community has requested both the ability to operate in Monument Square and that the City dedicate certain metered parking spaces adjacent to Monument Square to food truck operators only. At this time, Staff does not recommend pursuing either of these proposals because they are in direct conflict with the recommendations of the Food Truck Task Force.

When that group did its work back in 2011, great care was taken to develop a food truck ordinance that would allow food trucks to be successful without also posing an undue burden on or threat to bricks and mortar restaurants. The existing prohibition on food trucks locating within 65 feet of fixed base food establishments on the peninsula as well as the prohibition on food trucks operating on City streets other than those listed in the administrative rules are intended to reflect the recommendations of the Task Force that food trucks not operate in such a manner as to directly threaten traditional restaurants – either through competition for customers or because food trucks are occupying coveted downtown parking spaces. Based on the Task Force's prior recommendation and discussions with City staff in various departments (including John Peverada, Parking Manager), Staff does not recommend pursuing changes to the Code or to the administrative rules in order to allow food trucks in or around Monument Square.

3. Dedicated Parking Spots

Although Monument square is not, in staff's opinion, appropriate for food trucks, there do appear to be other City streets that are able to accommodate a substantial food truck presence. John Peverada has indicated that Congress Street, adjacent to Lincoln Park can sustain 4 metered parking spaces dedicated to food trucks from the hours of 10:00 a.m. to 2:00 p.m. Monday through Friday. In order to dedicate these spots, signs would be installed prohibiting parking by vehicles other than food trucks and food truck operators would be required to pay the metered rates for the hours during which they are parked. No ordinance change appears to be needed to accomplish this dedication, given that food trucks are already permitted to "plug the meter" once in order to be able to park for a 4-hour period. A change to the Administrative rules, however, will be necessary. Staff recommends that this Committee recommend this dedication of parking spots and the rule change.

4. Allowing food trucks to park in metered spots "anywhere in the City after 6:00 p.m. when the meters expire."

Currently, food trucks are permitted to park in metered spots after 6:00 at no cost, provided that they are parked in areas where food trucks are otherwise permitted. However, because the existing limitations on the areas where food trucks can operate are the result of the food truck task force's recommendations, staff does not recommend expanding that list. Of course, this Committee certainly can revisit the existing limitations if it is so inclined – either by reconstituting the Task Force or on its own initiative.

Portland Fire Department
Performance and Management Study Update
March 18, 2014



Presented to City of Portland
Public Safety, Health & Human Services Committee

Introduction:

The Performance and Management Study of the Portland Fire Department (Study) was presented to the City Council and public by Public Safety Solutions Incorporated on April 1, 2013. A 90 day review period was recommended by the consultant, and supported by the City Council, for examination of the findings and recommendations. This update will cite the accomplishments made during Phase one implementations, along with continuing efforts for Phase two and three.

I am proud of the progress that is being made. It represents hard work and dedication from the men and women of the Portland Fire Department.

Review of Phases and timelines presented in September, 2013:

Phase 1 – For implementation between September 1, 2013 and January 1, 2014.

The focus during phase 1 was recommendations that could be implemented without budgetary implications and without outside collaboration. It also included action items that are related to the safety and wellbeing of department employees, citizens of the city and our visitors. During this phase, solutions and actions needed for future phases were considered and built into the action plan.

Phase 2 – For implementation beginning January 1, 2014 and completed in 24-48 months. The focus of phase 2 is those recommendations that require budget preparation and request and can be planned for through the budget process. Many of these requests will require 48 months to address, spanning more than one budget cycle. Many of the recommendations that phase 2 will focus on require collaboration such as collective bargaining, compliance with state and/or federal regulatory agencies, agreements with regional partners or other City agencies.

Phase 3 – For implementation beginning January 1, 2015 and spanning 3-5 years.

The final phase will be focused on those items and recommendations requiring advanced planning and capital budget preparation. These recommendations include major purchases or facility improvements that cannot be addressed utilizing operating budgets.

A project planning document has been implemented utilizing a software system as a tool in establishing benchmarks and timelines. The initial information has been presented in an attachment to this update. It should be noted that this is a living document with entries and updates entered on a daily bases in the project management work steps.

Initiatives & Accomplishments Completed during Phase one.

A host of initiatives and projects begun in the early part of 2013 directly or indirectly relate too many of the 169 recommendations from the study. Many of these projects began prior to the study being completed and were identified without outside intervention. It should be noted that this is not an exhaustive list and many activities are ongoing.

- **Life Safety at fire department facilities**

The study revealed inconsistencies and weaknesses in compliance with life safety protection in many of the fire department facilities. The fire department has taken immediate action to address those discrepancies and instated a plan of action to bring the facilities with in applicable codes. This includes the installation of smoke alarms and carbon monoxide detectors in dormitory areas and a posted emergency evacuation plan at each facility. A budget request has been completed to complete a comprehensive assessment of all department facilities to detail needed safety, structural, and

environmental actions. With this information, the City will be better prepared to make data driven decisions on the feasibility in repair, replacement, relocation, or consolidation of facilities.

- **Peer Support Group**

The Fire Department has formed a team to provide employees with confidential, readily available support and referral during time of professional and personal difficulty. This group received training in Critical Incident Stress Management and intervention techniques to serve employees who have faced emotional trauma. We have worked closely with the Portland Police Department in developing the team using their team as a model. The need for critical incident stress management and support was a critical need identified in the report.

- **EMD – Response protocols for EMS**

The Department has fully implemented the Emergency Medical Dispatch Protocols (EMD) as was called for in the study. This is a significant accomplishment and has resulted in a reduction of responses for fire apparatus on emergency medical calls.

- **Intermediate Level Transport Unit**

The ambulance placed into service in September of 2013 has been staffed at the Advanced Emergency Medical Technician Level. This has allowed for lower acuity patients to be transported at a lower level than the paramedic level, which keeps the paramedic resource available for more emergent calls for service. This approach was recommended by the study and we continue to evaluate its effectiveness. Using 150 days of data, this approach has shown a dramatic increase in maintaining paramedic resources available for life threatening emergencies.

- **EMS Internship Program**

Through the work of the EMS Committee an internship program has been implemented for new EMS providers. This internship was needed to assure quality in patient care and to assist in the professional competence and development of employees. The program utilizes field training peers to mentor new employees in critical skills and patient care. The program standardizes and provides consistency in new employee training.

- **Reduced Responses**

Utilizing response data a change in response parameters was instituted at the beginning of January which has significantly reduced unit responses for fire apparatus on certain call types. These changes affected two specific run types which represent a large number of responses.

1. Calls for an “unknown medical emergency” had necessitated a response of a fire engine and an ambulance. Utilizing data and the EMD protocols we have been able to reduce that to an ambulance only.
2. The response for activated fire alarms had been an inconsistent response ranging from 2 fire units to 7 fire units. That has been change to 3 fire units (2 engines and 1 ladder) for any activated fire alarm.

These changes have been estimated to reduce the number of unit responses significantly which will provide for better resource utilization and a reduction of operating cost. An initial estimate is in the area of 1000 unit response per year. It is important to note that the number of unit responses does not have an effect on calls for service the department answers. The number of calls for service continues to rise. The reduction of unit responses is aimed at better utilization of those limited resources in the face of that increase and at the same time realize savings in operating cost.

Current Initiatives and ongoing projects

- **Administrative Reorganization**

A significant administrative reorganization is recommended by the study. This includes establishment of administrative staff chiefs working a daywork schedule. This administrative command staff is needed to reduce the span of control and provide consistent oversight to important support work.

Position Descriptions and job classifications have been established for administrative staff chiefs. This material is being reviewed by the Civil Service Commissioners and the fire chief is working with the Director of Human Service on a promotional announcement for these positions. The realignment of human resources to meet these needs is being included in the department budget request of FY15.

- **Fire Alarm Box System**

The study has recommended the migration away from the telegraph fire alarm system that has been in place in the city of Portland for over a century. The Portland Fire Department has begun evaluating and planning for the items identified in this recommendation.

The Director of the City Information Technology Department will be present to discuss a potential re-use of the infrastructure that supports and operates the street fire alarm system.

- **Citizen CPR**

The Portland Fire Department has begun a very important community outreach program aimed at providing lifesaving Public CPR training. What is being delivered is a shortened hands only CPR course that can double or even triple the chance of survival for a cardiac arrest victim. In the past 2 years the Portland Fire Department has received national recognition for implementing enhanced capabilities in cardiac arrest treatment. This public outreach effort is the logical next step in expanding on that success.

- **Portland High School program**

The Portland Fire Department and Portland High School are working collaboratively to offer a Fundamentals of Firefighting and Emergency Medical Services program to students in the 11th and 12th grade. This program is a part of Portland High Schools Pathways to Success and is supported by a multi-year grant from the Nellie Mae Education Foundation.

Although this program just began in September of 2013 it has already been recognized in a nationally distributed fire service journal. We continue to work with the public school system in improving the delivery of this program.

Summary

The Portland Fire Department is intensely engaged in a number of processes and projects that reflect recommendations presented in the Study. Many other projects not directly related to recommendations, but identified internally as needing improvement or adjustment are also ongoing. This work is being done at every level of the organization, and in a manner that includes a great deal of collaboration.

I would like to assure members of Council, as well as all citizens of the City, that this work is being done without compromising service levels which remain our highest priority. I understand my critical responsibility of managing the workload and the pace of change so that progress can be made in positive steps forward.

PORTLAND POLICE DEPARTMENT
INTERDEPARTMENTAL CORRESPONDENCE

April 16, 2013

TO: Mayor Brennan
Mark Rees, City Manager
Danielle West-Chuhta, Corporation Counsel

FROM: Michael J. Sauschuck, Chief of Police

SUBJECT: Statewide Arrest Powers

Maine places statutory limits on a police officer's authority to make an arrest outside of the jurisdictional limits of the municipality in which an officer serves. Police officers operating outside of their jurisdictional boundaries must be either acting pursuant to an arrest warrant or as a result of exigent circumstances; i.e. pursuing a fleeing felon. The Maine legislature has, however, wisely given municipalities the option of granting its police officers statewide arrest powers in any case in which the officer has the legal authority to make a warrantless arrest. Title 30-A M.R.S.A. §2671 (2-A).

I am seeking your support in asking the City Council to amend City ordinance section 20-36 to allow Portland officers to exercise their legal authority to make warrantless arrests beyond the City's jurisdictional limits. Police work has evolved over time and police departments have become professional and well-trained agencies that work alongside and partner with federal, state and municipal police departments.

The grant of the power to make statewide arrests allows law enforcement to compete with the increased mobility of criminals, allows a single agency to investigate and file charges in mobile incidents encompassing multiple crimes (abductions, drug trafficking) and facilitates mutual aid agreements between municipal departments. In Portland, our officers participate in a number of inter-agency task forces and have officers assigned on a continuing basis to the Maine Drug Enforcement Agency. The City has also signed mutual aid agreement with every police department in Cumberland County, except Bridgton.

In addition, the department is often called upon to assist the Maine State Police, the United States Marshals, the Maine Warden Service and the Marine Patrol. Our officers also provide our fellow municipal departments with K-9 assistance, drug recognition technicians in cases of impaired driving and our dive team has recently consolidated with South Portland's team.

Specifically, officers with statewide arrest powers will have the authority, pursuant to Title 17-A M.R.S.A. §15 to make warrantless arrests, anywhere in the state, of any person who the officer has probable cause to believe has committed:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime (all felonies);

- (3) Any offense defined in chapter 45 (drug crimes);
- (4) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or reckless conduct;
- (6) Domestic violence assault, criminal threatening, terrorizing, stalking or reckless conduct;
- (7) Harassment;
- (8) A violation of a protection from abuse or harassment order;
- (9) A violation of a sex offender registration provision; or
- (10) A violation of bail conditions.

This is not a complete list (a copy of the statute is attached) but it does represent the most serious criminal statutes officers are asked to enforce.

This ordinance change will serve to protect and promote the health, safety and welfare of the residents of Portland through prudent, efficient and creative use of department resources. The ability of officers to collaborate with other agencies will ensure that officers can quickly identify and respond to an offender's location, track criminal enterprises or find a victim in need of assistance. I am confident that the increased authority that this ordinance will allow officers to exercise will improve our response to crime and benefit officers by providing them with tort and qualified immunity protection beyond Portland's borders.

I am asking for your permission to bring this issue and the attached ordinance amendment before the Public Safety Committee for their review. Please let me know if you have any questions about this proposal or if you would like to meet to discuss it in greater detail. Thank you.

ARTICLE IV. ADDITIONAL AUTHORITY

Sec. 20-36. Authority granted.

(a) Arrests outside the city's geographic boundaries.

In addition to any other authority conferred by law, law enforcement officers of the Portland Police Department who have met the requirements of Title 25, section 2804-C are authorized, pursuant to 30-A M.R.S.A. § 2671 subsection 2-A ~~to perform the acts listed below while outside the geographic boundaries of the city; to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction of the City of Portland if, when possible, the law enforcement agency of the municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the municipality in which the arrest has been made is notified immediately after the arrest.~~

~~(1) Arrest without warrant a person who has committed in the officer's presence or is committing in the officer's presence a Class A, B or C crime defined in 17-A M.R.S.A. Chapters 9, 11, 13, 17, 27 or 33, while the officer is on or off duty; or~~

~~(2) Arrest without warrant a person for a crime committed in the city if:~~

- ~~a. The arrest is made as part of an ongoing criminal investigation made by an officer while on duty and assigned to the investigation;~~
- ~~b. The law enforcement agency of the municipality in which the arrest is to be made is notified in advance; and~~
- ~~c. If the arrest is authorized by 17-A M.R.S.A. § 15, subsection 1, paragraph A.~~

~~As used in this section, the phrase "committed in the officer's presence or is committing in the officer's presence" has the same meaning as provided in 17-A M.R.S.A. § 15, subsection 2.~~

(b) Representation of the city in state district court.

Pursuant to 30-A M.R.S.A. § 2671, subsection 3, a law enforcement officer of the Portland Police Department who is certified by the Maine Criminal Justice Academy, under 25 M.R.S.A. § 2803, subsection 3-A, and approved in writing by the chief of police, may represent the city in district court in the prosecution of alleged violations of ordinances which the officer may enforce.