

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
SPECIAL CITY COUNCIL MEETING
APRIL 24, 2017

The Portland City Council will hold a Special City Council Meeting at 5:00 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

“Arts in the Chamber”, Maine Youth Rock Orchestra (MYRO)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 5, 2017 Special City Council Meeting Minutes

PROCLAMATIONS:

Proc 27-16/17 Proclamation Honoring Thomas Doyle, Health and Human Services
(Tab 2) Department, Social Services Division, as Employee of the Month for
February, 2017 – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 199-16/17 Order Appointing Kyle O’Neil as a Constable for 2017
(Tab 3) Re: Department of Parks, Recreation & Facilities – Sponsored by Jon
P. Jennings, City Manager.

This order appoints Kyle O’Neil, Park Ranger for the Department of Parks, Recreation & Facilities as a constable for 2017.

This appointment is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests, or issue parking tickets. Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 200-16/17 (Tab 4) Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Luis Garcia – Sponsored by Jon P. Jennings, City Manager.

Portland Police seized assets that were deemed to be either proceeds from the sale of illicit substances or assets intended to be furnished in exchange for illicit substances. A judgment has been received by the Superior Court awarding the assets to the State and allowing transfer to the City of Portland. The Civil Forfeiture statute, 15 M.R.S.A. § 5821(6) and § 5824(3), requires that before any forfeitable item may be transferred to a State agency, County or municipality, the legislative body of that entity must publicly vote to accept the item.

The amount of \$14,451.00 may be transferred to the Portland Police Department. The money will be deposited into the Portland Police Department’s drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the Department’s Law Enforcement Addiction Advocacy Program.

Order 201-16/17 (Tab 5) Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Mose Losuk – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$500.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Moses Losuk.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department’s drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department’s Law Enforcement Addiction Advocacy Program.

Order 202-16/17 (Tab 6) Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Craig Carrigan – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$14,200.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Craig Carrigan.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

**Order 203-16/17
(Tab 7)**

Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Erica Burwell – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$4,603.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Erica Burwell.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

**Order 204-16/17
(Tab 8)**

Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Innocent Ochan – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$2,260.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Innocent Ochan.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department's drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department's Law Enforcement Addiction Advocacy Program.

**Order 205-16/17
(Tab 9)**

Order Declaring June 9 to June 17, 2017 Portland Pride! Week and Portland Pride! Celebration and Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares the Pride Portland! Pride Celebration and Festival to be held June 19-June 17, 2017. The festival itself will be held on Saturday, June 17, 2017, and is comprised of two components: the Pride Parade and the Festival at Deering Oaks Park.

All event times and street closures are included in the agenda backup.

**Order 206-16/17
(Tab 10)**

Order Declaring June 9 to 11, 2017 The Old Port Festival Summer Kick Off Weekend – Sponsored by Jon P. Jennings, City Manager.

This order declares the Old Port Festival Summer Kick Off Weekend to be held Friday, June 9, 2017 to Sunday, June 11, 2017.

Friday, June 9 kicks off with the 1st Annual Square Hop featuring performances by the Peaks Island Ukulele Ensemble, Circus Maine, Maine Marimba Ensemble, and Port Fringe. The performances will take place in Longfellow Square, Congress Square Park, and Post Office Park from 6:00 to 8:00 p.m.

Saturday, June 10, 2017 Shop for a Cause raises funds for The Locker Program and takes place at private businesses all day and evening. Although Saturday's event is not held on public property, the organizer has requested that it be included in the Council order to allow them to regulate the festival zone for all three days of the festival.

Sunday, June 11, 2017 is the 44th Annual Old Port Festival which runs from 11:00 a.m. to 5:00 p.m. in the Old Port District.

The festival zone and street closures are included in the agenda backup.

**Order 207-16/17
(Tab 11)**

Order Declaring July 29, 2017, The 15th Annual Greater Portland Festival of Nations – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, July 29, 2017 the 15th Annual Greater Portland Festival of Nations, a festival of music, crafts and cuisine from around the world to be held at Deering Oaks Park, 11:00 a.m. - 7:00 p.m.

Admission is FREE. Refreshments, crafts, artwork, and other items will be for sale. The Festival is held rain or shine.

The festival will again be held on Saturday. The Farmers Market is held in Deering Oaks Park on Saturdays. For just the date of the festival, they will move their setup to Bowling Green Lane so that setup for the Festival of Nations can take place at the Bandstand and along Farmers Market Road. The Friends of Deering Oaks Park have reviewed and endorsed the festival.

**Order 208-16/17
(Tab 12)**

**Order Declaring September 28 and 29, 2017 Portland Ovations’
BANDALOOOP Festival – Sponsored by Jon P. Jennings, City Manager.**

This is a brand new event/festival to Portland. Portland Ovations is bringing BANDALOOOP to the city and is asking City Council for permission to use city property for public viewing of this dance troupe. BANDALOOOP is a U.S. based, internationally touring pioneer in vertical dance performance. By using the sides of building, museums, bridges, skyscrapers, and even the sides of cliffs in China, BANDALOOOP (via rigging and tethered ropes) turns the dance floor on its side. BANDALOOOP will be in residence in Portland from September 23 – 30, 2017, and is slated to perform outside for the public two of those days. These performances are free to the public (no admission charge).

The actual dance performances will be held outside, on the sides of The Westin Hotel on Thursday, Sept. 28, 2017 and One City Center on Friday, September 29, 2017, and last only 15 minutes. There may be two performances scheduled at each of those locations, respectively.

City sidewalks, squares, parks, and streets will be viewing areas for the public performances. There will be days leading up to the performances when BANDALOOOP members are rehearsing outside (rehearsals begin Tuesday, September 26). Portland Ovations has already secured partnership agreements with both sites and Friends of Congress Square Park.

Street closures are included in the agenda backup.

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

LICENSES:

**Order 209-16/17
(Tab 13)**

**Order Granting Municipal Officer’s Approval of Eighteen Twenty
Wines. Application for a Winery License with Outdoor Dining on
Private Property at 219 Anderson Street – Sponsored by Michael
Russell, Director of Permitting and Inspections.**

Application was filed on 3/27/2017. New City application.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

**Order 210-16/17
(Tab 14)**

**Order Receiving and Referring the Portland Board of Public Education’s
Fiscal Year 2018 Budget Estimate and Setting a Public Hearing Thereon –
Sponsored by Jon P. Jennings, City Manager.**

Under this order the City Council receives the Portland Board of Public Education's proposed Fiscal Year budget and refers it to the Finance Committee for review and recommendations.

The City Council public hearing on the school budget will be held Monday, May 1 at 6:00 p.m. Council action on the school budget will take place Monday, May 15, 2017. The public referendum on the school budget will be held on Tuesday, June 13, 2017.

COMMUNICATIONS:

RESOLUTIONS:

Resolve 6-16/17 (Tab 15) Resolution Recognizing May 20, 2017 to May 26, 2017 as National Safe Boating Week – Sponsored by Councilor Spencer Thibodeau.

This Resolution proclaims May 20-May 26, 2017 to be National Safe Boating Week in Portland, Maine with a kick-off Wear Your Life Jacket to Work Day on Friday, May 19, 2017 and Ready, Set, Wear It! Life Jacket World Record Day gathering at noon in the Robert Ganley City Hall Plaza on Saturday, May 20, 2017.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 192-16/17 (Tab 16) Order Approving Collective Bargaining Agreement with Communications Employee Association – Sponsored by Jon P. Jennings, City Manager.

Staff has reached a tentative agreement with the Communications Employee Association on a successor two (2) year contract. The prior collective bargaining agreement expired June 30, 2016.

The Communications Employee Association, which is comprised of 36 Telecommunicators, Fire Alarm Specialist, Radio Systems Specialist, and Telecommunications Supervisors, has reached a tentative agreement with the City.

The tentative agreement is within the guidance received by the City Council on August 1, 2016.

The tentative agreement has a 2.0% general wage increase for Fiscal Year 2017 retroactive to July 3, 2016 and a 2.0% general wage increase effective July 5, 2017.

This item must be read on two separate days. It was given a first reading on

April 5, 2017. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 211-16/17
(Tab 17)**

Order Approving Amended and Restated Lease with Bay Ferries Limited Re: Ocean Gateway Facility – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

The Economic Development Committee met on April 4, 2017, and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

In 2016, Bay Ferries returned to the Port of Portland operating the CAT ferry service between Yarmouth, Nova Scotia and Portland, Maine. The City Council approved a lease with Bay Ferries Limited on May 2, 2016. The lease was for a two-year term with a single, one-year renewal option.

Minor amendments to the approved lease are needed to support the 2017 ferry season, including extending the 2017 season two weeks, use of the ground level space of the Terminal Building, and adjusted rental for use of that ground level space for an additional \$1,400 per month to a total of \$16,629 during the season.

Five affirmative votes are required for passage after public comment.

**Order 212-16/17
(Tab 18)**

Order Approving Purchase and Sale Agreement with AIM Riverside, LLC for Sale of City Property at 636 Riverside Street – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

The Economic Development Committee met on April 4, 2017 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

Under the direction of the Economic Development Committee, a draft Purchase and Sale Agreement has been negotiated with AIM Riverside II, LLC to sell a seven-acre, City-owned property adjacent to Lucas Tree located at 636 Riverside Street in the amount of \$604,800.

Staff has been marketing the availability of this City-owned industrial property, for several years, through the local commercial broker network. A number of interested parties have looked at this property for various types of development projects. This proposed development plan, which includes multi-industrial tenant type development, with over 75,000 square feet, optimizes the site in terms of the amount of square footage, and provides much needed industrial tenant flexible space options to generate the highest overall development value and associated job creation to the City.

Five affirmative votes are required for passage after public comment.

**Order 213-16/17
(Tab 19)**

Order Approving and Authorizing the Land Exchange Agreement Between CPB2 Management LLC, Maine Department of Transportation and the City of Portland Re: 58 Fore Street - Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

The Economic Development Committee met on March 29, 2017 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The exchange of lands involves CPB2 Management LLC (CPB2), the State of Maine Department of Transportation (MDOT,) and the City of Portland. The CPB2-approved master plan shows a southerly shift in location of an existing MDOT rail right-of-way to accommodate the new private roadway extending from Thames Street onto the Portland Company complex.

The shift in right-of-way encroaches onto the northerly corner of the City's Amethyst Lot resulting in a 2,537 sq. ft. transfer of land from the City of Portland to MDOT. CPB2 compensates the City for this loss with a grant of an equivalent area of land located along the water.

Taken together with four other discrete slivers of property transfers proposed along the MDOT right-of-way, the total land area owned by the City would remain consistent. Staff analysis concludes that the properties in this Land Exchange Agreement are of similar size and equal value so no funds will be transferred.

Five affirmative votes are required for passage after public comment.

**Order 214-16/17
(Tab 20)**

Order Placing Ballot Question on the June 13, 2017 School Budget Referendum – Sponsored by Katherine L. Jones, City Clerk.

The Finance Director of the School Department has asked the City Clerk to put a second question on the ballot that would allow the City Council to approve the use of additional school funds from the State without going back out to referendum. If additional funds are received, the School Board would make recommendation to the City Council. The question gives three options for the use of the additional funds.

1. Appropriate additional funds for school expenditures
2. Allocate funds to a reserve account
3. Reduce the property tax support required for school expenses

The question as proposed by the School Department and consistent with State law is as follows:

In the event that the Portland Public Schools receives more state education subsidy than the amount included in its budget, shall the School Board be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Board, increase the allocation of finances in a reserve fund approved by the School Board, and/or decrease the local cost share expectation, as defined in Title 20-A, section 15671-A(1)(B), for local property taxpayers for funding public education as approved by the Portland Board of Public Education? (yes/no)

Five affirmative votes are required for passage after public comment.

**Order 215-16/17
(Tab 21)**

Order Adopting the City of Portland Comprehensive Plan – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on April 13, 2017, and voted 6-0 (Mazer absent) to forward this item to the City Council with a recommendation for approval.

A comprehensive plan is a long-range planning document required under Maine’s Growth Management Act, and serves to guide decision making in Portland for the next 12 years. It continues the City’s long history of comprehensive and long range planning, and serves as a guide and resource in multiple ways: it provides valuable information about the state of the City today; it establishes a policy roadmap for implementation; it identifies how other planning efforts, past and future, relate to each other; it forms a reference point for decision making, and it articulates a vision for Portland’s values today and for the future. It is also a requirement under Maine’s Growth Management Act, and qualifies the City for certain state funding programs.

From the launch, in 2015, of the creation of this new plan the Planning Board and City staff sought diverse public input, and strove to ultimately create a succinct and accessible document out of that process, for the entire community.

This item must be read on two separate days. This is its first reading. The second reading of this item will be on June 5, 2017.

**Order 216-16/17
(Tab 22)**

Order Appropriating \$125,000 in Urban Development Action Grant Revenue Re: Surface Parking Lot Bounded by Fore, Cotton, Middle, and Cross Streets – Sponsored by the Jon P. Jennings, City Manager.

At the April 5, 2017 City Council meeting, the council approved the sale of a City-owned parking lot on Cotton Street. The parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG). The city received rental income from the parking lot which was utilized by the City as CDBG program income and was incorporated into the annual CDBG budget. Over the last five years the CDBG program received an average of \$119,426 annually. The proceeds from the sale of the lot can only be

used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

At their March 7, 2017 meeting, the Economic Development Committee voted 2-0-1 (Thibodeau abstained) to recommend to the City Council that \$100,000 of the sales proceed be used to fund an expansion at the Milestone Foundation, \$25,000 be used to be used to help fund a panhandling pilot program, and a *hybrid approach* be utilized for future use of the remaining proceeds and for ensuring that CDBG program income funding levels are maintained.

The *hybrid approach* would utilize approximately \$120,000 in Downtown TIF funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds (\$1,050,000) would be used for social service program funding and other TIF-ineligible activities.

The Milestone Foundation improvements and the panhandling pilot program are described below:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

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

**Order 217-16/17
(Tab 23)**

Order Approving Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Fiscal Year 2018 Housing and Urban Development Annual Action Plan Re: Use of Proceeds from Sale of City-Owned Surface Parking Lot Bounded by Fore, Cotton, Middle and Cross Streets – Sponsored by Jon P. Jennings, City Manager.

The FY 17/18 HUD Annual Action Plan was approved by the City Council at their April 5th meeting. Subsequent to that approval, the council approved the sale of the City-owned Cotton Street parking lot which will generate proceeds from federal UDAG funding.

The receipt of these proceeds must be included in the City's 2016-2020 HUD Consolidated Plan and the use of \$125,000 from the proceeds must be included in the FY17/18 HUD Annual Action Plan.

The Cotton Street parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG).

The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

During FY17/18 the City proposes to use \$125,000 from the sale proceeds to address immediate, urgent needs within our community, which are identified as:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

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

**Order 218-16/17
(Tab 24)**

Order Appropriating \$3,975,000 for Improvements to the Portland International Jetport Passenger Terminal – Sponsored by Jon P. Jennings, City Manager.

The Portland International Jetport is requesting an appropriation from its unrestricted fund balance to make improvements to the passenger terminal

building. The Jetport completed a significant expansion in 2012 which greatly improved the passenger experience, but left the inbound passenger approach to baggage claim and gates 1-6 unimproved. At this time Jetport staff is proposing to make the following improvements.

• New vertical circulation from gate concourse down to baggage claim	\$ 2,325,000
• Restroom renovations in gate concourse and baggage claim	\$ 275,000
• Gate 2 & 3 passenger boarding bridge rehabilitation	\$ 1,050,000
• Flight Information Display System (FIDS) upgrade	<u>\$ 325,000</u>
Total	\$ 3,975,000

These improvements represent a first phase in the Jetport’s plan to completely match the older sections of the terminal to the level of amenities and finish of the 2012 terminal expansion.

The Jetport’s unrestricted cash fund balance was \$21,446,955 as of June 30, 2016. If approved, the Jetport will use \$3.975 million of its unrestricted cash fund balance to complete these proposed terminal improvements. Airports, like many industries, have substantially increased their liquidity since 2008 in response to the recession. This has resulted in unrestricted cash holdings in excess of 500 days of operating expenses, a level that is high historically.

The Jetport has followed this trend, as of June 30, 2016 the unrestricted cash fund balance was equal to 505 days of operating expenses on hand. At the last rating review with S&P and Moody’s I outlined the Jetport’s capital improvement program and noted it was our plan to maintain a more appropriate floor of 365 days of operating cash on hand.

If this appropriation is approved the Jetport will remain well above this floor at 404 days of cash on hand.

The Jetport is an enterprise fund of the City that is fiscally self-sustaining. FAA grant assurances and the covenants for the Jetport’s General Airport Revenue Bonds (GARBs) require all revenues generated at the Jetport be pledged to cover only Jetport expenses. The approval of this appropriation has no impact to the City of Portland’s general fund or tax rate.

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

**Order 219-16/17
(Tab 25)**

**Order Amending Order 153-16/17 (FY2018 CIP Projects) - Sponsored
by Councilor Pious Ali and Mayor Ethan K. Strimling.**

On April 5, 2017 the City Council approved Order 153-16/17, the FY18 Capital Improvement Plan. The plan was the result of a lengthy public process which included all City Departments and the School Department submitting and presenting their prioritized capital improvement plan requests in late 2017, the City Manager presenting the Capital Improvement Plan to Finance Committee, and the Finance Committee and City Council both unanimously endorsing that plan as

presented. The School Board has subsequently requested a change to the normal process and voted to ask the City Council to consider an amendment removing seven school projects from the FY18 approved CIP (Deering High School Windows, District Phone System, Deering High School Kitchen / Remodel Upgrade, Energy Management Control Upgrades, Engineering for Roofs, King – Fire Alarm Replacement Engineering, Lyman Moore – Fire Alarm Replacement Engineering) and reallocating that funding to the Casco Bay High School New Entrance and Engineering project.

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

**Order 220-16/17
(Tab 26)**

Order Amending Order 154-16/17 (FY2018 CIP Projects) – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This is a companion order to Order 218-16/17 above.

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

AMENDMENTS:

**Order 221-16/17
(Tab 27)**

Amendment to Portland City Code Chapter 14 Re: Institutional Overlay Zone - Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on March 28, 2017, and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

The new Institutional Overlay Zone (IOZ) ordinance will make available a process for the growth and development of major institutions (initially MMC, Mercy, UNE and USM) in view of their central economic, academic, and health care roles in the city and region.

The process aims to foster transparency; formalize regular public engagement between the institutions and neighborhoods, the city, and third parties (e.g. METRO and utilities); and provide mechanisms that address the implications of institutional growth and development.

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

**Order 222-16/17
(Tab 28)**

Amendment to Portland City Code Chapter 17. Re: Extension of Moratorium of Retail Marijuana Establishment and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel.

A 180-day moratorium on licenses for recreational marijuana retail shops and social clubs was approved by the City Council by Order 84-16/17 on November 21, 2016. It applied retroactively to November 8, 2016, and will expire on May 7, 2017. The Moratorium should be extended, in accordance with 30-A M.R.S.

§4356(2), to allow local licensing, zoning, and other ordinances to be drafted in accordance with state rules, which are still being developed.

On November 8, 2016, Maine voters approved the Marijuana Legalization Act (the “Act”), allowing the consumption, distribution and business development of and for marijuana products. The Act allows municipalities to regulate retail marijuana establishments, including stores, cultivation facilities, retail testing facilities, and also marijuana social clubs.

The extension of the Moratorium on these businesses will allow the City of Portland to ensure that its ordinances are consistent with the State of Maine rules, which have not yet been released. City staff is developing draft ordinances to regulate the sale of recreational marijuana, including licensing requirements, zoning restrictions, and safety rules, among other things.

Staff is requesting emergency enactment in order to make the extended Moratorium effective on May 7, 2017.

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

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

UNFINISHED BUSINESS: continued

Order 155-16/17 (Tab 29) Order Approving Longfellow, Lyseth, Presumpscot and Reiche Elementary School Renovation Projects with Total Project Costs not to Exceed \$64,260,000 and Authorizing General Obligation Bonds Therefore – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

On February 23, 2017 the Finance Committee voted (2-0) to recommend a \$64.26M proposal to substantially renovate four elementary schools.

The Finance Committee made their recommendations after an extensive process which included a Portland Public Schools Board of Education recommendation (6/21/16, 6-2 for a \$70.59M bond), a School Facilities Ad-Hoc Committee amendment and recommendation (1/19/17, 7-1 for a \$61M bond) and another Portland Public Schools Board of Education recommendation (1/31/17, 8-0 for a \$61M bond).

The schools and amounts included in the current Finance Committee recommendation are:

Presumpscot: Modularity eliminated and classroom space added. Separate gym and cafeteria created. Adequate OT, PT, ELL, music, art, library, kitchen and restroom

space added. Improved security and sightlines for the entrance. More functional parent drop off/bus loop constructed.

Upgraded learning technology, plumbing, electrical and sprinklers installed. LEED Certified. *Cost: \$13,628,000*

Longfellow: Building made fully ADA compliant with new, more secure entrance. Full asbestos abatement. Separate gym and cafeteria created. Adequate reading, ELL, Gifted & Talented, music, art, library, and kitchen space. Upgraded learning technology, plumbing, electrical and sprinklers installed. LEED Certified. *Cost: \$15,388,000*

Reiche: Acoustic and lighting problems corrected. Enclose classroom corridor walls and provide operable partitions. Maintain ability for open spaces for collaborative learning.

Appropriate health station created. Rightsize art, music and reading spaces. Pre-K, Title #1, OT, PT and Reading 180 spaces added. Upgraded learning technology, plumbing, electrical and sprinklers installed. Solar heater for the pool. LEED Certified. *Cost: \$17,246,000*

Lyseth: Modularity eliminated and classroom space added. Pre-K, Kindergarten and Gifted & Talented space created. Adequate ELL, speech, art, music, library, nurse's station and social worker space added. Separate gym and cafeteria created. Upgraded learning technology, plumbing, electrical and sprinklers installed. LEED Certified. *Cost: \$17,998,000*

It should be noted that the allocation for each school is an estimate and the Finance Director will have the flexibility to adjust amounts between schools as long as the total bond is not exceeded.

The proposal from the School Board did not recommend any specific order/ timing of school construction. The proposal does include an estimated timetable for construction from Oak Point Associates with School 1 estimated completion in fall 2020, School 2 in fall 2021, School 3 in fall 2023, and School 4 in fall 2024.

The proposal includes beginning design on the first school by the end of 2017 and therefore a 2017 referendum is required. It is important to note that any projects approved during a local referendum would become ineligible for State of Maine Department of Education Major Capital School Construction Funding.

Applications for a new round of State funding are due on April 14, 2017. Given the tight timeline and not knowing what action will be taken by the City Council, or ultimately might be taken by the voters, the School Department is applying for funding for these four schools. Sixteen projects were completed from the State's current priority list. Had the State continued with the list, Longfellow School and Reiche were #2 and #3.

A preliminary priority list from this next funding round is expected in April 2018.

It is anticipated that the \$64.26M would be borrowed over a six-year time period. This would result in an estimated \$92M in debt service payments, principal and interest, spread over the next 26 years. The tax rate would rise an estimated 3.1% by FY24 due to these debt service payments. For a taxpayer with an average home value (\$240,000) there would be an estimated \$2,707 of total additional taxes over the 26 year life of the bonds, an average of approximately \$104 per year.

Additional details on the proposal including the presentation provided to the Finance Committee and all additional materials requested and considered by the Committee are included in the agenda backup.

Order 155-16/17 received a public hearing on March 20, 2017. It subsequently failed to pass by a vote of 6-3 (Mavodones, Duson, and Ray in opposition), short of the seven (7) affirmative votes required by the City Charter for passage of orders approving bonds. Pursuant to City Council Rule 19, this order automatically appears on the next City Council agenda as unfinished business.

Seven affirmative votes are required for passage. A public hearing for this item was held on March 20th. On April 5, 2017 this item was postponed to the April 24th Council meeting.

**Order 156-16/17
(Tab 30)**

Order Appropriating \$64,260,000 of Bond Proceeds – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 155-16/17 above. Five affirmative votes are required for passage. A public hearing for this item was held on March 20, 2017. On April 5, 2017 this item was postponed to the April 24th Council meeting.

**Order 157-16/17
(Tab 31)**

Order Submitting Elementary School Renovation Projects Bond Order to Referendum – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 155 and Order 156 above. Five affirmative votes are required for passage. A public hearing for this item was held on March 20, 2017. On April 5, 2017 this item was postponed to the April 24th Council meeting.

**Order 193-16/17
(Tab 32)**

Order Approving Lyseth Elementary School Renovation Project and Other Miscellaneous Improvements at Reiche, Ocean Avenue, Peaks Island and Riverton Elementary Schools, Lyman Moore and King Middle Schools, and Deering High School with Total Project Costs not to Exceed \$24,000,000 and Authorizing General Obligation Bonds Therefore Subject to the Conditions in This Order – Sponsored by Councilor Belinda Ray.

This \$24 Million Bond will fund a complete renovation of Harrison Lyseth Elementary school while also addressing short-term needs at seven other schools and preserving the City of Portland’s opportunity to obtain state funding for the schools determined to have the best chance of obtaining that funding.

The projects to be addressed by this bond were identified in consultation with City Operations staff and are consistent with recommendations put forth in the Facilities Assessment of School Buildings Capital Plan recently completed by Sebago Technics and Lavallee Brensinger Architects.

Passing this bond will put the City of Portland in a position to continue addressing short-term school facility needs through its annual Capital Improvement Plan. It will also enable the City to create a long-term plan that makes the best use of local tax dollars and state funding to address the system’s longer term needs, including large scale renovations at some schools.

Specifically, the bond will cover the following renovations, repairs, and upgrades:

Lyseth Elementary School: Complete renovation of existing facility. Modularity eliminated and classroom space added. Pre-K, Kindergarten and Gifted & Talented space created. ELL, speech, art, music, library, nurse’s station, and social worker space added. Separate gym and cafeteria created. Upgraded learning technology, plumbing, electrical, and sprinklers installed. Bus loop, field work, and drainage issues resolved.

Lyman Moore Middle School: Parking improvements. Engineering for Fire Alarm. Installation of Fire Alarm.

King Middle School: Engineering for Fire Alarm. Installation of Fire Alarm.

Ocean Avenue Elementary: Addition of four classrooms to add capacity and swing space within the district. As is state practice, Ocean Avenue was designed so that these classrooms could easily be added at a later date if the extra capacity became necessary. These four classrooms were first requested to address system capacity needs in 2011.

Reiche Elementary: Engineering and construction of a new Brackett Street entry to address student health and safety issues. The ramp on the Brackett Street side of the school will come down and a new entrance and staircase will be installed. The second story will be enclosed, further separating the community from the school.

Peaks Island: Ceiling & lighting upgrades throughout facility, addressing operations, maintenance, and energy efficiency issues.

Riverton: Installation of heat piping in new wing. Replacement of original rooftop AC.

Deering High: Installation of sprinkler system. Fire alarm upgrades.

This item must be read on two separate days. It was given a first reading on April 5th. Seven affirmative votes are required for passage after public comment.

**Order 194-16/17
(Tab 33)**

Order Appropriating \$24,000,000 of Bond Proceeds – Sponsored by Councilor Belinda Ray.

This item is a companion Order to Order 193 above. This item must be read on two separate days. It was given a first reading on April 5th. Five affirmative votes are required for passage after public comment

**Order 195-16/17
(Tab 34)**

Order Submitting Elementary School Renovation Projects Bond Order to Referendum – Sponsored by Councilor Belinda Ray.

This is a companion order to Order 193 and 194 above. This item must be read on two separate days. It was given a first reading on April 5th. Five affirmative votes are required for passage after public comment

**Order 196-16/17
(Tab 35)**

Order Approving Lyseth and Presumpscot Elementary School Renovation Projects with Total Project Costs not to exceed \$31,626,000 and Authorizing General Obligation Bonds Therefore Subject to the Conditions Contained in this Order – Sponsored by Councilors Nicholas M. Mavodones, Jr. and Jill C. Duson.

This order approves a bond in the amount of \$31,626,000 which would allow for construction of Lyseth and Presumpscot Elementary Schools, and for waiting to see where the Reiche and Longfellow Elementary Schools rank in the upcoming Spring 2018 State Department of Education Major Capital Construction Priority list (which provides State funding for construction of schools). If Reiche and Longfellow Elementary Schools rank highly on that list, the City would then be able to move forward with construction of all four elementary schools, with two of the schools being funded locally and two of the schools being funded by the State.

Finally, however, this order would also allow for the City to be able to take the necessary steps to allow for local funding of Reiche and Longfellow Elementary Schools if State funding was not obtained."

This item must be read on two separate days. It was given a first reading on April 5th. Seven affirmative votes are required for passage after public comment

**Order 197-16/17
(Tab 36)**

Order Appropriating \$31,616,000 of Bond Proceeds – Sponsored by Councilors Nicholas M. Mavodones, Jr. and Jill C. Duson.

This is a companion order to Order 197-16/17 above. This item must be read on two separate days. It was given a first reading on April 5th. Five affirmative votes are required for passage after public comment.

**Order 198-16/17
(Tab 37)**

Order Submitting Elementary School Renovation Projects Bond Order to Referendum – Sponsored by Nicholas M. Mavodones, Jr. And Jill C. Duson.

This is a companion Order to Order 196 and Order 197 above. This item must be read on two separate days. It was given a first reading on April 5th. Five affirmative votes are required for passage after public comment.