

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

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
APRIL 18, 2018

The Portland City Council will hold a regular City Council Meeting at 5:30 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, Toast (Acoustic Folk/Rock Duo Emma Ivy
and Justin Lindsay)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 9, 2018 Draft Special City Council Meeting Minutes

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

**Order 190-17/18 Order Declaring June 8 to 10, 2018 The Old Port Festival Summer
(Tab 2) Kick-Off Weekend - Sponsored by Jon P. Jennings, City Manager.**

This order declares Friday, June 8, to Sunday, June 10, 2018 the Old Port Festival Summer Kick-Off Weekend.

Friday, June 8, kicks off with the 2nd Annual Square Hop featuring free outdoor performances in Longfellow Square, Congress Square Park, Monument Square and Post Office Park, from 6:00 p.m. – 8:00 p.m. The Summer Window Display contest will also kick off on Friday night.

Saturday, June 9, events include Shop for a Cause which raises funds for a local non-profit and takes place at private businesses during regular business hours. Walk the Working Waterfront, a partnership between Portland Downtown and Maine Coastal Program, gives attendees a chance to explore the wharfs and piers along Commercial Street, 11:00 a.m. to 3:00 p.m. John Spritz oversees the Walk the Working Waterfront event, for which Portland Downtown provides volunteers, administrative and marketing support. There will be no street closures required for these two events.

Sunday, June 10 is the annual Old Port Festival, which runs 11:00 a.m. – 5:00 p.m. in the Old Port.

Street closures are included in the agenda backup.

**Order 191-17/18
(Tab 3)**

Order Declaring August 25, 2018 the Portland Fine Craft Show Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares the Portland Fine Craft Show Festival to be held on Congress Street, from High Street to State Street, on Saturday, August 25, 2018 from 9:00 a.m. to 4:00 p.m.

**Order 192-17/18
(Tab 4)**

Order Declaring June 9 and June 10, 2018 the Atlantic Cup Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday and Sunday, June 9 and 10, 2018 the Atlantic Cup Festival.

The festival area will include all of Fort Allen Park.

The sailing race will start on the water at about 10:00 a.m. each day and end around 4:00 p.m. Organizers are in contact with the U.S. Coast Guard, Portland Harbormaster, Casco Bay Lines and Lionel Plante Association (barges) among other Maritime groups.

Each Day the Festival Area Race Village and the Fort Allen loop will be closed off to traffic and overseen/administrated by Public Assembly Facilities Management Staff.

Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by Manuka Sports Event Management, LLC, the event contractor, and the City to focus volume within the festival area and the immediate environment, limiting any sound impacts in residential areas.

Beer will be available (at a beer garden) in a restricted area within Park grounds, to which access would be limited to those 21 and over. All IDs will be checked by Public Assembly Facilities Management Staff.

The event will also include merchandise and food vendors. All vendors must have the appropriate permits and licenses.

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

LICENSES:

**Order 193-17/18
(Tab 5)**

Order Granting Municipal Officers' Approval of Crown Jewel, LLC dba Crown Jewel. Application for a Class I FSE with Outdoor Dining on Private Property at 255 Diamond Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 3/23/2018. New City and State applications. Location was formerly The General Store at Diamond Cove.

Five affirmative votes are required for passage after public comment.

**Order 194-17/18
(Tab 6)**

Order Granting Municipal Officers' Approval of Lio LLC dba Lio Restaurant. Application for a Class I FSE with Outdoor Dining on Private Property at 3 Spring Street – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 3/23/2018. New City and State application. Location was vacant.

Five affirmative votes are required for passage after public comment.

**Order 195-17/18
(Tab 7)**

Order Granting Municipal Officers' Approval of New England Distilling, LLC dba New England Distilling. Application for Outdoor Dining on Private Property at 1 Industrial Way, Unit 13 – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 3/27/2018. New City applications. Licensee currently holds a Distillery Alcohol Service License.

Five affirmative votes are required for passage after public comment.

**Order 196-17/18
(Tab 8)**

Order Granting Municipal Officers' Approval of Eaux, LLC dba Eaux. Application for a Class I FSE at 88 Exchange Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 3/28/2018. New City and State applications. Location was formerly Crooners & Cocktails Restaurant.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

**Order 197-17/18
(Tab 9)**

Order Receiving and Referring to the Finance Committee the Portland Board of Public Education’s Fiscal Year 2019 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 2019 budget and refers it to the Finance Committee for review and recommendations.

The City Council public hearing on the school budget will be held on Monday, May 7, 2018 at 5:30 p.m. at City Hall in City Council Chambers.

City Council action on the school budget will take place Monday, May 14, 2018 at 5:30 p.m. at City Hall in City Council Chambers.

The public referendum on the school budget will be held on Tuesday, June 12, 2018.

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 8-17/18
(Tab 10)**

Resolution Adopting the Fiscal Year 2019 Annual Action Plan Including Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto – Sponsored by Jon P. Jennings, City Manager.

This Resolution adopts the fiscal year 2019 annual action plan and appropriates funds to the identified programs. A public hearing on this Resolution will be held at this meeting.

The 2018/2019 Housing and Community Development Program will report in the Annual Action Plan to the Department of Housing and Urban Development a total budget of \$4,343,198 funded by a Community Development Block Grant allocation of \$1,745,465, plus \$120,000 in Tax Increment Finance funding and \$20,000 in Cotton Street proceeds, plus \$11,886 in Contingency funding; 224,096 in CDBG Housing Program Income; a HOME Consortium Program Grant allocation of \$824,856; HOME Program income of \$120,000; HOME Program Recapture Funds of \$31,247; Lead Safe Housing Program Income of \$170,866; local Housing Trust Funds of \$913,502; and an Emergency Solutions Grant (ESG) Allocation of \$161,280.

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations. The Committee is given an opportunity to make a presentation to the Council at this meeting, and citizens may comment on the City's plan for the use of CDBG, HOME and ESG funds. The City Manager also reviewed the Committee's recommendations and has submitted his own funding recommendations to the City Council.

As required by the City's citizen participation process, two (2) public hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing year. The first public hearing was held March 19, 2018. The public hearings allow an opportunity for citizens to comment on the City's Consolidated Annual Action Plan.

Five affirmative votes are required for passage after this meeting's public hearing.

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

UNFINISHED BUSINESS:

Order 169-17/18 (Tab 11) Order Amending Traffic Schedule Re: Unrestricted to Time-Restricted Parking on Kennebec Street – Sponsored by Jon P. Jennings, City Manager.

Kennebec Street, between Forest Avenue and Brattle Street, is one-way with 12 on-street parking spaces. The requested Council action would change the Traffic Schedule to make the north side of Kennebec Street, from approximately 175 feet east of Forest Avenue to the opposite of Brattle Street, from unrestricted to 30-minute parking. This would apply to ten of the twelve parking spaces; the two closest to the Century Plaza driveway are already 30-minute spaces.

This item must be read on two separate days. It was given a first reading on March 19 and postponed to this meeting. Five affirmative votes are required for passage after public comment.

Order 174-17/18 (Tab 12) Order Authorizing Sale and City Lease Back of 44 Hanover Street – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on March 6, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This order authorizes the Purchase and Sale Agreement to sell city-owned property located at 44 Hanover Street to Tom Watson & Co., LLC for \$1,275,000 and the City Lease Agreement to lease back the property until September 30, 2019.

It is proposed that the City will occupy this property until September 30, 2019 for an upfront rent credit payment of \$12,500 per month, with a minimum credit of \$75,000. The City lease back approach is needed to access funds to support the Fleet Services relocation and to provide enough time to construct a building addition at the City Canco Road complex.

It has been the long-term goal to sell this and other Public Works Bayside properties per the Year 2000 Bayside Vision. To support these property sales, the City Council approved the acquisition of property along Canco Road which has been and continues to be redeveloped to support the relocation of Public Works operations from Bayside and other City Departments.

The subject property has been used for Public Works Fleet Services' large equipment maintenance operations. A property location map is included in the agenda backup.

Public meetings to discuss the sale of Bayside former Public Works Properties have been held on 1/3/2017, 1/31/2017, 2/27/2017, 3/7/2017, 6/27/2017, 7/19/2017, 9/19/2017, 11/28/2017, 1/3/2018, and 3/6/2018.

Under the direction of the Economic Development Committee during 2017 and 2018, staff has been negotiating a Purchase and Sale Agreement and Lease Agreement with Tom Watson & Co., LLC. Mr. Watson's site redevelopment proposal includes the following:

- Upwards of 16 separate units all with access to the street;
- One central space of over 3,500 square feet for public/communal use like pub, cafe, eatery;
- Glass overhead doors to promote openness and allow for artists to combine retail display space for their work and promote a marketplace environment; and
- Affordable/accessible to the creative economy at under \$1,000/month.

However, due to the fact that approximately two years will have passed between the time Mr. Watson submitted his proposal for the property and the time he will take possession of it, he is requesting some flexibility for his planned renovations given that community market demands may change.

Any substantial change of use to Mr. Watson's development concept will require City Council approval.

The City retained public access rights across the discontinued portion of Lancaster Street between Hanover to Parris Street, which is part of the 82 Hanover Street property.

This item must be read on two separate days. It was given a first reading on March 19 and postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 184-17/18
(Tab13)**

Order Rescinding Order 144-17/18, Authorizing Waterfront Concert Festivals Presented by Waterfront Concerts, LLC on the Maine State Pier – Sponsored by Danielle West-Chuhta, Corporation Counsel.

On February, 5, 2018, the City Council approved Order 144-17/18, which authorized Waterfront Concerts, LLC to use the Maine State Pier for summer concerts. Prior to this, Alexander Gray, Waterfront Concerts, LLC's owner and sole member/manager, was charged with and pleaded guilty to a charge of domestic violence assault.

On April 1, 2018, the victim of that assault emailed the City Manager to introduce herself and provide a link to an open letter describing her experience as a victim of the aforementioned domestic violence. As a result of this letter, members of the City Council requested that an Order Rescinding the Granting of Order 144-17/18 be added to the April 9, 2018 Council agenda for consideration.

This item must be read on two separate days. It was given a first reading on April 9. Five affirmative votes are required for passage after public comment.

**Order 185-17/18
(Tab 14)**

Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Valley Street between Park Avenue and St. John Street- Sponsored by Jon P. Jennings, City Manager.

This order approves a two-party agreement that allows the Maine Department of Transportation to undertake the Valley Street Cyclical Pavement Resurfacing (CPR) Project in 2018.

Approving and signing this agreement confirms the City's intent to construct this project and pay 43.8% of the total cost for paving Valley Street between Park Avenue and St. John Street,

The estimated total cost for this project is \$180,130.00. The City's share would be \$78,880. Maine Department of Transportation's share would be \$101,250.

This item must be read on two separate days. It was given a first reading on April 9. Five affirmative votes are required for passage after public comment.

**Order 186-17/18
(Tab 15)**

Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Park Avenue between St. John Street and Interstate 295 – Sponsored by Jon P. Jennings, City Manager.

This order approves a two-party agreement that allows Maine Department of Transportation to undertake the Park Avenue Cyclical Pavement Resurfacing (CPR) Project in 2018.

Approving and signing this agreement would confirm the City's intent to construct this project and pay 71.6% of the total cost for paving Park Avenue between St. John Street and Interstate 295.

The estimated total cost for this project is \$123,800. The City's share would be \$88,700. Maine Department of Transportation's share would be \$35,100.

This item must be read on two separate days. It was given a first reading on April 9. Five affirmative votes are required for passage after public comment.

**Order 187-17/18
(Tab 16)**

Order Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2019 Capital Improvement Program in an Amount not to Exceed \$31,648,595 – by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

The FY19-FY23 Capital Improvement Plan ("CIP") has been in development since summer 2017 and has been reviewed by the Finance Committee since their first meeting of 2018. The FY19 Capital Improvement Plan calls for \$15.5M of new bond authorization for general fund CIP projects and \$16.1M of new bond authorization for sewer and stormwater CIP projects. Two orders are required, one authorizing the FY19 CIP bonds, a second appropriating the proceeds and excess fund balance for several projects. A complete listing of the projects being authorized is included within the orders. The City Manager Recommended an amendment to the FY19 CIP at the 4/11/18 Finance Committee meeting and those amendments passed unanimously along with the full CIP and appropriation request.

The City Charter requires the City Manager to prepare a five (5) year rolling capital improvement plan for annual presentation to the city council. Approval of these orders is a critical component of the one-year CIP. City staff is working towards earlier approval of the CIP (last year's CIP was approved in spring 2017).

Earlier CIP approval would allow the City to get projects out to bid sooner, before many of the best contractors have already filled calendars with spring, summer and fall work.

For the past several fiscal years, the CIP borrowings have been designed to ensure no increases to the overall City budget for debt service. Due to an escalating backlog of City capital maintenance, the City Manager has pushed forward a recommendation of an additional \$5M of general fund capital improvement borrowing in the FY19 CIP.

This additional general fund borrowing will trigger a 5 to 6 cent increase in the mil rate beginning in FY20, depending on the interest rates obtained when funds are borrowed in spring 2018.

Approval of the FY19 CIP will allow staff to move forward immediately with the included projects, including many City, School and Sewer/Stormwater projects which are slated to begin during 2018.

This item must be read on two separate days. It was given a first reading on April 9. Seven affirmative votes are required for passage after this meeting's public hearing.

**Order 188-17/18
(Tab 17)**

Order Appropriating Bond Proceeds and Unassigned Fund Balance in an Amount not to Exceed \$34,703,595 for the City's Fiscal Year 2019 Capital Improvement Program – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 187-17/18 above.

This item must be read on two separate days. It was given a first reading on April 9. Five affirmative votes are required for passage after this meeting's public hearing.

**Order 189-17/18
(Tab 18)**

Amendment to Portland City Code Re: Bike Share Ordinance – Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met on March 21, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The draft Bike Share Ordinance proposes a framework to permit and regulate bike share systems in Portland. A tiered system of street occupancy permit fees is proposed to be tied to the number of bicycles within a bike share system and its configuration: Station-based or Stationless. Stationless systems can create more of a burden on enforcement so the per bike street occupancy permit fee is proposed to be higher than for Station-based systems, which provide more structured bicycle parking at specific locations. It is intended for the fees to be similar in total for each type of system for systems with a similar number of bicycles.

To mitigate the anticipated impact on public bicycle parking, it is proposed to have a Bicycle Parking Mitigation provision requiring Stationless system

operators contribute to the amount of bicycle parking available in Portland (totaling 10% of the number of bicycles within their system).

The proposed Sidewalk and Street Occupancy Permit Fee structure is as follows:

Station-less Systems (or Hybrid systems not meeting 50% docking point threshold):

Initial Annual Permit Fee, per operator per calendar year:

Less than 250 bicycles	\$1500
251 to 500 bicycles	\$2500
More than 500 bicycles	\$ 500 per every additional 250 bicycles or fraction thereof

Annual Renewal Fee (Station-less Systems), per operator per calendar year:

Less than 250 bicycles	\$1000
251 to 500 bicycles	\$2000
More than 500 bicycles	\$ 250 per every additional 250 bicycles or fraction thereof

Station-based/Hybrid Systems (Station-based systems must provide at least 50% as many docking points as bikes):

Initial Annual Permit Fee, per operator per calendar year:

Less than 250 bicycles	\$ 500
251 to 500 bicycles	\$1000
More than 500 bicycles	\$ 250 per every additional 250 bicycles or fraction thereof

Plus \$50 per approved docking station.

Annual Renewal Fee, per operator per calendar year:

Less than 250 bicycles	\$ 500
251 to 500 bicycles	\$1000
More than 500 bicycles	\$ 250 per every additional 250 bicycles or fraction thereof

Plus \$25 per approved docking station.

Section 25-31 of the draft ordinance in its elements:

- defines Bike Sharing Systems;
- delegates the authority to develop regulations of the systems to the City Manager including setting insurance and bonding requirements, specifying where parking of bicycles as part of a system is allowed and not allowed and other provisions in sub-section (c) “to ensure the safe and effective operation of such a system”;
- allows the City Manager to set a cap on the number of systems operating within the city;
- calls for annual review of the regulations; and

- establishes that operating a system without a permit is a violation of city ordinance.

This item must be read on two separate days. It was given a first reading on April 9. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 198-17/18
(Tab 19)**

Traffic Schedule Amendment Re: Section of Fore Street to Two-Hour Parking – Sponsored by Jon P. Jennings, City Manager.

Fore Street, between Waterville Street and St. Lawrence Street, is two-way with unrestricted parking on both sides of the street, except during weekly street cleaning events. The requested Council action would adjust the Traffic Schedule from unrestricted parking to 2-hour parking on the north side of this Fore Street block. This would impact six parking spaces.

The development and activity along Fore Street has intensified recently and people in the neighborhood have requested shorter term parking to allow for more turnover.

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

**Order 199-17/18
(Tab 20)**

Order Approving the Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME) Local 481-07 Supervisors – Sponsored by Jon P. Jennings, City Manager.

City staff has reached a tentative three (3) year agreement with AFSCME Supervisors representing approximately 39 supervisors and foremen. The tentative agreement is within guidance received from Council on September 18, 2017 and additional guidance on February 21, 2018.

The parties have tentatively agreed to a three (3) year contract extension with general wage increases as follows:

- 2% effective retroactive to July 2, 2017
- 2% effective July 1, 2018 plus \$.60 per hour for eliminating stipends and rolling into the hourly wage
- 2% effective July 7, 2019 plus \$.20 per hour for overtime concessions

In addition the City has agreed to implement a longevity step at 12+ years upon Council vote of approval of the new contract.

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

AMENDMENTS:

