

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY COUNCIL MEETING - FEBRUARY 7, 2022 AT 5:00 PM

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day of the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

ZOOM INFORMATION:

This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland City Council and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

**US: +19292056099,,82805568760#,,,,*535147# or
+13017158592,,82805568760#,,,,*535147#**

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or
+1 253 215 8782 or +1 346 248 7799**

Webinar ID: 828 0556 8760

Passcode: 535147

International numbers available: <https://us02web.zoom.us/j/kopyzdHL>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft January 19, 2022 City Council Meeting Minutes.

PROCLAMATIONS:

Proclamation 13-21/22 Recognizing Black History Month - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 139-21/22 Granting Municipal Officers' Approval of Port City Holdings LLC, dba Portland Lobster Company. Application for Class III & IV FSE with Outdoor Entertainment and Outdoor Dining on Private Property at 184 Commercial Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 1/19/22. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 140-21/22 Granting Municipal Officers' Approval of Porthole Hospitality LLC, dba The Porthole Restaurant & Pub. Application for Class XI Restaurant/Lounge with Combined Entertainment and Outdoor Dining on Private Property at 20 Custom House Wharf - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/30/21. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 7-21/22 Joining the Community Resilience Partnership - Sponsored by the Sustainability and Transportation Committee, Councilor Andrew Zarro, Chair

During its last legislative session, the Maine State Legislature appropriated \$4.5 million dollars to support community resilience projects. To distribute the funds, Governor Mills assigned the Governor's Office of Policy, Innovation, and the Future to create a Community Resilience Partnership to support Maine towns and cities in their efforts to become more resilient in the face of climate change. In order to join the partnership and become eligible for the funds, municipalities must conduct a community resilience self assessment and pass a resolution endorsing participation. City staff presented the community resilience self-assessment to the Sustainability and Transportation Committee on January 12. Committee members as well as members of the public had an opportunity to comment on the assessment and staff recommended short-term actions. Following the discussion, the Committee endorsed a resolution supporting the City's membership in the Community Resilience Partnership.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Danielle West, Interim City Manager

This Order would rename Bedford Park Noyes Park in recognition of the family that originally donated the land to the City to create this park in 1927. This request was made by members of the Noyes family and is supported by City staff.

Staff research determined that the name "Bedford Park" began to be used in the 1950s, but their research did not determine why or how that change was made. Additional information on the history of this property and the research conducted by staff can be found in the accompanying staff memo.

This item must be read on two separate days. It received its first reading on November 1, 2021. On November 15, 2021 the City Council voted (8-0) to postpone this item to the February 7, 2022 City Council Meeting. Public comment was taken on this item on November 15, 2021, so no additional public comment is required. Five affirmative votes are required for passage.

Written Public Comment on Order 89-21/22

Order 137-21/22 Approving and Appropriating a Federal Aviation Administration Airport Improvement Program Federal Fiscal Year 2022 Entitlement and Discretionary Grant - Sponsored by Danielle P. West, Interim City Manager

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel. The amount of entitlement funding allocated to each airport is based on the annual number of enplaned commercial passengers the airport handled in the prior calendar year. Due to the pandemic, the FAA is allowing entitlement funds to be based on 2019 passenger enplanements since for most airports, including the Jetport, 2019 passenger enplanements were significantly higher than 2020. For federal fiscal year 2022, the Portland International Jetport will be allocated AIP entitlement funding totaling \$4.15 million based upon 1,088,728 enplaned passengers in calendar year 2019. In addition to entitlement funding, the Jetport is also seeking AIP discretionary funding of \$8.24 million in federal fiscal year 2022. The full AIP grant of \$12.39 million combined with \$1.38 million in matching funds split equally between the Jetport and the state of Maine will fund the total \$13.77 million cost to rehabilitate the Jetport's primary runway 11/29.

This item must be read on two separate days. It received its first reading on January 19, 2022. Five affirmative votes are required for passage after public comment.

Order 138-21/22 Amendment to Portland City Code Chapter 17 Re: Sale of Flavored Tobacco Products Prohibited - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Tae Chong, Chair

The Health & Human Services and Public Safety Committee met on November 9, 2021 and voted 3 - 0 to recommend passage to the full Council.

The amendment would define and ban the sale of flavored tobacco and nicotine products, including natural, synthetic, and menthol tobacco products, with the ban enforced by the City's Public Health Director.

The Health & Human Services Committee also voted that the amendment should be effective June 1, 2022 to be consistent with one approved by the Bangor City Council. Bangor, Maine is the first municipality in the state of Maine to adopt a full flavor ban ordinance. Additionally, this will give ample time for the Portland Public Health's Tobacco Prevention Team to develop and disseminate a retailer campaign and other educational resources.

This item must be read on two separate days. It received its first reading on January 19, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 138-21/22

ORDERS:

Order 141-21/22 Extending the Face Covering Mandate to March 7, 2022 - Sponsored by Mayor Kate Snyder

By Order 131-21/22, on January 3, 2022, the City Council adopted a face covering mandate that was effective on January 10, 2022. The masking requirement was aimed at slowing the spread of Covid-19.

Section 17-143 of the ordinance anticipates that the Council will regularly revisit the masking requirement and review continued need for it every 30 days. Approval of the order attached to this item would be based on a determination that the face covering ordinance should remain in effect and, on that basis, would extend the mandate to March 7, 2022, when the City Council meets and would be subject to review once again.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 141-21/22

Order 142-21/22 Approving a Three-Year Agreement with Cumulous Global for Google Workspace - Sponsored by Danielle P. West, Interim City Manager

The City of Portland has been working with Cumulous Cloud (dba Google Workspace) for several years, and the latest contract expired in December 2021. The vendor has given the City until February 28, 2022 to approve a new contract. Services provided in this contract include Gmail, Google Drive, Google calendar, Google Meet, and more.

This is a three-year agreement (calendar years 2022, 2023, and 2024) with a total cost of \$421,000. Funding to satisfy this contract will be requested in budgets for fiscal years

2023, 2024, and 2025. This agreement does not contain a termination for convenience option as required by Chapter 2 of the City Code, and must therefore be approved by the City Council.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. If the second reading is waived, five affirmative votes are required for passage after public comment.

Order 143-21/22 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-07 Supervisors - Sponsored by Danielle West, Interim City Manager

City staff has reached a tentative three (3) year agreement with AFSCME Supervisors representing approximately 38 supervisors and foremen. The tentative agreement is within guidance received from Council on July 27, 2021.

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

2% effective retroactive to July 4, 2021

2.5% effective July 3, 2022

3% effective July 2, 2023

In addition, the City has agreed to implement a longevity step at sixteen plus (16+) years upon Council vote of approval of the new contract and a twenty plus (20+) year step effective July 3, 2022. The City will also implement Earned Paid Leave in accordance with 26 M.R.S. Sec 637.

Other economic items include:

- Adding Juneteenth as a recognized holiday and changing Columbus Day to Indigenous People's Day
- Adding \$.10 per hour increase to shift differentials
- Increase to standby pay
- Adding Fleet Services supervisors & foreman to the uniform rental agreement

The contract term is July 2, 2021 through June 30, 2024. The total direct cost of the general wage increase and other economic impacts is approximately \$370,000.00. Other language changes which do not have a financial impact have also been agreed to. The Supervisors members have ratified the three (3) year agreement.

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

AMENDMENTS:

Order 144-21/22 Amendment to the Portland City Code Chapter 17 Re; Change to Date of Review of Mask Mandate - Sponsored by Mayor Kate Snyder

This amendment to the face covering mandate in effect now in Portland would shift the timing for City Council review of the ordinance to better coincide with the City Council's meeting schedule. It changes the review period to occur at the first Council meeting of

every month until such time as the ordinance is repealed.

This item must be read on two separate days. Because this change will not impact members of the public and relates only to the Council's own process and scheduling, Staff is requesting that the second reading be waived, which requires seven affirmative votes. Five affirmative votes are required for passage after public comment.

Order 145-21/22 Amendment to the Portland City Code Chapter 33 Re: Hazard Pay in Effect during Mask Mandate - Sponsored by Councilor Victoria Pelletier

This amendment to the Portland City Code would institute a "Hazard Pay" of 1.5 times the City's minimum wage for work performed when the City of Portland's Public Face Covering Mandate (Portland City Code Chapter 17, Article XII) is in effect. This amendment would be retroactive to February 7, 2022.

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

Written Public Comment on Order 145-21/22

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