



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 28, 2019

Time: 6:30 PM

Location: City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA

1. ROLL CALL

Roll Call showed 8 present, 1 absent (C. Elliott).

M. Samaras presiding.

C. Mercier requested moment of silence in darkened chamber for Norma Beland.

2. MAYOR'S BUSINESS

2.1. Recognition - Kathy Reticker Forum.

In City Council, **Motion** "To accept and place on file" by C. Cirillo, seconded by C. Conway. So voted. Registered speaker, Jack Flynn, commented on the forum.

M. Samaras noted upcoming CMMA event and also noted that the Huot election system litigation had been settled.

3. CITY CLERK

3.1. Minutes of Technology & Utilities SC May 21st; City Council Meeting May 21st, for acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Mercier, seconded by C. Nuon. So voted.

4. UTILITY PUBLIC HEARING

4.1. National Grid - Req. installation of (1) SO Pole at 500 Wentworth Avenue.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Paul Pelligrini (National Grid). **Motion** to refer to Wire Inspector for report and recommendation by C. Kennedy, seconded by C. Nuon. So voted.



4.2. National Grid - Req. installation of (1) SO Pole on Woburn Street at intersection of Easton Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Paul Pelligrini (National Grid). **Motion** to refer to Wire Inspector for report and recommendation by C. Kennedy, seconded by C. Nuon. So voted.

4.3. National Grid - Req. installation of 2-3 inch underground electric conduit 27 West Third Street.

In City Council, Given 2nd Reading. Hearing held. Speaking in favor was Paul Pelligrini (National Grid). **Motion** to refer to Wire Inspector for report and recommendation by C. Milinazzo, seconded by C. Nuon. So voted.

5. COMMUNICATIONS FROM CITY MANAGER

5.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Cirillo. So voted.

A) Motion Response - No Left Turn Gorham – Natasha Vance (Transportation Engineer) clarified the report noting that there is a zoning board decision requiring turn and that it will be enforced.

B) Motion Response - Plastic Bag Ban - Paper Bag Request – C. Cirillo noted the report. C. Leahy questioned procedure and that resources could be better utilized. Eric Slagle (Insp. Services) commented that there was also a request for information of different businesses. Manager Donoghue noted that request was not part of current ordinance and that it was a request for information as well. C. Conway questioned the number of stores subject to the ordinance. Mr. Slagle noted he would provide list for Council.

C) Motion Response - Spring St Paving Request – C. Mercier noted satisfaction with the report.

D) Motion Response - Project Labor Agreement – Manager Donoghue commented on prior motions requesting report and recommendation regarding Project Labor Agreement (PLA). Manager Donoghue noted the meetings with City consultants and union representatives. Manager Donoghue noted that a PLA was not included with MSBA filings and budget was not set with such an agreement in place. Manager Donoghue noted that PLA would add costs to the project in terms of delays, possible



litigation, and resubmission to MSBA for amended scope of project as well as amending loan order because the MSBA will not fund a PLA. Manager Donoghue noted that an MSBA has never included a PLA since its inception. Manager Donoghue gave rough estimate of costs and time to do a feasibility study regarding PLA and noted that City has no funding to support that endeavor. Manager Donoghue noted that objectives of the union could be accomplished through contract negotiations with construction partners and that all contractors and subcontractors are certified by the State. Manager Donoghue recommended that City does not pursue a PLA or perform a feasibility study for same. C. Mercier commented on the study and the influence of the Beacon Hill Initiative. C. Mercier commented on other studies which spoke in favor of PLA and provided copies of Cornell University study entitled, "Project Labor Agreements in New York State: In the Public Interest". C. Mercier noted that she believed that the MSBA would not reject a PLA out of hand and that the reason unions had to delay their request was because the LHS project had faced delays. C. Mercier noted it was important to fight for unions and that the City Council has the last say on the matter and that it should be delayed so the body can review material on both sides. C. Cirillo noted that current report does not indicate anything from the Beacon Hill Initiative and stated that the City has reviewed all data concerning PLA. Perkins/Eastman (City consultant) outlined increase in costs analysis. The following registered speakers addressed the body: David Richmond; Joe Grenham; Chris Brennan; Jeff Thomas; and Dennis Daly. M. Samaras requested decorum in the Chamber. C. Kennedy noted no support for delays or increase costs on the project as well as redesign or resubmission to the MSBA. C. Kennedy requested further information on increase costs analysis. Skanska (City consultant) outlined procedure to identify increased costs. C. Kennedy noted benefits could be obtained without a PLA. Manager Donoghue noted that such benefits could be secured contractually. Solicitor O'Connor noted legal requirements and what could be included in contract. Skanska commented on contract language. Manager Donoghue noted continued work with the unions during the entire process. C. Kennedy noted even with needed support of the MSBA it is an expensive project for the City. C. Nuon noted need to put relevant contract language in all agreements and they must be enforced. C. Nuon noted approaching construction management contract as well as including apprenticeship programs. **Motion** by C. Milinazzo, seconded by C. Cirillo to adopt administration recommendation to not pursue any PLA as well as not pursue any feasibility study for a PLA. Adopted per Roll Call vote 7 yeas, 1 nay (C. Mercier), 1 absent (C. Elliott). So voted. C. Milinazzo noted that entering into a PLA would not benefit the City but goals could be obtained by other means if meetings continue and contract language is enforced. C. Mercier noted that a PLA would be more direct to attain goals. Manager Donoghue noted continued oversight of the project by consultants as well as the MSBA. C. Conway commented on the report noting costs and safety issues and need to move project forward without adding money. C. Conway noted the need for checks and balances to ensure contract is enforced.



Perkins/Eastman outlined oversight procedures. C. Cirillo noted review of time sheets is helpful with oversight. C. Milinazzo noted that contract could include decertification of company if contract violated. C. Mercier commented that vote would be taken without important information provided by unions. M. Samaras noted the importance of the Lowell High School project.

5.2. Budget Presentations.

In City Council, **Motion** “To accept and place on file” by C. Milinazzo, seconded by C. Mercier. So voted. Conor Baldwin (CFO) provided report entitled “FY2020 Proposed Budget” and made power point presentation. Mr. Baldwin outlined budget calendar; fiscal challenges; Charter School costs; highlights and initiatives; school funding; revenues; tax facts; and appropriations by categories. C. Milinazzo questioned if school department budget has been received by City. C. Conway questioned loss of grant funding. Mr. Baldwin outlined the losses. C. Mercier questioned amount of lottery money furnished to the City. Mr. Baldwin noted it was include in unrestricted funding but he could break out that source. Manager Donoghue noted effort of Mr. Baldwin in preparation of the budget. C. Leahy questioned status of union contract negotiations. Manager Donoghue noted there were three outstanding contracts remaining. C. Nuon noted effort on budget preparation.

5.3. Communication - City Manager request Out of State Travel (1) DPD.

In City Council, read, **Motion** to adopt by C. Cirillo, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted.

6. VOTES FROM THE CITY MANAGER

6.1. VOTE-ACCEPT TIMELY RECEIPT OF BUDGET FY20.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Cirillo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted.

6.2. VOTE-AUTHORIZE FY20 BUDGET APPROPRIATIONS.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 11, 2019 at 7 PM by C. Conway, seconded by C. Cirillo. So voted.



6.3. VOTE-ENDORSE THE FY20-FY24 CAPITAL PLAN.

In City Council, M. Samaras noted Vote would be continued until June 11, 2019 Council meeting.

6.4. VOTE-AUTHORIZE MANAGER EXECUTE ANNUAL ACTION PLAN FY2019-2020.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted.

6.5. VOTE-LICENSE AGREEMENT ZDS HOLDINGS, LLC SIDEWALK SEATING.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Cirillo, seconded by C. Milinazzo. Adopted per Roll Call vote 8 yeas, 1 absent (C. Elliott). So voted.

7. ORDERS FROM THE CITY MANAGER

7.1. LOAN ORDER-FY2020 CAPITAL IMPROVEMENTS.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 11, 2019 at 7 PM by C. Conway, seconded by C. Kennedy. So voted.

7.2. LOAN ORDER-WATER ENTERPRISE CAPITAL IMPROVEMENTS \$45,000,000.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 11, 2019 at 7 PM by C. Nuon, seconded by C. Cirillo. So voted.

7.3. LOAN ORDER –WASTEWATER CAPITAL IMPROVEMENTS \$67,000,000.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 11, 2019 at 7 PM by C. Nuon, seconded by C. Cirillo. So voted.

8. ORDINANCES FROM THE CITY MANAGER

8.1. ORDINANCE-AMEND s.28-42 LPD TRAINING ACCT REVOLVING FUND.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 11, 2019 at 7 PM by C. Nuon, seconded by C. Cirillo. So voted.



9. REPORTS (SUB/COMMITTEE, IF ANY)

9.1. (1) Housing SC May 28, 2109; (2) Technology & Utilities SC May 28, 2019.

C. Milinazzo noted that Housing SC did not have required quorum and that he would reschedule the matter.

C. Leahy provided Technology & Utilities SC report regarding Sifi Networks contract noting presentation done by the company and noted that the subcommittee endorsed a motion that would recommend to full Council that the Manager begin negotiations with contract. C. Milinazzo requested copy of that presentation be provided to the full Council

Motion to accept the reports as reports of progress and adopt motions of the subcommittees by C. Cirillo, seconded by C. Milinazzo. So voted.

10. PETITIONS

10.1. Misc. - Heather Macdonald request permission to address Council regarding parking on Park Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Cirillo, seconded by C. Mercier. So voted. Ms. Macdonald was present and addressed the Council

10.2. National Grid - Req. reconstruction of gas pressure regulator station with associated piping and installation of updated safety measures at Moulton Square.

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 25, 2019 at 7 PM by C. Cirillo, seconded by C. Conway. So voted.

10.3. Waveguide - Req. installation of 450 feet of underground and below bridge conduit at Pawtucket St. Bridge over Northern Canal. (TIGER Bridge Project)

In City Council, Given 1st Reading. **Motion** to refer to refer to Public Hearing on June 25, 2019 at 7 PM by C. Nuon, seconded by C. Cirillo. So voted.

11. CITY COUNCIL - MOTIONS

11.1. C. Elliott - Req. City Mgr. look into traffic calming measures on Stackpole Street; including possible "No Thru Traffic" sign.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Conway commented on behalf of C. Elliott noting it was a request from neighborhood.



12. ANNOUNCEMENTS

In City Council, C. Conway recognized the efforts of LHS sports teams; including Girls Softball; Girls Lacrosse; and Boys Track and Field.

13. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Kennedy, seconded by C. Cirillo. So voted.

Meeting adjourned at 8:45 PM.

Michael Q. Geary, City Clerk