

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

CITY COUNCIL MEETING - MAY 15, 2023 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. 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 before 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).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, 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://portlandmaine-gov.zoom.us/j/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

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+1 346 248 7799 US (Houston)

+1 360 209 5623 US

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Chelsea Hoskins and the staff of the Resettlement Program of the City of Portland for receiving the Community Partners Award from Immigrant Legal Advocacy Project - Kate Snyder, Mayor

Recognizing Ryan Gorneau, Social Services Program Manager, for receiving the "Maine Welfare Director of the Year" award - Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Meeting Minutes from May 1, 2023

PROCLAMATIONS:

Proclamation 22-22/23 Recognizing National EMS Week - Sponsored by Kate Snyder, Mayor

Proclamation 23-22/23 Recognizing National Peace Officers Memorial Day and National Police Week - Sponsored by Kate Snyder, Mayor

Proclamation 24-22/23 Recognizing National Public Works Week - Sponsored by Kate Snyder, Mayor

Proclamation 25-22/23 Recognizing Jewish American Heritage Month - Sponsored by Kate Snyder, Mayor

Proclamation 26-22/23 Recognizing National Skilled Nursing Care Week - Sponsored by Kate Snyder, Mayor

Proclamation 27-22/23 Recognizing Asian American, Native Hawaiian, and Pacific Islander Heritage Month - Sponsored by Pious Ali, Councilor

APPOINTMENTS:

Order 203-22/23 Appointing Sustainability Director Troy Moon Constable - Sponsored by Danielle P. West, Interim City Manager

This order appoints Sustainability Director Troy Moon a Constable for 2023, in order to enforce ordinances in the Portland City Code.

This appointment is effective from 12:01 a.m. on January 1, 2023 until 12:00 midnight, December 31, 2023, and is made pursuant to Portland City Code, Sections 2019 and 2019.5. 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.

Order 204-22/23 Appointing Danielle P. West City Manager - Sponsored by the City Manager Search Subcommittee, Mayor Kate Snyder, Chair

This order appoints Danielle P. West as the City Manager, effective May 25, 2023, and approves a three-year employment contract. The contract establishes an annual base salary of \$210,000.

This item must be read on two separate days. This is its first reading. The City Council is asked to waive the second reading and approve this appointment as an emergency. To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 205-22/23 Declaring June 17, 2023 the Pride Portland! Parade & Festival - Sponsored by Danielle P. West, Interim City Manager

Pride Portland would like to host their Parade and Festival again in Portland. The event will take place this year on June 17, 2023. There will be a parade down Congress Street, High Street, and Park Avenue followed by a festival in Deering Oaks Park. The parade will start at 1:00 p.m. and the festival will start at 1:00 p.m. and last until 5:00 p.m., with music, speakers, food trucks, non-food vendors and a beer garden.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 206-22/23 Granting Municipal Officers' Approval of The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/23. New City and State applications. Establishment currently holds a Class III & IV FSE with Outdoor Dining on Private Property with Indoor Entertainment.

Five affirmative votes are required for passage after public comment.

Order 207-22/23 Granting Municipal Officers' Approval of Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/23. New City and State applications. Location was previously Bull Feeney's.

Five affirmative votes are required for passage after public comment.

Order 208-22/23 Granting Municipal Officers' Approval of Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/26/23. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS.

A SECOND PUBLIC HEARING WILL BE HELD ON JUNE 5, 2023.

Order 209-22/23 Approving Fiscal Year 2024 Administrative Fees for City Parking Garages and the Parks, Recreation, and Facilities Department - Sponsored by Danielle P. West, Interim City Manager

This order authorizes administrative charges in the Parking Division ((Elm and Spring Street Garage monthly fees) and Parks, Recreation & Facilities (Recreation and Aquatic).

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

Order 210-22/23 Authorizing the City Manager To Enter into Certain Agreements To Implement the Fiscal Year 2024 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2024 to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

Order 211-22/23 Approving the Fiscal Year 2024 Self-insured Liability Program - Sponsored by Danielle P. West, Interim City Manager

This order establishes the limit of the City's liability as \$400,000 as required by the Maine Tort Claims Act and states the City's commitment to "self-insure" for such liability by approving funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 212-22/23 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, Interim City Manager

This order would authorize the Director of Parks, Recreation and Facilities or their designee to sign rental contracts and set associated fees. This authorization is required

annually.

Staff has historically set fees and signed rental agreements for City facilities including but not limited to Merrill Auditorium, the Portland Exposition Building, Ice Arena, Riverside Golf Course, Portland cemeteries, and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels and services they require.

The City's Legal Department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 213-22/23 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2024 Health & Human Services Budget - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department. In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

Order 214-22/23 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to accept and appropriate existing and new scholarship trusts and to enter into standard form trust agreements as approved by Corporation Counsel.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 215-22/23 Authorizing the Director of Parks, Recreation and Facilities to Accept Donations up to \$10,000 for Parks, Recreation & Facilities Department Programs and City Funds

The Parks, Recreation & Facilities Department receives frequent donations for many of the programs it works on and with, like the Land Bank, the Portland Youth Corps, and the Tree Trust. This order will allow the department director to accept donations as much as \$10,000 without needing to receive approval from the City Council.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with the consideration of the Appropriation Resolve.

Order 216-22/23 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, Interim City Manager

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year.

Otherwise, it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case-by-case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 217-22/23 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, Interim City Manager

This Order authorizes the City Manager to utilize a 4.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees, elected officials, the City Clerk and Corporation Counsel.

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

Order 218-22/23 Designating Fiscal Year 2024 Funds for Specific Island Services - Sponsored by Danielle P. West, Interim City Manager

The municipal budget includes \$45,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY24:

- Item A: Peaks Island Summer Bike Ticket Program \$250
- Item B: PI Needs-Based Boat Tickets \$1,000
- Item C: PI Portland Public Middle & High School Student Boat Passes \$3,500
- Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$300
- Item E: PI Children Attending Private Schools Vouchers \$300
- Item F: PI ITS (Island "Taxi"): Island Transportation System \$22,500
- Item G: PI PEAT (PI Environmental Team: Signage and equipment) \$2,000
- Item H: PI Administrative Expenses \$2,150
- Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,000
- Item J: Island Compost Project \$3,500
- Item K: New Brackett Church for utilities for community programs \$2,000
- Item L: Illustration Institute for Island Resident Programming \$1,500
- Item M: Fifth Maine Museum Institute Program, code compliance \$1,500
- Item N: Peaks Island Children's Workshop building repairs \$3,500

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

Order 219-22/23 Appropriating \$3,611,343 in Fund Balance - Sponsored by Danielle P. West, Interim City Manager

This order appropriates \$2,850,000 from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2024. It also appropriates \$761,313 from Unassigned Fund Balance for additional Cumberland County tax payments due in Fiscal Year 2024 resulting from the County's change from a calendar to a fiscal year.

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

Order 220-23/24 Appropriating \$276,000 From Excess Fund for Casco Bay Island Transit District - Sponsored by Danielle P. West, Interim City Manager

Pursuant to the agreement between the lease agreement between the City of Portland and the Casco Bay Island Transit District ("CBITD") dated October 1, 2018, this item appropriates funding from the Excess Fund in the amount of \$276,000. \$250,000 is being requested by CBITD for capital costs associated with their public transportation operations in Casco Bay and \$26,000 is being requested by the City for other mass transportation needs related to summer shuttle service from the Marginal Way Park and Ride lot to the Casco Bay Lines Ferry Terminal.

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

Order 221-22/23 Amendment to Portland City Code Chapters 24 and 28 Re: Various Fee Increases for Fiscal Year 2024 - Sponsored by Danielle P. West, Interim City Manager

This amendment increases the impoundment fee associated with a "boot" immobilizing a vehicle from \$50 to \$70 (Section 28-101 of the Portland City Code). It also allows an increase in the sewer user charges from \$12.30 per hundred cubic feet of volume (hcf) to \$12.75 hcf (Section 24-72 of the Portland City Code) and an increase in the stormwater service charge from \$7.50 per one thousand two hundred (1,200) square feet of impervious surface area to \$7.75 (Section 24-84). All increases would be effective July 1, 2023, the start of Fiscal Year 2024.

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

Order 222-22/23 Fiscal Year 2023-2024 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2024 for general municipal purposes in the amount of \$332,799,323. In addition, it contains the Portland Board of Education's FY2024 recommended budget of \$143,810,343.

The tax levy based upon the City Manager's recommended budget is \$103,559,653 and \$110,850,008 for the Portland Board of Education's recommended School Budget. The City Manager's budget recommendations for municipal purposes and the Portland Board of Education's recommended School Budget result in a combined tax levy of 214,409,661 for Fiscal Year 2024.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2023 and sets 30 Days after Tax Commitment 2023 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2023, and on March 15, 2024.

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

THE CITY COUNCIL HELD A FIRST READ ON THE FISCAL YEAR 2024 SCHOOL BUDGET AT THE MAY 1, 2023 COUNCIL MEETING AND ACCEPTED PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD DURING THE MAY 15, 2023 COUNCIL MEETING.

THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2023.

The City Council Finance Committee voted unanimously (3-0) on April 27, 2023 to recommend passage of the Portland Board of Public Education School Budget, as submitted.

Order 195-22/23 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

The following School Budget Orders are required by 20A M.R.S. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$97,436,781 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$78,416,798 as the city's contribution to the total cost of funding public education from K12 as described in the EPS law. The City's tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$143,810,343 will be \$110,850,008.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 196-22/23 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

Nonstate funded debt service is the amount of money needed for the annual payments on the City's longterm debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this longterm debt was previously approved by the voters or the City Council.

This order appropriates \$272,722 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (localonly) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$272,722 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 197-22/23 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order appropriates \$30,238,748 in additional city funds over and above regional Essential Programs and Services amount and the nonstate funded debt service amount.

This exceeds the EPS funding model by \$30,238,748 and is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 198-22/23 Approving Total School Operating Budget for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The amount recommended for approval by the Finance Committee is \$136,777,421.

That is the amount based on the budget submitted by the Portland Board of Public Education, and would be sent to the voters for approval at a citywide Referendum Election on June 13, 2023. \$108,928,268 of the \$136,777,421 would come from property taxes, \$23,225,115 would come from state subsidy, and \$4,624,038 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 199-22/23 Appropriating and Raising Funds for Adult Education for Fiscal Year 2024 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order appropriates \$2,732,531 for Adult Education for Fiscal Year 2023-2024 and raises the sum of \$1,921,740 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 200-22/23 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order raises and appropriates \$0 for the Food Service Program for Fiscal Year 2023-2024, as the program is expected to be funded in full by other revenue sources in 2023-24. By this order, the Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well-being of the food service program.

At the May 1, 2023, Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

Order 201-22/23 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2024 Sponsored by the Finance Committee, Councilor Mark Dion, Chair

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

At the May 1, 2023 Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

COMMUNICATION:

Communication 33-22/23 Regarding Encampment Removal and Remediation - Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

ORDERS

Order 223-22/23 Approving the Agreement between Top Trumps USA, Inc. and the City of Portland for a Portland Monopoly Game - Sponsored by Danielle P. West, Interim City Manager

This Order approves a Promotion Agreement with Top Trumps USA, Inc. which would grant the company a license to use the City's name, images and likeness on an Portland-themed Monopoly board to be released later this year. By approving this agreement, the City authorizes Top Trumps USA, Inc. to place one or more of the name, trademark, logo, artwork and/or an image of the City's on (i) the Light Blue 2 square of the Game, under the name Merrill Auditorium; (ii) the Yellow 2 square of the Game, under the name Riverside Golf Course; and (iii) the Dark Blue 1 square of the Game under the name Eastern Promenade.

Five affirmative votes are required for passage after public comment.

Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland

As part of the FY24 City budget process, the Interim City Manager has recommended that Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (DT TOD TIF) funding in the amount of \$200,000 be provided to Creative Portland (CP).

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Currently, costs associated with two full time positions assigned to support the work of the CP Board has primarily been funded through the DT TOD TIF. The Proposed TIF District Amendment would establish an annual level of funding for CP in the amount of \$200,000. CP would use the funding to support staff, programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs - CP Programs and Services	\$172,496 – DT TOD TIF \$25,000 - DT TOD TIF	\$197,496
Budget Amendment Request: - CP Staff, Programs and Services	\$200,000 – DT TOD TIF	\$200,000

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

ADJOURNMENT: