

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)

SPECIAL CITY COUNCIL MEETING - JUNE 26, 2023

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:

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

In Thanks to and Recognition of Interim Police Chief Heath Gorham - Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- June 12, 2023

City Council Meeting- June 5, 2023

PROCLAMATIONS:

Proc 31-22/23 Recognizing June 2023 as Gun Violence Awareness Month - Sponsored by Kate Snyder, Mayor

Proc 32-22/23 Recognizing Jeff Sanders for 13 Years of Leadership at Maine Medical Center - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 262-22/23 Appointing and Setting Salary of Mark W. Dubois as Police Chief - Sponsored by Danielle P. West, City Manager

The order would confirm the appointment of Mark W. Dubois as Portland Police Chief, to begin July 31, 2023, and set his salary at \$165,000.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 248-22/23 Declaring August 11 to 13, 2023 the 97th Annual St. Peter's Bazaar and Italian Street Festival - Sponsored by Danielle P. West, City Manager

St. Peter's Bazaar committee and Catholic Church will be hosting their 97th Annual St. Peter's Bazaar and Italian Street Festival from August 11 to 13, 2023, with food booths, games for children and adults and music in the streets. Approximately 2,500 people will attend the event over the course of the three days. The event is a fundraiser for St. Peter's Catholic Church.

Five affirmative votes are required for passage of the Consent Calendar 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 249-22/23 Granting Municipal Officers' Approval of Grizzly Bear Inc, dba Great Lost Bear. Application for Outdoor Dining on Private Property at 540 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 5/17/23. New City and State applications. Establishment currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 250-22/23 Granting Municipal Officers' Approval of DJZ LLC dba Portland Beer Hub. Application for Outdoor Dining on Public Property at 320 Fore Street- Sponsored by Danielle P. West, City Manager

Application was filed on 5/25/23. New City and State applications. New owner of existing establishment was recently approved for Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 251-22/23 Granting Municipal Officers' Approval of Shivababa Corp, dba Tandoor Indian Restaurant. Application for Class I FSE at 88 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 5/24/23 New City and State applications. Change of ownership of existing establishment.

Five affirmative votes are required for passage after public comment.

Order 252-22/23 Granting Municipal Officers' Approval of Stars and Stripes Brewing LLC LLC, dba Stars and Stripes Brewing. Application for Class A Lounge at 3 Spring Street - Sponsored by Danielle P. West, City Manager

Application was filed on 6/6/23. New City and State applications. Existing establishment upgrading from Class III & IV.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

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, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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, 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.

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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.

This item was postponed to June 5, 2023 to be considered at the same time as the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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 - Sponsored by Danielle P. West, City Manager

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.

This item was postponed at the May 15, 2023 City Council meeting to coincide with consideration of the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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

This item was postponed at the May 15, 2023 City Council meeting to coincide with consideration of the Appropriation Resolve. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 217-22/23 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 218-22/23 Designating Fiscal Year 2024 Funds for Specific Island Services - Sponsored by Danielle P. West, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 219-22/23 Appropriating \$3,611,343 in Fund Balance - Sponsored by Danielle P. West, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 220-23/24 Appropriating \$276,000 From Excess Fund for Casco Bay Island Transit District - Sponsored by Danielle P. West, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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, 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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

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

Amendments 1 to 3 in the back-up material were approved at the June 8, 2023 Finance Committee meeting, at which the City Manager's budget was approved, as amended, by a vote of 3-0. Amendments 4 and 5 are additional, and also in the back-up material.

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. It received its first reading on May 15, 2023. On June 5, 2023, this item was postponed to June 26, 2023 with other municipal budget orders, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 263-22/23 Continuing Resolution in Lieu of Fiscal Year 2024 Appropriation Resolve - Sponsored by Danielle P. West, City Manager

In lieu of the Fiscal Year 2024 Appropriation Resolve approval, this order will allow funding to be maintained according to the prior fiscal year's budget orders until a FY24 Appropriation Resolve is passed..

To make this item effective July 1, 2023, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

UNFINISHED BUSINESS:

Order 102-22/23 Declaring July 14 to July 26, 2023 the Payson Park Music Festival - Sponsored by Danielle P. West, City Manager

On November 21, 2022, the Council voted to postpone this item to the second Council meeting in June 2023.

The initial Payson Park Music Festival application proposed a 2-day, 2-stage festival in Payson Park on Saturday & Sunday, July 22 & 23, 2023, but since this order was postponed, the sponsor let the Department of Parks, Recreation & Facilities know it would not be moving forward with the festival.

Staff requests that this item be postponed indefinitely. Five affirmative votes are required to postpone.

Written Public Comment on Order 102-22/23

Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland - Sponsored by Danielle P. West, City Manager

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. It received its first reading on May 15, 2023. The City Council postponed this item to June 26, 2023, to provide time for additional votes in the Maine State Legislature concerning General Assistance reimbursement levels. As of June 23, final decisions on the state budget were still pending. Staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no additional public comment is required.

Order 240-22/23 Approving Residential Parking for Islanders - Sponsored by Danielle P. West, City Manager

This order makes permanent the previous annual extension of the Islander Residential Parking Zone with 12 spaces on Thames Street and 10 spaces on Hancock Street surrounding the AC Hotel and the new condominiums. The zone had been approved annually since 2008 while the area was being developed. This order also includes 42 parking spaces on the north side of Marginal Way between the Park & Ride Lot and Cove Street, which were added in 2019.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 241-22/23 Accepting and Appropriating a United States Environmental Protection Agency Brownfield Assessment Grant of up to \$500,000 - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates \$500,000 in Brownfield Assessment Grant funding. At this time, approximately \$5,000 remains in the City's Brownfields Assessment Fund. While awaiting this new award, the City has been funding Brownfields Assessment Grant requests using closed-out United States Environmental Protection Agency (USEPA) Brownfield Program Income administered by the Portland Development Corporation. With this new award from the USEPA, the City can replenish its Brownfields Assessment Grant funding and support more environmental assessments.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 242-22/23 Adopting Development Program for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

The Portland Downtown District (PD) was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization to establish the special assessment and approval of the documents is needed.

For FY2024, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the PD development program expenses for FY2024. The proposed mil rate to raise this assessment is estimated at \$.67 per \$1,000 of property value in the current district in order to raise the PD Board approved budget of \$1,249,349.

Portland Downtown representatives provided a presentation to the Finance Committee at its May 23, 2023, meeting. This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 243-22/23 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This is a companion order with the order above.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 244-22/23 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2023-2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This is a companion order with the two orders above.

This item must be read on two separate days. It received its first reading on June 5, 2023. Five affirmative votes are required for passage after public comment.

Order 245-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Police Benevolent Association -- Sponsored by Danielle P. West, City Manager

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Benevolent Association ("PBA") which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PBA employees by 14.5% effective as of July 2, 2023, to bring wages in line with surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PBA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget ordered were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

Order 246-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Portland Police Superior Officers Association - Sponsored by Danielle P. West, City Manager

This item amends the negotiated collective bargaining agreement between the City and the Portland Police Superior Officers Association (“PPSOA”) which is currently in effect for the period of January 1, 2021 through December 31, 2023. The proposed amendment would increase wages for all PPSOA employees by 14.5% effective as of July 2, 2023, in accordance with the proposed wage increases for the Portland Police Benevolent Association, and to make wages more competitive with the surrounding communities. This proposal is presented after previously receiving guidance from the Finance Committee in executive session on two separate occasions and following negotiations with the PPSOA.

This item is part of the Fiscal Year 2024 budget orders and received its first reading on June 5, 2023, when all other budget ordered were postponed to this meeting to await the Maine Legislature's decision on increased general assistance reimbursement. As of June 23, final decisions on the state budget were still pending and staff requests that this order be postponed to July 17, 2023. Five affirmative votes are required to postpone, and no public comment is required on the motion to postpone.

Reconsideration of Order 239-22/23 Approving Changes to the Tax Increment Financing Policy - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Councilor Anna Trevorow has requested that this order be returned to the agenda for reconsideration. It was approved by a vote of 9-0 on June 5, 2023. A motion to reconsider is required to be approved before the item can be taken back up.

On April 25, the Housing & Economic Development Committee voted 3-1, Phillips opposed, to forward this to the City Council for consideration.

The Portland Tax Increment Financing (TIF) Policy requires developers of affordable housing in Portland who receive Affordable Housing TIF (AHTIF) to use the greater of state prevailing wage rates and Portland minimum wage for workers during housing construction. Many of the projects receiving a TIF also have other funding sources which require the use of Davis-Bacon wages. The double requirement can be costly for developers, both in reporting time and in practice. The proposed change would allow developers who are required to use Davis-Bacon wages for other funding sources to also use these wages to meet the TIF Policy requirements.

Five affirmative votes are required for passage, should this item be amended or voted on a second time, but public comment is not required.

ORDERS:

Order 253-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the City Employees’ Benefit Association, American Federation of State, County and Municipal Employees, Local 1373 - Sponsored by Danielle P. West, City Manager

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the City

Employees' Benefit Association ("CEBA"), American Federation of State, County and Municipal Employees ("AFSCME") Local 1373, which is currently in effect for the period of July 1, 2021 through June 30, 2024. The proposed amendment would increase wages for unit clerks, certified nurse assistants, licensed practical nurses, registered nurses, and adult daycare services nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to CEBA.

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

Order 254-22/23 Approving the Amended Wage Scale to the Collective Bargaining Agreement with the Professional and Technical City Employees Association - Sponsored by Danielle P. West, City Manager

This item was discussed with the Finance Committee in Executive Session, and amends the negotiated collective bargaining agreement between the City and the Professional and Technical City Employees Association ("Pro-Tech"), which is currently in effect for the period of July 3, 2022 through June 30, 2025. The proposed amendment would increase wages for principal registered nurses effective as of July 2, 2023. This proposal is presented after previously receiving guidance from the Finance Committee in executive session and following notification of the proposed wage increases to Pro-Tech.

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

Order 255-22/23 Accepting and Appropriating \$9,428.57 in Assistance to Firefighters Grant Funding from the Federal Emergency Management Agency - Sponsored by Danielle P. West, City Manager

The Portland Fire Department was recently awarded funds via the FEMA Assistance to Firefighters Grant (AFG) Fire Prevention and Safety (FP&S) program. The City Council is asked to accept \$9,428.57 in Federal funds and appropriate a local match of \$471.43.

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.

Order 256-22/23 Adopting Development Program for the Portland Tourism Municipal Development District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The budget for Portland Tourism Development District (PTDD), as submitted by Visit Portland for FY2024 at \$2,589,071, would be funded largely from special assessments on all Portland area lodging properties with 40 or more rooms. The revenue raised through the special assessment would fund the PTDD development program expenses for FY2024. The assessment rate is based on a calendar year average short term room rental occupancy percentage and average daily rate multiplied by 1.5%, which is equal to one and one-half percent 1.5% of annual gross short-term room rental revenues. Estimated assessments for each individual lodging house would be established based on a formula using 2022 Smith Travel Report (STR) average daily room rate in Portland hotels ranging from \$146 to \$269 per night, and occupancy rate ranging from 69% to 70% based on standard industry hotel classifications, times 1.5% assessment rate. The City will collect 10% of the assessment for its administrative purposes.

Example Formula: Number of Rooms x 365 = Number of Rooms/Year x Occupancy Rate of 72.1% x Average Daily Room Rate (ADR) of \$227.66 x 1.5% (Assessment Rate).

At the Housing and Economic Development Committee meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

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

Order 257-22/23 Establishing Implementation Assessments for Portland's Tourism Municipal Development District for Fiscal Year 2023-2024 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order to the order above establishing Portland's Tourism Municipal Development District, and the order below approving the agreement.

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

Order 258-22/23 Approving the Development Program Manager Agreement between the City of Portland and Convention and Visitors' Bureau of Greater Portland Doing Business as Visit Portland - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order with the two orders above.

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

Order 259-22/23 Proposing an Amendment to Portland City Code Chapter 6 Re: Administrative Changes to Rent Board and Rent Control Ordinance - Sponsored by Danielle P. West, City Manager

This order proposes revisions to the Rent Control, Tenant Protections and Rent Board Ordinances. The proposed order: (1) adds exemptions from rent control for certain Rental Units including short term rentals, rentals occupied by qualified family members and Rental Units subject to certain affordable housing regulations; (2) defines operational terms consistent with the Rent Board's practice; (3) clarifies how allowable increases are applied and how banked rent is calculated; (4) explains how base rent is calculated when a Rental Unit reenters the market after being exempted or otherwise removed from the rental market for a period of time; (5) allows the Housing Safety Office to assign a designee to assist with enforcement; (6) eliminates the two-tiered late fee for registrations; (7) prescribes deadlines by which tenants must submit complaints to the Housing Safety Office about an improper rent increase or insufficient notice of a rent increase; (8) identifies instances when the 10% annual cap does not apply consistent with Rent Board practice; (9) eliminates the mediation function of the Rent Board; (10) amends the Tenants Unions' standing consistent with the standing permitted by law; (11) reduces the number of votes required by the Rent Board from four to the majority of members present (four being a quorum); and (12) allows the Rent Board to amend its rules from time to time without City Council approval.

Once approved by the City Council, the proposed amendment, which revises City Code

approved by referendum, would be submitted to voters at the General Election on November 7, 2023. This item must be read on two separate days. This is its first reading.

Order 260-22/23 Amendment to the Portland City Charter Re: Gender-Neutral Language - Sponsored by Kate Snyder, Mayor

As contemplated by the Council Resolution 13-21/22 adopted on June 6 (attached in the back-up material), this item begins the process of approving a Council-initiated Charter amendment adopting gender neutral language throughout the City Charter. Following council approval, the amendment would be submitted to the voters at the General Election on November 7, 2023.

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

Order 261-22/23 Proposing an Amendment to Portland City Code Chapter 9 Re: the Citizen Initiative Process - Sponsored by Kate Snyder, Mayor

This order proposes revisions to the Initiation and Referendum provisions in Article III of Chapter 9 of the City Code. The changes include (1) limiting the initiative and people's veto processes to the City's regular municipal election in November of each year, (2) updating the administrative process to apply for a petition for an initiative or people's veto, (3) adding a requirement that a proposed ordinance be reviewed and approved by the City Clerk, in consultation with the Corporation Counsel, prior to issuing initiative petition forms to ensure that the proposed ordinance complies with certain administrative provisions in Article III of Chapter 9 of the City Code, (4) adjusting the timing requirements for filing an application and signed petition forms for an initiative to ensure that the initiative process is completed in time to be placed on the November ballot, (5) requiring that the City's Finance Director prepare a fiscal impact statement for an initiative and providing that a proposed ordinance having a fiscal impact of more than \$50,000.00 will not become effective until the later of the first July 1 after the election or the effective date stated in the proposed ordinance; (6) requiring that petitions include the full text, an objective title and summary, and a fiscal impact statement for the proposed ordinance and that petition circulators provide voters an opportunity to review that information before signing, (7) updating petition circulator verification requirements to be consistent with Maine law (8) allowing the City Council, by vote of six of its members, to amend or repeal an ordinance approved through the initiative process 18 months after the effective date of the ordinance, and (9) revising the existing language to ensure internal consistency and other non-substantive changes.

Once approved by the City Council, the proposed amendment, which revises City Code approved by referendum, would be submitted to voters at the General Election on November 7, 2023.

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

ADJOURNMENT: