

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 - SEPTEMBER 6, 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/88155426860?pwd=YU85a2FJZHJZQ005TnljT2RlNVVJZz09>

Passcode: 082679

Or One tap mobile :

+16469313860,,88155426860#,,,*082679# US

+19292056099,,88155426860#,,,*082679# US (New York)

Or Telephone:

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

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

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International numbers available: <https://portlandmaine-gov.zoom.us/j/kdaooWARX8>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- August 14, 2023 (4:00pm)
Special City Council Meeting- August 14, 2023 (5:30pm)

APPOINTMENTS:

Order 28-23/24 Appointing Michael Goldman Corporation Counsel - Sponsored by the Search Committee, Mayor Kate Snyder, Chair

This order appoints Michael Goldman as Corporation Counsel, and establishes an annual base salary of \$165,000.

Five affirmative votes are required for passage after public comment.

PROCLAMATIONS:

Proclamation 1-23/24 Recognizing City Staff for the Exemplary Operation of a Temporary Emergency Shelter at the Expo - Sponsored by Kate Snyder, Mayor

Proclamation 2-23/24 Recognizing September 15 to October 15, 2023 as Hispanic Heritage Month - Kate Snyder, Mayor

Proclamation 3-23/24 Recognizing September 8 to September 17, 2023 as Welcoming Week - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 29-23/24 Granting Municipal Officers' Approval of Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/16/23. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 30-23/24 Granting Municipal Officers' Approval of Shipyard Brewing Company LLC, dba Shipyard Brewing Company. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/16/23. New City and State applications. License upgrade of existing establishment. Establishment currently holds a B/W/D On Premise Consumption with Indoor Entertainment and Outdoor Dining on Public Property at current location.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 9-23/24 Regarding the 2024 Allowable Increase Percentage for the rent of Covered Units - Jessica Hanscombe, Director of Permitting & Inspections

The enclosed memo communicates the 2024 Allowable Increase Percentage (AIP) for Covered Units, in accordance with Portland City Code. Using the formula described in City Code, staff have determined the 2024 AIP to be 2.0%.

The AIP is the standard amount that the rent of a rental housing unit ("Covered Unit") may be raised within the following Calendar Year, unless a landlord is entitled to additional increases as provided in Sections 6-233 or 6-234 of Portland City Code or the unit is exempt, as defined under Section 6-231.

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

Com 10-23/24 Update re: Encampment Crisis Response Team (ECRT) Resolution at Fore River Parkway Trail Encampment - Kristen Dow, Director (Department of Health and Human Services) and Chief Keith Gautreau (Fire Department)

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

UNFINISHED BUSINESS:

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: $\text{Number of Rooms} \times 365 = \text{Number of Rooms/Year} \times \text{Occupancy Rate of } 72.1\% \times \text{Average Daily Room Rate (ADR) of } \$227.66 \times 1.5\% \text{ (Assessment Rate)}$.

NOTE: Subsequent to the first reading on June 26, 2023, the terms of the district have been amended and the amendment is in the back-up material. The amendment, if approved, would: change the start date to January 1, 2024; limit assessments to only non-seasonal lodging properties with 40 or more rooms; base the assessment rate on a

formula using June 2023 Smith Travel Report (STR) U.S. average daily room rate per hotel classification ranging from \$77 to \$379 per night and an occupancy rate of 50% multiplied by a 1.5% assessment fee; and implement the district in the 2nd half of FY2024 (Jan.-June) with an approximate budget of \$754,369, with the City receiving a 10% administrative fee.

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. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

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. An amendment is in the back-up material to update the assessment list according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

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. An amendment is in the back-up material to update the Development Program Manager Agreement according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

Order 26-23/24 Amendment to Portland City Code Chapter 9 Re: Ranked Choice Voting - Sponsored by Ashley Rand, City Clerk

Ballot Question #4, which was approved by the voters in the November 2022 General Election, required the City Council to establish a proportional ranked choice voting system for elections conducted by ranked choice voting where more than one person is to be elected to a single office. As required by Question #4, this order adds a proportional ranked choice voting ordinance to Sections 9-2 and 9-3 in Chapter 9 of the Portland City Code that provides for candidates to be elected on the basis of thresholds determined by the number of seats to be filled plus one, ballots to be counted in rounds, votes to be transferred from defeated candidates, and for votes, in fractions or in whole, in excess of the threshold to be transferred from elected candidates.

If approved by the City Council, the new proportional ranked choice voting ordinance will take effect 30 days after approval. This item must be read on two separate days. It received its first reading on August 14, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 31-23/24 Accepting Herron Road as a Public Easement and Utility Easement - Sponsored by the Sustainability & Transportation Committee, Andrew Zarro, Chair

The Sustainability and Transportation Committee voted 2-0 (Councilor Pelletier absent) on July 12, 2023 to recommend the order.

This order provides the City with the necessary right, title, and interest in the paper street known as Herron Road to install stormwater infrastructure in compliance with the City's MS4 stormwater permit. Herron Road currently has within it a buried storm drain sewer servicing the Barron Center Campus and a publicly accessible foot path. Accepting this limited form of partial easement would provide the necessary right, title, and interest in the property to complete the installation of an underground stormwater sand filtration system to treat stormwater runoff from the City-owned Barron Center property while allowing the existing use of the property to continue.

Five affirmative votes are required for passage after public comment.

Order 32-23/24 Authorizing Loans in the Amount of \$1,684,816 from the School Revolving Renovation Fund and the Issuance of the City's General Obligation Bonds Therefore - Sponsored by Danielle P. West, City Manager

This order authorizes and the companion order below appropriates funding from partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF"). These projects have already been approved by the City Council in prior year City Capital Improvement Plans and these loans will reduce overall cost of these projects to City taxpayers due to the element of principal forgiveness and lower debt service costs.

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

Order 33-23/24 Appropriating \$1,684,816 in Loan Proceeds from the School Revolving Renovation Fund for School Renovation Projects - Sponsored by Danielle P. West, City Manager

This is a companion order with the order above, appropriating \$1,684,816 authorized from the School Revolving Renovation Fund.

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

ADJOURNMENT: