

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 - OCTOBER 2, 2023 AT 5:30 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).

The City Council will conduct this meeting in-person from Council Chambers, located on the second floor of City Hall. Public comments may only be submitted in person or in writing.

To view this meeting remotely, please visit the live-stream at <https://portlandme.portal.civicclerk.com/event/6481/media>.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes-September 18, 2023

PROCLAMATIONS:

Proclamation 8-23/24 Recognizing October 2023 as Domestic Violence Action Month - Sponsored by Kate Snyder, Mayor

Proclamation 9-23/24 Recognizing October 9, 2023 as Indigenous Peoples' Day - Sponsored by Kate Snyder, Mayor

Proclamation 10-23/24 Honoring the Life of Heather Brown and her Contributions to the City of Portland - Sponsored by Kate Snyder, Mayor

COMMUNICATIONS:

Communication 13-23/24 Regarding the Historic Preservation Impact Study Report - Christine Grimando, Director of Planning & Urban Development

Planning & Urban Development staff will provide an overview of the Historic Preservation Impact Study report, which analyzes trends in Portland's historic district related to housing costs and production, sustainability, demographic change in neighborhoods, and related metrics.

RESOLUTIONS

Resolve 2-23/24 In Support of the Deprioritization of Criminal Prosecution and Penalties for Personal Use of Psychedelic Plants and Fungi - Sponsored by the Health & Human Services and Public Safety Committee, Councilor April Fournier, Chair

The Health & Human Services and Public Safety Committee voted 3-0 on September 19, 2023 to forward this Resolve to the City Council for approval.

This Resolution as drafted would serve to acknowledge substance use as a public health issue and express the City Council's support for deprioritizing the criminal prosecution and penalties for personal use of certain psychedelic plants and fungi as a method of harm reduction.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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. It received its first reading on September 6, 2023. At the September 18, 2023 meeting, it was postponed to October 2, 2023.

Due to public notice requirements, staff recommend that this item be postponed to October 16, 2023. Five affirmative votes are required for postponement, and public comment is not required.

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. It received its first reading on September 6, 2023. At the September 18, 2023 meeting, it was postponed to October 2, 2023.

Due to public notice requirements, staff recommend that this item be postponed to October 16, 2023. Five affirmative votes are required for postponement, and public comment is not required.

Order 34-23/24 Accepting and Appropriating a \$10,000 Donation from the Congress Square Redesign Committee for Phase B of Congress Square Park - Sponsored by Danielle P. West, City Manager

The donation of \$10,000 from the Congress Square Redesign Committee would fund vital construction documents necessary to complete Phase B of the rehabilitation of Congress Square Park.

Congress Square Park is an important public resource for residents, business owners, and visitors located in the heart of Portland's Arts District. Congress Square Redesign planning efforts began in 2012. The redesign involves a multi-phase, large-scale renovation aimed at turning an underperforming, car-dominated intersection and adjacent public plazas into an active and integrated public urban amenity in one of the densest areas of Portland. The rehabilitation of this public amenity will contribute to Portland's economic vitality and enhance the quality of life for its residents, workers, and visitors, serving as a focal point for cultural activities and community programs.

This item must be read on two separate days. It received its first reading on September 18. Five affirmative votes are required for passage after public comment.

Order 35-23/24 Accepting and Appropriating Three Maine Historic Preservation Commission Grants for the Planning Department - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates three Certified Local Government (CLG) grants by the Maine Historic Preservation Commission (MHPC): \$9,500 to present a Commission Assistance and Mentoring Program (CAMP) training by the National Alliance of Preservation Commissions (NAPC) for Maine CLG staff and Commission/Board members, with no required match; \$2,400 to digitize Historic Resource Survey Forms and photographs for the West End, How House, Old Port, and Deering Street Historic Districts so that they can be made available online, with a required match of \$1,600; and \$2,313.60 to assist two staff members in attending the Nation Trust for Historic Preservation Past Forward Conference, with a required match of \$1,542.40. Planning & Urban Development Department FY24 budget funds have been budgeted for the required matches.

This item must be read on two separate days. It received its first reading on September 18, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 37-23/24 Declaring a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager

In response to the significant number of unsheltered individuals in the City of Portland, public health and safety hazards existing at encampments, and the imminent threat of further danger to those individuals' health and safety in the coming winter season, this order would allow the City Manager to temporarily increase the number of beds available at the City of Portland Homeless Services Center (654 Riverside Street) by 50.

Five affirmative votes are required for passage after public comment.

EXECUTIVE SESSION: Motion to enter into Executive Session pursuant to 1 M.R.S.A. section §405(6)(E) to discuss with Corporation Counsel the Council's legal rights and responsibilities related to Order 37-23/24.

Order 38-23/24 Approving the Centers for Disease Control and Prevention Agreement for a CDC Public Health Associate - Sponsored by Danielle P. West, City Manager

If approved, this item would authorize an agreement between the City of Portland and the United States Centers for Disease Control and Prevention (CDC) for the City's Public Health Division to host a CDC Associate from November 6, 2023 through November 15, 2025. In accordance with Sec. 2-307 of City Code, Council approval is required due to the absence of a termination for convenience clause in the contract.

The CDC Associate will assist with carrying out initiatives related to disease prevention and health promotion and protection, as well as other public health activities. The CDC will be responsible for payment of the Associate's salary and benefits as well as any out-of-state travel or any in-state travel required by CDC. The City would be responsible for reimbursing the Associate for expenses related to travel or training required by the City under the agreement.

Staff requests that this item be passed as an emergency to meet a CDC deadline of October 8, 2023. Seven votes are required for passage as an emergency following public comment.

Order 39-23/24 Approving the Commitment of \$2,800,000 as the Local Match in the Maine Department of Transportation Reconnecting Communities and Neighborhoods Grant Application for the Libbytown Neighborhood Accessibility Project - Sponsored by Danielle P. West, City Manager

On May 19, 2022, the City Council approved an agreement with the Maine Department of Transportation (MaineDOT) and Greater Portland Council of Governments, and the Portland Area Comprehensive Transportation System (GPCOG, PACTS respectively) for preliminary design of the Libbytown accessibility project. In March 2023, Public Works staff presented this project to the Council's Sustainability & Transportation Committee as one of the top

The requested Council action would commit \$2,800,000 as the local match of 10 percent (10%) for the full construction of this project pending an award from the Federal Highway Administration. City Council approval of the expenditure in the agreement with MaineDOT would follow upon the award of the grant.

Staff requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 40-23/24 Approving the Commercial Property Assessed Clean Energy Agreement between Efficiency Maine Trust and Portland - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

This is a companion order to Order 41, Amendment of Portland City Code Chapter 6 (below).

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this agreement to the City Council for approval.

This Commercial Property Assessed Clean Energy program (C-PACE) allows commercial property owners to fund clean energy projects with property liens that are

paid off upon the sale of the property. If approved by Council, this agreement between Efficiency Maine Trust and Portland allows Efficiency Maine Trust to administer the program established by Order 41 (below).

Five affirmative votes are required for passage after public comment. Staff recommend that consideration be postponed to October 16, 2023, to accompany consideration of the amendment of Chapter 6 that adopts the program in the Portland City Code. Five affirmative votes are required for postponement to October 16, 2023.

AMENDMENTS:

Order 41-23/24 Amendment of the Portland City Code Chapter 6 Re: Commercial Property Assessed Clean Energy of C-PACE - Sponsored by the Sustainability and Transportation Committee, Councilor Andrew Zarro, Chair

This is a companion order to Order 40 (above).

The State of Maine has enacted legislation allowing municipalities to adopt a Commercial Property Assessed Clean Energy (C-PACE) program in order to promote investment in energy efficiency and clean energy projects within their jurisdictions. The statute requires participating municipalities to adopt a local authorizing ordinance in order to move forward. This order meets that requirement and authorizes staff to move forward with implementing a local C-PACE program.

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

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

Order 42-23/24 Amendment of the Portland City Code Chapter 28 Re: City Parking Regulations - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This amendment updates definitions in Chapter 28 of the City Code (Parking) (Crosswalks, Electric Vehicles, Prolonged Parking, resident motor vehicle) and changes to the towing ordinance to require people who have three or more unpaid tickets to pay their unpaid tickets before their towed vehicle can be released. It also creates a \$500 penalty for tampering or attempts to remove a parking boot.

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

Order 43-23/24 Amendment of the Traffic Schedule Re: Metered To Non-Metered (Two-Hour) Parking on Forest Avenue, Chestnut Street, and Marginal Way - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This traffic schedule amendment removes 31 low-producing parking meters on lower

Forest Avenue, lower Chestnut Street, and Marginal Way, and replaces them with signage for two-hour parking.

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

Order 44-23/24 Amendment of Chapter 35 Re: Delivery of Adult-use Marijuana and Marijuana Products by Authorized Licensees - Sponsored by the Health & Human Services and Public Safety Committee, Councilor April Fournier, Chair

The Health & Human Services and Public Safety Committee met on September 19, 2023 and voted 3-0 to forward these amendments to the City Council for approval.

This request from Permitting & Inspections Director Jessica Hanscombe would amend Chapter 35 of the City Code based on new legislation at the state level, which requires municipalities to allow delivery of adult-use marijuana and marijuana products.

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

Order 45-23/24 Amendment to the Portland City Code Chapter 2 Re: Qualification for Land Bank Commission Members and Addition of North Deering Park - Sponsored by Ashley Rand, City Clerk

The various boards and committees struggle to fill vacant spots. Amending the Land Bank Commission rules will help with recruitment efforts to fill vacancies. Vacancies are posted in the paper as well as online, but we still are not receiving enough applications to fill spots. Right now the Land Bank Commission requires a member from each district as well as At-Large members to be on the board. This vacancy was advertised, but no one from a district that was needed applied. Amending this would allow for positions to be advertised for each district, but when no applicants apply from the vacant district seat, candidates from the same district may be appointed.

This amendment also adds North Deering Park to the list of Land Bank parcels, after it was placed in the Land Bank by Order 98-22/23 approved on November 14, 2023.

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

ADJOURNMENT: