

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - MAY 20, 2024 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, 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 from Council Chambers, located on the second floor of City Hall.

To watch the meeting remotely, please visit <https://portlandme.portal.civicclerk.com/event/6500/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-May 6, 2024

PROCLAMATIONS:

Proclamation 28-23/24 Recognizing National EMS Week - Sponsored by Mark Dion, Mayor

Proclamation 29-23/24 Recognizing June 2024 as LGBTQ+ Pride Month - Sponsored by Mark Dion, Mayor

Proclamation 30-23/24 Recognizing National Public Works Week - Sponsored by Mark Dion, Mayor

Proclamation 31-23/24 Recognizing Jewish American Heritage Month - Sponsored by Mark Dion, Mayor

CONSENT ITEMS:

Order 193-23/24 Approving License Agreement For Farmers' Market In Monument Square Between The City Of Portland And The Downtown Improvement District, Inc. - Sponsored by Danielle P. West, City Manager

This order approves a license agreement for a farmers' market to be operated by the Downtown Improvement District, Inc. (Portland Downtown) in Monument Square. The agreement has a one year term and is similar in form and substance to the agreement between the City and the Portland Farmers' Market Association, which operates in Deering Oaks Park. Portland Downtown hopes that the market will help it continue its efforts to bring additional life to Monument Square and offer additional access to fresh produce for downtown residents and workers.

Five affirmative votes are required for passage after public comment.

Order 194-23/24 Declaring June 15, 2024 Pride Portland! Parade and Festival - Sponsored by Danielle P. West, City Manager

Pride Portland would like to host their Parade & Festival again in Portland. The event will take place this year on June 15, 2024. There will be a parade down Congress Street, High Street and Park Avenue followed by a festival at Deering Oaks Park. The parade will start at 1:30 pm and the festival will start at 1:30 pm and last until 7 pm. The festival will consist of music, speakers, food trucks, non food vendors and a beer garden.

Five affirmative votes are required for passage after public comment.

Order 195-23/24 Granting Municipal Officers' Approval of Quanto Basta LLC, dba Quanto Basta. Application for Outdoor Dining on Public Property at 249 Congress Street - Sponsored by Danielle P. West, City Manager

Application was filed on 4/22/24. Existing establishment adding Outdoor Dining on Public Property. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 196-23/24 Granting Municipal Officers' Approval of Bar Harbor Lobster Company LLC, dba Clam Bar. Application for Outdoor Entertainment at 199 West Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 4/30/24. Existing establishment adding Outdoor Entertainment. New City application.

Five affirmative votes are required for passage after public comment.

Order 197-23/24 Granting Municipal Officers' Approval of Thames LLC, dba Thames Landing. Application for Class I FSE with Outdoor Dining on Private Property at 60 Thames Street - Sponsored by Danielle P. West, City Manager

Application was filed on 4/29/24. Location was previously Helm Oyster Bar & Bistro. New City and State applications.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

THE CITY COUNCIL HELD A FIRST READ ON THE FISCAL YEAR 2025 SCHOOL BUDGET AT THE MAY 6, 2024 COUNCIL MEETING AND ACCEPTED PUBLIC COMMENT. THE SECOND READ AND A PUBLIC

HEARING ON THE SCHOOL BUDGET WILL BE HELD DURING THE MAY 20, 2024 COUNCIL MEETING.

The City Council Finance Committee voted on April 25, 2024 to recommend passage of FY25 School Board Recommended Budget as presented by Superintendent Scallon in the amount of \$154,045,767.00. Passed 2-0 (Bullett absent).

Order 186-23/24 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorror, 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 \$103,071,962 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 \$83,930,456 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 \$154,045,767 will be \$119,402,624.

This item must be read on two separate days. It received its first reading on May 6. Five affirmative votes are required for passage after public comment.

Order 187-23/24 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorror, 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 \$368,211 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (local only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$368,211 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 6. Five affirmative votes are required for passage after public comment.

Order 188-23/24 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorror, Chair

This order appropriates \$33,035,012 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 \$33,035,012 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 6. Five affirmative votes are required for passage after public comment.

Order 189-23/24 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorow, Chair

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. On April 25, 2024 the City Council Finance Committee met and voted 2-0 (Bullet absent) to recommend a \$0 reduction in the school budget in the amount of \$145,401,723.

That is the amount based on the budget submitted by the Portland Board of Public Education. This will be sent to the voters for approval at a citywide Referendum Election on June 11, 2024. \$117,333,679 of the \$145,401,723 would come from property taxes, \$23,436,217 would come from state subsidy, and \$4,631,827 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 6. Five affirmative votes are required for passage after public comment.

Order 190-23/24 Appropriating and Raising Funds for Adult Education for Fiscal Year 2025 as required by the Maine Revised Statutes, Title 20-a M.R.S §8603-a(1) - Sponsored by the Finance Committee, Anna Trevorow, Chair

This order appropriates \$3,070,168 for Adult Education for Fiscal Year 2024-2025 and raises the sum of \$2,068,945 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 6. Five affirmative votes are required for passage after public comment.

Order 191-23/24 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorow, Chair

This order raises and appropriates \$0 for the Food Service Program for Fiscal Year 2024-2025. 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.

This item must be read on two separate days. It received its first reading on May 6. Five affirmative votes are required for passage after public comment.

Order 192-23/24 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorror, 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, 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.

This item must be read on two separate days. It received its first reading on May 6. Five affirmative votes are required for passage after public comment.

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS. COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE ON JUNE 3, 2024 AT 5:00 P.M.

Order 198-23/24 Approving Fiscal Year 2025 Administrative Fees for Legal, Parking, Fire, Planning, Public Works, and Parks Recreation & Facilities - Sponsored by the Finance Committee, Anna Trevorror, Chair

This order authorizes administrative charges in the Legal Department (Legal Services fee), Parking Division (Thames & Ocean Gateway Parking Lots, and Elm & Spring Street Garage Hourly & Monthly), Fire (Outside Detail), Planning (Various fees), Public Works (Solid Waste Bag fees & Street Openings Permits) and Parks, Recreation & Facilities (Athletic Fields & Recreation Before School Program).

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

Order 199-23/24 Authorizing the City Manager To Enter into Certain Agreements To Implement the Fiscal Year 2025 Human Resources and Certain Fringe Benefits Budgets - Sponsored by the Finance Committee, Anna Trevorror, Chair

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2025 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 200-23/24 Approving the Fiscal Year 2025 Self-insured Liability Program - Sponsored by the Finance Committee, Anna Trevorror, Chair

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 this item be

postponed to the City Council meeting of June 3 to coincide with consideration of the Appropriation Resolve.

Order 201-23/24 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Anna Trevorror, Chair

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 this item be postponed to the City Council meeting of June 3 to coincide with consideration of the Appropriation Resolve.

Order 202-23/24 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2025 Health & Human Services Budget - Sponsored by the Finance Committee, Anna Trevorror, Chair

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 203-23/24 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Anna Trevorror, Chair

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 this item be postponed to the City Council meeting of June 3 to coincide with consideration of the Appropriation Resolve.

Order 204-23/24 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 the Finance Committee, Anna Trevorow, Chair

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 this item be postponed to the City Council meeting of June 3 to coincide with consideration of the Appropriation Resolve.

Order 205-23/24 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Anna Trevorow, Chair

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 this item be postponed to the City Council meeting of June 3 to coincide with consideration of the Appropriation Resolve.

Order 206-23/24 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Anna Trevorow, Chair

This Order authorizes the City Manager to utilize a 3.0% 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 207-23/24 Designating Fiscal Year 2025 Funds for Specific Island Services - Sponsored by the Finance Committee, Anna Trevorow, Chair

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 FY25:

- Item A: Summer Bike Program Tickets (CBL): \$250
- Item B: Needs Based PI Resident Tickets (CBL): \$2,000
- Item C: PI Student Tickets (CBL): \$3,500
- Item D: Welch Street Webcam: \$4,500
- Item E: Internet Subscription (Webcam): \$2,700
- Item F: Island Taxi (ITS): \$22,320
- Item G: PI Council Administrative Expenses: \$2,150
- Item H: Peaks Island Children's Workshop (Updated Classroom Supplies): \$3,210
- I: New Brackett Church (Ceiling Mount Projector 50% share): \$720

Item J: Island Compost Project: \$2,400
Item K: Peaks Island Historical Society (mid-1700s Ye Olde Trott
Burial Ground Ongoing Restoration): \$1,250

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

Order 208-23/24 Appropriating \$9,300,000 in Fund Balance - Sponsored by the Finance Committee, Anna Trevorrow, Chair

This order appropriates \$9,300,000 from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2025.

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

Order 209-23/24 Amendment to Portland City Code Chapters 10, 24, 25, and 28 Re: Various Fee Increases for Fiscal Year 2025 - Sponsored by the Finance Committee, Anna Trevorrow, Chair

This amendment increases the Portland City Code: an increase in the Inspection Sticker fee from \$25 to \$35 (Section 10-18), an increase in the AES Box Annual Maintenance fee from \$275 to \$300 (Section 10-102), an increase in the Sewer User charges from \$12.75 per hundred cubic feet of volume (hcf) to \$13.00 hcf (Section 24-72), an increase in the various Street Occupancy fees (Section 25-27), an increase in the Street Opening License fee from \$800 to \$900 (Section 25-119), and an increase in select Parking Tickets (Chapter 28-51). All increases would be effective July 1, 2024, the start of Fiscal Year 2025.

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

Order 210-23/24 Fiscal Year 2024-2025 Appropriation Resolve - Sponsored by the Finance Committee, Anna Trevorrow, Chair

The Appropriation Resolve contains the Finance Committee's recommended budget for Fiscal Year 2025 for general municipal purposes in the amount of \$352,890,205. In addition, it contains the Finance Committee's recommended budget for Fiscal Year 2025 for the School Budget of \$154,045,767.

The tax levy based upon the Finance Committee's recommended budget is \$107,778,835 for general municipal purposes and \$119,402,624 for the School Budget. The Finance Committee's budget recommendations for municipal purposes and the School Budget result in a combined tax levy of \$227,181,459 for Fiscal Year 2025.

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, 2024 and sets October 18, 2024 as the tax due date, which may be paid in two installments due on October 18, 2024, and on March 14, 2025.

The delinquency rate of interest is set at 8.5% per year, and the abatement rate of interest is set at 4.5% per year.

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

Order 211-23/24 Amendment to Portland City Code Chapter 9 re: Funding Amount for Clean Election Fund for Fiscal Year 2024-2025 - Sponsored by Sponsored by the Finance Committee, Anna Trevorror, Chair

The Finance Committee Recommended Budget included an amendment to adjust fiscal year 2024-2025 Clean Elections program funding to \$300,000 of total funding. This order amends Chapter 9 to adjust program funding for fiscal year 2024-2025 only. City Clerk Ashley Rand agreed this level of funding is sufficient for the upcoming fiscal year.

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

COMMUNICATIONS:

Communication 31-23/24 Homeless Services Center Expansion - Dena Libner, Assistant City Manager / Interim Health & Human Services Director

This memo is intended to update the Council regarding the City's application before the Planning Board to amend the site plan for the Homeless Services Center (654 Riverside Street) so that capacity may increase by 50 beds.

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

Communication 32-23/24 Regarding Housing and Community Development Budget Update - Final FY 2024-2025 US. Dept of Housing and Urban Development Allocations for CDBG, HOME and ESG Programs - Mary Davis, Housing & Community Development Division Director

When the City Council approved the Housing and Community Development (HCD) Budget on April 8, 2024, it was with the understanding that U.S. Department of Housing and Urban Development (HUD) had not released the 2024-2025 formula allocations for the Community Development Block Grant (CDBG), HOME and Emergency Solutions Grant (ESG) programs. The City Council approved budgets were developed assuming level program funding. The 2024-2025 formula allocations were received on May 7, 2024. Council Resolve 8-23/24 adopting and appropriating the CDBG, HOME and ESG funds, authorized proportional adjustments to the HCD budgets to match the actual allocation amounts.

CDBG Estimated Allocation: \$1,843,198; Actual Allocation: \$1,833,541; Funding Difference: (\$9,657)

HOME Estimated Allocation: \$1,037,237; Actual Allocation: \$839,923; Funding Difference: (\$197,314)

ESG Estimated Allocation: \$162,241; Actual Allocation: \$161,998; Funding Difference: (\$243)

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

UNFINISHED BUSINESS:

Order 180-23/24 Regarding Application to Reclassify 142 Free Street as a Noncontributing Structure in the Congress Street Historic District - Sponsored by the Planning Board, Brandon Mazer, Chair

On February 27, 2024, the Planning Board voted 5-1 (Smith recused) to recommend retaining the contributing classification for the building at 142 Free Street located within

the Congress Street Historic District. The Planning Board's deliberations and recommendations were pursuant to the unanimous 5-0 (Paquin Gould recused) recommendation of the Historic Preservation Board on November 1, 2023 to retain the contributing classification as well as the materials and documentation submitted by the applicant, public comment, and the information provided at the public hearing.

This item must be read on two separate days. It received its first reading on April 22 and its second reading on May 6, at which time it was postponed. Five affirmative votes are required for passage. Public comment was taken on May 6. No additional public comment will be taken at this meeting.

ORDERS:

Order 212-23/24 Setting Time for Opening of Polls on June 11, 2024 Re: State and Local Elections - Sponsored by Ashley Rand, City Clerk

Pursuant to 21-A M.R.S. §626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, June 11, 2024 for State and Local Elections.

Five affirmative votes are required for passage after public comment.

Order 213-23/24 Accepting and Appropriating \$10,000 Anonymous Donation to Portland Fire Department for National EMS Week Fund - Sponsored by Danielle P. West, City Manager

The Portland Fire Department was recently awarded an anonymous civilian donation of \$10,000 to commend their hard work. Funding will be used to provide a variety of benefits to the Fire Department employees and facilities. Specifically, this funding will support lunches, personalized gifts, station updates and additional rewards.

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

Order 214-23/24 Approving the Collective Bargaining Agreement Between the City of Portland and Local 740 International Association of Firefighters, AFL-CIO - Sponsored by Danielle P. West, City Manager

This item approves a negotiated successor collective bargaining agreement between the City of Portland and Local 740, International Association of Firefighters, AFL-CIO for the period of January 1, 2024 through December 31, 2023. The prior collective bargaining agreement expired on December 31, 2023. This proposal is presented after previously receiving guidance from the City Council in multiple executive sessions and after having been approved by Local 740.

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

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT: