

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 - JUNE 17, 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/6501/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation

Order 246-23/24 Authorizing Amendments to the Guidelines for the Portland Brownfields Cleanup Revolving Loan Fund - Sponsored by Mark Dion, Mayor

Modifications are needed to the existing Brownfield Loan Program Guidelines, administered by the Portland Development Corporation (PDC), to bring them in line with the terms and conditions of the \$3 Million Cooperative Agreement from the United States Environmental Protection Agency. The PDC Board reviewed this item at its March 21, 2024, meeting and voted 6-0 to forward these to the City Council for approval to continue its support for remediation of contaminated sites in Portland.

Five affirmative votes are required for passage after public comment.

Order 247-23/24 Amending the Portland Development Corporation By-laws - Sponsored by Mark Dion, Mayor

This item would amend the Portland Development Corporation By-laws to allow the City Manager flexibility in their appointment as an ex officio member to the Board of Directors to be able to appoint their designated representative. The second amendment is a housekeeping amendment to update the name of the City Department to Housing and Economic Development. The PDC Board reviewed these proposed amendments at its

April 18, 2024, Board meeting and voted 6-0 to forward the amendments to the City Council for approval.

Five affirmative votes are required for passage after public comment.

Order 248-23/24 Appointing Jon Berg to the Board of the Portland Development Corporation - Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee

If passed, this item would appoint the following individuals to the Board of the Portland Development Corporation (PDC):

<u>Name</u>	<u>Expiration of Term</u>
Jon Berg	9/30/2027

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes-June 3, 2024

PROCLAMATIONS:

Proclamation 33-22/23 Recognizing the Month of June 2024 as Immigrant Heritage Month - Sponsored by Mark Dion, Mayor

APPOINTMENTS:

Order 249-23/24 Appointing Members to Various Boards & Commissions, Sponsored by Mark Dion, Chair of the Legislative and Nominating Committee

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Dale Knapp	Board of Assessment Review	9/30/2026
Teale Smith	CDBG	9/30/2025
Alan Freedman	Civil Service Commission	6/30/2027
Elaine Edwards	Civil Service Commission	6/30/2027
Phil Steele	Clean Elections Review Board	6/30/2027
Glenn Cummings	Harbor Commission	12/31/2024
Michael Carey	Landbank Commission	6/30/2027
Even Ferguson-Hull	Landbank Commission	6/30/205
Dan Herzlinger	Landbank Commission	6/30/2027
Elizabeth Pagen	Parks Commission	6/30/2027
Griffin Bourassa	Parks Commission	6/30/2027
Helen Coyne	Parks Commission	6/30/2027
Robert Foster	Parks Commission -Landbank Liaison Representative	6/30/2027
Patrizia Bailey	Portland Housing Authority (5 Years)	6/30/2027
Christian MilNeil	Portland Housing Authority (5 Years)	6/30/2029
Monique Mutumwinka	Portland Housing Authority (5 Years)	6/30/2029
Phoebe Cole	Portland Public Art	6/30/2027

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 250-23/24 Granting Municipal Officers' Approval of Lam Hack LLC, dba Depot Pavilion and Concessions. Application for Class I Auditorium with Outdoor Entertainment and Outdoor Dining on Private Property at 205 Thompsons Point Road - Sponsored by Danielle P. West, City Manager

Application was filed on 6/3/24. Adding full time alcohol service to existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 251-23/24 Granting Municipal Officers' Approval of PDT Holdings LLC, dba Portland Discovery Land & Sea Tours. Application for Class I FSE with Combined Entertainment at 170 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 5/28/24. Change of Ownership of existing establishment. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 252-23/24 Granting Municipal Officers' Approval of Pork Roll and Cheese LLC, dba Lil Chippy. Application for Class III & IV FSE with Outdoor Dining on Public Property at 52 Washington Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 5/15/24. Location was previously Terlingua. New City and State applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 33-23/24 Regarding the Assessor's Revaluation Progress Report - Elisa Marr, Assessor

Information about the revaluation process is now available on the Assessor's web page: <https://www.portlandmaine.gov/218/Revaluation-Info>. Property owners are encouraged to visit the site and contact the Assessor's Office with questions.

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

UNFINISHED BUSINESS:

Order 225-23/24 Accepting and Appropriating a \$120,000 Maine Infrastructure Adaptation Grant from the Maine Department of Transportation for the Union Branch Pathway Project - Sponsored by Danielle West, City Manager

Earlier this year, the City of Portland applied for and was awarded a Maine Infrastructure Adaptation Fund grant from the Maine Department of Transportation to enhance

stormwater infrastructure along the Union Branch Pathway. (The Union Branch Pathway is currently funded in the CIP.) The City was eligible to apply for this funding because of its membership in the State's Climate Resilience Partnership. If accepted, the grant will fund the installation of rain gardens and bio-retention cells along the trail. This will increase community resilience by mitigating flooding and reducing the volume of water in the combined sewer system that flows through Bayside.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 226-23/24 Adopting Development Program for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, Chair

The PD District 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 of establishing the special assessment and approval of the documents is needed.

For FY2025, 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 majority of PD development program expenses for FY2025. The proposed mil rate to raise the assessment revenue budget is estimated at \$.71 per \$1,000 of property value in the current district in order to raise the PD Board approved assessment revenue budget of \$1,334,572.

Portland Downtown representatives provided a presentation to the Finance Committee (FC) at its April 30, 2024, meeting.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 227-23/24 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, 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 3. Five affirmative votes are required for passage after public comment.

Order 228-23/24 Approving the Agreement between the City of Portland and Portland Downtown for Fiscal Year 2024-2025 - Sponsored by the Finance Committee, Councilor Anna Trevorrow, 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 3. Five affirmative votes are required for passage after public comment.

Order 229-23/24 Adopting the Development Program for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee reviewed this item at its April 29, 2024 and voted 4-0 to forward this to the City Council with a recommendation to approve the District.

The Portland Tourism Development District ("District") was originally established by the City Council September 18, 2023 for the second half of FY2024 – from January 1, 2024, through June 30, 2024. To continue the District, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2025, City Council authorization is needed for the continued operation of the District, which includes: (1) Adopting the Development Program; (2) Establishing Assessments for the District; and, (3) Authorizing the Agreement.

The revenue raised through the special assessment will fund the District's development program expenses for FY2025. The proposed assessment formula is detailed in the Staff Analysis section of this memo.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 230-23/24 Establishing Implementation Assessments for the Portland Tourism Municipal Development District for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

This is a companion Order to the above Order.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 240-23/24 Approving the Development Program Manager Agreement Between the City of Portland and Convention and Visitors' Bureau of Greater Portland, Doing Business as Visit Portland for Fiscal Year 2024-2025 - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

This is a companion Order to the above two Orders.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 241-23/24 Approving the Amended Wage Scale and Additional Amendments to the Collective Bargaining Agreement with AFSCME Local 481-00, Labor and Trades - Sponsored by Danielle P. West, City Manager

This item approves an amendment to the collective bargaining agreement between the City of Portland and AFSCME Local 481-00, Labor and Trades which is effective for the period of July 1, 2022 through June 30, 2025. The amendment includes an amended wage scale, effective June 30, 2024. This proposal is presented after previously receiving

guidance from the City Council in executive session and after having been approved by Labor and Trades.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 242-23/24 Amendment to Portland City Code Chapter 32 RE: Stormwater Regulation - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair

In order to comply with regulatory permit requirements, the Water Resources Division is updating both Chapter 32. Chapter 32 is being updated to include a fourth article titled Erosion and Sediment Control which is a requirement of the stormwater permit issued by the Maine Department of Environmental Protection. This requirement has a July 1, 2024 deadline to be enacted. Chapter 6 of the Technical Manual will be updated in conjunction with this Ordinance update. Additional revisions are being proposed to match the permit's language, including definitions, deadlines, and references.

This ordinance update is being made to meet permit requirements and other initiatives, including an updated Technical Manual, to limit the impact of discharges to our stormwater system and to the City's brooks, rivers, and harbor.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 243-23/24 Amendment to Portland City Code Chapter 24 RE: Discharge of Stormwater into Sewers - Sponsored by Sustainability and Transportation Committee, Regina Phillips, Chair

In order to better align the City's Water Resources ordinances with existing technical standards and planning requirements, the Water Resources Division is updating Chapter 24. Chapter 24 is being updated to align with existing Technical Standards to ensure all efforts are made to limit the introduction of stormwater to the combined system from new development. The ordinance update is being made to strengthen and better align our regulatory mechanisms with our current development review process and other initiatives to limit the impact of discharges to the City's combined sewer system which overflows to the City's brooks, rivers, and harbor during heavy rain events.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 244-23/24 Amendment to Portland City Code Chapter 6 RE: Bird Friendly Building and Design Requirements - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair

This would establish design standards for new commercial buildings and major renovations in commercial buildings over 10,000 sq. ft. to reduce bird mortality from collisions with windows and other architectural features.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

Order 245-23/24 Amendment to Portland City Code Chapter 34 RE: Soil Tests and Fertilization Application - Sponsored by Sustainability and Transportation Committee, Councilor Regina Phillips, Chair,

The Landcare Management Advisory Committee unanimously recommended several amendments to Chapter 34 as part of their annual report to the Sustainability and Transportation Committee. The Committee considered these recommendations during their meeting on April 10 and voted 2-0 (Councilor Pelletier absent) to advance them to the City Council. If enacted, the order will :

- Change the required soil test from a comprehensive test to a standard test;
- Require a soil test every three years instead of annually;
- Allow application of organic fertilizers to garden beds without a soil test;
- Exempt application of fertilizers for woody plants and shrubs so long as the fertilizer is injected to the root or incorporated into the soil with the plant's drip edge;
- Remove the definition of penetrometer because the term does not appear elsewhere in the text.

These amendments will facilitate compliance with the ordinance while maintaining rigorous application of sustainable landcare practices.

This item must be read on two separate days. It received its first reading on June 3. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 253-23/24 Approving Portland International Jetport Non-Exclusive On Airport Automobile Rental Concessionaire Agreement - Sponsored by Danielle P. West, City Manager

The Portland International Jetport is requesting approval of the standard form of the agreement between the City of Portland and up to four automobile rental concessionaires. The current agreements expire on June 30, 2024, and the new agreement will be for a five-year term starting on July 1, 2024 and ending on June 30, 2029. In anticipation of the expiration of the current agreement, the City issued competitive Bid #24080 for non-exclusive on-airport automobile rental concessions at the Jetport. The proposed agreement listed in the bid is based upon the existing standard agreement with the following changes:

- The contract payment to the Jetport remains 10% of gross annual sales, but will incorporate new Minimum Annual Guarantees (MAGs) for each concessionaire that will be set based on the results of the upcoming bid.
- The proposed contract continues to include a Customer Facility Charge (CFC) that will be increased from \$2/day to \$2.50/day with a maximum charge of \$12.50 per rental contract. The CFC revenue is used to cover the debt service on the rental car portion of the parking garage, rental car infrastructure improvements, and rental car facility maintenance and operating expenses.
- The agreement will add 110 seasonal rental return parking spaces from June 15 to October 7.

Five affirmative votes are required for passage after public comment.

Order 254-23/24 Accepting and Appropriating a \$425,000 Donation from the Congress Square Redesign Committee for Construction of Phase B of the Congress Square Redesign - Sponsored by Danielle P. West, City Manager

Request for the City to accept a donation in the amount of \$425,000 from the Congress Square Redesign Committee. The donation would go towards construction 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. This is its first reading.

Order 255-23/24 Approving and Authorizing the City Manager to Enter into Funding Agreement with Maine Department of Transportation for Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager

The City Council is asked to approve two funding agreements to initiate the first phase of the Portland Harbor Dredge and Confined Aquatic Disposal (CAD) Cell project. The primary agreement documents the City's commitment with the Maine Department of Transportation (MDOT) to contribute \$4 Million (previously allocated through FY2023 and FY2024 approved budgets) toward the first phase of the project, which included construction of the CAD Cell and a first phase of pier and wharf dredging throughout the harbor. MDOT commits to use \$10 Million in Maine Jobs and Recovery Act funding, in addition to \$6 Million in MDOT transportation funding. A second companion agreement documents: (1) the City of South Portland's commitment to contribute \$1 Million toward the CAD Cell and the first phase of dredging; and, (2) the Board of Harbor Commissioner's commitment to maintain necessary permits for the dredging of marine infrastructure.

Through these agreements, the City agrees to be the fiscal agent of the project and to manage the project consistent with all environmental permits.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

Order 256-23/24 Approving and Authorizing the City Manager to Enter into Agreement with the City of South Portland and the Board of Harbor Commissioners for Portland Harbor for Funding of Portland Harbor Confined Aquatic Disposal Cell Construction and Dredging Project - Sponsored by Danielle P. West, City Manager

This is a companion Order to the Order above.

This item must be read on two separate days; however, staff requests the City Council to waive the first reading to meet State procurement expectations and vote on this item at its June 17, 2024, meeting, which would require 7 votes of the Council.

Order 257-23/24 Allocating \$64,000 in Emergency Merrill Improvement Funds to the Parks, Recreation, & Facilities Department for Merrill Loading Dock Lift Replacement at Merrill Auditorium - Sponsored by Danielle P. West, City Manager

The Merrill Loading Dock has deteriorated quickly and is in urgent need of replacement. The loading dock is used to support all performances at Merrill Auditorium, and if it ceases to function, shows will have to be canceled.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Order 258-23/24 Approving the Housing and Economic Development Department Shahnaz Mahager Hummingbird Grant Program and Accepting and Appropriating an \$18,105 Donation for its Creation - Sponsored by Danielle P. West, City Manager

This item would accept and appropriate a donation of \$18,105 for the creation of the Shahnaz Mahager Hummingbird Grant Program, of which \$1,000 would be granted annually to a Portland business whose owner's most recent annual adjusted gross income is below 80% of Area Median Income (AMI) in memory of Shahnaz Mahager and administered by the Housing and Economic Development Department.

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

Order 259-23/24 Accepting and Appropriating a \$200,000 State of Maine EMS Grant for the Portland Fire Department EMS Operations - Sponsored by Danielle P. West, City Manager

This project will provide temporary fiscal support to Portland Fire Department EMS operations to meet increasing demand and ensure that all residents and visitors to the City of Portland continue to receive high-quality EMS care. The funding will support being able to send six members to paramedic training this year instead of the budgeted three openings. The funding will also support increasing compensation for our required medical direction. It will also support the acquisition of necessary equipment to support EMS operations, most notably an additional Lucas CPR device for the Marine Division supporting service to Portland's island populations. All of these improvements will come with no expense to the taxpayers of Portland.

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

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT: