

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 - NOVEMBER 4, 2024 AT 5:00PM

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 this meeting remotely, please visit: <https://portlandme.portal.civicclerk.com/event/7364/media>

PLEDGE OF ALLEGIANCE:

Led by the Yarmouth Girl Scout Juniors Troop 1522

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-October 21, 2024

PROCLAMATIONS:

Proclamation 19-24/25 Recognizing November 2024 as Native American Heritage Month - Sponsored by Mark Dion, Mayor

Proclamation 20-24/25 Recognizing November 2024 as Lung Cancer Awareness Month - Sponsored by Mark Dion, Mayor

APPOINTMENTS:

Order 73-24/25 Appointing Directors of the Portland Widows' Wood Society for the 2024-2025 Term - Sponsored by Danielle P. West, City Manager

The Portland Widows' Wood Society provides heating and utility bill assistance to Portland residents in need who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors of the Portland Widows' Wood Society for the 2024-2025 term:

- John Knox

- Nancy English
- Cyrus Hagge
- Thomas Pierce
- Cheryl Hallett
- Desiree Lester
- Sheba Brown
- Alex Pringle

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 74-24/25 Granting Municipal Officers' Approval of Duckfat LLC, dba Duckfat. Application for Class I FSE at 43 Middle Street - Sponsored by Danielle P. West, City Manager

Application was filed on 10/11/24. Existing establishment upgrading license classification. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 75-24/25 Granting Municipal Officers' Approval of Island Operations LLC, dba Inn on Peaks Island. Application for Class XI Restaurant/Lounge at 33 Island Ave - Sponsored by Danielle P. West, City Manager

Application was filed on 10/15/24. Existing establishment upgrading license classification. New City and State applications.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 70-24/25 Amendment to Portland City Code Chapter 14 RE: ReCode Phase II - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 8, 2024, the Planning Board voted unanimously (7-0) to recommend the work products of Phase II of ReCode, the city's initiative to comprehensively rewrite the City of Portland land use code and amend the zoning map. This recommendation also includes minor amendments to the existing conditional rezoning agreement for properties in the vicinity of Diamond Cove and Great Diamond Island. The Planning Board found the amendments to be consistent with the City of Portland's comprehensive plan. The Board recommends these proposals to the City Council for adoption without amendments. The Council's review of ReCode Phase II follows five Planning Board workshops and one public hearing where the Planning Board considered these draft products of ReCode Phase II, reviewed revisions to previously-presented materials, and heard public comment.

This item must be read on two separate days. It received its first reading on October 21. Five affirmative votes are required for passage after public comment.

Order 71-24/25 Amendment to the City of Portland Zoning Map - Sponsored by the Planning Board, Brandon Mazer, Chair

This is a companion order to the order above.

This item must be read on two separate days. It received its first reading on October 21. Five affirmative votes are required for passage after public comment.

Order 72-24/25 Amendment to the Conditional Zone Agreement RE: Diamond Cove, Great Diamond Island - Sponsored by the Planning Board, Brandon Mazer, Chair

This is a companion order to the two orders above.

On October 8, 2024, the Planning Board unanimously (7-0) recommended that the City Council adopt this amendment. On July 15, 1985, during rezoning of certain City islands, the Portland City Council approved the rezoning of land situated on the northerly portion of Great Diamond Island and commonly known as the Fort McKinley property from R-2 Residential Zone to the IR-3 Island Residential Zone, subject to certain conditions and restrictions more particularly described in a conditional zoning agreement (hereinafter "Conditional Zoning Agreement"). Conditional Zoning Agreement has since been amended four times, first by Order 33-04-05 on August 2, 2004, second by Order 55-08/9 on August 18, 2008, third by Order 55-08/09 on August 18, 2008 and fourth by Order 114-11/12 on February 6, 2012. As part of ReCode Phase II, the amended Zoning Map and text amendments to Chapter 14 eliminate the IR-3 Zone. This proposed amendment consolidates the IR-3 Island Residential Zone description with the Conditional Zoning Agreement and corrects a typographical error in the first paragraph of the agreement. The amendment does not substantively change the existing zoning, conditions or restrictions currently applicable to the subject property but are necessary to provide clarity.

This item must be read on two separate days. It received its first reading on October 21. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 76-24/25 Order Approving the Second Amendment to Arena License Agreement Between the City and Celtics Development, LLC - Sponsored by Danielle P. West, City Manager

The City and Maine Basketball, LLC are parties to an Arena License Agreement for a professional basketball team (Maine Celtics) in the NBA G League at the James A. Banks Sr. Portland Exposition Building.

Maine Basketball, LLC is waiving their right to extend the term of an additional five (5) years in the current agreement. If approved, this item would amend the existing agreement to allow Maine Basketball, LLC to extend the term an additional two (2) years, ending on June 30, 2026 with an additional three (3) options to extend for an additional year.

If approved, this amendment would also include a \$0.50 Facility Fee assessed for each ticket sold for League Games and paid to the City. City agrees that those funds will be used exclusively for capital improvements to the Arena. This would go into effect in the 2025/2026 Maine Celtics Season.

If approved, this amendment would also allow the City to retain all parking revenue,

which in the current agreement is retained by Maine Basketball, LLC.

Five affirmative votes are required for passage after public comment.

Order 77-24/25 Order Establishing a 180-Day Moratorium on New Hotel Projects in the City Of Portland - Sponsored by Kate Sykes and Pious Ali, City Councilors

Following a review of hotel developments since 2019 and in anticipation of increased development activity as a result of the City's ReCode effort, this Order would place a 180-day moratorium on new hotel projects and expansions in Portland. This pause would prioritize the city's urgent housing needs by redirecting resources and land use toward residential development while inclusionary zoning (IZ) policies for hotels to better align with current housing costs and growth goals can be revised. This moratorium will not apply to development projects that have already submitted applications.

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

Order 78-24/25 Order Accepting and Appropriating a \$300,000 Grant from the Federal Emergency Management Agency and Appropriating \$100,000 from the Portland Police Department Federal Equitable Sharing Account for an Emergency Response Vessel - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates a \$300,000 grant awarded to the Portland Police Department by the Federal Emergency Management Agency and appropriates \$100,000 from the Portland Police Department Federal Equitable Sharing Account. These funds will be used to purchase an emergency response vessel.

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

Order 79-24/25 Appropriating \$75,000 from Jetport Unrestricted Fund to the Jetport Noise Advisory Committee for the Development of a New Approach Procedure at the Portland International Jetport - Sponsored by the Portland International Jetport Noise Advisory Committee, Regina Phillips, Chair

The Portland International Jetport Noise Advisory Committee (NAC), a standing committee of the Portland City Council, is requesting a \$75,000 appropriation from Jetport unrestricted funds to develop a new over the water approach to the Jetport from the east. The new procedure will be an approximate overlay of the existing Harbor Visual Approach (HVA), but unlike the HVA it will be available at night and during low visibility conditions. The NAC voted to request an appropriation for the development of this procedure at its October 10, 2024 meeting.

The procedure will reduce nighttime overflights and aircraft noise over residential areas in South Portland and Peaks Island.

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

Order 80-24/25 Order Appropriating \$4,750,000 from Jetport Unrestricted Funds for Improvements to the Terminal Building, Outbound Baggage Handling System,

and Parking Garage at the Portland International Jetport - Sponsored by Danielle P. West, City Manager

This item will appropriate \$4.75 million from Jetport unrestricted funds to complete several needed infrastructure improvements at the Portland International Jetport. These improvements will include the following projects:

- Passenger terminal building roof replacement (1995 & 1980 sections): **\$600,000**
- Passenger terminal building security camera system replacement: **\$800,000**
- Passenger terminal gate concourse carpet replacement: **\$300,000**
- Outbound baggage handling system controls replacement and upgrades: **\$1,600,000**
- Parking garage elevator upgrade: **\$600,000**
- Parking garage lower level structural steel painting and fireproofing: **\$850,000**

TOTAL: \$4,750,000

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

AMENDMENTS:

Order 81-24/25 Amendment to Portland City Code Chapter 2 RE: Climate Action Fund - Sponsored by the Sustainability and Transportation Committee, Regina Phillips, Chair and the Finance Committee, Anna Trevorrow, Chair

At the beginning of the current Council year, the City Council identified implementing actions from the One Climate Future climate action plan as a Council goal. It identified establishing a Climate Action Fund and a tactic to achieve this goal. During the course of the year, staff worked with the Sustainability and Transportation Committee and the Finance Committee to develop an ordinance to establish this fund. The order under consideration tonight was recommended unanimously by the Sustainability and Transportation Committee on 5/8/24 as well as by the Finance Committee on 6/20/24. The fund would dedicate certain general fund revenues to the trust. These include penalties paid for violations of sustainability related ordinances, private donations, proceeds from grants, and voluntary appropriations made by the Council. The most significant revenue source is from the sale of renewable energy credits (RECs) the City is entitled to because of our participation in several off-site solar and hydroelectric projects where we own the environmental attributes. The annual value of these RECs is projected to be between \$300,000 - \$400,000 annually, once all the contracted projects begin producing energy. This includes RECs associated with City electricity accounts, Jetport electricity accounts, and School electricity accounts. Per our agreements with the project developers, these RECs will be available to the City for 20 years beginning when the facility reaches commercial operation.

It is important to note that when an entity sells RECs, it cannot claim to be using renewable energy. The right to make that claim passes to the entity that purchases the RECs. These buyers include utilities, corporations, institutions, or other organizations seeking to achieve carbon reduction goals. Consequently, when the City sells RECs we cannot claim progress on meeting the Council's established goal to operate City government on 100% clean energy by 2040 or toward the commitment to reduce community-wide emissions 80% by 2050. However, the sale of RECs provides funding that would not otherwise be available for projects or initiatives that advance the City's

climate goals and that may have additional benefits for residents and businesses, such as resilience, cleaner air, and improved infrastructure.

As drafted, the fund identifies the following as eligible expenditures for the fund:

- Operations of the Sustainability Office including staff salaries
- Grant writing support Consulting costs including GHG inventories, engineering studies, and energy audits Investment in assets that advance climate goals
- Investments in community resilience including micro-grants to support neighborhood scale actions

As drafted, the ordinance would take effect on July 1, 2025. That is because revenue from the sale of RECs is built into the proposed FY24/25 budget.

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

Order 82-24/25 Amendment to Portland City Code Chapter 2 RE: Ethics Commission - Sponsored by Michael Goldman, Corporation Counsel

In the general election in November 2022, voters approved Ballot Question 8, which modified the Charter to require that the Council enact an ordinance that establishes an ethics commission. Once the commission has been established, Question 8 also requires the Council, with input from the commission, to also enact a code of ethics ordinance. The language in Question 8 was added to the Charter on July 1, 2023, and the Council is now charged with enacting the ethics commission ordinance. The Council held workshops to review the ethics commission ordinance on October 23, 2023, January 8, 2024, and March 11, 2024. Once established, the Ethics Commission will provide impartial oversight and render decisions and advisory opinions to ensure that standards of ethical conduct are observed by City and School Department elected and appointed officials and employees.

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

EXECUTIVE SESSION:

ADJOURNMENT: