

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 18, 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.

<https://portlandme.portal.civicclerk.com/event/7365/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

RECOGNITIONS:

Recognition of John Peverada for his Leadership and Service to the City of Portland since 1994 and his Retirement as Parking Director

Recognition of Outgoing City Councilors (Pelletier, Trevorrow, and Rodriguez) and Their Service to the City of Portland

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes-November 4, 2024

CONSENT ITEMS:

Order 83-24/25 Granting Municipal Officers' Approval of Cuties LLC, dba Cuties. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property at 46 Market Street - Sponsored by Danielle P. West, City Manager

Application was filed on 10/29/24. Location was previously Petite Jacqueline. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 87-24/25 Granting an Easement to Central Maine Power at Deering Avenue for Additional Power at the James J. Fitzpatrick Stadium - Sponsored by Danielle P. West, City Manager

This easement to Central Maine Power is required in order to install a new pole, wiring, and equipment to supply additional power at the James. J. Fitzpatrick stadium for the Hearts of Pine Locker Rooms.

COMMUNICATIONS:

Communication 4-24/25 Greater Portland Transit District 2025 Budget and Local Assessments - Danielle P. West, City Manager

On October 24, 2024, the Greater Portland Transit District's ("GP Metro") Board of Directors unanimously approved the 2025 budget and municipal assessments. The Board of Directors includes five (5) City of Portland members including two current City Council members. The Board approved budget will result in a decrease in the local assessment for Portland for FY26 of approximately \$92,000 (-3%). Please note that the municipal assessments needed for Metro's FY 2025 correspond with the City of Portland's 2025-26 fiscal year.

As outlined in GP Metro's supporting documentation, eight (8) municipalities now compose the agency's municipal membership with the recent additions of the City of South Portland and the Town of Gorham. Board representation and voting weights are determined with reference to the population and level of service in each municipality. With the addition of these municipalities, Portland's overall weighted representation on the Board has dropped from 50% to 42%. While this represents a reduction in Portland's proportionate representation, the positive trade-off is a stronger and more integrated regional public transit system.

In accordance with 30-A-MRS §3516, the city's "municipal officers" (i.e., the City/Town Councils) are required to notify Metro of action to reject the assessment within thirty (30) calendar days of this submission. Acceptance of the budget and local assessment is achieved either through formal council action or no action at all.

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

UNFINISHED BUSINESS:

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. It received its first reading on November 4. Five affirmative votes are required for passage after public comment.

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. It received its first reading on November 4. Five affirmative votes are required for passage after public comment.

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. It received its first reading on November 4. Five affirmative votes are required for passage after public comment.

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 Trevorow, 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 (all expenditures from the fund will still require annual appropriation via a vote of the City Council):

- 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

The City Manager will serve as the manager of the fund. The responsibilities of the manager, which include dispersing fund monies, are subject to the orders of the City Council. 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. It received its first reading on November 4. Five affirmative votes are required for passage after public comment.

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. It received its first reading on November 4. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 84-24/25 Accepting and Appropriating an Anonymous \$6,000 Donation for Those in Need - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates an anonymous donation of \$6,000 from a family in Falmouth, Maine, to be used as a Secret Santa giveaway by the Police Department to those in need.

This donation has been given to and accepted by the City for this purpose since 2020.

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

Order 85-24/25 Accepting Pamela Road as a Town Way - Sponsored by Danielle P. West, City Manager

City Council is being asked to accept a portion of Pamela Road as a City Street. Public Works has approved the description of the Street, inspected all infrastructure in accordance with City Standards and recommends the street be accepted.

Five affirmative votes are required for passage after public comment.

Order 86-24/25 Accepting Black Sparrow Drive and Trailhead Way as Town Ways - Sponsored by Danielle P. West, City Manager

The roads in the first phase of the Stroudwater Preserve were construction of two paved roads, Black Sparrow Drive and a portion of Trailhead Way, from the southeasterly side of Westbrook Street and throughout Phase 1 of the Stroudwater Preserve subdivision. The roads in Phase 1, Black Sparrow Drive and a portion of Trailhead Way, have been built to City standards and are ready for the City Council to consider accepting as public ways. Once Phase 2 of Stroudwater Preserve is completed Trailhead Way will connect to additional roads being constructed in Phase 2 of the Stroudwater Preserve subdivision.

Five affirmative votes are required for passage after public comment.

EXECUTIVE SESSION:

ADJOURNMENT: