

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)



MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY COUNCIL MEETING - MAY 2, 2022 AT 5:00 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 of 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).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

US: +19292056099,,82805568760#,,,,*535147# or +13017158592,,82805568760#,,,,*535147#

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Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 828 0556 8760

Passcode: 535147

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft April 25, 2022 City Council Meeting Minutes

APPOINTMENTS:

Order 232-21/22 Appointing Brentley Martin as Assistant Assessor - Sponsored by Danielle P. West, Interim City Manager

In order to assist the Assessor's Office with timely processing and completing appeals, the City would like to appoint an Assistant Assessor on a part-time, temporary basis. Brentley Martin is an experienced assessor in the State, previously serving the City of Belfast, Maine and currently serving the Town of Elliot, Maine.

Staff is requesting that this appointment be passed as an emergency in order to allow Brentley Martin to begin work for the City as soon as possible. Seven affirmative votes are required for passage as an emergency after public comment.

LICENSES:

Order 233-21/22 Granting Municipal Officers' Approval of Four Ball LLC, dba Rathskeller on Wharf. Application for Outdoor Dining on Public Property at 51 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/20/22. New City application. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

Order 234-21/22 Granting Municipal Officers' Approval of Tiny Operations, dba LB Kitchen. Application for Outdoor Dining on Public Property at 249 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/22. New City application. Owner currently holds a Class III & IV FSE.

Five affirmative votes are required for passage after public comment

Order 235-21/22 Granting Municipal Officers' Approval of Bonfire LLC, dba Bonfire Country Bar. Application for Outdoor Dining on Public Property at 37 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/18/22. New City application. Owner currently holds a Class A Restaurant/Lounge.

Five affirmative votes are required for passage after public comment

Order 236-21/22 Granting Municipal Officers' Approval of Deering 539 LLC, dba Bird and Company. Applications for Parklet Outdoor Dining at 539 Deering Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/8/22. New City applications. Owner currently holds a Class I FSE.

Five affirmative votes are required for passage after public comment

BUDGET ITEMS:

THE CITY COUNCIL WILL HOLD A FIRST READ ON THE FISCAL YEAR 2023 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 2) AND WILL ACCEPT PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 16, 2022 AT 5:30 P.M. THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 14, 2022.

Order 237-21/22 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, 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 \$74,181,155 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 \$74,181,155 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 \$133,070,967 will be \$103,851,071.

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

Order 238-21/22 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, 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 \$1,477,412 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (localonly) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$1,477,412 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. This is its first reading.

Order 239-21/22 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

This order appropriates \$26,318,715 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 \$26,318,715 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. This is its first reading.

Order 240-21/22 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, 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 28, the City Council Finance Committee met and voted 3-0 to recommend a \$1,000,000 reduction in the school budget. It was hoped that American Rescue Plan Act funds would be available to make up the difference, though it is understood that decisions about specific expenditures or sources of other funds by the School Department are not approved by the Council. The amount recommended for approval by the Finance Committee is \$125,407,899.

That is the amount based on the budget submitted by the Portland Board of Public Education, less the reduction approved on April 28, 2022, and would be sent to the voters for approval at a citywide Referendum Election on June 14, 2022. \$100,977,282 of the \$125,407,899 would come from property taxes, \$21,517,550 would come from state subsidy, and \$2,913,067 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. This is its first reading.

Order 241-21/22 Appropriating and Raising Funds for Adult Education for Fiscal Year 2023 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) – Sponsored by the Finance Committee, Mark Dion, Chair

This order appropriates \$2,637,938 for Adult Education for Fiscal Year 2022-2023 and raises the sum of \$1,869,211 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. This is its first reading.

Order 242-21/22 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

This order raises and appropriates \$4,578 for the Food Service Program for Fiscal Year 20222023. 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. This is its first reading.

Order 243-21/22 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, 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, that 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. This is its first reading.

COMMUNICATIONS:

Com 20-21/22 on the City Manager's FY23 Recommended Budget - by Kate Snyder, Mayor

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

Com 21-21/22 Update on Food Truck Operations - by Danielle P. West, Interim City Manager

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

UNFINISHED BUSINESS:

Order 228-21/22 Granting a Central Maine Power Easement for Presumpscot School - Sponsored by Danielle P. West, Interim City Manager

This item grants an easement for Central Maine Power (CMP) at Presumpscot Elementary School. The easement is needed to extend the lines to the new electrical room to allow for phasing. If the contractor placed the new equipment in place of the existing equipment, the school building would be without power for an unacceptably prolonged period of time. The easement ensures CMP will have access to their lines and equipment anytime needed, and the land owner - in this case the City of Portland - cannot prohibit

them from accessing their equipment.

At the April 25, 2022 City Council Meeting, the council voted (5-0) to postpone this item to the May 2, 2022 Council Meeting. Staff requests this item be approved as an emergency in order to allow the work to proceed immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 231-21/22 Approving the Agreement between the City of Portland, the Greater Portland Council of Governments, and the Maine Department of Transportation Re: Portland-Libbytown Safety and Accessibility Project - Sponsored by Danielle P. West, Interim City Manager

This project is the next stage in the Libbytown Neighborhood initiatives, which have been based on studies funded by PACTS; in this case, the Maine Department of Transportation (MaineDOT) administers the project with City and public input, based on 75% the Portland Area Comprehensive Transportation System (PACTS) funding administered by the Greater Portland Council of Governments and 25% City funding. By signing the partnership agreement, it enables the final scope of the project to be determined and preliminary engineering to begin. The overall cost of the work is \$260,000, with \$65,000 to be paid by the City from an approved FY23 CIP account.

This item must be read on two separate days. It received its first reading on April 25, 2022. Five affirmative votes are required for passage after public comment.

ADJOURNMENT: