

**Housing & Economic
Development Committee Meeting**
Tuesday, October 22, 2024 at 5:30 PM



MEMBERS

Councilor Pious Ali, Chair
Councilor Roberto Rodríguez
Councilor Regina Phillips
Councilor Kate Sykes

To submit written public comment on an agenda item, email edd@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Housing & Economic Development 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 name of the agenda item (see below).

REMOTE ACCESS INFORMATION

The Housing & Economic Development Committee will conduct this meeting 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/81287382094?pwd=TUtFQUUp4bkclMGZlYUplckhHMlJIUT09>

Passcode: 129504

Or One tap mobile :

+13092053325,,81287382094# US

+13126266799,,81287382094# US (Chicago)

Or Telephone:

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

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

1. **Review and accept Minutes of previous meeting held on September 17, 2024.**
 - a. See attached draft meeting Minutes.
2. **Communication Item: 2024 Quarter 3 Rent Control Update from the Permitting and Inspections Department (Jessica Hanscombe, Director/Permitting and Inspections Dept.)**
 - a. See attached Report.
3. **(Public Hearing) Review and vote on a recommendation to the City Council to issue Request for Proposals to lease and develop City-owned property at 1125 Brighton Avenue for Affordable Housing Development (Greg Watson, Director/Housing and Economic Development Dept.)**
 - a. See attached Memorandum and draft RFP.
 - b. Public Comment
4. **Staff update on the Downtown Arts District and feedback received from the business community. (Greg Watson, Director/Housing and Economic Development Dept.)**
 - a. See attached results from Downtown business survey.
5. **Discussion regarding the formation of a Social Housing Task Force (Councilor Kate Sykes)**
6. **Discussion regarding proposed amendments to Chapter 33 re: increasing Portland's minimum wage and eliminating Portland's sub-minimum wage for service employees. (Councilor Pious Ali, Chair)**
 - a. See attached Council Orders referring the item to this Committee.

Next Meeting Date: November 5, 2024

Minutes

Remote Housing and Economic Development Committee

September 17, 2024

NOTE: This meeting was held via Zoom and can be viewed at this link:

<http://www.portlandmaine.gov/1695/Economic-Development-Committee> These

Minutes provide a record of those in attendance, general discussion taking place, and motions made.

A remote meeting of the Housing and Economic Development Committee (HEDC) of the Portland City Council was held on Tuesday, September 17, 2024, at 5:30 p.m. via Zoom. Present from the HEDC were Chair Pious Ali, and members, Regina Phillips, Roberto Rodriguez, and Kate Sykes. Present from the City staff were Housing and Economic Development Department Director Greg Watson, Housing and Community Development Division Director Mary Davis, Corporation Counsel Michael Goldman, Associate Corporation Counsel Avery Dandreta, Assistant City Manager Dena Libner, Director of the Office of Economic Opportunity Melissa Hue, and Housing Program Manager Victoria Volent.

Item #1: Review and approval of August 8, 2024 and September 3, 2024 minutes

On motion made by Councilor Sykes, seconded by Councilor Phillips, the Committee voted 3-0 to accept the August 8, 2024 and September 3, 2024 Minutes.

Councilor Rodriguez joined the meeting at 5:37

Item #2: Office of Economic Opportunity: Natural Helpers Presentation

Greg Watson introduced this item noting the tremendous impact of the Natural Helpers Leadership Program. Melissa Hue, Director of the Economic Opportunity Office, provided an in-depth review of the program that ran from February through May, commenting on the positive opportunity for the ten fellows who contributed more than one hundred volunteer hours. “Natural Helpers” is a nationwide program designed to bridge the gap between residents and the resources available by identifying, training and empowering local community members. Local community members, known as fellows, participated in eight full day sessions, eight volunteer hours within workforce and community development, attended at least one networking activity, engaged in an immersive activity, spent a minimum of 57 hours in the program, and networked with over twenty-five community partners, twelve Chief Business Officers’s, two government agencies and five private businesses.

Some of the leadership development activities included a four part course on effective leadership skills and application techniques, and a four part “Spirit Series” workshop to introduce self-awareness towards becoming community leaders. Fellows attended thematic seminars aimed at learning how to support members of their community. Collectively, over a four month period, they served over 150 people, often presenting community resources to large groups. In May, the Natural Helpers held public workshops, and Question and Answer panels focused on U.S. immigration policy and rights. Other program topics included housing, healthcare, and community safety. Domestic violence training and 6 hour police ride along were offered by the Police Department. Five fellows spoke at various conferences addressing DEI and racial equity based on training received to increase racial equity within the Greater Portland area and statewide. Over 200 people were reached through these conferences.

Fellows became familiar with community resources available in Portland, they made connections with other community and organizational leaders, received education and career advancement opportunities, and at the end of their training, received a Mayoral certificate.

Committee members thanked Melissa for her presentation, and asked clarifying questions regarding the program source of funding (answer- from the Albert B Glickman Family Foundation), expanding outreach to other community members (answer -looking to expand 2025 fellows to include different cohorts), how fellows are chosen (answer- application process), and what is on her wish list (answer- hire another person, expand the program to collaborate with more people, and expand the program to include other communities). The Committee expressed their support and willingness to research funding opportunities.

Item #3: Social Housing Presentation

Councilor Sykes presented “Social Housing- the Missing Piece in Portland’s Housing Production Puzzle?”. Factors in Portland’s housing crisis include demand side (example: sudden in-migration during the pandemic; increasing housing costs) and supply side issues (example- historically low housing production; high cost of financing). The State of Maine Housing Production Needs Study from 2023 indicated a future need of up to 84,300 housing units within in the state by 2030. Portland has approved over 2,800 units of market, mixed-income and low-income housing since 2020 from applications submitted from private and non-profit developers. Inclusionary Zoning requirements cut into private developer profit margins, funding through Low Income Housing Tax Credits (LIHTC) is limited, competitive and does not produce enough workforce and middle-income housing. And federal funding for HUD public housing programs has been decimated over decades.

Social housing offers housing as a public good similar to street plowing and schools. Social Housing fills a niche that private development and nonprofit development can't meet, specifically production of middle-income housing. Social Housing creates mixed income development, is not reliant on competitive funding sources, can be implemented quickly, and is revenue neutral, self-sustaining, and publicly owned. Financing would be through revenue bonds paid back with rents paid by the mixed income tenants. As construction loans are paid down, public equity in the project grows and can be leverage to build more housing. The Jill C. Dusen Housing Trust Fund should function as a revolving loan fund. Example of Social Housing include public housing authorities, Montgomery County, Maryland, and Seattle's Social Housing Developer. Subsidy public land resources already exists. The City already provides a diverse array of public services, is a lender of start-up funds, has public land, and has housing development expertise. The next step is to assemble a task force.

Councilor Sykes will draft a summary plan for the next HEDC meeting.

On motion made by Councilor Phillips, seconded by Councilor Sykes, the Committee voted 4-0 to adjourn the meeting at approximately 6:56 p.m.

Next meeting is October 15, 2004.

Respectively submitted, Victoria Volent



TO: Housing & Economic Development Committee
CC: Rent Board
FROM: Jessica B. Hanscombe, Director of Permitting and Inspections
DATE: October 3, 2024
RE: Quarterly Rent Control Report- Q3-2024

Rent Control Report Quarter 3 (7/1/2024-9/30/2024)

Rent Board

	Total # of Applications	Total # of Applications approved	Total # of Applications Denied	Total # of Applications Tabled
Rent Increases	12	1	0	11
Complaints	3	1	0	2
Other	0	0	0	0
Quarter 3 Total:	15	2	0	13
Year to date Total	25	7	0	18

Rent Control Inspections

Type of Inspections	Total # Properties	Total # of units
Complaints (Potential violations reported to our office)	12	40
Audits (Proactive enforcement based on percentage that rent was increased)	32	236
Quality Control (proactive verification of data supplied to our office)	50	178
Quarter 3 Total:	94	454
Year to date Total	351	2,675



Staff Memo To:

Housing & Economic Development Committee

Councilor Pious Ali, Chair

DATE

October 22, 2024

AGENDA ITEM

Agenda Item #2 - Consideration of RFP for the Lease/Development of up to Two (2) Sites at 1125 Brighton Avenue

PURPOSE

In support of the 2024 Council Common Goal related to housing affordability and in response to the homelessness crisis, staff have developed a request for proposal (RFP) to lease and develop up to two sections of 1125 Brighton Avenue. If approved by the Committee, this item would require approval by the full City Council prior to issuance of the RFP.

The RFP outlines several project priorities, which include:

- A robust community engagement plan, to be developed and led by the successful developer(s);
- Dedicating a minimum percentage of newly developed units to unhoused individuals referred by the City of Portland;
- Prioritization of the safety and well-being of Barron Center residents, as well as residents in the Nason's Corner and Sagamore Village communities.

COMMITTEE WORK PLAN ALIGNMENT

The discussion and development of policy related to affordable housing was included in the Committee's 2024 work plan.

BACKGROUND/ANALYSIS

The City of Portland has several tools by which it can support and incentivize the development of affordable housing. Among those is making City-owned property available for development by a private developer.

Examples of this type of partnership include:

- Phoenix Flats (2023)

- Lambert Woods (site plans approved)
- 45 Dougherty (under construction)
- 65 Munjoy (2017)

1125 Brighton Avenue is one of very few City-owned properties currently able to accommodate new, dense residential development. Located in Nason's Corner, this nearly 15-acre parcel is home to the Barron Center, the City-operated long term care facility. The Loring House, a privately-operated senior housing complex, is also located on the property.

Staff have identified two undeveloped portions of the property that could be suitable for additional affordable housing development (Exhibit A, attached). This proposal recommends leasing each of these sites to a developer with the caveat that only a specific portion of each is to be made available for development. This arrangement helps to allow for greater development density while protecting important community assets, such as green space and parking lots.

Efforts to Address Homelessness

Recent City practice for City-funded housing projects have included a requirement that a certain percentage of new units be set aside for residents referred by the City of Portland's Social Services division. In keeping with this practice as well as the Council's goal of addressing homelessness, this proposal requires that at least 50% of newly developed units be set aside for such individuals.

Prioritizing Community Safety and Well-being

Staff recognize that members of the Nason's Corner community may have questions and concerns about this proposal, and believe that community members must remain part of any potential development process. To that end, staff's proposal requires that a successful developer have a demonstrated record of engaging with community members and being responsive to their concerns. In addition, all applicants are required to include a robust community engagement plan as part of their materials. The inclusion of a clear and satisfying neighborhood engagement plan accounts for 30% of respondents' scores.

Similarly, given the proximity of Barron Center residents, Loring House residents, residents of Portland Housing Authority's Sagamore Village, and the residential neighborhood directly abutting the property, staff recognize the importance of making all efforts to ensure that a development does not negatively impact the safety and well-being of residents, particularly vulnerable populations. This priority is made explicit in the RFP, and accounts for 30% of respondents' scores.

Development Restrictions

Currently, 1125 Brighton Avenue is located in an R-5 zone, which does not allow for the dense development desired as part of this proposal. However, the City Council is currently considering a sweeping ordinance change, which includes rezoning this property to a B-2 Business Zone. This would allow for high-density housing and a mix of uses.

If the City Council does not approve this proposed rezoning as part of ReCode, staff may consider pursuing the rezoning of this parcel through a separate process to facilitate its development (assuming the proposed RFP was supported by the Committee and Council).

FISCAL IMPACT

The issuance of this RFP and entering into a lease agreement with a successful developer(s) will not have a significant fiscal impact.

CONCLUSION(S)

To advance the Council's goal of affordable housing development and support City efforts to address homelessness, staff request that the Committee consider supporting the issuance of this RFP and recommend it for consideration by the full City Council.

PRIOR COMMITTEE REVIEW

N/A

PREPARED BY

Dena Libner
Assistant City Manager
Executive Department

Greg Watson
Director
Housing & Economic Development

ATTACHMENTS

- Exhibit A (sites proposed for lease/development)
- Exhibit B - Proposed RFP

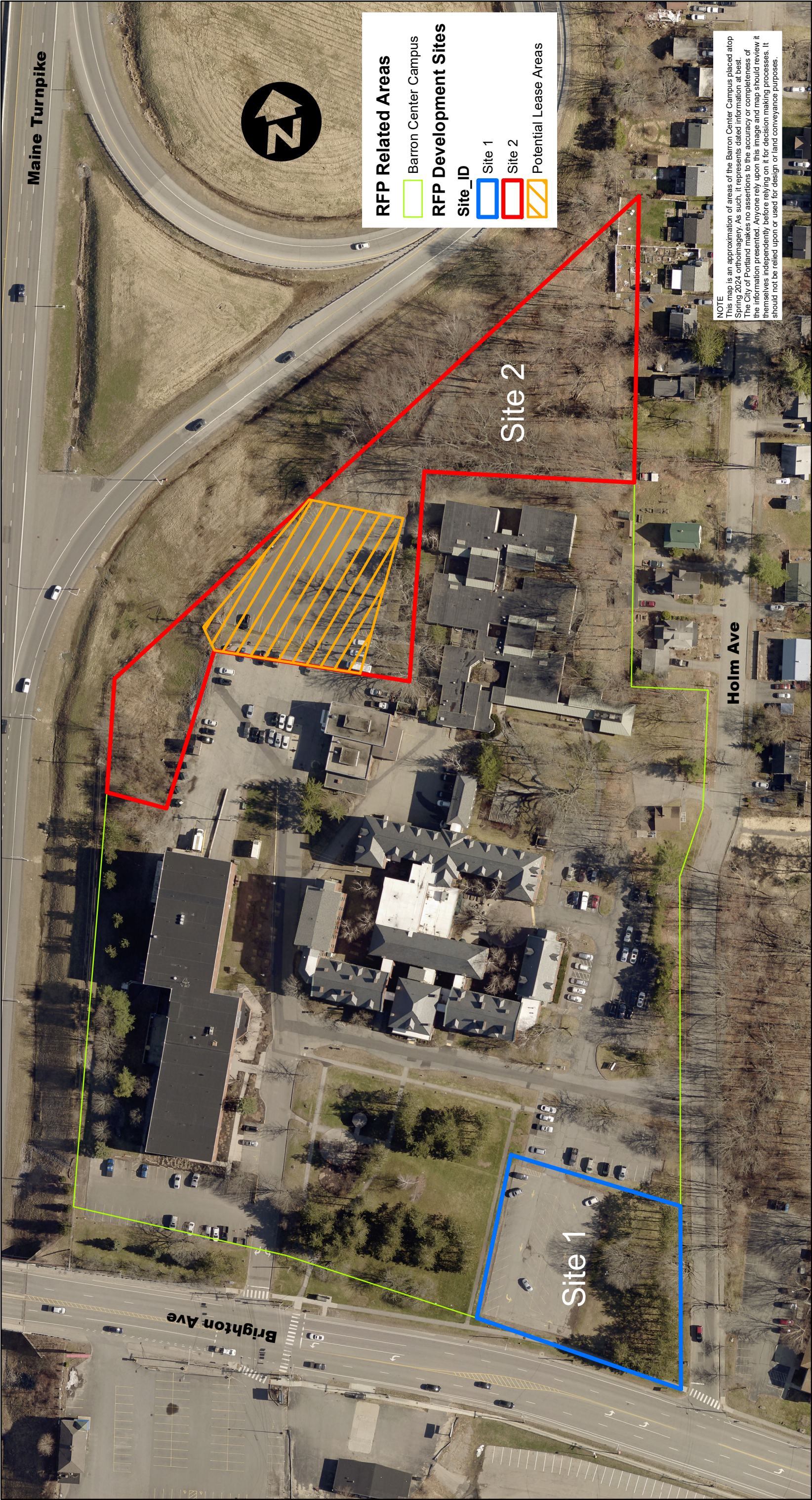


EXHIBIT A



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 Canco Rd Suite B PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852



GIS Sketch of Barron Center Campus and Vicinity
October 17, 2024 **1" = 100'**



CITY OF PORTLAND, MAINE

**LEASE AND DEVELOPMENT OF AFFORDABLE HOUSING
ON
CITY-OWNED LAND AT
1125 BRIGHTON AVENUE
PORTLAND MAINE 04102**

RFP #TBD

DATE

LEGAL NOTICE

City of Portland, Maine

Request for Proposals

“Lease and Development of up to two (2) sites at 1125 Brighton Avenue, Portland Maine”

RFP #TBD

The City of Portland, Maine seeks proposals from qualified developers to develop affordable housing on up to two (2) vacant sites on City-owned land located at 1125 Brighton Avenue as generally depicted on the diagram attached as Exhibit A. The sites are near the Barron Center, which is the City of Portland-operated long-term care facility located on the same property. The property is designated on the City of Portland tax maps as Parcel 269 B001001.

Sealed proposals shall be submitted electronically to bidssubmit@portlandmaine.gov with the name of the Proposer, Contract Name and RFP number in the subject line will be received until **TIME Day/Date** at which time they will be publicly opened and read, or by submitting via USPS, UPS, FedEx or in-person to the City of Portland, Purchasing Rm. 103, 389 Congress St., Portland ME 04101.

Email attachments must not exceed 25MB total; you will receive a confirmation email from bidssubmit@portlandmaine.gov if your submission is successful.

Bids shall be submitted on the City provided proposal form, being signed with the firm's name, and bearing the handwritten signature or e-signature of an officer or authorized individual having the authority to bind the company to a contract by his/her signature.

Potential proposers and their contractors, architects, engineers, etc. are free to view the property on the following dates:

- **OPTION 1 DAY, DATE, TIMEFRAME (1.5 HOURS)**
- **OPTION 2 DAY, DATE, TIMEFRAME (1.5 HOURS)**

Copies of the above documents will be available by contacting the City of Portland Purchasing Office either via e-mail at purchasing@portlandmaine.gov, or phone (207) 874-8654. Each prospective bidder will be required to obtain from the City each copy of the proposal forms.

Proposals from vendors not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland Purchasing Office indicates registration. Should a vendor receive this Request from a source other than the City Purchasing Office, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

Notice and Specifications

The City of Portland, Maine seeks proposals from qualified developers to develop affordable housing on up to two (2) vacant sites located on City-owned land at 1125 Brighton Avenue as generally depicted on the attached diagram. The sites are near the Barron Center, which is the City of Portland-operated long-term care facility. The property is designated on the City of Portland tax maps as Parcel 269 B001001.

Sealed proposals shall be submitted electronically to bidssubmit@portlandmaine.gov with the name of the Proposer, Contract Name and RFP number in the subject line will be received until **TIME Day/Date** at which time they will be publicly opened and read, or by submitting via USPS, UPS, FedEx or in-person to the City of Portland, Purchasing Rm. 103, 389 Congress St., Portland ME 04101.

Potential proposers and their contractors, architects, engineers, etc. are free to view the property on the following dates:

- **OPTION 1 DAY, DATE, TIMEFRAME (1.5 HOURS)**
- **OPTION 2 DAY, DATE, TIMEFRAME (1.5 HOURS)**

No questions will be answered during this tour.

Questions must be submitted in writing to the Purchasing Office and be received no later than five business days prior to the proposal opening. These may be mailed, faxed to 207-874-8652 or e-mailed to SLChapin@portlandmaine.gov. The Purchasing Office will be the only office issuing any changes to this Invitation. All changes, addenda, will be in writing and will be sent only to those firms on file in Purchasing as having received this document. The City shall not be responsible for any oral interpretation given by City personnel or others.

Proposers should not contact City Staff with regard to this Request unless to obtain general public information as specified in the document. The lease of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be leased “as-is” and “where-is,” in its existing condition, with no warranties either expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

I. GENERAL INFORMATION

A. Background

The City of Portland-operated long term care facility, the Barron Center, is located at 1125 Brighton Avenue, along with several other City-owned buildings. As of October 2024, 110 individuals reside and receive services at the Barron Center.

The City of Portland’s Office of Elder Affairs (OEA) is also located at 1125 Brighton Avenue. OEA provides various services and programs to Portland residents aged 60+ on and offsite.

Lastly, the Loring House is also located at 1125 Brighton Avenue, across Holm Avenue from the Barron Center campus. The buildings on the Loring House parcel (as identified by Parcel ID 269 B001002) are privately owned by Loring House Associates and are located on land that Loring House Associates leases from the City.

On **DATE**, the Portland City Council approved Order **TBD**, authorizing the City Manager to issue an RFP for the lease and development of up to two sections of the City-owned property at 1125 Brighton Avenue, as generally described below and depicted on Exhibit A.

Site 1: Located at the southeast corner of 1125 Brighton Avenue, bound by Brighton Avenue and Holm Avenue. This site currently includes a small amount of green space with trees and a parking lot, which includes approximately 51 parking spaces. This site includes approximately 0.87 acres (37,875 square feet). The smaller parking lot to the immediate north of this site is leased to the Loring House for the purpose of overflow parking, and may not be altered.

Site 2: Located at the northern property line of 1125 Brighton Avenue, bound by I-95 and the exit 49 off ramp. This site includes a forested green space and a parking lot. This site includes approximately 2.5 acres of undeveloped space, excluding the parking lot (107,453 square feet).

This initiative is reflective of the 2024 Council goal to increase the development of affordable housing, as well as to respond to the homelessness crisis in the City of Portland.

This RFP emphasizes engagement with the surrounding neighborhood on the issues of density, extent and character of open space, neighborhood compatibility and associated impacts related to any development. The selected proposal will best demonstrate the development team's successful engagement of the public in other projects, incorporation of public feedback collected as part of a robust engagement process, and the team's capacity to complete the project in a successful and timely manner.

It is expected that the ultimate development of the site(s) will seek to balance, to the greatest extent practicable, community input on final site design, consistency with City goals and policies, and financial viability. The development team chosen for this project will engage directly with the Nasons Corner and Sagamore Village communities regarding the anticipated development of the property, including soliciting input on site design and uses before finalizing a development plan.

B. Land Use Regulations

Any development of this site will be subject to all applicable codes and regulations, including but not limited to building codes, zoning, site plan, subdivision and potential historic preservation requirements.

The property is currently zoned R5 Residential Zone. The City Council is currently considering a sweeping ordinance change, which includes rezoning this property to a B2 Business Zone. Proposers are advised to refer to the City's Land Use Code for complete information.

If this area is not rezoned as part of the scheduled consideration of zoning amendments, City staff may consider pursuing the rezoning of this parcel to enable its development. This process would include Planning Board and City Council approval.

Due to the distinct nature of this property, the City of Portland will consider requests from the developer(s) to develop one or both of the available sites. Preference will be given to a qualified developer that submits a satisfying proposal for the use of both parcels.

II. DEVELOPMENT CONSIDERATIONS

Development of the site(s) is intended to increase the availability of affordable housing for Portland residents who are experiencing homelessness. A minimum of 50% of total units developed at each site

must be reserved for referrals from the City of Portland Social Services office. Preference will be given to proposals that dedicate a higher percentage for this purpose.

Affordable housing is defined by the United States Department of Housing and Urban Development as 80% of area median income. Proposals for housing first or supportive housing developments will be considered, but must include a robust description of the services that would be provided for residents, as well as the oversight that would be provided by management onsite for the safety of residents and neighbors.

Furthermore, due to the proximity of the site(s) to the Barron Center, which houses a vulnerable population, a successful proposal will prioritize the safety and well-being of Barron Center residents, as well as residents in the Loring House and adjacent residential neighborhood(s).

The existing structures on the property stand in contrast to the surrounding residential neighborhood, as well as the more dense commercial/industrial parcels on the opposite side of Brighton Avenue. Development of the property should show consistency with the overall area by sensitively introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

Evaluation of impacts and contextual sensitivity of the site will ultimately be determined over the course of site plan and other regulatory reviews (including but not limited to standards for design, traffic, site circulation, stormwater management, lighting, and landscaping), and historic preservation reviews (if applicable), after full development application materials have been filed.

III. SUBMISSION REQUIREMENTS

Proposals shall be submitted in the following format; please use the headings presented below for the organization of responses.

A. Proposal Submission

All proposals shall include information and documentation in the following in order to be considered:

1. Completed Proposal Form and if applicable, Acknowledged Addenda.

2. **Development Team**

The proposal shall identify the principal members of the development team and their respective roles in the project, including the developer, design professionals, other key staff and sub-consultants. Development team capacity shall include qualifications of key team members, including identification of a Project Manager, relevant experience, capacity, and identification of prior projects that demonstrate a proven ability to develop sites of comparable scales and contexts, including identification of projects that included substantive community engagement.

3. **Proposal**

Proposals shall include:

- a. Description of a neighborhood engagement process. The proposal shall include specific examples of the development team members working with the public to find solutions to concerns voiced over the course of a project, a description of the public engagement strategy, and an estimated

timeline. The period of public engagement, for the purposes of this RFP, refers to the time after developer selection and prior to an application to the Planning Board for a Site Plan.

- b. A description of the redevelopment concept(s) for the site. This should be a narrative of intended uses for the site and any significant programmatic elements. It should address consistency with City policies and include a development timeline. A revised development plan that includes confirmed uses and site layout will need to be submitted following the conclusion of the neighborhood engagement process; no graphics or visuals are being requested as part of this RFP.

4. Financial and Technical Capability

Please refer to the requirements of submitting confidential information in accordance with the Freedom of Access Act on page 7 of this document.

The proposal shall include documentation demonstrating that the development team can successfully redevelop the site by supplying:

- a. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and
- b. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete the project.

5. Lease Price

The City of Portland intends to lease the property to the successful proposer for a term of up to 99 years. Proposers should include a suggested annual rent amount in their proposal.

6. Timetable

The anticipated schedule is outlined in VI, Project Schedule, below. Any anticipated departure from the post-selection submittal timeframe should be indicated in the proposal.

7. References

Provide a minimum of three professional references. Include name, title, phone number, and email for each reference.

IV. REVIEW PROCESS

A. Proposals will be reviewed for completeness.

B. A proposal review committee comprised of City staff will review submissions and give the Housing and Economic Development Committee (HEDC) a summary of the proposals and recommendations on a preferred proposal for the HEDC's review. After its review, the HEDC will make a recommendation on the proposals to the City Council. The review committee's recommendations are advisory only, and the HEDC and the City Council are free to accept or reject those recommendations.

C. After the City Council approves a developer for the project, City Staff and the developer will negotiate a lease or option to lease for the property, which staff will present to the HEDC for review and recommendation to the City Council.

D. Upon agreement on a development plan for the site (after completion of the neighborhood engagement outlined in the proposal and before the submission of a Planning Board application), a lease agreement will be drafted for signatures.

Public presentations may be required at any or all stages of the process.

V. SELECTION CRITERIA

1. Development use concept demonstrates understanding of the City’s stated desired outcome, policies and priorities; including but not limited to prioritizing the safety and well-being of abutting communities **(30%)**
2. Neighborhood engagement plan that clearly outlines how the Development Team will engage the neighborhood on this project **(20%)**
3. Developer Team qualifications and references **(20%)**
4. Applicant's ability to complete project, including readiness to initiate the project and ability to begin the application process in a timely manner **(15%)**
5. Responsiveness to submittal requirements **(15%)**

VI. SCHEDULE

Developer Selection Schedule:

- RFP released: **TBD**
- Proposal due: **TBD**
- Proposal review and recommendations: **TBD**
- Developer(s)selection: **TBD** (dependent on Council meeting schedule)
- Approval of Lease: **TBD** (Following Council approval)

VII. FREEDOM OF ACCESS ACT

The City of Portland is subject to Maine’s Freedom of Access Act (FOAA). Under this law, the City is required to make public information that we receive in the solicitation of proposals. FOAA does, however, have an exception applicable to proprietary information. In the event that you believe that the proposal you submit contains any proprietary information, you must submit such information in a separate sealed envelope to the City along with your sealed proposal. The outside of this envelope must clearly be marked “Proprietary information/confidential.” Such proprietary information will only be reviewed by Portland City officials, and only on a “need to know” basis. The City will not disclose such information to a third party without your consent, unless it determines that such disclosure is required by law. Prior to disclosing such information, the City will provide you with a reasonable opportunity to seek an injunction or other court order, at your own expense, to prevent such disclosure. The City will not be liable to any proposer or any third party for any disclosure of confidential information.

VIII. RESERVATION OF RIGHTS

The City of Portland reserves the right, at its sole discretion, to reject any and all proposals for the City owned land, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to waive any informalities in proposals, to accept any proposal, and, to reject any and all proposals, should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must bring the obligation current before the City will consider their proposal

DATE

NAME
Purchasing Manager

PROPOSAL FORM
Lease and Development of TBD
1125 Brighton Avenue
Portland Maine 04102

RFP #TBD

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The bidder acknowledges the receipt of Addenda numbered: _____

The bidder acknowledges the receipt of Addenda numbered: _____

COMPANY NAME: _____

(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____

(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____ WEBSITE _____

PHONE NUMBER: _____ FAX NUMBER: _____

STATE OF INCORPORATION: _____ (If incorporated in another State, businesses must be authorized to do business in the State of Maine prior to contract.)

FEDERAL TAX IDENTIFICATION NUMBER (Required): _____

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

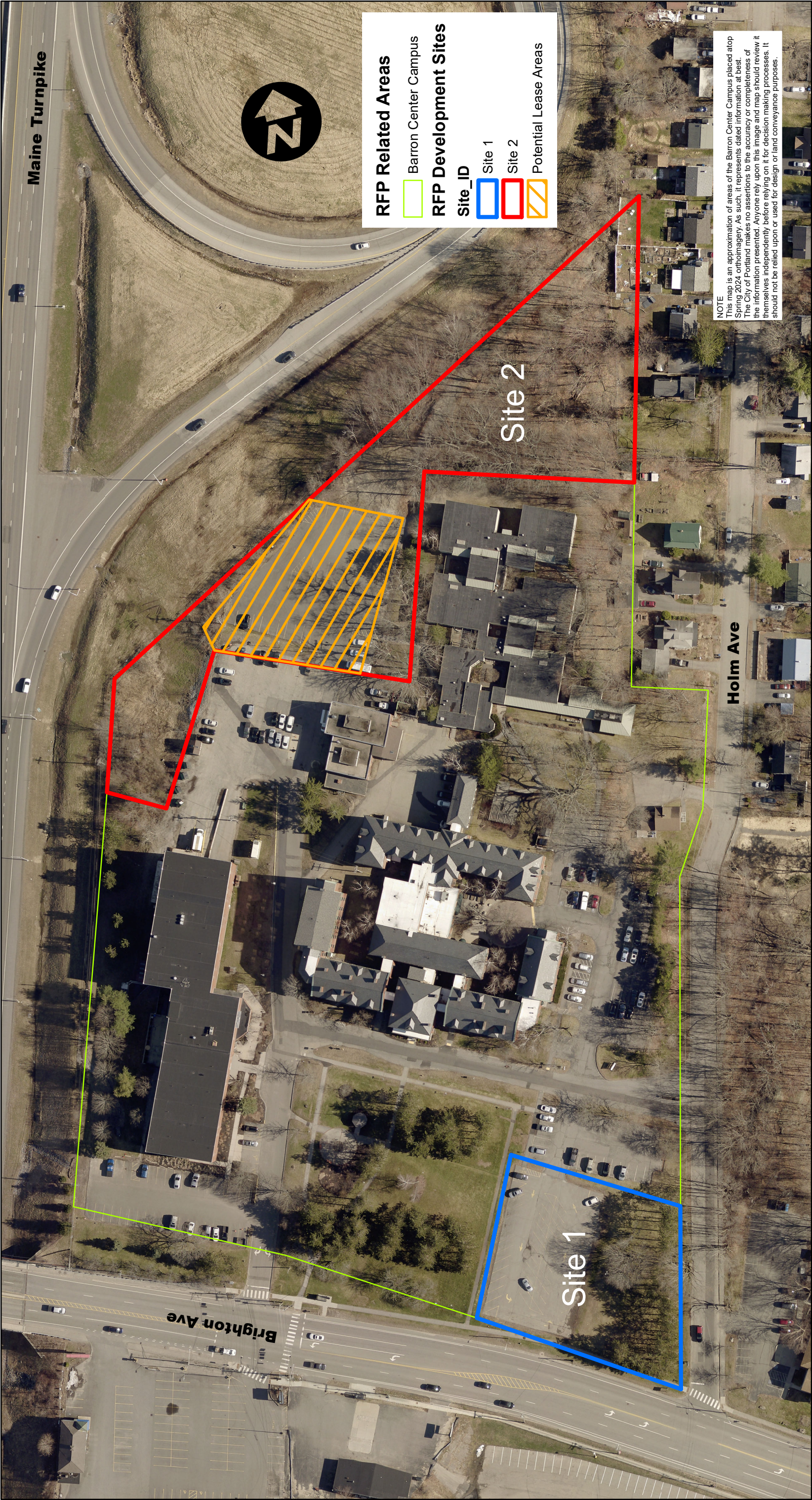


EXHIBIT A



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 Canco Rd Suite B PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852



GIS Sketch of Barron Center Campus and Vicinity
October 17, 2024 **1" = 100'**



Lori Paulette <ljp@portlandmaine.gov>

regarding proposed housing at Barron Center

Barbie Weed <infoandwork@gmail.com>

Fri, Oct 11, 2024 at 6:45 PM

To: edd@portlandmaine.gov

Hello,

My comments about the proposed housing are "don't. Just don't." Portland would have enough housing if it wasn't all being used as short term rentals and pot growing sites. Eliminate short term rentals in the city before you start building more junky buildings that people still can't afford. Stop letting developers build more hotels until people who might work there can afford to live in the city where they work without having to resort to a crappy building that's been thrown up along the turnpike. Getting into and out of the Nason's corner neighborhood is already a challenge, because there are so few roads to access it, so adding a significant population at one of the key entries when there is already a school zone at the other main entry would make the neighborhood so much more difficult to navigate. Because we are on the edge of the city, we are usually treated like we don't matter. I'm sure that this will be the case again and that the City Council Housing and Economic Development Committee meeting is just a way to pretend that the neighbors were included, but as a long term tax payer in this city, I am sick of paying for things that make Portland less desirable to live in and crappy congregate housing is one of those things. We don't want it. WE DON'T WANT IT!

Barbara



Lori Paulette <ljn@portlandmaine.gov>

Item #2**'Derryen Plante' via Economic Development Department <edd@portlandmaine.gov>**

Mon, Oct 21, 2024 at 1:46 PM

Reply-To: Derryen Plante <dplante22@yahoo.com>

To: edd@portlandmaine.gov

Dear Housing and Economic Development Committee,

Let me start by saying "NOT THEN, NOT NOW, NOT EVER".

I can't believe I have to take the time to explain to grown adults why placing what equates to a homeless shelter in a residential neighborhood, approximately 100 yards from an elementary school, is a bad idea.

In case you are not aware, and I'm sure you aren't, the community in Nason's Corner has been facing significant issues with the homeless population who are currently camping in the surrounding woods. Please ask PPD how many calls for service they have already had in our neighborhood this month regarding suspicious persons, breaking and entering, theft of property, the list goes on. We are hard working, taxpaying, citizens of Portland who are already being subjected to your poor management and ideologies. Despite this suffering, you want to develop our neighborhood into a haven for the homeless, at our expense.

To illustrate my point, I am attaching to this email a photo of a homeless woman who solicited one of those elementary school children to go door to door with them asking for money. How dare you suggest putting our children in further danger by proposing this type of development. Our children don't deserve to be walking school in fear, or at risk of picking up needles and contracting incurable diseases.

You have spent millions of dollars of our taxpayer money to build several brand new shelters over the last several years. Many of which the homeless refuse to go to, leaving many of them with open beds. Why don't you establish ordinances that make Catholic Charities responsible for housing every individual they bring to Maine, rather than making us pick up the tab, and freeing up resources and infrastructure you already have. Why don't you use the hundreds of thousands you received from the Opioid Settlement to build additional lock down mental health facilities to protect our communities and make them safer. We do not need a homeless haven, and we don't need one on our street.

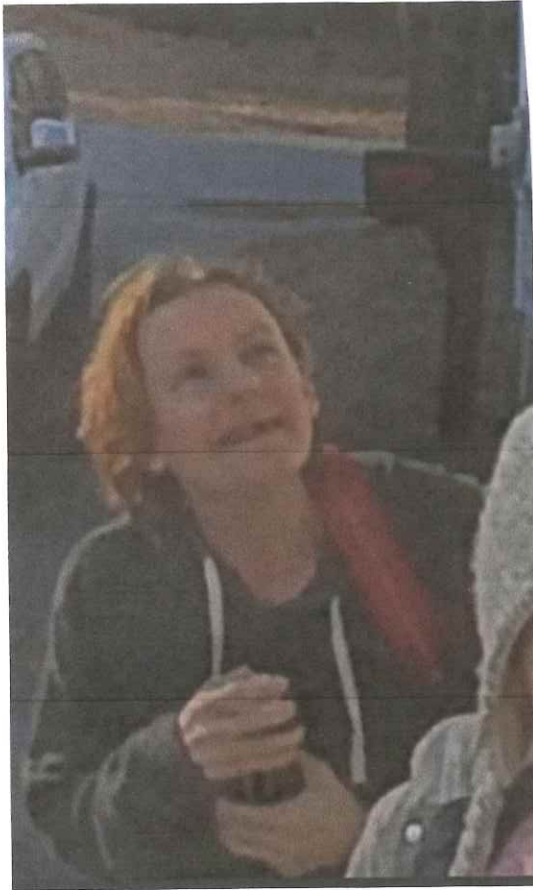
On behalf of the entire neighborhood, please note, we will fight you every step of the way on this. We are a community of doctors, lawyers, moms and dads who will stop at nothing to keep our communities and our children safe. We will find and extort every legal loophole, protest every City Council meeting, and stop at nothing to see this proposal doesn't go a step further. We're currently 1-0 in this fight. Think hard if you want to expend your resources on a project that will never be allowed to happen.

I say again, NOT THEN, NOT NOW, NOT EVER.

Dr. Derryen Plante

On behalf of the entire neighborhood, please note, we will fight you every step of the way on this.

10/22/24, 9:27 AM



City of
portland



PORTLAND'S ARTS DISTRICT

Challenges and Opportunities

Background:

Since spring of 2024, HEDD staff have been engaging with stakeholders in the Arts District regarding concerns of increased commercial vacancies on Congress Street.

Portland exploring how to fill long vacant storefronts in Arts District

[pressherald.com/2024/09/14/portland-exploring-how-to-fill-long-vacant-storefronts-in-arts-district](https://www.pressherald.com/2024/09/14/portland-exploring-how-to-fill-long-vacant-storefronts-in-arts-district)

September 14, 2024



In late August, HEDD launched a survey for property owners to share their perspective. It was emailed to approximately 60 email address accessed from the City's Energov database. (12 responses)

A similar survey was later sent to storefront businesses, disseminated by stakeholders. (13 responses)

Greetings! The City of Portland would like your feedback related to owning property in the Arts District, particularly along or near Congress Street between Monument Square and Longfellow Square.

This area is of interest to the City because it is not only an important hub for the City, but also because the businesses located there have asked for support to address some challenges they are experiencing in the neighborhood.

Any questions about this feedback form can be directed to: Nancy Martin, Business Programs Manager, Department of Housing and Economic Development (nmartin@portlandmaine.gov, 207-756-8019)

Portland's Arts District (green area outlined in blue)



Responses received from:

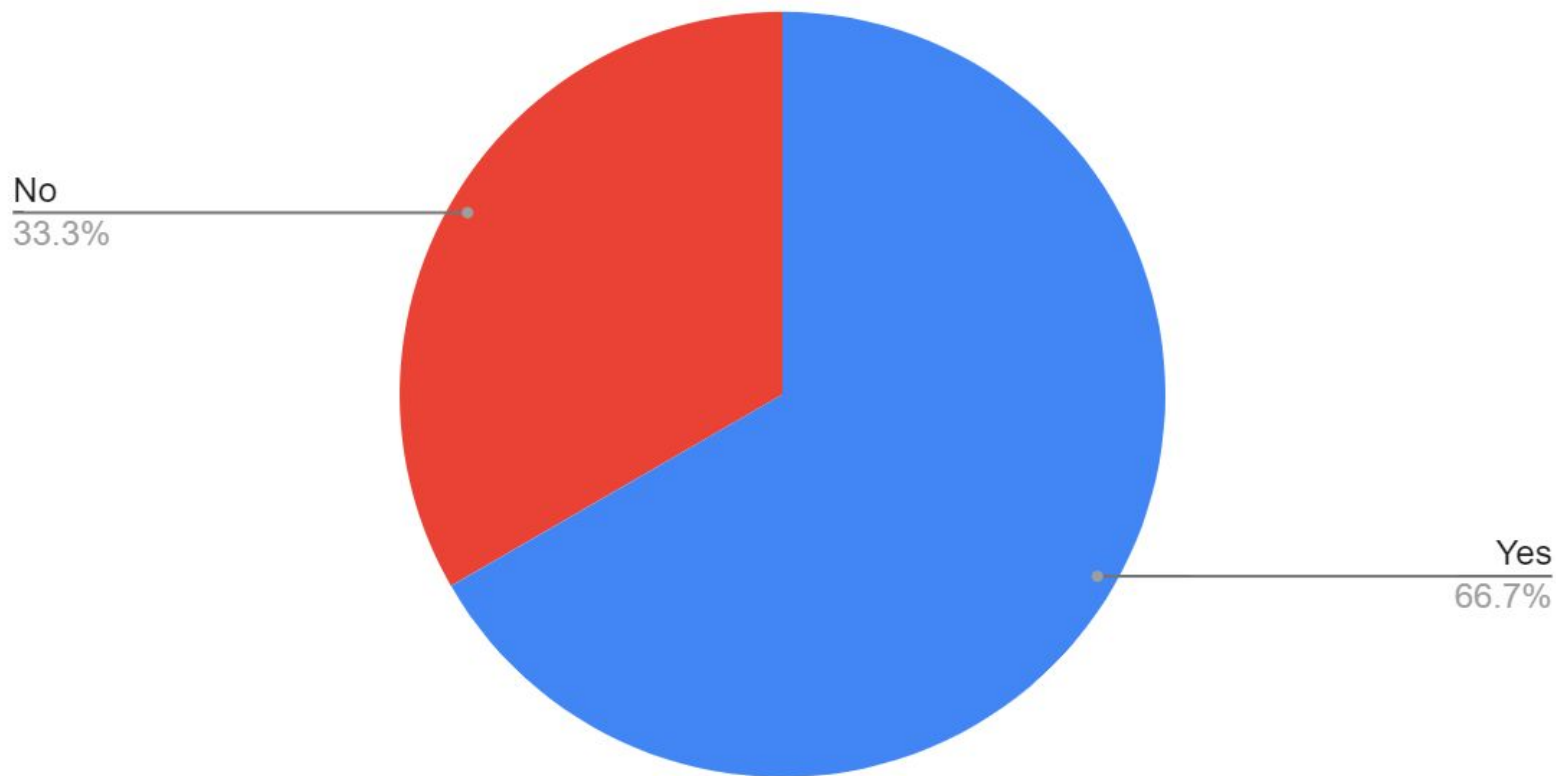
Property Owners (address):

1. Multiple entities (420 Cumberland, 11 Forest Ave, 565 Congress, 516 Congress, 510 Congress, 400 Congress)
2. Multiple (84 Oak Street, 92 Oak Street, 551 Congress Street, 550 Congress Street)
3. RANS, LLC (664-666 Congress Street - 173-179 State Street)
4. Maine College of Art & Design (522 Congress St)
5. Blue Bay, LLC (612 Congress Street)
6. SPACE Gallery (534-538 Congress Street)
7. RANS, LLC (173-179 State Street / 664-666 Congress Street)
8. 540 Congress, LLC
9. ASM properties (16 and 18 Monument Square)
10. Storrey Industries, LLC and 578 Congress, LLC (578 Congress and 22 Monument Square)
11. Port Property/Reveler (511 Congress St and Arts District Garage)
12. KAPLAN 504 LLC (504 Congress St & 77 Free Street)

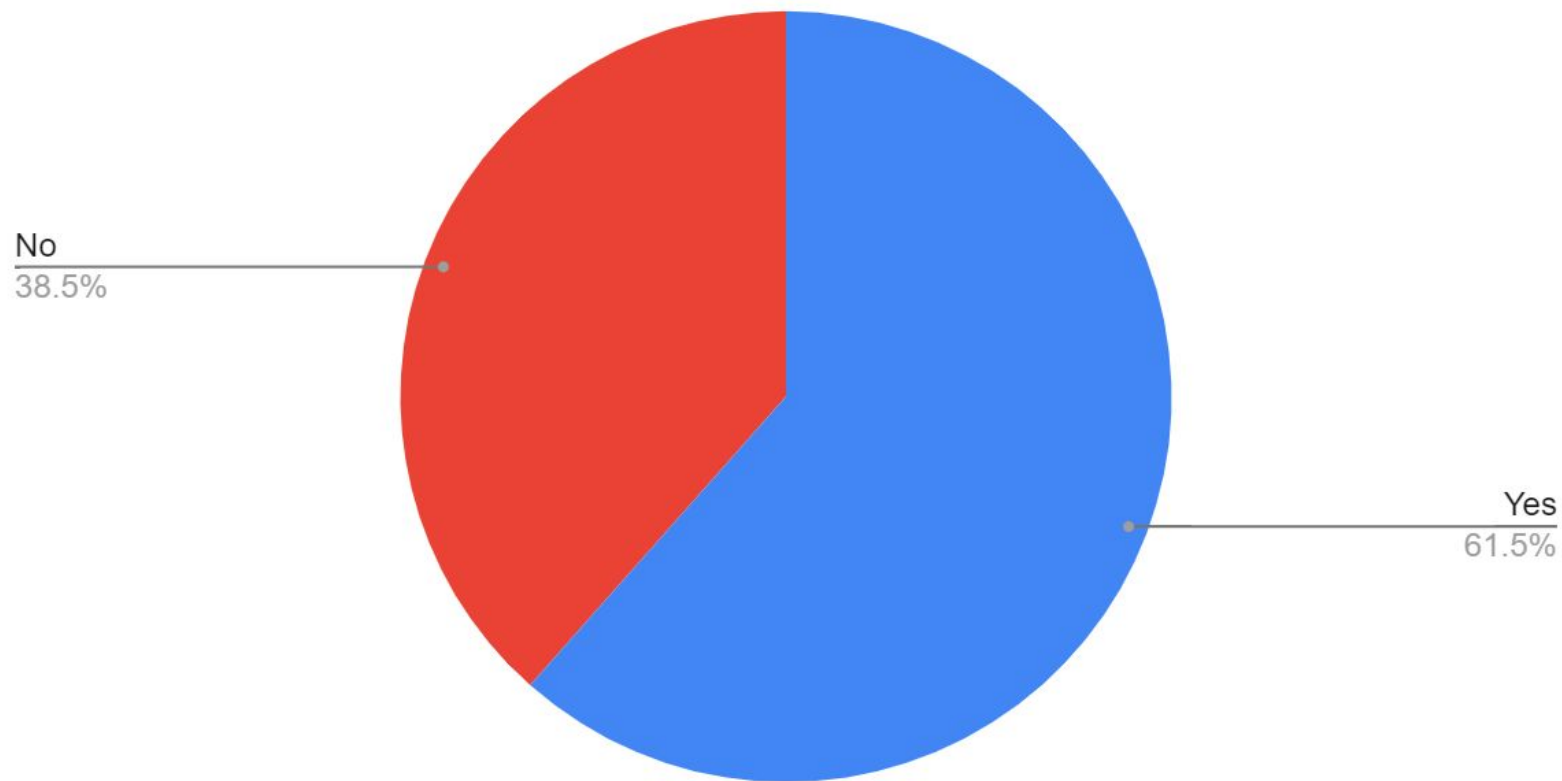
Business Owners (address):

1. Flea for All (585 Congress)
2. Mechanics' Hall (519 Congress)
3. Monument Hotel LLC (385 Congress)
4. Fathom Companies (465 Congress)
- 5 & 6. 465 Congress LLC (two responses)
7. Open House (585 Congress)
8. Friends & Family (593 Congress)
9. Green Hand Bookshop (661 Congress)
10. Hilton Garden Inn (65 Commercial St)
11. Another Round (549 Congress)
12. Matcha Mood (654 Congress)
13. Port Property/Reveler (Multiple: 188 State Street, 439 Congress, 37 Casco, 341 Cumberland, 30 Preble, 37 Brown st, 511 Congress)

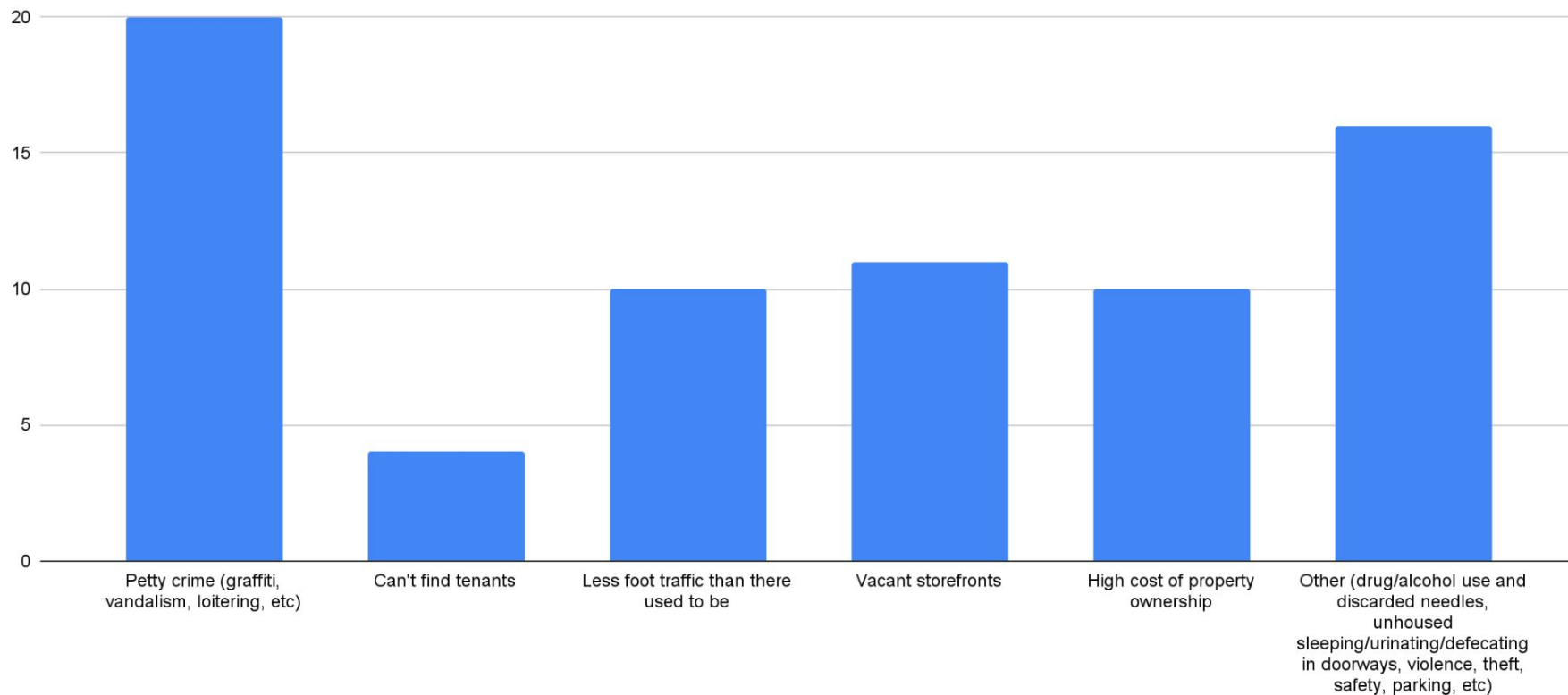
(Property Owners) Is your commercial space in the Arts District fully occupied?



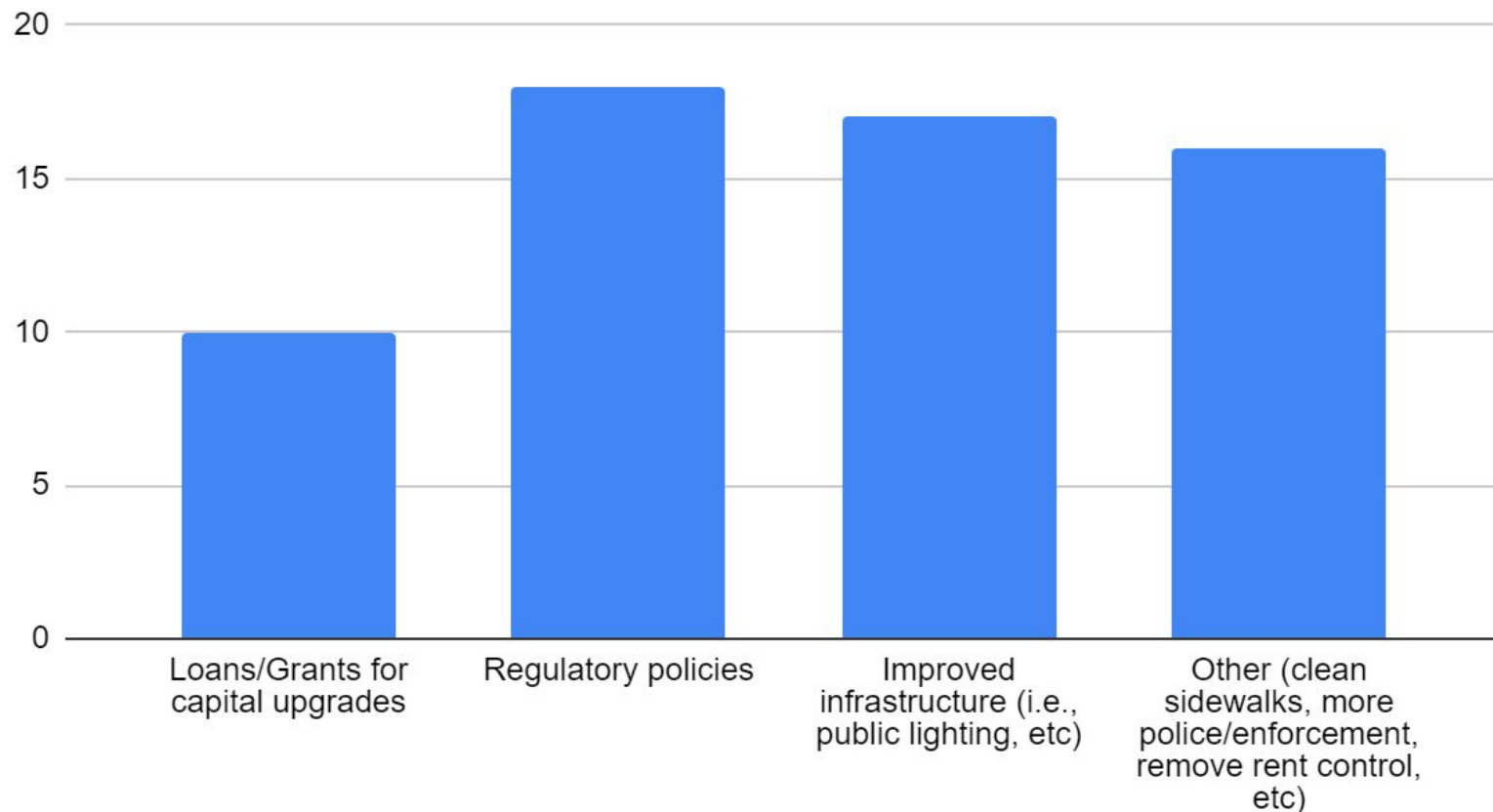
(Business owners) Is your commercial space in the Arts District fully occupied?



What challenges do you face?



What support would you like from the City?



“Is there anything else you would like to share?”

Oak and Congress need more trash cans, cigarette Butlers (outside Taco Escobarr) and street and sidewalk sweeping- we are all assessed a fee by the Downtown District but they really don't do enough to keep this area clean.

The City's policies are destroying this city. The unhoused situation is out of control. Tenants do not feel safe leaving their apartment buildings because of the drug paraphernalia and human waste that is left on the entrance steps, sidewalks and back parking lot. Yet the city wants to leave picnic tables out to encourage more loitering in Longfellow Square. How does that help the residents and property owners when it further exacerbates the congregations of the unhoused, drug use, and public urination and defecation?

The city is not meeting the challenges of homelessness, housing, taxation, etc. in a way that is fair, especially to the people paying a lot of taxes, additional fees, and charges. I based my business decision on calculations that are in the meantime no longer valid and feel like I have no recourse but to sell up or keep paying with very little or no profit despite years of very hard work. There is also no predicting what will change next. There is very little guidance or planning by the city. In addition, the feeling of antagonism between landlords, tenants, and city authorities is extreme, making running a business in Portland increasingly difficult.

The City of Portland's reluctance to handle the unhoused situation has forced the problem on private property owners. We have unhoused defecating, urinating, shooting up with drugs all over our property and the city's response is we can't do anything about it on private property. Respectfully, the City's lack of leadership dealing with this situation has created the problem that is occurring on private property. The current situation is becoming a serious public health problem and risk for the city's residents!

Portland will sink if it keeps handling the endless drug addict issue in Monument Square like a bunch of babies.

We get a lot of complaints about homeless population on drugs, safety, lots of needles being discarded on the sidewalk/street/everywhere and within the garage as well as drug use surrounding our building/garage. Subsequently, people do not feel safe using the Arts District Garage during certain times of the evening/night; although we have the building/garage monitored by camera and a security company. Is there a way to put ordinances in place to have the homeless allowed in certain areas and have better control/contain to one area?

I was born in Portland, lived in the same house for over 59 years--have never seen Portland in such bad condition, less desirable to live and do business. Improve infrastructure before allowing additional development.

Having a community resource team that was an alternative to police do foot patrols would help deter negative behaviors, and mediate problems associated with substance abuse and mental health crises.

We just acquired the former Maine Bank & Trust building and plan to convert to an upscale boutique hotel of 92 rooms, plus food & beverage outlets. Concerned about Monument Square area, safety, cleanliness, beggars confronting customers...

Monument Square and surrounding streets has the potential to be a vibrant and desired area of downtown Portland that would benefit all adjacent businesses and residents. Reducing vacancies and supporting redevelopment as needed and public funding of Monument Square improvements similar to Congress Square.

If you would like to talk more about these issues I would be happy to do so in person. I don't feel that my input in this form will be taken seriously. My experience with the problem solving issues collaboratively with the city has been poor from the start.

We need to find a solution to the homeless crisis in our city. We have heard from guests at properties outside greater Portland that they are skipping downtown Portland because they don't feel safe.

The issue of safety is consistently the primary concern we hear from current and prospective tenants in this area, (commercial and residential). Interested prospective tenants regularly pass on our retail space offerings after being on-site and witnessing the area's open drug use, disturbing outbursts/yelling, etc. Based on our experience, it is clear to us that commercial vacancy will only get worse in this area until tenants can be confident that customers feel safe.

Better lighting and more pedestrian inviting works would also be incredibly helpful. Congress street by us can get incredibly dark at night which makes it less inviting to walk along on and makes it less safe for people crossing the street. With parking as tough as it is everywhere downtown, it would be great if we could make it more enjoyable to walk the few blocks you likely will have to walk to get from where you park to your destination.

Wow – given the amount of times we've communicated our challenges to the City, I'm shocked and dismayed that you didn't see it relevant to list issues related to violence, public drug use, and unhoused encampments as options for challenges we face in owning a business in the neighborhood. This has already been communicated multiple times to City Council, police, and City of Portland staff, but here goes again, I guess... In just three short years of business ownership near Congress Square Park, we've experienced: -Multiple (too many too count?) violent threats to our staff from various folks in the park -Verbal abuse when we've asked non-customers to not loiter on our roped-off permitted patio – for which we pay THOUSANDS of dollars to the city each year (what does that money go to pay for?) -Staff having to call paramedics for non-responsive drug overdoses on multiple occasions -Many, many spent, uncapped needles in the immediate vicinity of our front door (to the point where it feels dangerous to clean up the many, many cigarette butts given that we might inadvertently get stabbed by a needle) -Customers frequently approached on the patio and also inside the restaurant and asked for money or otherwise harassed – once a customer was threatened with a belt and another time with a baseball bat -Delivery drivers who have refused to deliver our orders because of encampments outside our front and back doors -Daily open drug and alcohol use to the point of incapacitation, along with violence and verbal abuse between people in the park, making the park unsafe for anyone We have dealt with these issues ourselves as best we can, often with a compassionate response until it becomes unmanageable and unsafe for us to continue without support. In many cases we have called the police and been told that there's nothing they can do. We are sympathetic to the lack of staff and the changing protocols the police are facing, along with the issues that are happening city-wide. But it is simply unacceptable for the police to respond and say they cannot help an unhoused person reeking of urine, cannot remove open containers from clearly incapacitated individuals, and cannot take weapons away from people who have been actively threatening others. I arrived at work at 9am on a recent Thursday only to watch a man openly inject a woman on a park bench in Congress Square Park. I didn't even bother to call the cops that time, because I was too busy to deal with them spending their time telling me they couldn't do anything vs actually helping. Congress Square is one of, if not the most highly trafficked intersections in the city, surrounded by many, many small businesses, facing one of our most important cultural institutions, and it is not a safe place for my 9 year old to play. By disregarding the issues in Congress Square (for whatever reason), the city is not ensuring the basic safety of all people (including unhoused, and people suffering with substance abuse). I can't tell you how many times I've thought, "someone is going to die out there tonight" as I've locked up to go home. And that is not to mention the responsibility of the city to maintain the cleanliness and beauty of a public park neighboring one of our biggest hotels, where you have a wonderful community organization drawing a wide range of people for amazing programming and events. We are all trying our best to make Congress Square a SAFE, inviting, inclusive and thriving public space and all we are asking is that the city do its job by sharing in that work with us. Super dismayed and disheartened that you didn't even think to acknowledge these challenges in this survey.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER SETTING ELECTION DATE ON AN AMENDMENT TO CHAPTER 33
OF THE PORTLAND CITY CODE
RE: AN ACT TO INCREASE PORTLAND'S MINIMUM WAGE**

ORDERED, that the amendment to the Portland City Code called An Act to Increase Portland's Minimum Wage, a copy of which is attached to and made a part of this Order, shall be submitted to the voters of the City, on a ballot with the below summary only as determined necessary by the City Clerk, at the municipal election on November 5, 2024; and

BE IT FURTHER ORDERED, that notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time; and

BE IT FURTHER ORDERED, that the Portland City Clerk is hereby authorized to place the following question and summary of An Act to Increase Portland's Minimum Wage on the ballot:

Do you favor the change in the city ordinance proposed by City Councilors as summarized below?

An Act to Increase Portland's Minimum Wage

An Act to Increase Portland's Minimum Wage will increase Portland's minimum wage to \$20/hour by 2028. This amendment will be effective beginning January 1, 2025.

EXHIBIT A

An act to Increase Portland's Minimum Wage

An Act to Increase Portland's Minimum Wage will increase Portland's minimum wage to \$20/hour by 2028. This amendment will be effective beginning January 1, 2025.

BE IT ORDAINED:

That Sections 33.7 and 33.9 of the Portland City Code Chapter 33 are hereby amended effective as of January 1, 2025 to read as set forth below. Notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time.

Section 33.7. Minimum Wage.*

* * *

(b) Minimum Wage rate:

- (i) Beginning on January 1, ~~2025~~2022, the regular Minimum Wage for all Employees, including, but not limited to, Service Employees, shall be raised to \$16.50 ~~\$13.00~~ per hour;
- (ii) Beginning on January 1, ~~2026~~2023, the regular Minimum Wage for all Employees, including, but not limited to, Service Employees, shall be raised to \$18.00 ~~\$14.00~~ per hour; and
- (iii) ~~Beginning on January 1, 2027~~2024, the regular Minimum Wage for all Employees, including, but not limited to, Service Employees, shall be raised to \$19.00 ~~\$15.00~~ per hour; and
- (iv) Beginning on January 1, 2028, the regular Minimum Wage for all Employees, including, but not

limited to, service employees, shall be raised to \$20.00 per hour; and

(~~vii~~)—On January 1, ~~2029~~2025 and each January 1st thereafter, the minimum hourly wage then in effect must be increased by the increase, if any, in the cost of living. The increase in the cost of living must be measured by the percentage increase, if any, as of August of the previous year over the level as of August of the year preceding that year in the Consumer Price Index for All Urban Consumers, CPI-U, for the Northeast Region, or its successor index, as published by the United States Department of Labor, Bureau of Labor Statistics or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of 5¢. If the state minimum wage established by 26 M.R.S. § 664 is increased in excess of the minimum wage in effect under this ordinance, the minimum wage under this ordinance is increased to the same amount, effective on the same date as the increase in the state minimum wage, and must be increased in accordance with this ordinance thereafter.

* * *

ARTICLE V. ENFORCEMENT AND VIOLATIONS

Sec. 33.9. Enforcement and Violations.

* * *

(a) Complaint Process.

* * *

(iii) If the City Manager finds that a violation of this chapter has occurred, they ~~he or she~~ may order any and all appropriate relief including, but not limited to, the payment of

any back wages withheld and/or the payment of not less than \$100.00 as a penalty for each day that a violation of this chapter has occurred, per Employee. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

*Note: The amendments set forth above will be effective as of January 1, 2025. Notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER SETTING ELECTION DATE ON AN AMENDMENT TO CHAPTER 33
OF THE PORTLAND CITY CODE
RE: AN ACT TO ELIMINATE PORTLAND'S SUB-MINIMUM WAGE
FOR SERVICE EMPLOYEES**

ORDERED, that the amendment to the Portland City Code called An Act Eliminate Portland's Sub-Minimum Wage for Service Employees, a copy of which is attached to and made a part of this Order, shall be submitted to the voters of the City, on a ballot with the below summary only as determined necessary by the City Clerk, at the municipal election on November 5, 2024; and

BE IT FURTHER ORDERED, that notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time; and

BE IT FURTHER ORDERED, that the Portland City Clerk is hereby authorized to place the following question and summary of An Act to Eliminate Portland's Sub-Minimum Wage for Service Employees on the ballot:

Do you favor the change in the city ordinance proposed by City Councilors as summarized below?

An Act to Eliminate Portland's Sub-Minimum Wage for Service Employees

An Act to Eliminate Portland's Sub-Minimum Wage for Service Employees will ensure that tipped employees receive the full minimum wage that all employees receive, plus tips, by 2034. This amendment will be effective beginning January 1, 2025.

EXHIBIT A

An Act to Eliminate Portland's Sub-Minimum Wage for Service Employees

An Act to Eliminate Portland's Sub-Minimum Wage for Service Employees will ensure that tipped employees receive the full minimum wage that all employees receive, plus tips, by 2034. This amendment will be effective beginning January 1, 2025.

BE IT ORDAINED:

That the Section 33.7 of the Portland City Code Chapter 33 is hereby amended effective as of January 1, 2025 to read as set forth below. Notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time.

Section 33.7. Minimum Wage.*

* * *

(a) Tip Credit:

- (i) Subject to the minimum Service Employee direct wage schedule in subsection (ii) below, an ~~An~~ Employer may consider tips as part of the wages of a Service Employee toward satisfaction of the Minimum Wage established by this ordinance, in accordance with 26 M.R.S. §664(2) and until such time as the tip credit is eliminated under state law. Such a tip credit shall be no greater than half the Minimum Wage rate established by this ordinance.

- (ii) An Employer electing to consider tips as part of wages for Service Employees must pay direct wages, excluding tips, in an amount equal to or greater than the amount listed in the following Service Employee direct wage schedule:

<u>Service Employee Hourly Direct Wage Schedule</u>	
<u>1/1/25 to 12/31/25</u>	<u>\$10.00</u>
<u>1/1/26 to 12/31/26</u>	<u>\$12.00</u>

<u>1/1/27 to 12/31/27</u>	<u>\$14.00</u>
<u>1/1/28 to 12/31/28</u>	<u>\$16.00</u>
<u>1/1/29 to 12/31/29</u>	<u>\$17.00</u>
<u>1/1/30 to 12/31/30</u>	<u>\$18.00</u>
<u>1/1/31 to 12/31/31</u>	<u>\$19.00</u>
<u>1/1/32 to 12/31/32</u>	<u>\$20.00</u>
<u>1/1/33 to 12/31/33</u>	<u>\$21.00</u>
<u>1/1/34 and after</u>	<u>same as Minimum Wage</u>

~~(ii)~~ (iii) An Employer who elects to use the tip credit, until it is eliminated under state law, must inform the affected employee in advance and must be able to show that the employee receives at least the Minimum Wage established by this ordinance when direct wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the actual tips received were less than the tip credit, the employer shall increase the direct wages by the difference.

~~(iii)~~ (iv) The tips received by a Service Employee become the property of the employee and may not be shared with the employer. Tips that are automatically included in the customer's bill or that are charged to a credit card must be treated like tips given to the Service Employee. A tip that is charged to a credit card must be paid by the employer to the employee by the next regular payday and may not be held while the employer is awaiting reimbursement from a credit card company.

~~(iv)~~ (v) This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations made pursuant to that Act.

~~(v)~~ (vi) Except as otherwise specified in this subsection (c), the meaning of the language used in this subsection shall be interpreted consistently with the interpretation of the language of 26 M.R.S. §663 and 26 M.R.S. §664.

*Note: The amendments set forth above will be effective as of January 1, 2025. Notwithstanding the limitation on the repeal or amendment of ordinances set forth in Portland City Code Chapter 9 Section 9-46, the City Council may, without a vote of the people, amend or repeal the ordinance set forth below at any time.