CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH DATE: MONDAY, JULY 15, 2013 TIME: 7:00PM

AGENDA

- 6:00PM ANTICIPATED "NON-MEETING" WITH COUNSEL REGARDING NEGOTIATIONS RSA 91-A:2, I (b-c)
- 6:30PM ANTICIPATED "NON-MEETING" WITH COUNSEL REGARDING LITIGATION RSA 91-A:2 I (c)
- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES JUNE 3, 2013 AND JUNE 17, 2013
- VI. PUBLIC COMMENT SESSION
- VII. APPROVAL OF GRANTS/DONATIONS

(There are no items on this section of the agenda)

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements
 - Citywide Facilities Capital Improvements \$1,000,000
 - Citywide Sidewalk Reconstruction Program \$800,000
 - McDonough Street Area Improvements \$400,000
 - Gateway Improvements-Exit 7 \$550,000
 - Street Paving, Management and Rehabilitation \$2,500,000
 - Islington Street Improvements \$500,000

(Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of up to \$5,750,000.00 at the August 5, 2013 City Council meeting)

B. First Reading of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades (Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of \$10,000,000.00 at the August 5, 2013 City Council meeting)

C. First Reading of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades (Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000.00 at the August 5, 2013 City Council meeting)

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Final 2013 Omnibus Sidewalk Obstruction Renewals See Attached Listings (Anticipated action move to refer to the City Manager with power)
- B. Letter from Virginia Skevington, Arts in Reach (AIR), requesting permission to hold the Annual AIR Walk on Saturday, October 19, 2013 (Anticipated action move to refer to the City Manager with power)
- C. Letter from Mark Herrholz, Portsmouth Professional Firefighters Local 1313, requesting permission to set up two Boot Drives for the Muscular Dystrophy Association, with the first boot drive on Saturday, July 20, 2013 and the second boot drive on Saturday, August 10, 2013 from 8:00 a.m. 5:00 p.m. (Anticipated action move to refer to the City Manager with power)
- D. *Acceptance of Donation to the Coalition Legal Fund
 - Town of Carroll \$1,000.00

(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

- E. *Acceptance of Donation to Art-Speak for the General Administration
 - Catherine Sununu \$150.00

(Anticipated action – move to approve and accept the donation, as listed)

- F. Letter from Sister Mary Agnes, St. Charles Children's Home, requesting permission to hold the 17th Annual St. Charles Children's Home 5k on Monday, September 2, 2013 at 9:00 a.m. at the Pease International Tradeport (Anticipated action move to refer to the City Manager with power)
- G. Request for Approval of Pole License to install 1 pole and a brace pole located at the intersection of Bow and Daniel Streets. One brace pole will be added while 4 poles will be removed resulting in a net loss of 4 poles in the area License Agreement #63-0560 (Anticipated action move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)

- H. Request for Approval of Pole License to install 145 feet of underground conduit at the Middle Road Bridge project in two sections; 80' of conduit on the Plains side of the bridge and 65' on the downtown side License Agreement #63-0561 (Anticipated action move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes)
- I. Request for License from Shelia McMahon, owner of Man Cave Cut & Style for property located at 10A Ladd Street for a projecting sign on an existing bracket (Anticipated action move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Shelia McMahon, owner of Man Cave Cut & Style for a projecting sign at property located at 10A Ladd Street and, further, authorize the City Manager to execute License Agreements for this request)

Planning Director's Stipulations:

- The licenses shall be approved by the Legal Department as to content and form;
- Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and
- Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Rob Sevigny, The Paper Patch, requesting an easement to restore a step onto Ladd Street from storefront with an address of 36 Market Street (Sample motion move to refer to the Planning Board for report back)
- B. Letter from Zachary Taylor, Riverside & Pickering Marine Contractors, requesting a minor amendment to the License Agreement between Priscilla Semprini, Trustee of the Priscilla Semprini Revocable Trust of 2010, 300 New Castle Avenue and the City of Portsmouth (Sample motion move to refer to the Legal Department for report back)

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. <u>CITY MANAGER</u>

Items Which Require Action Under Other Sections of the Agenda

- 1. First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 First Reading of Proposed Bonding Resolution Re: City Improvements, Peirce Island Wastewater Treatment Plant Upgrades, and Pease Wastewater Treatment Plant Upgrades
 - A. Resolution for Bond Authorization of up to \$5,750,000 for FY14 City Improvements
 - Citywide Facilities Capital Improvements \$1,000,000
 - Citywide Sidewalk Reconstruction Program \$800,000
 - McDonough Street Area Improvements \$400,000
 - Gateway Improvements–Exit 7 \$550,000
 - Street Paving, Management and Rehabilitation \$2,500,000
 - Islington Street Improvements \$500,000

(Action on this matter should take place under Section VIII of the Agenda)

- B. First Reading of Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades (Action on this matter should take place under Section VIII of the Agenda)
- C. First Reading of Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades (Action on this matter should take place until Section VIII of the Agenda)

City Manager's Items Which Require Action

- 1. Report Back Re: Proposal for Mobile Vending
- 2. Proposed Memorandum of Understanding between the Town of Kittery and the City of Portsmouth Re: Illumination of the Memorial Bridge
- 3. Report Back Re: Sidewalk Policy Richards Avenue

Informational Items

- 1. Events Listing
- 2. Report Back Re: Adopt a Spot
- 3. Water/Sewer Connection Fees
- 4. Update on City Transportation Projects

B. MAYOR SPEAR

- 1. Appointments to be Voted:
 - John Palreiro Taxi Commission
 - Dana Mary Hegre Citywide Neighborhood Steering Committee
- 2. *Establish Senior Committee Charge

The purpose of the Committee is to advise the City Council on developing a senior center. This would include potential programming, senior center location and a suggested plan of action to develop a new center.

The committee will develop a suggested menu of programming opportunities and services that could be available at a senior center. It will review community input and demographics gathered to date. It will identify activities not currently available to residents. It will identify potential partners in the community for services, programming and intergenerational activities.

After preliminary assessment of the activities and programs to be offered, physical space to operate the program will be estimated, along with staff requirements. The committee will investigate the feasibility of the Doble Army Reserve building, as well as any other potential locations that could serve as a future senior center in Portsmouth. The committee will suggest a proposed site along with plan and project budget. The committee will also develop an operations plan describing the administrative organization of the center.

The Blue Ribbon Committee will report back to the City Council in 150 days and recommend a plan-of-action for the creation of a senior center that will cover all areas of facility, budget, programming and administration

- 3. *Senior Committee Appointments:
 - Bob Lister, Chair
 - Nancy Novelline Clayburgh
 - Eva Powers
 - Nancy Andrews
 - Martha Fuller Clark
 - Maureen Arsenault
 - Jack Jamison
- 4. *Establish Fire Department Study Committee Charge

The purpose of the Committee is to choose an independent consultant to perform an independent study of the Portsmouth Fire Department for the purpose of recommending to the City Council and Fire Commission changes to the practices and organizational structure of the Department in order to reduce costs and/or improve service without materially affecting public safety

- 5. *Fire Department Study Appointments:
 - Chris Dwyer
 - Brad Lown
 - Norm Olsen
 - Peter Somssich
 - Eric Gregg
 - Fire Commissioner
 - Steve Achilles, Fire Chief Ex-officio

C. COUNCILOR SMITH

- 1. Parking and Traffic Safety Committee Action Sheet and Minutes of the June 13, 2013 meeting (Sample motion move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of June 13, 2013)
- XII. MISCELLANEOUS/UNFINISHED BUSINESS
- XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

KELLI L. BARNABY, CMC/CNHMC CITY CLERK

INFORMATIONAL ITEMS

(There are no items under this section of the agenda)

- 1. Notification that the Board of Adjustment Minutes of the February 26, 2013 meeting are available on the City's website for your review
- 2. Notification that the Conservation Commission Minutes of the April 10, 2013 meeting are available on the City's website for your review
- 3. Notification that the Planning Board Minutes of the February 21, 2013 and February 28, 2013 are available on the City's website for your review

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

CITY OF PORTSMOUTH PORTSMOUTH, NH 03801

Office of the City Manager

Date: July 11, 2013

To: Honorable Mayor Eric Spear and City Council Members

From: John P. Bohenko, City Manager

Re: City Manager's Comments on July 15, 2013 City Council Agenda

6:00 p.m. - Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

1. First Reading of Proposed Resolution and Ordinance Amendments:

1. Request for First Reading of Proposed Bonding Resolutions Re: City Improvements, Peirce Island Wastewater Treatment Plant Upgrades, and Pease Wastewater Treatment Plant Upgrades. As a result of the June 17th City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the attached Bonding Resolutions of up to Nineteen Million Two Hundred Fifty Thousand Dollars (\$19,250,000) for the FY 2014 – 2019 Capital Improvement Projects.

As you are aware, in the FY14 Capital Improvement Plan, there are projects that require bonding authorization from the City Council in order for the projects to move forward. The following list identifies three separate resolutions, which are attached.

- A. Resolution for bond authorization of up to \$5,750,000 for FY14 City Improvements. As a result of the June 17th City Council meeting,
 - Citywide Facilities Capital Improvements \$1,000,000: (page II-44 and II-45 of Budget Booklet FY14, which are attached)

The Public Works Department has the maintenance responsibilities for all municipal facilities. These facilities are wide ranging and serve multiple uses. Due to age and usage, many facilities are in need of updating in order to continue their availability to the general public and the programs conducted within.

The Public Works Department staff will identify the renovations and improvements required at each facility. This project is being set up so that the expenditures are utilized over a three-year time frame.

• Citywide Sidewalk Reconstruction Program - \$800,000: (page II-63 and II- 64 of Budget Booklet FY14, which are attached)

This program relies on a management program and is funded on a two-year schedule to address the need to upgrade existing sidewalk surfaces on a priority basis. The sidewalk inventory consists of over 50 miles of sidewalks, made from asphalt, concrete, brick or stone. Some \$20,000,000 of reconstruction work is required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements.

• McDonough Street Area Improvements - \$400,000: (page II-68 of Budget Booklet FY14, which is attached)

This project is at the request of the Islington Creek Neighborhood Association to have new sidewalks and traffic calming measures installed throughout the McDonough Street Area. The main purpose of this project is to enhance safety for the residents and others who travel through this area on foot, by bicycle and motor vehicle. This area is a mixed use of residential, commercial and industrial uses sandwiched between Islington Street and the North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach that began in FY10.

• Gateway Improvements-Exit 7 - \$550,000: (page II-72 of Budget Booklet FY14, which is attached)

This project is a continuation of phased improvements along the Market Street right-of-way as it extends from the I-95 to Deer Street. Some of the proposed improvements are part of a cooperative effort between the City and NHDOT to improve the I-95 Exit 7 interchange (currently ongoing) and to provide safe pedestrian and bicycle travel along the road. The first phase of this project from Deer Street to Russell Street is complete and included streetscape and traffic calming improvements such as widened concrete sidewalks with a brick detail, installation of new historic

street lights, landscaping, new granite curb and roadway paving. In addition to these improvements, a transportation grant enabled the City to construct a sidewalk and bike lane along the north side of the gateway. The next phase involves design and construction of improvements from the I-95 Exit 7 interchange to the Route 1 Bypass Bridge. This will be followed by successive alternating design and construction phases of improvements until the streetscape is complete.

• Street Paving, Management and Rehabilitation - \$2,500,000: (page II-73 and II-74 of Budget Booklet FY14, which are attached)

In 1993 the City funded a *Pavement Management Study* to implement a *Pavement Management Program*. This program produces a report showing existing conditions for each publicly owned street priority ranking for best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios are also able to project future street conditions based upon various levels of expenditures. An expenditure of \$1,250,000 per year over the next twenty years would greatly improve street conditions. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting 20 years.

• Islington Street Improvements - \$500,000: (page II-75 of Budget Booklet FY14, which is attached)

The *Islington Street Improvement Action Plan* was completed in 2009 with the goal of improving the appearance of Islington Street in the area between Maplewood Avenue and Rt. 1 Bypass. This project involved development of a plan for capital improvements, regulatory strategies and non-regulatory public/private approaches to revitalization. The streetscape will be enhanced in a coordinated way as properties are improved through the site review process.

The funding was approved in FY 2013 for final design plan of the first section of improvements starting at Congress Street with construction scheduled for FY 2014.

B. Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades: (Page II-78 of Budget Booklet FY14, which is attached)

This is the first phase of bonding for the proposed Wastewater Treatment Plant at Peirce Island, which is estimated to cost \$63,000,000. The project identifies the need for a new wastewater treatment facility to bring the

City into compliance with the secondary treatment standards of the new wastewater discharge permit. The City has completed a wastewater master plan and technology verification pilot study which outlines the necessary compliance program. Phase I of this resolution is for permitting, design and the initial construction phase including the demolition of existing structures and the relocation of the main power line.

C. Resolution for bond authorization of up to \$3,500,000 Pease

Wastewater Treatment Plant Upgrades: (Page II-79 of Budget Booklet FY14, which is attached)

This project addresses capital needs at the Pease Wastewater Treatment Facility. Parts of this plant date back to the original 1950's construction and are beyond their useful life. In addition, the Plant's NPDES discharge permit is up for renewal and this item anticipates additional capital needs which may result from a new permit.

I would recommend that the City Council move the following motions:

- 1) Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for City Improvements in the amount of up to \$5,750,000 at the August 5, 2013 City Council meeting.
- Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Peirce Island Wastewater Treatment Plant Upgrades in the amount of up to \$10,000,000 at the August 5, 2013 City Council meeting.
- 3) Move to pass first reading and schedule a public hearing and adoption of a Bond Resolution for Pease Wastewater Treatment Plant Upgrades in the amount of up to \$3,500,000 at the August 5, 2013 City Council meeting.

Please note that Bonding Resolutions require two readings, a public hearing and two-thirds vote of the City Council.

Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

1. Acceptance of Donation to the Coalition Legal Fund. The Town of Carroll has donated funds in the amount of \$1,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section IX of the Agenda.

- 2. <u>Acceptance of Donation for Art-Speak.</u> Art-Speak requests that the following donation to support Art-Speak's General Administration line item be accepted by the City Council on behalf of Art-Speak:
 - Catherine Sununu \$150.00

I would recommend the City Council move to accept and approve the donations to Art-Speak for the General Administration line item, as presented. Action on this matter should take place under Section IX of the Agenda.

- 3. Request for License to Install Projecting Sign. Attached under Section IX of the Agenda is the following request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):
 - Shelia McMahon, owner of Man Cave Cut & Style for property located at 10A Ladd Street.

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. Report Back Re: Proposal for Mobile Vending. As you will recall, the City received a request from Michael Prete of The Kitchen Restaurant Group to conduct mobile vending. See attached letter request previously provided to the City Council. In 2010, the Portsmouth City Council amended Chapter 6, Article XIII Section 6.1307 to limit vending from parking spaces. That ordinance set up an annual bidding process and a minimum bid amount of \$5,000 for the April 15-November 15 season. Attached is a copy of the ordinance. Earlier this year, the City advertised for bids to conduct vending from the designated parking spaces and no qualified bids were received. Mr. Prete subsequently expressed interest in mobile vending and he has a vehicle which is currently licensed by the Health Department.

Staff has reviewed Mr. Prete's request and offers the following:

(1) Mr. Prete's request to vend from a parking space on Hanover and one on State Street (alternating) is not in the best interest of the City. Among other concerns, the construction activities on Hanover are such that mobile vending would further complicate traffic and pedestrian control measures. Staff has no concern with Mr. Prete vending from the State Street location shown on the attached plan and the spot would be reserved for that purpose.

- (2) Mr. Prete requested a pro-ration of the minimum bid price of \$5,000 given that the season anticipated by the Ordinance is April 15- November 15. The bid price becomes the "license fee" for the use of the parking space for the season. Staff does not recommend pro-ration of the fee. There are annual fees for licensing and permits for other non-vehicular mobile vendors and those fees are not pro-rated. There is no mechanism within the ordinance at this time to pro-rate.
- (3) With regard to his request to pay the fee monthly, Section 6.1307 of Chapter 6, Article XII does not dictate the fee payment structure. The bid documents anticipated two payments one at the commencement of the license and one midway through the season. Mr. Prete has requested monthly payments. Staff has no objection to monthly payments in advance of use.

The City Council may elect to entertain this special license request or not. Mr. Prete will attend the City Council meeting in the event questions arise. He is aware of the City staff's recommendations and anticipates proceeding with mobile vending if granted by the City Council.

If the City Council wishes to move forward with the license request:

I would recommend the City Council move to authorize the City Manager to enter into a license agreement with the Kitchen for mobile vending in accordance with the terms recommended by staff.

2. Proposed Memorandum of Understanding between the Town of Kittery and the City of Portsmouth Re: Illumination of the Memorial Bridge. Attached is a proposed Memorandum of Understanding (MOU) between the Town of Kittery and the City of Portsmouth regarding the ongoing operation and maintenance of the illumination of the Memorial Bridge. As you are aware, the Bridge Illumination Trust is anticipated to have sufficient funds for operation and maintenance until 2018 (five years). The agreement calls for each community sharing the costs equally. The Town of Kittery wanted to put a cap on the costs not to exceed \$5,000 in total. If operational and maintenance costs exceed that number, then each side will meet to negotiate a sum to be paid by each party. The MOU is written in such as way to allow either party to terminate the Agreement at any time.

I would recommend the City Council move to authorize the City Manager to execute this Memorandum of Understanding between the Town of Kittery and the City of Portsmouth for the bridge illumination project.

3. Report Back Re: Sidewalk Policy Richards Avenue. As follow-up to City Council's action at its May 20, 2013 meeting, I along with City staff held a public meeting with residents of Richards Avenue to discuss sidewalk material choice. Residents had requested brick sidewalks in lieu of concrete on their street which required a waiver from City Policy No. 2010-02 (see attached policy). This policy dictates brick sidewalks in the Historic District of the City and concrete in other areas of the City.

The City Council reviewed this request and at their March 18, 2013 voted to allow the change in material contingent upon the residents paying the incremental cost increase for the change from concrete to brick. The total cost impact was estimated at \$30,660 approximately \$1,000 per property.

The residents were informed of the Council decision and reacted with letters outlining their concerns related to the process and costs associated with the decision. These letters resulted in the City Council's reconsideration of the waiver request and a Council vote to refer the matter to the City Manager for further consideration.

After meeting with residents and reviewing the area as it relates to the intent of City Policy No. 2010-02, it is staff's recommendation that the City Council grant the waiver request to install brick sidewalks on Richards Avenue from Middle Street to Parrott Avenue on both sides of the street.

This recommendation is based on the following:

- The area has historic significance as one of the first subdivisions in the City dating back to the early 1800's.
- This area was previously part of the Historic District
- This section of Richards Avenue is a thoroughfare to many public destinations including Leary Field, Portsmouth Middle School, and Portsmouth Public Library and as such acts as a gateway to Historic Portsmouth
- A formal request has been made to the Historic District Commission to include this area in Historic District limits

I would recommend the City Council move to grant the waiver request to install brick sidewalks on Richards Avenue from Middle Street to Parrott Avenue on both sides of the street.

Informational Items:

- 1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on June 17, 2013. In addition, this now can be found on the City's website.
- 2. **Report Back Re: Adopt a Spot.** The City has had an Adopt -A- Spot Program since 1995. The intent of the program is to involve members of our community in helping to beautify our City through volunteer efforts, and to offset the workload of municipal employees who are unable to start new garden areas throughout the City.

The program has evolved over the years gaining and losing spots with a high in 1998 of over 60 spots and 155 volunteers. Currently there are approximately 40 active sites.

Due to changes in staffing, the previous level of support and communications with volunteers has not been maintained. Currently, upon request, City provides loam and mulch to volunteers as well as safety vests and protective glasses. In addition, yard waste and trash from the areas is picked up.

Information about the Adopt -A- Spot Program is on the City's Web site in the Public Works directory.

Planned efforts to refresh the Adopt -A- Spot Program include:

- Inventorying the past and present Adopt -A- Spots
- Update applications and waiver forms
- Reaching out to volunteers to let them know our appreciation for their efforts and to inform them of the resources available to support their efforts
- Prepare outreach material for prospective volunteers
- Reach out at the end of season to express appreciation to our volunteers
- 3. <u>Water/Sewer Connection Fees.</u> For your information, attached is a memorandum from Brian Goetz, Deputy Director of Public Works, regarding water/sewer connection fees.
- 4. <u>Update on City Transportation Projects.</u> Attached is a memorandum from Juliet Walker, Transportation Planner, giving the City Council an update regarding City transportation projects.