

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH

DATE: MONDAY, MAY 21, 2018

TIME: 7:00PM

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

- V. ACCEPTANCE OF MINUTES – MAY 7, 2018

- VI. PUBLIC COMMENT SESSION

- VII. APPROVAL OF GRANTS/DONATIONS
 - A. Acceptance of Community Development Block Grant Funds (*Sample motion – move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$545,208.00 from the U.S. Department of Housing and Urban Development*)

- VIII. CONSENT AGENDA
 - (*ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA*)
 - A. Letter from Jennifer Gilbert, St. Charles Children’s Home, requesting permission to hold the 22nd Annual St. Charles 5K on Monday, September 3, 2018 (*Anticipated action – move to refer to the City Manager with power*)

- IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS
 - A. Email Correspondence (*Sample motion – move to accept and place on file*)

- X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS
 - A. CITY MANAGER
 - City Manager’s Items Which Require Action:*
 - 1. Prescott Park License Agreements
 - a) Prescott Park Arts Festival
 - b) NH Art Association
 - c) Gundalow Company
 - 2. Pedestrian Connector - License Agreement with Rockingham House Condominium Association

3. Recreation Board Report Back – Policy Options for Recreation Fields

City Manager's Informational Items:

1. Events Listing
2. Greenland Breakfast Hill Area Waterline Study and Preliminary Design

B. MAYOR BLALOCK

1. * Appointments to be Voted:
 - Reappointment of Cyrus Beer to the Historic District Commission as an Alternate
 - Reappointment of Vincent Lombardi to the Historic District Commission

C. COUNCILOR ROBERTS

1. Proposed City Council Policy Re: Use of City Council Chambers & City Hall Conference Rooms
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the April 5, 2018 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the April 5, 2018 Parking and Traffic Safety Committee meeting***)
3. Parking and Traffic Safety Committee Action Sheet and Minutes of the May 3, 2018 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the May 3, 2018 Parking and Traffic Safety Committee meeting***)

D. COUNCILOR DWYER

1. Fees for Prescott Park Licensees

E. COUNCILOR DENTON

1. “Green Your Fleet” Workshop Flyer

F. COUNCILOR PERKINS

1. *Request for Report Back Re: Fees for Right-to-Know Requests

G. COUNCILOR RAYNOLDS

1. Request for Report Back Re: Path to Silver Bicycle Friendly Community

XI. MISCELLANEOUS/UNFINISHED BUSINESS


XII. ADJOURNMENT

**KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK**

**Indicates Verbal Report*

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: May 17, 2018
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on May 21, 2018 City Council Agenda

Acceptance of Grants and Donations:

1. **Acceptance of Community Development Block Grant.** The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$545,208 will be made available to Portsmouth for FY 2019. This amount represents an increase of \$31,628, or 6% from last year. These funds are used to carry out a variety of housing rehabilitation and accessibility projects and other CDBG-eligible community development and public improvements as well as assistance to public service agencies.

The City's CDBG Citizens Advisory Committee is responsible for gathering public input and developing the FY 2019 CDBG budget. This happens beginning in January of each year and proceeds through the late winter and early spring, culminating in a public comment period. An annual application is then submitted to HUD. Projects funded with CDBG funds must benefit residents who earn low or moderate incomes.

The Annual Plan and Budget for FY 2019 designates funding for next year in several areas including accessibility improvements, improvements at facilities serving people earning eligible incomes, multi-family housing, and low-mod area site improvements. Rolling applications for these programs are accepted throughout the year in the Community Development Department. Public service grants for public service agency grant rounds are advertised in January of each year.

[Attached is a copy of the FY 2019 CDBG budget and copy of the FY 2019 CDBG-funded public service grant awards.](#) The City's Community Development website has a copy of

the full annual plan other postings and material related to the CDBG program and budgeting process - <http://www.cityofportsmouth.com/community/community-development-block-grant#cdbg>

I recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$545,208 from the U.S. Department of Housing and Urban Development.

City Manager's Items Which Require Action:

1. **Prescott Park License Agreements.** As you will recall, City staff presented the new License Agreements for Prescott Park at your meeting on May 7, 2018. These License Agreements are between the City of Portsmouth and the Gundalow Company, Prescott Park Arts Festival, and the NH Art Association. At that time, the City Council voted to act on the Agreements at your meeting on Monday, May 21, 2018.

The **attached Agreements** are in the same form as they were submitted to you on May 7th, and further, for background and easy reference, I have included the staff comments from May 7th below:

Prescott Park License Agreements

These agreements were drafted following the completion of the Prescott Park Master Plan (February 2017) and the Final Report and Recommendations of the Prescott Park Policy Advisory Committee (December 2017). The Master Plan recommended entering into new License Agreements with organizations offering public programming in the Park and recommended further deliberations on Park policies and license terms through an Advisory Committee.

Both work products developed during these last two years are available on the City's website (<http://www.cityofportsmouth.com/prescottpark>).

Format of Agreements

Guided by and following-up on this work, the City staff has been working with the Prescott Park Arts Festival, Gundalow Company and the NH Art Association to create new agreements. Each agreement recognizes the public benefit of the programming each organization brings to the Park and the City. In addition, the Agreements are similar in their structure (through the use of a new License Form and "Schedules", which follow as attachments). While the basic license form does not vary significantly from organization to organization, the schedules are tailored to each organization in order to address specific operational and programmatic differences between the entities.

Below is a list of key issues, which arose during the Committees' policy discussions and how the basic License form addresses these issues across.

Public Benefit – Recognizing and articulating the public benefit of the Licensed Activities was viewed as important in order underline the value of the Park activity to the City.

Licensed Areas – In each Agreement, the licensed area is specifically spelled out in order to respond to concerns that, over time, there was confusion about what areas are licensed and which organizations had access to certain areas of the Park. Details are found in *each Schedule A, Licensed Area*.

Authorized Activities – This section establishes a key understanding that only those activities specifically authorized in the agreement are permitted to take place in the Park. Details are found in each *Schedule B, Authorized Activities*.

Schedule – This section ensures there is a repeatable and clear process by which a season schedule is agreed to from year-to-year. Details are found in *each Schedule C, Schedule*.

Public Benefit & Consideration – the Advisory Committee sought to link any discussion about any “fee” to be paid by organizations to the value provided to the City balanced with the City’s costs in operating the Park. Details are found in *each Schedule D, Public Benefit & Consideration*.

Term (and Extension) – Each License has the same term, which is five years from the date of City Council approval. In addition, each License has the same term and renewal language.

Capital Improvements – This term is structured to reflect the City’s responsibility for carrying out the improvements in the Prescott Park Master Plan. Preliminary design of the improvements envisioned in the Master Plan will inform the scope, order and timing of improvements for each phase; as a result each agreement reflects that this work will be moving forward and impacts to operations associated with the phased construction will be address through construction management plans.

Financial Information – The inclusion of this section is reflective of the Advisory Committee’s recommendations that the City promote transparency and public confidence in financial transactions involving the use of the Park.

Public Safety & Public Health – Each agreement places an emphasis on the Licensees’ responsibility to plan for the public safety and health of those attending its programming. While this topic is addressed in the License Form, additional detail pertaining to each Licensee’s program is covered in Schedule B, Authorized Activities.

Maintenance and Utilities – At this time, of the three Licensees, only the Prescott Park Arts Festival (PPAF) makes payment for any utilities in the Park. The agreements before the Council maintains the current practice with regard to utilities. The utilities paid for by the PPAF are those negotiated under a separate Agreement from 2012 at the time of the

construction of the new Pavilion. PPAF and the City negotiated that PPAF would operate the bathrooms from May 1st to October 1st. In total, PPAF funds \$13,100 in electricity costs related to the Pavilion facility annually and another \$17,000 in restroom and kitchen cleaning costs as well as materials for the bathroom (total of \$30,000). The Concession Stand is not a “Licensed Area” in the current PPAF Agreement before the Council as it is covered under a separate 2012 agreement. No changes are proposed in this arrangement under the new agreement.

Parking – In 2017, the City began a seasonal parking by permit program at the Water Street lot for organizations operating in the Park. In order to assist organizations working the Park as well as limit the number of unfamiliar drivers in the lot during peak usage (May to October).

Signage – The agreements limit all signage in the park and require that all signage be specifically approved as set forth in *Schedule E of each Agreement*. For this section, inventories were submitted by each organization and recorded in Schedule E.

Merchandizing – This issue was addressed by the Advisory Committee as an important issue to keep a “check” on commercialization of the Park. As a result, in the agreements, specific areas for selling and what can be sold are listed.

Sound/Amplification – One of the impacts of park programming is sound within and that travels outside of the Park. In order to manage sound impacts amplification is not-prohibited unless expressly authorized in the Schedule B, Authorized Activities. This will permit controls over the sound that is amplified and type and design of amplifications systems used in the Park in order to manage, for example, off-site impacts.

Review of Performance – All agreements require the participation of Board and staff representatives from each organization to meet in a public meeting (up to three per year) as convened by the City Manager to discuss issue and concerns in the Park.

Infractions – The Advisory Committee recommended tools in the agreement to incentivize performance. In each agreement, a list of infractions for which a financial penalty would be assessed is listed.

a) Prescott Park Arts Festival: I recommend the City Council move to approve the Prescott Park Arts Festival License Agreement, and further, to authorize the City Manager to execute the Agreement.

b) NH Art Association: I recommend the City Council move to approve the NH Art Festival License Agreement, and further, to authorize the City Manager to execute the Agreement.

c) Gundalow Company: I recommend the City Council move to approve the Gundalow Company License Agreement, and further, to authorize the City Manager to execute the Agreement.

2. **Pedestrian Connector - License Agreement with Rockingham House Condominium Association.** As you will recall, the Chestnut Street Pedestrian Connector linking Porter Street to State Street has been identified as a critical pedestrian linkage between the African Burying Ground and Memorial Park, The Music Hall and beyond along with Vaughan Mall.

The pedestrian connector will be a significant enhancement to the area in keeping with the City's Bike and Pedestrian Plan and further enhance the "placemaking" benefits of The Music Hall project as well as result in a more fitting entry way to the African Burying Ground from the direction of Congress Street. This will be done through the introduction of an attractive paved walkway (matching pavers used in front of the Music Hall) as well as the introduction of trees and landscaping along the project and three street lights, which will enhance both the aesthetics and safety of the area. In addition, current overhead utilities along the Connector from Porter Street to State Street will be put under ground. [A site plan of the improvements is attached.](#)

The City is currently pursuing construction of Connector improvements as part of The Music Hall Streetscape Improvement project, now underway. Funding for the Connector project has been included in years' past Capital budgets.

While the area to be improved is City-owned property, there has been longstanding use of the space for parking by the Rockingham House Condominium. As a result, the City has worked closely over the last few years to reconfigure the Condominium parking so the pedestrian connector can be built. The goal of relocating all of the affected parking spaces on the Condominium land is not able to be achieved in the space available. As a result, one space "space 31" continues to be shown on the plans located on City property.

At this time, the City staff is recommending the City vote to authorize the City Manager to enter into the [attached License Agreement](#). While the offering of this Agreement to the Rockingham House is unusual, we believe these circumstances and especially the opportunity for realizing the benefits of the pedestrian connector at this time is a great benefit to the public as a whole. The Board of the Rockingham House will vote on acceptance of the License in early June.

The License Agreement permits the Condominium Association use of the parking space referenced above as well as permits the Rockingham House Condominium owners to pass and repass over of the City property to access their lot. Both activities are permitted for an indefinite amount of time, subject to the City's right to terminate the license at any time, provided that twelve (12) month prior written notice is delivered to the Rockingham House Condominium Association. A two-thirds vote of the City Council would be required to terminate the license.

I recommend the City Council move to authorize the City Manager to execute the License Agreement enclosed following acceptance of the agreement by the Rockingham House Condominium Association.

3. **Recreation Board Report Back – Policy Options for Recreation Fields.** At its most recent meeting on May 7th, the City Council voted to refer two policy options regarding the future of the City’s investment in recreation fields to the Recreation Board for a recommendation and report back. The two policy options are summarized below:

Option A:

- Pursue construction of Route 33 Multi-purpose field with either one of the following construction approaches:
 - Crumb Rubber Artificial Turf (\$2,552,000)
 - Crumb Rubber and all Bid Alternatives (\$3,151,000)
 - Safeshell Infill, all Bid Alternatives (\$3,507,500)

Option B:

- Pursue initial buildout of newly acquired Community Campus property
- One full-size synthetic turf field (and one, U-10 field) and associated site access and parking
- The estimated cost is \$4 million
- Over time, construct grass practice field at Route 33 site

At its regular meeting on May 10th, the Recreation Board unanimously voted to recommend the City Council move forward with Option B. During the discussion, Board members recognized this investment in the Community Campus would produce a new multi-purpose field and U-10 field and would have the added benefit of advancing more quickly toward the long-held vision of a complex of co-located fields. The Board viewed this result to be a better and more efficient use of resources over constructing a standalone field on the Route 33 property, with no prospect of adding fields in the future.

If the City Council chooses to move forward with this recommendation (Option B), I would work with City staff to advance this project including bringing back bonding for the Council’s July meeting. Based on existing bonded funds in place for the Route 33 project (approx. \$1,550,000) and the \$600,000 in proceeds from the Peirce Trust (recommended in the FY 19 CIP), an additional \$1.85 million will be needed in order to fund the estimated \$4 million project at the Community Campus.

I recommend the City Council move to authorize the City Manager to take the necessary steps to move forward with Option B – initial construction of the Community Campus property – and bring back project bonding at the July 2018 meeting.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the updated Events Listing showing events from this date forward through 2018. In addition, this can be found on the City's website.
2. **Greenland Breakfast Hill Area Waterline Study and Preliminary Design.** As requested by Councilor Denton, attached is a memorandum from Deputy of Public Works Brian Goetz and Assistant City Engineer Ray Pezzullo regarding the Greenland Breakfast Hill area waterline study and preliminary design.