

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, MARCH 18, 2008 TIME: 6:00PM

- 6:00PM – WORK SESSION RE: CAPITAL IMPROVEMENT PLAN FY2009-2014

AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Quarterly Wastewater Master Plan Update – Dave Allen, Deputy Public Works Director

V. ACCEPTANCE OF MINUTES – MARCH 3, 2008

VI. PUBLIC COMMENT SESSION

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Donations to the Police Department Accident Investigation Team for the purchase of Photogrammetry Equipment
 - National Wrecker - \$1,000.00
 - Ralph's Truck & Equipment Parts - \$1,000.00
 - Anonymous Donor - \$1,000.00
- B. Acceptance of Donations to the Portsmouth Police Explorers
 - Portsmouth Police Relief Association - \$250.00
 - Portsmouth Police Patrolmans' Union - \$100.00
- C. Acceptance of Grant & Donations for Art-Speak's Overnight Art Event

Grant

- New Hampshire State Council on the Arts - \$2,500.00

Donations

- Christine Dwyer - \$2,500.00
- John McCluggage & Alexandra Urbanowski - \$100.00
- Kennedy Studios - \$100.00

Application Fee - \$15.00 Each

- Jennifer Burns Benn
- Jennifer Calivas
- Jordan Chichester
- Miranda Clark
- Katie Crowell
- Shawn Dailey
- Stephanie Holt
- Carol Lake
- Tim Pickett
- Jason Probert
- James Rappa
- J&J Steel & Stone
- Lynn Szymanski
- Bruce Teatrowe

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article II – Taxicabs - Section 7.213 (D) – Fees and Terms for Permits/Licenses by the addition of the following language: Except that when the revocation is due to failure to meet vehicle inspection, requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 24 hours of the revocation; and Section 7.219 (1) (2) (4) – Rates of Taxi Fares – (1) Increase the first one-eighth (1/8) mile or fraction hereof, from \$.35 cents to \$.45 cents; (2) Increase waiting time from \$.25 cents to \$.45 cents; (4) Increase discount to any passenger who is age sixty (60) or over from 10% to 20%
- B. First reading of Ordinance amending Chapter 7, Article III, Section 7.302 – Enforcement Authority by the addition of Item B to read as follows: Any vehicle or object parked or placed in violation of this ordinance shall be cited for such violation and may be towed at the vehicle owners expense at direction of the enforcement authority, the Chief of Police or the Director of Public Works
- C. First reading of Ordinance amending Chapter 7 by creating a Two Hour Parking Area on Court Street, a No Parking Area on Court Street, a No Parking Area on Islington Street, a No Parking Area on Essex Avenue, creating a Loading Zone on Court Street and deleting provisions inconsistent with the foregoing

- D. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Raleigh Way:
- Southerly side from Kearsarge Way to a point 65' westerly of Kearsarge Way
 - Northerly side from Saratoga Way to a point 55' westerly of Saratoga Way

Section 7.336 – One Way Streets – Vehicular traffic shall move only in the indicated directions on the following streets:

- Concord Way: in a easterly direction from Crescent Way to Preble Way
- Porpoise Way: in a westerly direction from Saratoga Way to Crescent Way
- Raleigh Way: in a westerly direction from Ranger Way to Crescent Way

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation to the Fire Department
- Kenneth H. Volk - \$50.00 (***Anticipated action – move to approve and accept the donation to the Fire Department, as listed***)
- B. Acceptance of Donation to City's Residential Accessibility Grant Program
- Robert K. Ryan - \$500.00 (***Anticipated action – move to approve and accept the donation to the Residential Accessibility Grant Program, as listed***)
- C. Letter from Stacy Baker Chilicki from Seacoast Repertory Theatre, requesting permission to hold the 41st Annual Bow Street Fair on Saturday, July 19, 2008 and Sunday, July 20, 2008 from 10:00 a.m. – 5:00 p.m. (***Anticipated action – move to refer to the City Manager with power***)
- D. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Ambrosia Gardens, Inc. – 1 A-frame sign
 - Aroma Italian Café – 1 A-frame sign
 - Attrezzi LLC – 1 A-frame sign
 - Bagel Works – 4 tables, 12 chairs and 1 A-frame sign
 - Belle Peppers – 2 tables and 4 chairs
 - Bellman's Portsmouth – 1 A-frame sign
 - Betty LaBranche Agency – 1 A-frame sign
 - Blue Athletic, Inc. – 1 A-frame sign
 - Breaking New Grounds, Inc. – 15 tables and 42 chairs
 - Buyer's Brokers of the Seacoast – 1 A-frame sign
 - Ceres Bakery – 2 tables and 10 chairs
 - Chamber of Commerce – 1 A-frame sign
 - Colby's Breakfast & Lunch – 1 A-frame sign
 - Corks & Curds, LLC – 1 A-frame sign
 - Dos Amigos Burritos – 1 bench
 - Fat Belly's – 1 A-frame sign
 - Geno's Coffee Shop – 1 A-frame sign

- Izzy's Frozen Yogurt – 1 bench
- Leo Auger Real Estate – 1 A-frame sign
- Lucky 7 Gallery – 1 A-frame sign
- Making Faces – 1 A-frame sign
- Me & Ollies Café – 6 tables, 18 chairs and 1 A-frame sign
- Muddy River Smokehouse – 1 A-frame sign
- Paradiza – 1 A-frame sign
- Poco's – 1 bench and 1 A-frame sign
- Popovers on the Square, LLC – 10 tables, 38 chairs and 1 A-frame sign
- Portsmouth Athenaeum – 1 A-frame sign
- Rosa's Restaurant – 2 A-frame signs
- Six Degrees A Unique Salon – 1 A-frame sign
- Starbucks Coffee – 4 tables and 8 chairs
- Stonewall Kitchen – 1 A-frame sign
- The First National Bank of Ipswich – 1 A-frame sign
- The One Hundred Restaurant – 1 A-frame sign
- Tugboat Alley – 1 bench
- Upscale Nails – 1 A-frame sign
- Water Monkey – 1 A-frame sign

(Anticipated action – move to refer to the City Manager with power)

- E. Request from Jacqui Harmon, Mainely Gourment Chocolate Factory, requesting permission for a Sidewalk Obstruction License to place 1 A-frame sign in front of establishment ***(Anticipated action – move to refer to the City Manager with power)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Donald Coker regarding the “Ten Year Rule” – Appointments to Boards and Commissions
- B. Letter from Friends of Sagamore Creek Land requesting the establishment of a committee to work cooperatively with the City on an inventory, evaluation and plan for the land located off Jones Avenue
- C. Letter from School Board regarding Middle School at Parrott Avenue Site

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items which require Action under other sections of the Agenda

1. Consideration of First Reading of Proposed Ordinance Amendments:
- 1.1 First Reading of Proposed Ordinance Amendment to Chapter 7, Article II - Taxicabs ***(Action on this matter should take place under Section VIII of the Agenda)***

- 1.2 First Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority (***Action on this matter should take place under Section VIII of the Agenda***)
- 1.3 First Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours – Court Street; Section 7.330 – No Parking – Court Street, Islington Street, Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles – Court Street (***Action on this matter should take place under Section VIII of the Agenda***)
2. Third and Final Reading of Proposed Ordinance Amendments:
 - 2.1 Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking and Section 7.336 – One-Way Streets (***Action on this matter should take place under Section VIII of the Agenda***)

City Manager's Items Which Require Action

1. Adoption of Capital Improvement Plan FY 2009 – FY 2014
2. Doble Reserve Center
3. Creek Athletic Club Lease Agreement
4. Request for Use of Prior Year's Contingency for Snow Removal
5. Proposed Authorization of Purchase & Sale Agreement for 3000 Lafayette Road
6. Request for Approval of Pole License Agreements #63-0324, #63-0347, #63-353 and #63-363

Informational Items

1. Events Listing
2. Turbidity Notification Re: Madbury Water Treatment

B. MAYOR FERRINI

1. *Establish Legislative Delegation Meeting
2. Appointment to be Considered:
 - Kirsten Barton – Safe Routes to School Committee – Little Harbour School Rep.
3. Resignation of Kathleen Brown from Recreation Board
4. *Blue Ribbon Committee on Housing Update
5. *Reports

C. COUNCILOR DWYER

1. *Request to Install Temporary Sculpture on South Mill Pond as part of April Sustainability Fair

D. COUNCILOR SMITH

1. *Ten Year Rule (City Council Rule #47 – Appointments to Boards and Commissions)
(Postponed from the March 3, 2008 City Council meeting)

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

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

(*Indicates verbal report)

INFORMATIONAL ITEMS

1. Historic District Commission minutes of the February 6, 2008 meeting
2. Site Review Technical Advisory Committee minutes of the March 4, 2008 meeting

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: March 14, 2008
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on March 18, 2008 City Council Agenda

Work Session:

6:00 p.m. – Capital Improvement Plan FY 2009 – FY 2014

Presentation:

1. **Quarterly Wastewater Master Plan Update.** On Tuesday evening, City staff and the consulting engineering team of Weston & Sampson of Portsmouth, NH and Brown and Caldwell of Andover, MA, will present a brief status report to the City Council as part of the on-going Wastewater Master Plan study. This quarterly status report to the City Council will review progress to date on the project and provide an opportunity for the City Council to ask questions of the project team.

The Wastewater Master Plan Project is a three-year study that will identify feasible alternatives and recommend a final plan to meet the City's wastewater needs for the foreseeable future. This Master Plan includes an update of the City's 201 Wastewater Facilities Plan, as well as the City's Combined Sewer Overflow Long-Term Control Plan. The project will identify and study feasible alternatives and recommend a final plan for secondary treatment of wastewater that will protect valuable natural resources and comply with Clean Water Act regulations.

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Donations.** Attached under Section VII of the Agenda is a memorandum from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following donations:
 - a. Three donations to the Accident Investigation Team for the purchase of the Photogrammetry Equipment as follows:
 - \$1,000.00 from National Wrecker, Inc.
 - \$1,000.00 from Ralph's Truck & Equipment Parts
 - \$1,000.00 from anonymous donor
 - b. Two donations to the Portsmouth Police Explorers as follows:
 - \$250.00 from the Portsmouth Police Relief Association
 - \$100.00 from the Portsmouth Police Patrolmans' Union

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

I would recommend that the City Council approve and accept the donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VII of the Agenda.

2. **Acceptance of Grant & Donations for Art-Speak's Overnight Art Event.** Art-Speak requests that the following grant and donations totaling \$5,410.00 be accepted by the City Council for Art-Speak's Overnight Art Event:

Grant

- New Hampshire State Council on the Arts - \$2,500.00

Donations

- Christine Dwyer - \$2,500.00
- John McCluggage and Alexandra Urbanowski - \$100.00
- Kennedy Studios - \$100.00

Application Fee – The following individuals each donated \$15.00:

- Jennifer Burns Benn
- Jennifer Calivas
- Jordan Chichester
- Miranda Clark
- Katie Crowell
- Shawn Dailey
- Stephanie Holt
- Carol Lake

- Tim Pickett
- Jason Probert
- James Rappa
- J&J Steel & Stone
- Lynn Szymanski
- Bruce Teatrowe

I would recommend the City Council move to accept and approve the grant and donations to Art-Speak's Overnight Art Event, as presented. Action on this matter should take place under Section VII of the agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Ordinance Amendments:

- 1.1 **First Reading of Proposed Ordinance Amendment to Chapter 7, Article II, - Taxicabs.** As a result of the March 3rd City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading the attached proposed ordinance amendment to Chapter 7, Article II, - Taxicabs. This was a request of Councilor Eric Spear.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance amendment, as presented, at the April 7th City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- 1.2 **First Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority.** Attached under Section VIII of the Agenda is a proposed amendment to Chapter 7, Article III, Section 7.302 – Traffic Ordinance – Enforcement Authority as recommended by the Parking Committee.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance amendment, as presented, at the April 7th City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

- 1.3 **First Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours – Court Street; Section 7.330 – No Parking – Court Street, Islington Street, Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles – Court Street.** Attached under Section VIII of the Agenda is a proposed amendment to Chapter 7, Section 7.327 – Limited Parking – Two Hours for Court Street; Section 7.330 – No Parking for Court Street, Islington Street and Essex Avenue; and Section 7.603 – Loading and Unloading of Live Parking Vehicles for Court Street as outlined in the ordinance.

As you are aware, the City Council approved the Traffic and Safety minutes of December 3, 2007 and January 14, 2008 which required ordinance changes for Essex Street, Islington Street and Court Street. City Attorney Robert Sullivan and Traffic Engineer Deb Finnigan made additional changes in order to correct any confusion after reviewing the ordinance request and current ordinances for Court Street.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed ordinance amendment, as presented, at the April 7th City Council meeting. Action on this matter should take place under Section VIII of the Agenda.

2. **Third and Final Reading of Proposed Ordinance Amendments:**

- 2.1 **Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking and Section 7.336 – One-Way Streets.** As a result of the March 3rd City Council meeting, under Section VIII of the Agenda, I am bringing back for third and final reading the attached proposed amendment to Chapter 7, Article III, Section 7.330 – No Parking and Section 7.336 – One-Way Streets.

Over the past year, the Community Development and Public Works Departments have been working with the Atlantic Heights neighborhood and CLD Consulting Engineers on the design of the next Community Development Block Grant-funded streetscape improvement project in the neighborhood. This project, which is described in the attached Executive Summary, will be constructed in phases as funding allows, with construction of at least the first phase to begin this summer. The design, which has received strong neighborhood support, calls for a one-way neighborhood circulation pattern. Also, attached as requested by the City Council is a letter of support from the Co-chairs of the Atlantic Heights Area Neighborhood Association. During the design phase, the City held three public meetings with the neighborhood and two on-site field days.

On February 8, 2007, the Traffic and Safety Committee unanimously recommended the designation of the one-way circulation pattern as shown on the attached plan. The City Council adopted the minutes of this meeting at the March 5, 2007 Council meeting.

I would recommend the City Council move to pass third and final reading of the amended ordinance, as presented. Action on this matter should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Donation to Fire Department.** The Fire Department has received a donation from Kenneth H. Volk in the amount of \$50.00.

I would recommend that the City Council approve and accept the donation to the Portsmouth Fire Department, as listed. Action on this matter should take place under Section IX of the Agenda.

2. **Acceptance of Donation to City's Residential Accessibility Grant Program.** The City has received a donation of \$500.00 from Robert K. Ryan to the City's Residential Accessibility Grant Program administered by the Community Development Department. This program funds accessibility improvements in the homes of Portsmouth residents who earn low and moderate incomes with the goal of continuing to allow them to live independently.

I would recommend that the City Council approve and accept the donation to the City's Residential Accessibility Grant Program, as listed. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of CIP FY 2009 – FY 2014.** Prior to the proposed adoption of this year's Capital Improvement Plan (CIP), the City Council will be conducting a work session at 6:00 p.m., on Tuesday evening. The purpose of the work session will be to make any adjustments in the proposed six-year plan for action during the regular portion of the City Council meeting.

To insure a smooth and orderly process for the adoption of the CIP, I am suggesting we work off the summary sheet enclosed in the inside cover of your packet. (Please bring your CIP with you.) The purpose of working from this summary sheet is to make changes in real time on a laptop, which I will have available and print out a new summary sheet for the City Council to work on. In that way, we will have a precise record of the proposed changes that the City Council wants.

Please note that if the CIP is not adopted Tuesday evening, then there may be a necessity to change the budget calendar given the charter requires the City Council adopt the CIP prior to the issuance of the proposed budget for FY09.

Therefore, in anticipation of amendments to this year's CIP, I would recommend the City Council adopt the CIP in accordance with the summary sheet distributed on March 18, 2008.

2. **Doble Reserve Center.** As you will recall, as part of the Base Realignment and Closure (BRAC) process, City staff prepared a Redevelopment Plan for the Doble Army Reserve Center located on Cottage Street. In June 2007, following City Council approval, the Redevelopment Plan was submitted to the Department of the Army and U.S. Housing and Urban Development (HUD). The Plan outlined the City's desire to redevelop the 3.4-

acre parcel for a municipal use such as a recreation facility or police station. Subsequently, the Army and HUD indicated the City must specify which of those two municipal uses the site would be used for and then revise the Reuse Plan to provide more details on the selected option. In addition, as required under the BRAC law, HUD requested that we provide additional homeless data.

The Police Department has withdrawn their interest in that location for use as a police station and I have directed staff to prepare a revised Redevelopment Plan, which outlines the recreational reuse of the Doble site. The final step in this process is for the City Council to hold a public hearing on the revised Plan and subsequently approve and submit it to the Army and HUD for their review and approval.

I would recommend the City Council schedule a public hearing on the revised Redevelopment Plan and Homeless Assistance Application for the Doble Army Reserve Center for April 7, 2008 to be followed by Council action on the adoption of the revised Redevelopment Plan.

3. **Creek Athletic Club Lease Agreement.** Attached for the City Council review and action is a proposed one-year extension to the Creek Athletic Club's Lease Agreement for 251 Bartlett Street. This lease incorporates the concept of annual lease payments which will be in an amount approximately equal to taxes, which is outlined in Article 2 at \$1500 per year. In Article 22, the lease contains a proposed public benefit provision as requested by the City Council. Additionally, because this document has grown organically over the years in a manner which created some ambiguity, City Attorney Robert Sullivan has modified the language throughout the document in an effort to resolve some of those ambiguities. None of these latter changes are major in significance.

I would recommend the City Council move to approve the one-year extension of the Creek Athletic Club Lease Agreement for 251 Bartlett Street, as presented.

4. **Request for Use of Prior Year's Contingency for Snow Removal.** Attached is a memorandum from Steve Parkinson, Director of Public Works. As you can see, the City has spent \$215,554 in excess of the original FY08 snow removal budget.

I would recommend the City Council move to reserve funds from the prior year's contingency to cover these expenses.

5. **Proposed Authorization of Purchase & Sale Agreement for 3000 Lafayette Road.** At your last meeting, the City Council authorized a bond resolution authorizing the expenditure of up to \$1.3 million for the purchase of land to relocate Fire Station 2.

The land that has been identified as the new location for Fire Station 2 is 3000 Lafayette Road, which will replace the existing facility at 2700 Lafayette Road. In order to proceed with this purchase, the City Council needs to authorize the City Manager to negotiate and execute a Purchase and Sale Agreement with the owners of the property.

At the last City Council meeting, there was a question with regards to the size of the facility as it relates to the original design at 2700 Lafayette Road versus a new design at

3000 Lafayette Road. I have attached for your information a memorandum from the Fire Station 2 architect Winter Street Architects. As you can see, the size of the building will increase because of adjustments of the drive-thru bays, which essentially meets the criteria established by the Fire Service.

It will be our intent to keep the cost of the new station within budget of \$3,650,000 plus \$1,300,000 that was approved at the last meeting. The total project cost will now be \$4,950,000.

Obviously, the increased size of the building may require the Fire Station Building Committee to prioritize its needs in order to stay within the budget, which may require them to value engineer final design of the building working with the construction management team.

A question came up at the last City Council meeting as it relates to the sale of 2700 Lafayette Road. In discussing this matter with the Finance Director, it may be in the City's best interest to do a temporary bond for the purchase of 3000 Lafayette Road (bond anticipation notes). Upon completion of the new fire station, sell the property at 2700 Lafayette Road and appropriate that money to pay off a short-term bond. Hypothetically, if we sell the property at 2700 Lafayette Road for \$800,000, the City would only permanently bond an additional \$500,000. Therefore, under this scenario, the new total cost of this project would be \$4,150,000.

I would recommend the City Council move to authorize the City Manager to negotiate and execute a Purchase & Sale Agreement with the owners of the property at 3000 Lafayette Road.

6. **Request for Approval of Pole License Agreements #63-0324, #63-0347, #63-353, and #63-363.** The City Public Works Department has reviewed pole location information provided by PSNH for Petition and Pole License Agreements #63-0324, #63-0347, #63-353, and #63-363. In an effort to update their records, PSNH is requesting licenses for the following poles:

- a) #63-0324 - Two poles located on Greenside Avenue, which were installed in 1994.
- b) #63-0347 – One pole located on West Road, which was installed in 1998.
- c) #63-353 – Three poles located on Woodbury Avenue, which were installed in 1998.
- d) #63-363 – One pole located on Peverly Hill Road, which was installed in 1999 in conjunction with the building of the new Public Works facility.

Attached are photographs of the existing poles. The Public Works Department recommends approval of these licenses.

I would recommend the City Council approve the request from PSNH for Pole License Agreements #63-0324, #63-0347, #63-353, and #63-363 as recommended by the Public Works Department.

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on March 3, 2008.
2. **Turbidity Notification Re: Madbury Water Treatment.** For your information, attached is a memorandum from David S. Allen, P.E., Deputy Director of Public Works, regarding a turbidity notification concerning the Madbury Water Treatment Plant. Also, attached is a copy of the notification to the public.