

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 17, 2013 TIME: 7:00PM

AGENDA

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

- V. ACCEPTANCE OF MINUTES – MAY 20, 2013

- VI. PUBLIC COMMENT SESSION

- VII. PUBLIC PARKING INPUT SESSION

- VIII. APPROVAL OF GRANTS/DONATIONS
 - A. Acceptance of Community Development Block Grant (CDBG) for FY2014 from the US Department of Housing and Urban Development - \$514,312.00 (**Sample motion – move to approve and accept the CDBG for FY14 from the US Department of Housing and Urban Development - \$514,312.00**)

- IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

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

- X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

 - A. Letter from Mike Daboul, President, Seacoast Mavericks, requesting the installation of 30 outfield signs and a temporary storage trailer at Leary Field during the course of the season June 8th – August 7th (**Anticipated action – move to refer to the City Manager with power**)

 - B. Letter from Kim Cahill, Marketing Director, Seacoast Mavericks, requesting permission to place 2 A-frame signs at designated locations downtown during the 2013 season, June 8th – August 7th on game days only (27 dates). First choice locations would be the downtown kiosk, Discover Portsmouth, Poco's or other business on Bow Street (**Anticipated action – move to refer to the City Manager with power**)

 - C. Letter from Sue Polidura requesting permission to hold a reading of the Declaration of Independence in front of the North Church on Thursday, July 4, 2013 at 3:00 p.m. (**Anticipated action – move to refer to the City Manager with power**)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action

1. Request for First Reading on Various Bonding Resolutions
 - 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
 - B) Resolution for bond authorization of up to \$10,000,000 for the Peirce Island Wastewater Treatment Plant Upgrades
 - C) Resolution for bond authorization of up to \$3,500,000 Pease Wastewater Treatment Plant Upgrades
2. Firefighter Fact Finding Report
3. Proposal for Mobile Vending
4. Renewal of Senior Transportation Agreement Mark Wentworth Home d/b/a/ Mark Wentworth Transportation

Informational Items

1. Events Listing

B. MAYOR SPEAR

1. Appointments to be Considered:
 - John Palreiro – Taxi Commission
 - Dana Mary Hegre – Citywide Neighborhood Steering Committee
2. Appointment to be Voted:
 - Ronald Poulin – Cable Television Advisory Board

3. *Worth Lot Parking Garage

Proposed motions:

- ***Move to suspend the rules in order to renew discussion of a proposed parking garage at the Worth Lot (two-thirds vote required for passage of motion)***
- ***Move to authorize the City Manager to commence a study to include a preliminary design and construction for a parking garage at the Worth Parking Lot as referred to in the Parking Garage Site Selection Committee Final Report dated October 1, 2012 and that funding for this study be taken from the Parking and Transportation Fund***

4. *Request to Establish a Work Session on August 19, 2013 with the Historic District Commission at 6:00 p.m. in the Eileen Dondero Foley Council Chambers prior to the regular meeting

5. *Request to Establish a Work Session on June 24, 2013 at 6:30 p.m. in the Eileen Dondero Foley Council Chambers Re: Report from Study Circles

C. COUNCILOR KENNEDY

1. *Adopt a Spot, Policy, Procedure, and City's Responsibility

2. Wastewater Treatment Plant Impact Fees

D. COUNCILOR DWYER

1. Proposed Zoning Amendment Re: Maximum Structure Height in the Central Business District A and Central Business District B - 45' or 3 stories, whichever is less

Proposed motion:

- ***Move to pass first reading and schedule a public hearing and second reading for the July 15, 2013 City Council meeting and further refer to the Planning Board for report back***

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. 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)

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: June 13, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on June 17, 2013 City Council Agenda

1. **Public Parking Input Session.** As you will recall on April 1st, the City Council established a public input session on parking issues that individuals wish to discuss. The City Council voted to have that public input session after June 15th and the Mayor has set the date for this City Council meeting. Attached for your information are copies of the following:
 - A copy of the minutes establishing the public input session.
 - A copy of the Parking Garage Site Selection Committee final report dated October 1, 2012.
 - A copy of the "Most Frequently Asked Questions Regarding Parking".
 - A copy of the revenue breakdown for the Parking and Transportation Fund.

The public input session will take place immediately following public comment.

Acceptance of Grants and Donations:

1. **Acceptance of Community Development Block Grant for FY 2014.** The U.S. Department of Housing and Urban Development has informed the City that a Community Development Block Grant (CDBG) in the amount of \$514,312 will be made available to Portsmouth for FY 2013-2014. This amount represents an increase of \$39,000, or 8% from last year.

The Community Development Department, working in conjunction with the City's Citizens Advisory Committee, held a series of public hearings and meetings over the last several months to solicit input and prioritize projects with regard to the expenditure of these funds. Attached is a copy of the FY 2013-2014 CDBG Budget and copy of the FY 2013-2014 CDBG-funded Public Service Grant Awards.

I would recommend the City Council move to accept and expend a Community Development Block Grant (CDBG) in the amount of \$514,312 from the U.S. Department of Housing and Urban Development. Action on this matter should take place under Section VIII of the Agenda.

City Manager's Items Which Require Action:

1. **Request for First Reading on Various Bonding Resolutions.** 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.**

- **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 (FY13) and construction (FY14) 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. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only 10 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 St. 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 1950s 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 the City Council move to authorize the City Manager to bring back for first reading the Bonding Resolutions, as presented, at the July 15, 2013 City Council meeting.

2. **Firefighter Fact Finding Report.** Attached please find a copy of the Fact Finding Report on behalf of the Portsmouth Board of Fire Commissioners and the City of Portsmouth. New Hampshire law provides that both cost and non-cost items in a Fact Finder's Report be submitted to the City's legislative body for an up or down vote. Because both the unions and the Fire Commission have rejected the Fact Finder's Report, the vote by the City Council will not change the current status quo situation with respect to negotiations with the union in the Fire Department.

In addition, since the Fact Finder's Report did not support any of the overtime concessions the Council would like to achieve through negotiations, I would recommend that the City Council vote to reject the Report at Monday's City Council meeting.

To recap, the negotiating team was instructed to try to negotiate the recommendations of the Matrix Study in order to reduce the amount of overtime. Specifically, the negotiating team was trying to accomplish the following:

- a. Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime.
- b. Limit earned time status to one fire officer and two firefighters at the same time.
- c. Delete contractual provision allowing use of earned time in one-half and one-third day increments.
- d. Eliminate current staffing requirement of at least one fire officer at each station on each shift.
- e. Pay the first four hours worked outside the employee's regular schedule as straight-time rate.
- f. Pay recall minimums that overlap with an employee's regular shift at straight time.
- g. Expressly prohibit the compounding/pyramiding of compensation.
- h. Reduce the rate at which Union members accrue earned time by 20%.
- i. Employees pay 16% of the premium for Matthew Thornton or 14% of SchoolCare.

Given this, the fact-finder made the following recommendations:

- a. Earned time taken without prior approval will not count toward hours worked for purposes of determining overtime eligibility, except in unforeseeable circumstances, such as sudden illness.
- b. The current staffing requirement of at least one fire officer at each station on each shift will be eliminated.

- c. Recall hours that overlap with an employee's regular shift will be paid at straight time, whether the recall is for emergency or non-emergency circumstances.
- d. Increase Comp 100 and BlueChoice to 19% effective July 1, 2011, and 20% effective July 1, 2012. Increase Matthew Thornton to 15% on July 1, 2011 and 15.5% effective July 1, 2012 and 16% effective July 1, 2013.

In exchange for the above recommendations, the fact finder recommended the following:

- a. No COLA in FY 09, FY 10 or 11. A COLA using the 10-year rolling average will take effect on July 1 of each year: 2011, 2012 and 2013. The COLAs will be paid retroactively.
- b. A new fifteen-year step H for firefighters which is 3.75% above step G, and a new fifteen-year step for fire officers at 3.75% above the current last step. Both new steps will take effect on July 1, 2013.

On Monday evening, the City's Labor Negotiator Thomas Closson will be in attendance to answer any questions the City Council may have regarding this matter.

I would recommend that the City Council vote to reject the Firefighter Fact Finding Report.

- 3. **Proposal for Mobile Vending.** The City has received a request from Michael Prete of The Kitchen Restaurant Group to conduct mobile vending. See attached [letter request](#).

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, Bid 33-13. (See attached [map](#).) No qualified bids were received; the single bidder did not have a licensable vehicle.

The City was subsequently contacted by Mr. Prete expressing interest in mobile vending. He has made himself familiar with the bid and contracting requirements. According to the communication, he is interested in meeting the terms of that bid with the following adjustments to the proposed contract: (1) a pro-ration of the License Fee (2) payment of a portion of the fee monthly rather than in just two installments and (3) the right to alternate use of the two previously available vending spaces (one on Court Street and one on Hanover Street).

If the City Council is interested in exploring this proposal the following is a proposed motion:

I would recommend the City Council move to authorize the City Manager to report back, and have the City Council take action on the proposal at the next meeting on July 15, 2013.

4. **Renewal of Senior Transportation Agreement with Mark Wentworth Home d/b/a Mark Wentworth Transportation.** As you know, the City has partnered with the Mark Wentworth Home (MWH) on the operation of a Senior Transportation Program for Portsmouth residents age 60 and over and those with disabilities. The current agreement with MWH expires on June 30, 2013. Recently, City staff met with representatives from the MWH to discuss the existing service and at this time I recommend renewing the agreement for an additional year (July 1, 2013 through June 30, 2014). This recommendation is in keeping with the "Status of Senior Services and Recommendations" report provided by the City Council last August. There are no changes in the services recommended at this time. \$143,000 was budgeted for this Agreement in the FY 2014 budget. Program information and statistics are attached.

I would recommend the City Council move to renew the Senior Transportation Agreement with the Mark Wentworth Home for \$143,000 for the year beginning July 1, 2013 through June 30, 2014.

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 3, 2013. In addition, this now can be found on the City's website.