

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JULY 10, 2017 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION RE: THOMAS J. MCINTYRE FEDERAL PROPERTY AT 80 DANIEL STREET
- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
- V. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*
- VI. PUBLIC COMMENT SESSION
- VII. PUBLIC HEARINGS
 - A. PARKING & TRAFFIC SAFETY OMNIBUS ORDINANCE:
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.326 – LIMITED PARKNG – FIFTEEN MINUTES
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING
 - AMENDING CHAPTER 7, ARTICLE III, SECTION 7.336 – ONE-WAY STREETS
 - AMENDING CHAPTER 7, ARTICLE VII, SECTION 7.702 – TRUCK TRAFFIC PROHIBITED
 - B. RESOLUTION AUTHORIZIING A BOND ISSUE AND/OR NOTES OF UP TO FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00) FOR THE COSTS RELATED TO THE INSTALLATION AND IMPLEMENTATION OF NEW HIGH SCHOOL ATHLETIC FIELD LIGHTING
 - C. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO TEN MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$10,950,000.00) FOR COSTS RELATED TO CITY STREET, SIDEWALK AND FACILITY IMPROVEMENTS
 - D. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00) RELATED TO WATER LINE REPLACEMENTS AND PLEASANT STREET WATER LINE IMPROVEMENTS

- E. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO FOUR MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$4,800,000.00) FOR COST RELATED TO CONSENT DECRESS MITIGATION, ANNUAL SEWER LINE REPLACEMENTS, WASTEWATER PUMPING STATION IMPROVEMENTS AND UNION STREET SEWER CONTRUCTION
- F. RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SIX MILLION NINE HUNDRED THOUSAND DOLLARS (\$6,900,000.00) FOR COSTS RELATED TO THE CONSTRUCTION OF THE PEIRCE ISLAND WASTEWATER TREATMENT PLANT

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second Reading of Parking & Traffic Safety Omnibus Ordinance:
- Amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes
 - Amending Chapter 7, Article III, Section 7.330 – No Parking
 - Amending Chapter 7, Article III, Section 7.336 – One Way Streets
 - Amending Chapter 7, Article VII, Section 7.702 – Truck Traffic Prohibited
- B. Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.902 – Election Candidate Financial Disclosure Ordinance
- C. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting
- D. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements
- E. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements
- F. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction

- G. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from John Byron requesting the restoration of two involuntarily merged lots to their premerger status at 346 Bartlett Street and the intersection of Thornton Street
(Anticipated action – move to refer to the Planning Department for report back)
- B. *Acceptance of Donations to the Fire Department:
- Barbara Glidden - \$100.00 *(In memory of Charlie Jones)*
 - Ricci Construction Co., Inc. - \$100.00 *(In memory of Charlie Jones)*
 - 2017 Seacoast Fire Chiefs Fire Fighter II Program Students - \$200.00
- (Anticipated action – move to accept and approve the donations to the Portsmouth Fire Department)***
- C. 2017 Omnibus Sidewalk Obstruction Renewals ***(Anticipated action – move to approve and accept the 2017 Omnibus Sidewalk Obstruction Renewals, as listed)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Doug Roberts and Emily Corbett, PS21, requesting permission to hold a performance on Saturday, July 15, 2017 at 3:00 p.m. and to utilize 2 A-frame signs in front of stage to identify and advertise the performer and/or activity

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B
2. Acceptance of Sewer Easement over Property of Eport Properties I, LLC
3. Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles
4. Easement from Eversource for Emergency Access
5. Request for Approval of Greenland Residential Development Waterline Easement

6. Request for a Public Hearing for a \$3,000,000.00 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage
7. Acceptance of “No Build” Easement Relating to 21 Brewster Street

City Manager’s Informational Items:

1. Events Listing
2. Presentation Re: Combined Sewer Overflows
3. Consent Decree Mitigation Funding
4. Report Back from Inquiry of Councilor Dwyer Re: President’s Commission on Election Integrity
5. Code Updates – Open House July 17, 2017

B. MAYOR BLALOCK

1. *Appointments to be Voted:
 - Reappointment of Daniel Rawling to the Historic District Commission
 - Reappointment of John Leith to the Portsmouth Housing Authority
2. *Establishment of Blue Ribbon Committee for Renewable Energy Policy Committee and possible appointments (*As requested by Councilor Denton*):
 - Jeff Dyer
 - Joe Harrison
 - Steve Roberson
 - Tracy Kozak
 - William Sprencher Hurd III
 - Philip Kyd
 - Ben D’Antonio
 - Dale Valena
 - Effie Malley
 - 2 City Staff as Determined by City Manager

Committee Charge: (As Recommended by Councilor Denton)

The Mayor’s Blue Ribbon Renewable Energy Committee is charged to report back to the City Council for adopting a phased Renewable Energy Policy to be implemented by City Staff when applicable. This vision of the phased Renewable Energy Policy is to become a net zero community first, a community that uses 100% renewable energy for electricity second, and a community that uses 100% renewable energy for heat third. The Renewable Energy Policy will rely on a combination of various generation sources such as solar, wind, geothermal, hydro, biomass, biogas, landfill gas, sewage gas, or solid waste to energy.

3. Resignation of Clayton Emery from the Cable Television & Communications Commission

C. ASSISTANT MAYOR SPLAINE

1. Proposed Zoning Amendment (*See attached letter from Attorney Gerald Zelin dated July 5, 2017*)

D. COUNCILOR DWYER

1. *Panel of Experts to Interpret Scientific Information

E. COUNCILOR DENTON

1. Mayor's Blue Ribbon Renewable Energy Committee
 - A. *The Getting to Net Zero Framework – Cambridge
<https://www.cambridgema.gov/cdd/projects/climate/~/media/d74193af8dac4a57ac96e2a53946b96b.ashx>
 - B. *Recommended Members of Blue Ribbon Committee for Renewable Energy Policy Committee: (Action to be taken under Mayor Blalock)
 - Jeff Dyer
 - Joe Harrison
 - Steve Roberson
 - Tracy Kozak
 - William Sprenger Hurd III
 - Philip Kyd
 - Ben D'Antonio
 - Dale Valena
 - Effie Malley
 - 2 City Staff as Determined by City Manager
 - C. The Mayor's Blue Ribbon Renewable Energy Committee Re: Charge & Committee Membership Correspondence

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

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

**Indicates Verbal Report*


INFORMATIONAL ITEMS

1. Notification that the minutes of the April 20, 2017, April 27, 2017 and May 18, 2017 meetings of the Planning Board are now available on the City's website
2. Notification that the minutes of the May 2, 2017 and May 30, 2017 meetings of the Site Review Technical Advisory Committee are now available on the City's website.

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 6, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on July 10, 2017 City Council Agenda

Work Session:

6:00 p.m.

1. **Thomas J. McIntyre Federal Property at 80 Daniel Street.** On Monday at 6:00 p.m., the City Council will hold a Work Session to discuss the status of the McIntyre Project. Staff will present updates on public input received, review "Frequently Asked Questions" about the project, and propose next steps in the process for Council's consideration. Discussion of proposals received, options for the RFP process, and guidelines for future process, site design, and financial considerations will be reviewed.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing of Proposed Ordinance Amendments.**
 - 1.1 **Public Hearing/Second Reading of Parking & Traffic Safety Omnibus Ordinance.** As a result of the June 19, 2017 City Council meeting, [attached under Section VII of the Agenda for public hearing and second reading is the proposed annual omnibus set of ordinances](#) recommended by the Parking and Traffic Safety Committee. This year's omnibus changes are detailed on the [attached sheets](#), and address changes to on-street parking spaces, one-way streets, truck traffic prohibitions, and updates to reflect current conditions.

By way of background, on March 29, 2000, the City Council adopted Ordinance

#4-2000 under Chapter 7, Article 1, Section 7.103 of the Vehicles, Traffic and Parking Ordinance. This ordinance was adopted in order to be more responsive to the changing parking needs of the downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a two-hour time restriction to a 15-minute one. This process would often take four to six months to complete.

The current ordinance authorizes the Parking and Traffic Safety Committee to recommend temporary parking and traffic regulations to the City Council for its approval in the form of its monthly meeting minutes. Once the Council approves these minutes, the temporary regulations are in effect for a period not to exceed one year. During that year the Council and the public have the benefit of seeing how a temporary regulation works before adopting it as a permanent change to the parking ordinance. These temporary regulations are presented at one time to the Council for its consideration. The [attached amendments to Chapter 7, Vehicles, Traffic and Parking](#) for the Council's consideration summarize the temporary parking regulations implemented by the Parking and Traffic Safety Committee last year.

I recommend the City Council move to pass second reading and schedule a third and final reading of the proposed Ordinances, at the August 7, 2017 City Council meeting, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Public Hearing of Proposed Resolutions:**

- 2.1 **Public Hearing and Adoption Re: Various Bonding Resolutions.** As a result of the June 19, 2017 City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the proposed borrowing authorizations identified in the FY18-23 Capital Improvement Plan ([see attached Resolutions and respective element sheets](#)).

GENERAL FUND

I. **Resolution for borrowing authorization of up to \$550,000 for costs related to the Installation and Implementation of New High School Athletic Field Lighting.**

- **High School Athletic Field Lighting - \$550,000:**

(Page II-30 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The Portsmouth School Department has maintenance responsibilities for more than 10 acres of athletic fields on the Portsmouth High School campus, used by both the School and Recreation Departments. The current lighting was installed in 1989 and is now beyond its expected life cycle, resulting in numerous component failures. Several attempts at procuring equipment and installation of proven current lighting technology bid as part of a package

of similar projects for the Department of Public Works resulted in a significant funding shortfall.

II. **Resolution for borrowing authorization of up to \$10,950,000 for costs related to City Street, Sidewalk, and Facility Improvements.**

• **City Fields Lighting - \$600,000:**

(Page II-44 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The sports lighting at Leary Field and at the High School athletic field's complex are thirty years old and at the end of their useful life. The City is unable to purchase replacement parts for these systems. The Leary field includes baseball, soccer, tennis and a practice field.

• **Downtown Maplewood Avenue Area Complete Street Project - \$450,000:**

(Page II-62 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The goals are to enhance the comfort, appeal and safety of this approximately ¼ mile corridor. This project is intended for planning, design and construction and will include sidewalk widening, bike lanes, crosswalk improvements, travel lane reductions, related underground utility work as well as roadway reconstruction. Partial funding will be provided by developers of abutting parcels.

• **North Mill Pond Multi-Use Path - \$500,000:**

(Page II-63 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The North Mill Pond Multi-Use Path would be a paved path for use by bicycles and pedestrians extending from Market Street to Bartlett Street, with a brief on-road connection on Maplewood Ave. As proposed, the path would be a minimum of ten-feet (10') wide and two-feet (2') of clear space on either side. Phase 1 of this project would include design of the entire corridor as well as construction for the portion extending from Bartlett St to Maplewood Ave. Phase 2 will address the extension from Maplewood Ave to Market Street, where significant private investment is anticipated.

• **City-Wide Sidewalk Reconstruction Program - \$800,000:**

(Page II-68 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This program is in conjunction with the ongoing Bicycle Pedestrian Plan. The sidewalk inventory consists of over seventy (70) miles of sidewalks, made from asphalt, concrete, brick, or stone. Reconstruction work is

required to bring these to standard. Reconstruction is based upon need and is coordinated with other street improvements. To aid in prioritizing of sidewalk upgrades the DPW has completed a sidewalk condition inventory. This project includes sidewalks identified as being in poor to fair condition.

- **Lafayette/Andrew Jarvis Intersection Improvements - \$800,000:**
(Page II-73 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Construction of improvements to intersection, including signalization of intersection, widening Andrew Jarvis Drive to provide separate left and right turn lanes, widening Lafayette Road to provide turning lanes, provide bus stop, crosswalks and bike lane on Lafayette Road. Construct ornamental stone wall at corner and reinstall the High School Sign.

- **Hoover/Taft Drainage Upgrades - \$250,000:**
(Page II-79 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project would alleviate the flooding in this area during intense rain events and repave the area after construction.

- **Pleasant Street Reconstruction - \$750,000:**
(Page II-80 of Appendix II of the Proposed Annual Budget Book 2017-2018)

Reconstruction of Pleasant Street from Court Street to Marcy Street. Project includes new water mains, new sanitary sewers, new drains, stormwater treatment/management measures, new sidewalks, and new pavement. Water and sewer improvement funding to come from enterprise funds.

- **New Franklin/Woodbury Corridor Improvements - \$500,000:**
(Page II-82 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project includes design and construction of improvements recommended in the Woodbury Avenue Corridor Study. Work needed includes removal of the concrete medial islands, installation of traffic signals at the Route 1 Bypass northbound ramps, re-striping to provide left turn lanes at intersections, and construction of a pedestrian refuge island at Rockingham and Dennett.

- **McDonough Street Area Improvement Project - \$800,000:**

(Page II-83 of Appendix II of the Proposed Annual Budget Book 2017-2018)

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 located between Islington Street and North Mill Pond. The work will include water, sewer, storm drainage, paving, curbing and associated landscaping constructed in a phased approach.

- **Islington Street Improvements - \$2,500,000:**

(Page II-84 of Appendix II of the Proposed Annual Budget Book 2017-2018)

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. Final design is underway with the first phase of improvements starting at Congress St. with construction anticipated summer 2017.

- **Street Paving, Management and Rehabilitation - \$3,000,000:**

(Page II-85 of Appendix II of the Proposed Annual Budget Book 2017-2018)

In 1993 the City began a Pavement Condition Management Program. This on-going program produces a report showing existing conditions for each publicly owned street and a priority ranking for the best dollar investment and has the ability to show "What If" scenarios and estimated project costs. These scenarios project future street conditions based upon various levels of expenditures. The most recent condition report recommends an expenditure of \$1,500,000 per year to maintain street conditions at its current level. The indicated expenditures are capital costs to implement the improvements over a two-year period with all work lasting twenty (20) years. (The Public Works operational budget includes those costs associated with maintenance work with an expected life of only ten (10) years).

WATER FUND

III. Resolution for borrowing authorization of up to \$3,100,000 for costs related to Water Line Replacements and the Pleasant Street Water Line Improvements.

- **Annual Water Line Replacement - \$2,500,000:**

(Page II-88 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The water distribution system consists of more than 150 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of water specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipe, valves and associated materials used to replace those pipes. Bond funds for large full road reconstruction projects.

- **Pleasant Street Water Mains - \$600,000:**

(Page II-93 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This project consists of Reconstruction of Pleasant Street water mains from Court Street to Marcy Street.

SEWER FUND

IV. Resolution for borrowing authorization of up to \$4,800,000 for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements, and Union Street Sewer Construction.

- **Consent Decree Mitigation - \$400,000:**

(Page II-96 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City of Portsmouth entered into a Consent Decree with the Environmental Protection Agency in 2009. The City moved forward with the requirements of the Consent Decree and had to modify the final schedule for the required expansion of the Peirce Island Wastewater Treatment Facility. As a result of this modification, the City committed to certain projects. The capital type projects include implementing a \$500,000 green infrastructure stormwater project and construction of a low pressure sewer system on Sagamore Avenue north and south of Sagamore Creek and will be funded with this item.

- **Annual Sewer Line Replacement - \$3,000,000:**

(Page II-100 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The wastewater collection system consists of more than one-hundred (100) miles of pipe. Many of the older pipes are fifty (50) to one-hundred (100) years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes. Bond funds are for the large full road reconstruction type projects.

- **Wastewater Pumping Station Improvements - \$700,000:**

(Page II-101 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The City owns and operates twenty (20) wastewater pumping stations. The projected life span of a pumping station is twenty (20) years. This project plans for the replacement or major rehabilitation of the pumping stations that have not been included as separate projects. The next pumping station to be addressed under this project is the Heritage Avenue pumping station.

- **Union Street Sewer Construction - \$700,000:**

(Page II-102 of Appendix II of the Proposed Annual Budget Book 2017-2018)

This section of Union Street from Middle Street to State Street is in poor condition and in need of full reconstruction, streetscape improvements and full utility replacement. This will include separating the combined sewer in the area. The costs of this project will be shared with the Highway Division and Water Division of Public Works.

V. **Resolution for borrowing authorization of up to \$6,900,000 for costs related to the Construction of the Peirce Island Wastewater Treatment Plant (State Revolving Fund – SRF).**

- **Peirce Island Wastewater Treatment Design and Construction - \$6,900,000:**

(Page II-97 of Appendix II of the Proposed Annual Budget Book 2017-2018)

The borrowing authorization request to increase the State Revolving Fund (SRF) loan in the amount of \$6.9 million for the construction of the Peirce

Island Wastewater Treatment Facility will cover costs for construction contingencies and construction engineering to complete the project. These funds were previously anticipated and were presented as part of the FY 18 Capital Improvement Plan (CIP). With City Council approval of the borrowing authorization, the total sewer funding for the project will be \$91.9 million as shown on the FY 18 to FY 23 CIP element sheet. This request does not increase the overall cost of the Peirce Island Wastewater Treatment Facility project but covers the funding gap between previous borrowing authorizations and the total project funding need.

By way of further background, the City Council previously authorized \$85 million in borrowing for this project, \$10 million on August 5, 2013 (municipal bond) and \$75 million on March 14, 2016 (SRF Loan). At the time of the construction contract award it was acknowledged that additional funding would be needed to cover contingency and engineering costs beyond the first year of construction and that future CIP funding requests would reflect that need.

The City opted to use the State Revolving Loan Fund (SRF) for the construction related costs because of the low fixed interest rate and the limited construction interest costs. The Department of Environmental Services (DES) administers the SRF loans and has indicated that the additional \$6.9 million can be made available to the City. Although DES intends to modify the loan agreement annually for the added funding, DES has advised that this single authorization of \$6.9 million for remaining project costs would provide them flexibility in lieu of separate annual authorizations as shown in the CIP element sheet. This provides DES flexibility to adjust the annual loan amendment based on available funds in the SRF program.

I recommend that the City Council move the following motions:

- I. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Five Hundred Fifty Thousand Dollars (\$550,000.00) for costs related to the Installation and Implementation of new High School Athletic Field Lighting (Roll call vote and two-thirds vote required.)*
- II. Adoption of Resolution Authorizing a Bond Issue and/or Notes of up to Ten Million Nine Hundred Fifty Thousand Dollars (\$10,950,000.00) for costs related to City Street, Sidewalk and Facility Improvements (Roll call vote and two-thirds vote required.)*
- III. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance and/or Participation in the State Revolving Fund (SRF) Loan of up to Three Million One Hundred*

Thousand Dollars (\$3,100,000.00) related to Water Line replacements and Pleasant Street Water Line Improvements (Roll call vote and two-thirds vote required.)

IV. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City Under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) for costs related to Consent Decree Mitigation, Annual Sewer Line Replacements, Wastewater Pumping Station Improvements and Union Street Sewer Construction (Roll call vote and two-thirds vote required.)

V. Adoption of Resolution Authorizing a Bond Issue and/or Notes of the City under the Municipal Finance Act and/or Participation in the State Revolving Fund (SRF) Loan of up to Six Million Nine Hundred Thousand Dollars (\$6,900,000.00) for costs related to the Construction of Peirce Island Wastewater Treatment Plant. (Roll call vote and two-thirds vote required.)

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

3. **Third and Final Reading of Proposed Ordinances.**

3.1 **Third and Final Reading of Proposed Ordinance amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure.** As you will recall at the June 19, 2017 City Council meeting, the Council voted to bring back for third and final reading the [attached proposed Ordinance](#) amending Chapter 1, Article IX Conflict of Interest/Mandatory Financial Disclosure, Section 1.902: - Election Candidate Financial Disclosure. As requested at the April 17, 2017 City Council meeting, the proposed Ordinance reflects new language to clarify entities from candidates.

Action is required regarding this matter under Section VIII of the Agenda.

Consent Agenda:

1. **Acceptance of Fire Department Donations.** The Portsmouth Fire Department has received the following donations:

- Barbara J. Glidden in memory of her nephew Charlie Jones \$100.00
- Ricci Construction Co., Inc. in memory of Charles Jones \$100.00
- 2017 Seacoast Fire Chiefs Fire Fighter II Program Students \$200.00

The Fire Department requests that the City Council accept and approve the donations.

I recommend the City Council move to accept and approve the donations to the Portsmouth Fire Department, as presented. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Request for Approval of Tentative Agreement between the City of Portsmouth and AFSCME Local 1386B.** The City of Portsmouth has reached a Tentative Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local #1386 B from July 1, 2017 to expire on June 30, 2020.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents:](#)

- A letter from Thomas Closson, City Negotiator summarizing the terms of this Tentative Agreement;
- The AFSCME 1386B Contract showing the insertions and deletions to implement the Tentative Agreement if approved; and
- Cost Analysis of the Agreement.

Also, this proposed Agreement is posted on the City's Website at:

<http://www.cityofportsmouth.com/hr/contracts/Municipal/Draft%20AFSCME%201386B%20contract%20exp%206-30-20%20.pdf>

I recommend the City Council move to accept the proposed contract with the City of Portsmouth and AFSCME 1386B to expire on June 30, 2020.

2. **Acceptance of Sewer Easement over Property of Eport Properties I, LLC.** Eport Properties I, LLC (Eport) is in the process of constructing a building at 175 Market Street. The project has received all municipal regulatory approvals. At the time of Planning Board approval, it was recognized that part of the building being constructed by Eport would cover an existing historic sewer line for which the City held no recorded easement. For this reason, the Planning Board required and Eport agreed to provide the City with an appropriate sewer easement to allow the construction of the building over the sewer line. An important element of that easement is that the developer and its successors will bear all costs of construction and bear all risks associated with damage to either the building or the sewer line. Through oversight, the developer actually recorded that easement on May 27, 2016 prior to the City Council acceptance of it. Accordingly, the [attached Easement](#) is presented to the Council this evening for acceptance and placement into permanent City record. The City Attorney will answer any questions which the Council might have in connection with the easement.

I recommend the City Council move to accept the sewer easement from Eport Properties I, LLC dated May 20, 2016.

3. **Request to Reschedule Work Session Re: Scope of Services and Review of Parking Principles.** As you are aware, at the June 19, 2017 City Council meeting, the City Council voted to schedule a Work Session regarding Scope of Services and Review of Parking Principles for Monday, August 7, 2017 at 6:00 p.m., prior to the regular meeting. The Mayor is recommending to reschedule the Work Session prior to a regular meeting in September – either Tuesday, September 5, 2017 or Monday, September 18, 2017.

Therefore, may I have your approval to reschedule the Work Session to a date in September prior to a regular meeting.

4. **Easement from Eversource for Emergency Access.** As you may be aware, the City of Portsmouth has a License Agreement from Eversource for the use of its access road at its Schiller Station property, which abuts the Atlantic Heights neighborhood. Under the Agreement, the City has the ability to utilize the road, also known as the “boat road”, in the event of an emergency which prevents safe egress from the neighborhood via Kearsarge Way.

At this time, Eversource is preparing to divest itself of certain generation assets in New Hampshire including the Schiller Station on Gosling Road. In preparation for selling its generating capacity, Eversource recently was approved at the Portsmouth Planning Board for a subdivision of land, which enables the company to sell off a newly created lot. The eventual sale of the land will have the effect of discontinuing the through path of the boat road from Porpoise Way to Gosling Road (a portion of the road is located on the lot to be sold). [See attached plan.](#) After discussions regarding this impact, the Planning Board stipulated - and Eversource agreed - to grant a permanent easement in favor of the City for the purpose of constructing a new emergency access road. This easement is a significant improvement over the current License Agreement in that it is a permanent arrangement and not subject to cooperation of future owners of the newly subdivided lot. The easement, which would be for a 50 foot right-of-way, effectively codifies what has been voluntary cooperation from Eversource and runs with the land into the future.

It is important to note, the existing License Agreement remains in effect and the road itself is operable for the emergency purpose. The new proposed emergency access route will be less long and provide an outlet onto Portsmouth Boulevard; in addition, like the Boat Road (which has never been operationalized for an emergency), will only be used during emergencies requiring an alternative route out of the neighborhood. This deed allows the City an option to construct a road for emergency use in the easement area.

The acceptance of an easement for this purpose has been recommended by the Planning Board following a City Council referral. The City Council accepted the Planning Board's report back in May 2017. By way of additional procedural note, Eversource recorded the [attached Easement](#) prior to its acceptance by the City Council. At this time, I am recommending the City Council accept the proposed easement.

I recommend the City Council move to accept this attached Easement Deed from Eversource for future Emergency access.

5. **Request for Approval of Greenland Residential Development Waterline Easement.**

In 2015, the Town of Greenland approved a 73 unit residential condominium development off of Bramber Valley Road in Greenland. The City had existing water infrastructure in Greenland in close proximity to the new development and was asked to serve the new development. [Attached is a schematic showing](#) the existing infrastructure in 2015 and the new lines.

At the developer's cost, municipal water service is being extended to the condominium development within private roads that have been constructed. The City will own the water mains within the private roads. The extension of the City's water system through the Bramber Valley development will allow the City to create better flow and water quality conditions as the new lines will help create a "loop" system in that area of Greenland. The developer is not only paying for the new lines, constructed to City specifications, but also paying for third-party inspection services during construction and as-built drawings.

The developer, Dorado Investments, LLC, has executed an easement in favor of the City for new water lines and related infrastructure. As referenced in the [attached memorandum from Planning Director Juliet Walker](#), the Portsmouth Planning Board has recommended that the City Council accept the water line easement.

I recommend that the City Council move to accept a water line easement from Dorado Investments, LLC to serve Bramber Valley in Greenland.

6. **Request for a Public Hearing for a \$3,000,000 Bond Authorization Re: Supplemental Appropriation for Foundry Place Garage.**

As you are aware, over the past several weeks, the City's Construction Manager, Consigli Construction, Inc. has been soliciting bids and negotiating pricing for the construction of the new Parking Garage, as well as the new road, Foundry Place and the associated utilities. As you will recall, in May of 2015, the City Council voted to authorize bonding of \$23,200,000 for the purchase of the land and construction of the garage. In the time since the garage bonding was approved, there have been several factors that have increased the overall projects costs.

Construction costs have escalated since the original budget amount was established and the bidding is taking place during a hot construction market. Additionally, the scope of the project has expanded through the design process. The City has expanded the scope of utility work, most significantly water and electrical systems to provide improved water and electrical service into both the McDonough Street neighborhood and the North End. The water system upgrades will improve fire flows as well as provide looping of the water system improving both water quality and reliability. The electrical upgrades will not only underground the electrical service in the area but also provide improved reliability of the electrical system in the area. Additionally, the extent and scope of civil work required to address geotechnical and environmental conditions have been studied and identified and will be addressed under the proposed budget.

Based on the pricing that has come in thus far for the civil and site enabling work as well as the preliminary numbers for the pre-cast structure, I am requesting the City Council authorize a request for the bonding of an additional \$3.0 million to complete all aspects of the project. [See attached Resolution](#). On a 20 year bond this will add an average \$193,000 per year. The total average cost of the \$26.2 M bond will be \$1.6 M per year, which will be paid by parking revenues.

I recommend the City Council move to schedule a public hearing for a \$3,000,000 Bond Authorization regarding a supplemental appropriation for the Foundry Place Garage at the August 7, 2017 City Council meeting.

7. **Acceptance of “No Build” Easement Relating to 21 Brewster Street.** In connection with the redevelopment of the 21 Brewster Street property, the Inspection Department required an easement to prevent any new structure on an adjacent lot from being constructed within three (3) feet of the boundary line between the two properties. This was done for fire safety purposes.

As you will note, the Easement Deed gives enforcement authority to the City of Portsmouth. [Attached please find a copy of the recorded easement.](#)

I recommend that the City Council move to accept the “No Build” Easement relating to 21 Brewster Street and place it on permanent file.

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 19, 2017. In addition, this can be found on the City’s website.
2. **Presentation Re: Combined Sewer Overflows.** For your information, City staff will give a presentation to the City Council at the Monday, August 7, 2017 City Council meeting regarding combined sewer overflows.
3. **Consent Decree Mitigation Funding.** [Attached for your information is a memorandum](#) from Deputy City Attorney Suzanne Woodland and City Engineer Terry Desmarais regarding the Consent Decree Mitigation Funding.
4. **Report Back from Inquiry of Councilor Dwyer Re: President’s Commission on Election Integrity.** [Attached is a response from City Clerk Kelli Barnaby](#) to Councilor Dwyer’s inquiry regarding the President’s Commission on Election Integrity.

5. **Code Updates - Open House.** The Fire, Inspections, and Health Departments will be hosting an educational open house for the public to learn about the proposed code updates that the Council previewed at its June retreat. To best accommodate tradespeople who may have interest in these changes, this open house is scheduled at the end of the work day, on Monday, July 17, 2017 from 4:00 to 6:00 p.m., in Conference Room A. After receiving input at this session, we will draft ordinance changes for Council's consideration over the next few months.