

CITY COUNCIL MEETING

Remote Meeting Via Zoom Conference Call

Per NH RSA 91-A:2 III (b) the Chair has declared COVID-19 Outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8 and Executive Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

to access by web (<https://zoom.us/join>)

to access by phone, dial (929-436-2866)

Meeting ID (276 622 239)

Password (242060)

DATE: MONDAY, APRIL 6, 2020

TIME: 7:00PM

AGENDA

- I. **6:00PM WORK SESSION – THERE IS NO WORK SESSION THIS EVENING - *POSTPONED***
- II. **PUBLIC DIALOGUE SESSION [*when applicable – every other regularly scheduled meeting*] - *POSTPONED***
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**

- VII. **ACCEPTANCE OF MINUTES – FEBRUARY 3, 2020**

- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

- IX. **PUBLIC COMMENT SESSION – (*Via Zoom*)**

- X. **PUBLIC DIALOGUE SUMMARY [*when applicable*] - *POSTPONED***

- XI. **PUBLIC HEARINGS AND VOTES ON ORDINANCES AND/OR RESOLUTIONS**
 - A. **PUBLIC HEARING – ACQUISITION OF ONE FIRE APPARATUS**

PROPOSED RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES, OR EXECUTION OF LEASE PURCHASE AGREEMENT OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR THE ACQUISITION OF ONE FIRE APPARATUS

 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

(Sample motion – move to adopt the Resolution as presented)

B. PUBLIC HEARING – REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

REQUEST TO DISCONTINUE A PORTION OF CATE STREET CONNECTOR ROAD

- PRESENTATION
- CITY COUNCIL QUESTIONS
- PUBLIC HEARING SPEAKERS
- ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move to grant the petition of Cate Street Development, LLC to discontinue that portion of the public highway known as Cate Street defined and described in the petition, subject to the conditions contained therein)

XII. MAYOR BECKSTED

1. *Appointments to be Voted:
 - Appointment of Beth Margeson to the Citywide Neighborhood Committee
 - Reappointment of Jessica Blasko to the Conservation Commission
 - Reappointment of Allison Tanner to the Conservation Commission
 - Reappointment of Jackie Cali-Pitts to the Recreation Board
 - Reappointment of Lisa Louttit to the Recreation Board

XIII. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR SPLAINE

1. *Portsmouth Budget, Revenue, Tax Base and Financial Assessment for 2020-2022

B. COUNCILOR WHELAN

1. Parking and Traffic Safety Committee Action Sheet and Minutes of March 5, 2020 meeting *(Sample motion – move to approve and accept the action sheet and minutes of the March 5, 2020 Parking & Traffic Safety Committee meeting)*
2. *McIntyre Subcommittee Update

C. COUNCILOR LAZENBY

1. Request for Report Back regarding Additional Remote and/or Advance Voting in NH Elections

D. COUNCILOR HUDA

1. Forecasted Economic Downturn caused by the Covid-19 Virus *(Sample motion – move to request a report to the residents and City Council from the City Manager on the current financial condition of the city and on the immediate actions that the city is taking to maintain & safeguard our financial position while still providing necessary services during and after this pandemic)*

E. COUNCILOR HUDA & COUNCILOR TABOR

1. Informational Fee Committee Minutes (No Vote Required)

XIV. APPROVAL OF GRANTS/DONATIONS

(There are no Approval of Grants/Donations this evening)

XV. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Market Street Property Purchase from NH Department of Transportation
2. *Woodbury Avenue Signal Coordination Project
3. Middle Street Baptist Parking Contract Renewal

XVI. CONSENT AGENDA

(There are no Consent Agenda items this evening)

XVII. PRESENTATIONS & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *Presentation by Health Officer Kim McNamara regarding COVID-19 Update
- B. Email Correspondence (***Sample motion – move to accept and place on file***)

XVIII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Council Update on COVID-19 Impact on FY 2020 Budget
2. *Report Back on Questions Posed by Councilor Huda on March 16, 2020
3. *Summary of Parking Holiday and Revenue Impacts

XIX. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XX. ADJOURNMENT [at 10:00 p.m. or earlier]

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

** Indicates verbal report*



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

City Hall, One Junkins Avenue
Portsmouth, New Hampshire 03801
kconard@cityofportsmouth.com
(603) 610-7201

Date: April 2, 2020
To: Honorable Mayor Rick Becksted and City Council Members
From: Karen S. Conard, City Manager *KSC*
Re: City Manager's Comments on City Council Agenda of April 6, 2020

XI. Public Hearings and Votes on Ordinances and/or Resolutions:

1. Public Hearing: Acquisition of One Fire Apparatus:

Please find [attached](#) a letter from Fire Chief Todd Germain requesting that the City Council establish a public hearing regarding the authorization to bond One Million Four Hundred Dollars (\$1,400,000) for the purchase of one fire apparatus. This item has been identified in the FY21 Capital Improvement Plan ([element sheet attached](#)). Chief Germain seeks to receive authorization on this expenditure to both take advantage of current pricing (prices will be increasing at the end of April) and to start the procurement process. These types of apparatus take over 14 months to build once an order is placed.

A bond authorization resolution is [attached](#).

I recommend that the City Council move to adopt the resolution as presented.

2. Public Hearing: Request to Discontinue a Portion of Cate Street Connector Road:

Last year, the City Council approved a land swap involving City and privately-owned land as well as a development agreement between the City and a private developer, both of which relate to the construction of what has been referenced as the "[Cate Street Connector Road](#)". The land swap conveyed to the City the portion of private property required to complete a new road extension in return for a portion of what was City land to be used by Cate Street Development LLC (a private developer) for the construction of the West End Yards mixed-use development project. In addition, the development agreement entered into between the City and the project developer outlined the specifics of the conveyance of land as well as the allocation of responsibility for construction and funding of the new public road, which is to be shared between the City and the developer.

The land swap, as previously approved by the City Council, conveyed 136,919 square feet of private land to the City in exchange for 47,470 square feet of City land. The land conveyed to the City will enable the construction of a connector road to provide direct access between Bartlett Street to the Borthwick Avenue traffic signal on the Route 1 Bypass. At the Bartlett Street end, the proposed road will follow the existing Cate Street right-of-way for approximately 250' and then travel across what is currently private property to connect to the Bypass. All of the existing properties that currently abut Cate Street will have access to the newly re-aligned road and the current connection to Cottage Street will remain.

Because the new road extension to Cate Street requires re-routing a portion of the existing Cate Street, the final step in this process is to discontinue the use of that land as a public street. Under New Hampshire state statutes, Cate Street is considered a "Class V public highway". Once public highways are created, it is presumed that the rights of the public last indefinitely, unless a formal public decision is made to discontinue those rights (RSA 231:43). The City cannot simply relocate the subject portion of Cate Street without a formal discontinuance decision from City Council.

The requirements for discontinuing a public road require that a public hearing occur and that all direct abutters of the road be sent notification via certified letter 14 days prior to the public hearing ([attached](#)).

I recommend that the City Council vote to grant the petition of Cate Street Development, LLC to discontinue that portion of the public highway known as Cate Street defined and described in the petition, subject to the conditions contained therein.

XV. City Manager's Items which Require Action:

1. Market Street Property Purchase from NH Department of Transportation:

Department of Public Works staff have been working with the New Hampshire Department of Transportation (NHDOT) to procure a 7,834 sq. ft parcel of land on Market Street (see [attached map](#)) from the State of NH to improve stormwater maintenance associated with a pond bounded by Market Street, Maplewood Avenue, McGee Drive and the Heritage Hill Condominiums.

Purchase of this land is necessary to improve access to drainage structures that control the water level in this pond. The need for added control of this pond was identified during the stormwater design of the on-going Maplewood Avenue Reconstruction Project. The State has valued the parcel at \$1,100 which would be paid for as part of the Maplewood Avenue project cost. With Planning Board concurrence and City Council approval, City staff will work with the State to complete the purchase of this land.

I recommend that the City Council move to refer procurement of land from the NHDOT to the Planning Board for a recommendation back to City Council.

2. Woodbury Avenue Signal Coordination Project:

The City completed the Woodbury Avenue Signal Coordination Project in 2019. During the project, all of the traffic signals on Woodbury Avenue from Portsmouth Boulevard to Gosling Road were upgraded with new cabinets, new controls, new vehicular and pedestrian signal heads and all of the intersections were made fully ADA compliant including installing refuge islands in the Woodbury Avenue and Market Street intersection for the many wheelchair bound residents that cross there. In addition, the signals at the intersection of Gosling Road and Woodbury Avenue were replaced in their entirety.

As a portion of the money used to rehabilitate the signals was state-administered federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds, the City must follow the federal closeout procedure and formally accept the project. The Public Works Department and their consulting engineers TEC, Inc. have reviewed the entire project in depth and find no fault with the work that was performed.

I recommend that the City Council move to accept the completed Woodbury Avenue Signal Coordination project.

3. Middle Street Baptist Parking Contract Renewal:

Since 2013, the Middle Street Baptist Church has leased seventeen spaces to the City for the purposes of allowing Public Library staff the use of said space during business hours (see [attached map](#)). The annual fee is \$1,000, and the term for the [draft agreement](#) is April 1, 2020 - March 31, 2021.

I recommend that the City Council move to authorize the City Manager to execute the Parking Lot Usage/Maintenance Agreement with the Middle Street Baptist Church.

XVI II. City Manager's Informational Items:

1. Council Update on COVID-19 Impact on FY 2020 Budget:

I am working with the Finance Department to assess the City's projections of how the coronavirus pandemic is affecting the current budget year, and will provide a verbal report on Monday evening.

2. Report Back on Questions Posed by Councilor Huda on March 16, 2020:

The following is in response to the questions placed on the March 16, 2020 City Council agenda under Councilor Huda's name. The Councilor's questions/comments are in **orange**.

Annual Budget Spending Request by Department

Does that mean the Department Manager has the ability to spend those dollars on anything as long as they stay within the budget dollars appropriated to them?

- **To clarify the dollar limit spending authority granted to different positions (i.e. Directors, Department Managers, City Purchasing Agent, City Manager).**
- **To discuss if there is a dollar limit restriction on the City Department Directors or Managers ability to transfer dollars among the various line items in their appropriated budgets. Do these transfers require the approval of with the Finance Director or City Manager?**
- **Please include references to source documentation that authorizes such dollar limits.**
- **Please include a discussion on the various controls applied to the above.**

The following will address all of the above questions and are in accordance with Article VII – FINANCE AND REVENUE of the City Charter.

The annual proposed budget for the ensuing fiscal year is prepared by each department and submitted by the City Manager to the City Council. The budget is adopted by the following resolutions: General Fund Appropriations; Fee Schedule; Special Revenue Appropriations; Sewer Fund Appropriations; Water Fund Appropriations.

Each department head is responsible for the operations and expenditures of their bottom line budget following purchasing procedures outlined in the purchasing manual developed and maintained by the City Manager. The policy clearly identifies the procedures and authorizations required for all purchases within the department head's budget. The policy also provides the procedures required for larger purchases or services outside of the department head's budget such as rolling stock items and capital project expenditures requiring competitive bidding.

The head of any department, with the approval of the City Manager, may transfer any unencumbered balance of any portion thereof from one fund or agency within the department. As the departmental budgets are approved on a bottom line basis, department heads are authorized to over-expend a line item as long as a corresponding under-expenditure can be reflected in another line item within the particular budget. This will assure that the department bottom line budget is not over-expended.

To clarify the City Managers interpretation of Section 7.23 Information Technology Management of the City Charter as it relates to the Information Technology section of the Administrative Code?

- **Is there any conflict?**
- **Based on the interpretation of the above, is the City following the City Charter or the Administrative Code?**

For additional clarity, Section 7.23 of the City Charter reads:

SECTION 7.23 – INFORMATION MANAGEMENT TECHNOLOGY The Administrative Code shall provide that a single municipal department shall direct acquisition, maintenance and coordination of Information Management Technology for all elements of City government including the Charter Departments. (ADOPTED THIS SECTION BY REFERENDUM VOTE NOVEMBER 7, 2000).

And, Section 1.106 H of the Administrative Code (“Information Technology”) reads:

H. INFORMATION TECHNOLOGY – The Information Technology Department shall be responsible for acquisition, maintenance and coordination of all computer hardware, software and related information technology for all elements of the municipal government, including the Charter Departments, except that the Charter Departments shall retain those Information Technology functions which by law or practice are unique and specific to the particular Charter Department. In its exercise of this authority, the Information Technology Department, or a Charter Department as appropriate, shall secure prior approval from the Finance Department for all technology acquisitions. (Adopted 3/19/2001)

Finally, the reference to “Charter Departments,” noted above includes the Police, School, and Fire Departments.

The Information Technology Department is a single department that was created in 2001. Since its inception, Alan Brady has been a member of that department, coordinating and managing IT purchasing and issues across all departments. He provides oversight of all IT purchases to ensure the City is making the most cost-effective investments – Council reviews all capital IT purchases, plus annual replacement stock, under a single IT umbrella. While Charter Departments may employ their own IT staff to fulfill their operational needs, we see no conflict between the charter and the administrative code, and feel the City is carrying out the IT function pursuant to both.

3. Summary of Parking Holiday and Revenue Impacts:

The following is a brief summary of parking revenues and projections for Fiscal Year 2020 (FY 20). As the result of social distancing measures, closures of most downtown businesses and the parking fee holiday until April 6th, the Parking Division’s revenue collection has been seriously reduced. As implemented, the parking holiday has stopped all parking revenues from meters, garages and monthly passes. This loss of revenue will impact both the Parking Division’s operations and the City’s General Fund.

As of March 1, 2020 the Parking Division revenues were at \$6.4M or 69% of \$9.2M total revenue projection for FY20.

Parking revenue losses were projected using FY19 revenue data. Based on revenues generated from March 17th through April 6th of 2019, a loss of approximately \$430,000 has been estimated. If the decision is made to continue the parking holiday through the Governor's recommended date of May 4th, we anticipate an additional \$730,000 loss of revenue or a total shortfall of approximately \$1,160,000 or roughly 13% of pre-virus projections. Based on last year's revenues, if we continue the parking holiday until the end of the fiscal year we anticipate a total loss of approximately \$2.5M in revenues.

A loss of \$2.5M will jeopardize the stability of the City's Parking fund. Even without the continued parking holiday, the decline in business will significantly impact revenues. Parking Revenues contribute \$2.4M to the City's General Fund, plus approximately \$1.8M in additional services to the City (for example: senior transportation; Coast Buses; police; fire, school; school crossing guards; snow removal and downtown trash collection). These contributions equal an average reduction in taxes to the median valued home of approximately \$330/year. Given the financial challenges the City is facing, City staff does not recommend the continuation of a parking holiday.

To address this revenue shortfall, the Parking Division is cutting expenditures and holding off on capital expenditures. If these measures are insufficient, use of Parking Fund Balance will be necessary.