

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, JUNE 17, 2024 TIME: 7:00PM

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser

https://us06web.zoom.us/webinar/register/WN_E49uOpb2QaafQ_6MITxwQ

5:30 PM – Anticipated Non-Public Session is being held in Conference Room A

1. CONSIDERATION OF LEGAL ADVICE IN ACCORDANCE WITH RSA 91-A:3 II (I)

AGENDA

- I. WORK SESSION
- II. PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – **N/A**
- III. CALL TO ORDER [7:00 p.m. or thereafter]
- IV. ROLL CALL
- V. INVOCATION
- VI. PLEDGE OF ALLEGIANCE

- VII. ACCEPTANCE OF MINUTES – MAY 6, 2024; MAY 13, 2024; AND MAY 20, 2024

- VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- IX. PUBLIC COMMENT SESSION (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)

- X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Public Hearing – Home Occupation Ordinance

- A. Public Hearing/Second Reading on Proposed Ordinance amending Chapter 10, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 19.22 and Article 15, Section 10.1530, Terms of General Applicability, Regarding Home Occupation
 - PRESENTATION
 - CITY COUNCIL QUESTIONS
 - PUBLIC HEARING SPEAKERS
 - ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS

(Sample motion – move to pass second reading of the proposed zoning amendments regarding home occupation, and schedule a third and final reading at the July 15, 2024 City Council meeting)

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager's Items Which Require Action:

1. Extension of Temporary Construction License for EightKph, LLC at 70 Maplewood Avenue
2. Lease Extension for Community Campus Tenants
3. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY25
4. FY24 Bond Rescinding Resolution
5. *Five-Year Agreement to Acquire Tasers, Body Cameras, and Subscription Service to Support and Manage the Equipment and Video
6. Street Naming for 105 Bartlett Street
7. Request to Donate Police Crown Victoria Vehicle
8. Request for First Reading for Annual Omnibus Ordinance, Amending Chapter 7, Vehicles, Traffic and Parking
9. Request to Schedule Public Hearing to Consider Cable Television Franchise Renewal

XII. CONSENT AGENDA

- A. Letter from Sam Accardi, Yellowfin Events LLC., requesting permission to hold the Bikes & Beers cycling event on Saturday, July 20, 2024 from 8:00 a.m. to 12:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Mike Peabody, Millennium Running, requesting permission to hold the 2025 Restore New Castle 10k on Sunday, April 27, 2025 at 9:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Correspondence from Ian Coughlan requesting permission to hold Go Skateboarding Day 2024 on Saturday, June 22, 2024 from 3:00 p.m. to 7:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Mike Peabody, Millennium Running, requesting permission to hold the 2025 St. Paddy's 5k/10k on Sunday, March 9, 2025 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from David Topham, Granite State Wheelers, requesting permission to hold the annual Granite State Wheelers Seacoast Century Bicycle Ride on Saturday, September 21, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Mark McNabb, One Market Square, LLC regarding Haven Court Changes (***Sample motion – move to refer the letter from One Market Square, LLC dated June 11, 2024 and the proposed land transfers described in that letter to the Planning Board for a report back***)
- C. Letter from Marie Bodi, McNabb Properties, Ltd., regarding Fees for Outside Tables and Chairs (***Sample motion – 1) move to waive the sidewalk encumbrance fees for 63 tables and 186 chairs for McNabb Properties, Ltd. For the City sidewalk adjacent to 60 Penhallow Street for 2024 or 2) move to place the letter on file***)

XIV. MAYOR McEACHERN

1. Appointment to be Considered:
 - Appointment of Andrew Samonas as the Planning Board Representative to the Housing Committee
 - Appointment of Mary Carey Foley to the Mayor's Blue Ribbon Sister City Committee
 - Appointment of Robert F. Conard, Jr., to the Mayor's Blue Ribbon Sister City Committee
2. *Appointment to be Voted:
 - Appointment of Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee (***Sample motion – move to appoint Robert Sullivan to the Mayor's Blue Ribbon Sister City Committee***)

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK & COUNCILOR MOREAU

1. *Historic Preservationist Review (***Sample motion – move to request a report back by July 15th from a Historic Preservationist with experience in energy efficiency measures in historic districts on the impact the proposed changes on solar panel review to the Historic District Commission ordinance could have on the integrity of the Portsmouth Historic District and the Downtown National Register District***)

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no grants or donations on for approval this evening)

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. *Community Policing Facility Update
2. *Pease Development Authority (PDA) Board of Directors Meeting Update
3. *Status of Sherburne Property RFQ
4. *Status of South Meeting House RFP

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT [at 10:30 p.m. or earlier]

**Indicates verbal report*

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



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: June 13, 2024

To: Honorable Mayor McEachern and City Council Members

From: Karen S. Conard, City Manager *KSC*

Re: City Manager's Comments on City Council Agenda of June 17, 2024

X. Public Hearing and Vote on Ordinances and/or Resolutions:

A. Public Hearing and Second Reading on Proposed Ordinance Amending Chapter 10, Article 4, Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, Section 19.22 and Article 15, Section 10.1530, Terms of General Applicability, Regarding Home Occupation:

At the April 25, 2024 meeting, the Planning Board held a public hearing on zoning amendments related to home occupation after a referral from City Council on February 20th.

The Master Plan speaks to expanding the opportunities for home-based businesses. This trend was realized in the Master Plan and became more prevalent during the pandemic. Goal 3.1.3 of the Master Plan is to adapt housing stock to account for changing demographics, and different aspects of that goal appear in several sections of the Master Plan, including enhancing economic development, enriching the urban and suburban neighborhoods, and encouraging the creative use of existing housing stock.

The initial amendment allowed up to two clients at one time for a home occupation, one or two. This would allow, for example, someone to teach art or give music lessons as a home occupation and have clients come to their house.

The Planning Board held a public hearing and heard from several members of the public in favor of any changes that would allow client visitation for a home occupation. The Planning Board added language to allow up to six clients to a home occupation two and to change the use tables where a Special Exception is currently required, to a Conditional Use Permit.

Council passed first reading of the [proposed amendments regarding home occupation](#) at the May 20, 2024 meeting.

I recommend that the City Council move to pass second reading of the proposed zoning amendments regarding home occupation, and schedule a third and final reading at the July 15, 2024 City Council meeting.

XI. City Manager's Items Which Require Action:

1. Extension of Temporary Construction License for EightKph, LLC at 70 Maplewood Avenue:

EightKph, LLC, (“Owner”) is making improvements to property it owns at 70 Maplewood Avenue, shown on the City of Portsmouth’s Assessor’s Map as Tax Map 125, Lot 17-3 (“Property”). The Owner is constructing a 4 story mixed-use building with a penthouse, commercial space and 14 residential units. In order to construct the foundation, install conduit under the sidewalk and maintain safe buffer zones for the public, the Owner sought a license to encumber the sidewalks that abut the Property along Maplewood Avenue and Deer Street. Council granted Owner’s license request on December 18, 2023 and the license term expires on July 8, 2024.

The Owner has requested a 150-day extension of the current sidewalk license. As more fully set forth [in the Owner’s June 3, 2024 letter to the Council](#), this request is in part due to winter weather delays but primarily for public safety reasons. The original license request contemplated returning the encumbered sidewalk back to the City by July 8, 2024 after structural steel was erected. However, after the Owner consulted with its contractor for the next phase of construction, they concluded that it would be safer for the public to continue to encumber the sidewalks abutting the property in order to maintain a safe buffer for another 150 days. The Owner’s letter also reports that the four construction projects in the area have worked together to maintain two-way traffic on Deer and Bridge Street during construction. This is a result of weekly meetings with City staff and representatives from the four construction projects in the area.

Encumbrances for longer than 30 days are subject to the City Council’s policy entitled “License Fee for Encumbrance of City Property.” Under this policy, a daily fee of \$0.05 per square foot of encumbered City property would be assessed for 1,722 square feet of sidewalk for a fee of \$86.10 per day x 150 days for a total license fee of \$12,915.

The [License Area is depicted in yellow in the Exhibit attached to the license extension](#). The Department of Public Works has striped a temporary pedestrian crosswalk along Maplewood Avenue and Deer Street which will be maintained, along with the Owner’s signage to redirect pedestrians if this extension is granted.

The Legal, Planning and Public Works Departments have reviewed and approved the form of [the attached License extension](#).

If the Council agrees to grant the extension to the temporary construction license to encumber the sidewalks along Maplewood Avenue and Deer Street for property located at 70 Maplewood Avenue, an appropriate motion would be:

Move that the City Manager be authorized to execute and accept an extension of the temporary construction license to encumber the sidewalks along Maplewood Avenue and Deer Street that abut 70 Maplewood Avenue as requested.

2. **Lease Extension for Community Campus Tenants:**

The City purchased the Community Campus, property located at 100 Campus Drive, Portsmouth, New Hampshire (“Property” or “Community Campus”) on March 14, 2022 from The Foundation for Seacoast Health (“Foundation”). As was required by the terms of the Purchase and Sales Agreement, the Foundation assigned its interest in its Lease Agreements with all the tenants of Community Campus to the City by entering into Assignment and Assumption Agreements on March 14, 2022. Because the term of the assigned Lease Agreements for three of the tenants (Seacoast Outright, Krempels Center and Child Advocacy Center of Rockingham County, Inc. (“CAC”) was set to expire on December 31, 2023, the City Council approved an Amendment to the Lease Agreements to extend the term by six months on December 18, 2023. The terms expire on June 30, 2024 and the City along with Seacoast Outright, Krempels Center and CAC seek to extend the term for two more months until August 31, 2024 to give the parties time to negotiate new Lease Agreements.

By way of background, on August 21, 2023, the City Council passed a resolution to use ARPA funds for costs associated with capital improvements to Community Campus. Some of those capital improvements include reconfiguring tenants’ leased space. The contract to begin these capital improvements, along with final plans for the reconfigured space, were finalized last week. Extending the existing term for two months will give the City, the tenants and their respective Boards of Directors sufficient time to review and finalize the terms of the new Lease Agreements, which will be presented to Council for its approval in August 2024.

I recommend the City Council move to accept [the Extension of Amendment to Lease Agreements with Seacoast Outright, Krempels Center and Child Advocacy Center of Rockingham County, Inc.](#) to extend the term through August 31, 2024 as presented.

3. **Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin In FY25:**

I am requesting that the City Council establish a public hearing on each of the proposed Bonding Resolutions for the July 15, 2024 City Council meeting for projects identified to begin in FY25 ([respective Resolutions and CIP element sheets are attached](#)).

GENERAL FUND

- **School Project - \$650,000:**

- School Facilities Capital Improvements - \$650,000

The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects including paving, roofing, energy efficiency upgrades, infrastructure replacement, and security enhancements. FY30 funding will support air handling upgrades in high school spaces impacted by the State supported renovation of the CTE Center.

- **Various City Projects - \$12,925,000:**

- Ambulance Replacement Program - \$310,000

This project continues the CIP Rolling Stock Replacement Program for the City's ambulances. The City's 2017 Ambulance is scheduled for replacement in FY26. Funds for this vehicle include the purchase of the vehicle with a complete set-up including radio, lettering, striping, and equipment. One-third of the total cost of the vehicle is requested each year with a purchase after the third year.

- Police Deficiencies and Repair Project - \$400,000

A 2014 space needs study of the Police Facility identified deficiencies in the space allocated to the Police Department, as well as operational deficiencies in function. In addition, a 2018 public presentation from a public safety architect provided insight into some of the unique needs and requirements of a Police Facility. Although a funding request for a new facility has been included in the CIP plan since 2015, other Citywide projects have had to take precedence. A new Police Facility is still the goal, and preliminary steps have been taken with monies appropriated for this effort.

In the interim, the current facility has needed significant repair and upgrades to make it safe and functional. Although initial projects were identified in FY21, the funding has been used to cover mold and asbestos abatement, and restoration of the areas after the contaminated materials were removed. Fortunately, some of the restoration work overlapped with projects originally identified. With the abatement project coming to a close in FY23, the Department will resume working on the projects that have been on hold. It should be noted: if the Police Department moves into a new facility, all the necessary repairs done to the current facility will benefit any City Department moving into the space.

The remaining projects include upgrade HVAC filtration in the range, security, ADA compliance, server room upgrade, RDC (redundant/disaster recovery center) upgrade at Fire Station II, dispatch upgrade, updating old lighting throughout the PD, evidence processing and submittal areas upgrade, renovation

of former generator rooms for equipment storage, archive space, and gym area, K9 office conversion, and upgrade back parking lot surface and security fencing.

- [Land Acquisition - \\$500,000](#)
This project funds the purchase of land that has been determined should be protected for conservation and recreation. Ownership is usually sought to secure environmentally sensitive areas to purchase the development rights to a particular parcel, or for some municipal use. Protection may also be provided through the purchase of development rights by way of conservation easements and/or restrictions. Funds can be used as match for leverage on existing grant programs and to support and supplement the City's existing Conservation Fund. Acquisition of land is consistent with the goals and visions stated in the City Master Plan and Open Space Plan.
- [South Mill Pond Playground - \\$600,000](#)
This project would be to replace the existing South Mill playground with a new, universal design ADA compliant, age-friendly, inclusive playground to include restroom facilities. The ADA compliant, family-friendly facilities would replace the portable toilets. This area is heavily utilized throughout the year with pickleball, basketball, and tennis courts nearby, as well as Leary Field and the dog park. This area is also host to multiple City events such as the fireworks, farmer's market, and Easter Egg Hunt.
- [Additional Outdoor Recreation Fields - \\$3,000,000](#)
This project will fund the design and construction of an additional field and related amenities at the property behind the City's Public Works facility. Previous funding was utilized to acquire the land and complete construction of the first field. The project is being constructed in phases due to projected costs. Funding will be required for a third phase to realize the site's full potential for adding to the City's field inventory.
- [Prescott Park Master Plan Implementation - \\$4,500,000](#)
The City Council adopted the Prescott Park Master Plan in 2017. The plan calls for extensive park-wide reconfiguration, restructuring services and developing new park policies. Renovation to the park presents opportunities to plan for climate adaptation, preserve antique historic structures, accommodate performances and event spaces, and ensure iconic Portsmouth places continue to serve the public.
- [Citywide Facilities Capital Improvements - \\$850,000](#)
The Public Works Department is responsible for maintaining all General Fund municipal facilities. These City facilities serve multiple uses. Many facilities need to be updated due to age and usage.

- [Greenleaf Avenue Sidewalk - \\$400,000](#)

This sidewalk project is at the request of residents from the Hillside Drive Neighborhood. Recent installation of a fence has limited residents' access to South Street. This sidewalk will run from the lower entrance of Hillside Drive along the northern side of Greenleaf Avenue and western side of Lafayette Road to the South Street traffic signal.

- [Russell/Market Intersection Upgrade - \\$365,000](#)

The volume of traffic at the intersection of Russell Street and Market Street has increased over time. Traffic is expected to continue to increase due to nearby private development projects. Improvements are needed to address traffic flow and safety. This work would complement the recently completed Market Street Gateway Project. In addition, this project will progress in conjunction with the upcoming Market Street railroad crossing reconstruction project by NHDOT and coordinate with adjacent development.

- [Fleet Street Utilities Upgrade and Streetscape - \\$1,000,000](#)

The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, and drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the Water and Sewer Enterprise Funds and the General Fund.

Given the scope of this project, it will need to be completed in phases. Phase 1, a new drain line from the North Mill Pond, was addressed with FY24 Funding. Phase 2 will be the Vaughan Mall and upper Congress Street area. Phase 3 will be Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design.

The Downtown Aerial Utilities Underground (BI-21-PW-43) project is being funded to bury the Fleet Street overhead utilities. The Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

- [Citywide Storm Drainage Improvements - \\$500,000](#)

The City owns and maintains storm drains, catch basins and outfalls. Many of these structures are failing and need upgrades. Drainage improvements are upgraded as part of specific capital projects, roadway reconstruction and prior to annual paving. In addition to pipe work, the existing stormwater ponds and swales need to be maintained.

Funding for this work will come from the Sewer Enterprise Fund and the General Fund.

- [The Creek Neighborhood Reconstruction - \\$500,000](#)
This project will address water, sewer, drainage and streetscape improvements in the Creek Neighborhood. It will be implemented in phases similar to the McDonough Street area project completed in 2019. Phase one will include design and the development of the phased implementation plan.

WATER FUND

- **FY25 Water Projects - \$4,050,000**
 - [Water Storage Tanks Improvements - \\$400,000](#)
This CIP item accounts for the on-going need to repair and improve the conditions of our water storage tanks beyond routine painting. Currently the Lafayette Road Water Storage Tank needs painting, however due to its very large capacity (7.5 MG) the water in this storage tank does not turnover and mix sufficiently. This causes declines in residual chlorine disinfectant. An engineering assessment needs to be performed to evaluate options for improving this tank's performance and minimizing water quality issues associated with inadequate mixing. Funds for tank improvement design are also included for planning purposes. After the engineering assessment, construction costs will be adjusted accordingly.
 - [Madbury Water Treatment Plant – Facility Repair and Improvements - \\$650,000](#)
The City's surface water treatment facility located in Madbury began operation in 2011. Since that time, facility maintenance items have been covered by operational line-item budgets. After more than ten years of continuous operation, the facility is beginning to see wear that needs to be addressed with more than annual maintenance. These items include the replacement of the water treatment filter media, replacement of water pump drives, the purchase of a backup finished water pump, replacement of building siding, and the construction of a storage shed for equipment and spare parts.
 - [Fleet Street Utilities Upgrade and Streetscape - \\$1,000,000](#)
The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, and drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the Water and Sewer Enterprise Funds and the General Fund.

Given the scope of this project, it will need to be completed in phases. Phase 1, a new drain line from the North Mill Pond, was addressed with FY24 Funding. Phase 2 will be the Vaughan Mall and upper Congress Street area. Phase 3 will be Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design.

The Downtown Aerial Utilities Underground (BI-21-PW-43) project is being funded to bury the Fleet Street overhead utilities. The Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

- DPW Complex Improvements - \$1,500,000

The Department of Public Works Municipal Complex needs improvements to optimize efficiency. This project will provide upgrades to improve water and sewer divisions operations including high bay storage for critical equipment, which requires indoor storage. Funding will be used to complete design, permitting and construction.

Funding for this project will come from the Water and Sewer Enterprise Funds.

- The Creek Neighborhood Reconstruction - \$500,000

This project will address water, sewer, drainage and streetscape improvements in the Creek Neighborhood. It will be implemented in phases similar to the McDonough Street area project completed in 2019. Phase 1 will include design and the development of the phased implementation plan.

SEWER FUND

- **FY25 Sewer Projects - \$29,465,000**

- Pease Wastewater Treatment Facility - \$20,000,000

The Pease Treatment Facility was originally constructed in the 1950s and was upgraded in the 1990s. Selected upgrades have been completed since the 1990s with the Headworks and primary clarifier project completed in 2021. Much of the facility has exceeded its useful lifespan and needs replacement. The City received an updated NPDES permit allowing for an increase in design flow rate from 1.2 million gallons per day to 1.77 million gallons per day. This increase in flow was to accommodate a request from Lonza Biologics for potential expansion of their manufacturing capacity. In February 2023, the City was notified that the request for an increase in flow was no longer required due to water conservation upgrades and manufacturing process changes completed by Lonza. Since no additional flow is required to accommodate Lonza's expansion needs, the City is changing its project scope to only include critical refurbishment of existing equipment. Initial engineering design for the necessary upgrades is underway. Funding under the bond category represents the costs to design and construct replacement of aged equipment at the existing facility. Costs are preliminary and will be refined as the design moves forward. The City is working to fund this project using revolving loan funds (SRF) to take advantage of principal forgiveness, lower interest rates and favorable construction financing.

- [Wastewater Pumping Station Improvements - \\$700,000](#)
 The City owns and operates 20 wastewater pumping stations. The projected life span of a pumping station is 20 years. This project plans for the replacement or major rehabilitation of pumping stations and/or force mains that have not been included as separate projects in the CIP. The work will generally follow the recommendations detailed in the Wastewater Pumping Station Master Plan dated 2019. The FY25 funding increase will be used to fund isolation and repair activities to improve reliability.
- [Sewer Service Funding for Sagamore Avenue Area Sewer Extension - \\$365,000](#)
 The City has advanced this project to gain pricing for the private side work for converting existing septic systems to a pumped sewer connection. Bids were received in August 2021 and pricing was found to be higher than anticipated. The project will be re-bid and updated price acquired. City staff will present updated rate information to the City Council to conclude an approach to the cost sharing proposal. This item sets aside funds in anticipation of City Council action.
- [Mechanic Street Pumping Station Upgrade - \\$3,000,000](#)
 The Mechanic Street Wastewater Pumping Station is the largest in the City. Recent failures at the site indicate a comprehensive replacement and upgrade are required. Applications for State and Federal grant monies have been made. FY25 monies will be for design with grant monies and City match following in FY27.
- [Peirce Island Wastewater Treatment Facility - \\$1,900,000](#)
 The Peirce Island Wastewater Treatment Facility was officially put online in the spring of 2020. Portions of the facility have been operational since an upgrade in 2015. The City is planning for the long-term improvements needed at this facility to address capital equipment replacement, permit modifications and operational needs over time. The FY25 funds are for a third inclined screw press for sludge de-watering. This third press will allow for redundancy to improve reliable sludge de-watering operations.
- [Fleet Street Utilities Upgrade and Streetscape - \\$1,000,000](#)
 The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, and drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the Water and Sewer Enterprise Funds and the General Fund.

 Given the scope of this project, it will need to be completed in phases. Phase 1, a new drain line from the North Mill Pond, was addressed with FY24 Funding. Phase 2 will be the Vaughan Mall and upper Congress Street area. Phase 3 will be Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design.

The Downtown Aerial Utilities Underground (BI-21-PW-43) project is being funded to bury the Fleet Street overhead utilities. The Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

- Citywide Storm Drainage Improvements - \$500,000

The City owns and maintains storm drains, catch basins and outfalls. Many of these structures are failing and need upgrades. Drainage improvements are upgraded as part of specific capital projects, roadway reconstruction and prior to annual paving. In addition to pipe work, the existing stormwater ponds and swales need to be maintained.

Funding for this work will come from the Sewer Enterprise Fund and the General Fund.

- DPW Complex Improvements - \$1,500,000

The Department of Public Works Municipal Complex needs improvements to optimize efficiency. This project will provide upgrades to improve water and sewer divisions operations including high bay storage for critical equipment, which requires indoor storage. Funding will be used to complete design, permitting and construction.

Funding for this project will come from the Water and Sewer Enterprise Funds.

- The Creek Neighborhood Reconstruction - \$500,000

This project will address water, sewer, drainage and streetscape improvements in the Creek Neighborhood. It will be implemented in phases similar to the McDonough Street area project completed in 2019. Phase 1 will include design and the development of the phased implementation plan.

I recommend that the City Council move to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects to be bonded, as presented, for the July 15, 2024 City Council meeting. (Please note that Bonding Resolutions require a public hearing and adoption by two-thirds roll-call vote.)

4. **FY24 Bond Rescinding Resolution:**

I request approval to [rescind the unissued borrowing authority from the Bond Authorization approved on July 10, 2023](#), related to the construction of a Bike Path on Borthwick Avenue (in addition to other projects). The project has been completed with an unused balance in the amount of \$90,000. This resolution requires a majority vote of the City Council.

An unissued loan authorization remains on the City books indefinitely and is used in the State's debt limit calculation according to RSA 33, until such time that they are borrowed or rescinded. As part of financial housekeeping, the unissued General Fund Authorization should be rescinded.

I recommend that the City Council move to approve rescinding the remaining borrowing authority with regards to the following Resolution: Resolution #15-2023 for \$17,350,000 – Rescind amount \$90,000.

5. **Five-Year Agreement to Acquire Tasers, Body Cameras, and Subscription Service to Support and Manage the Equipment and Video:**

As part of the recently adopted FY25 budget, the acquisition of tasers and body cameras is listed as a capital acquisition (see Appendix II on pages II-32 and II-33 of the FY25 budget book). The Finance Department projected that this capital expense would be part of the bond authorization that is expected to be the subject of a public hearing and request to be heard by the City Council during the July 15, 2024 meeting. As part of the Finance Department's recent conversations with the Police Department Business Administrator, it has become apparent that the funding for this acquisition should be differently structured than originally anticipated and reported in the budget book.

The vendor proposes a five-year contract, pursuant to which the City would pay a 1.0% deposit of \$18,038.12 in June 2024. That deposit would initiate the order of equipment, which currently carries a lead time of four to six months. The estimated contract start date and training of officers would begin sometime in the first two quarters of calendar year 2025 and run five years from that date. Thereafter, the City would make five additional payments of approximately \$360,000 to the vendor over the course of five fiscal years, FY26 through FY30, for a total contract cost of \$1,803,810.72.

The bulk of this cost is the cloud-based subscription service to support and manage the equipment and the video and other data generated by the equipment which must be stored, tracked, and produced for investigation, prosecution, and public record purposes. There is equipment included in the package, namely the tasers and cameras, but those costs are subordinate to the ongoing cloud-based services. The product and service are expected to continue to grow and improve, and pricing is anticipated to increase at the end of this initial five-year contract period.

Consequently, the Finance Department advises that, starting in FY26, the annual expense for this contract will be reported as a separate line item in the non-operating portion of the budget. It is effectively a SBITA (subscription-based information technology agreement) with a small amount of equipment costs.

Additionally, the Police Department advises that this is a sole source acquisition and they have provided extensive documentation to support this request. One firm dominates the market in the provision of tasers and coordinated subscription services to manage the body cameras.

Because this 1) represents a significant change in the manner of funding this acquisition, 2) carries a substantial cost over five years and will in future years as well, and 3) will be a sole source purchase, the Finance Department is taking the unusual step of calling out this change and recommending that the City Council specifically authorize the City Manager to proceed as described.

I recommend that the City Manager be authorized to proceed with a five-year agreement to acquire tasers, body cameras, and the cloud-based subscription service to support and manage the equipment and the video and other data generated by the equipment which must be stored, tracked, and produced for investigation, prosecution, and public record purposes.

6. **Street Naming for 105 Bartlett Street:**

Attached please find a memorandum from Director of Planning and Sustainability Peter Britz regarding a request to name a private street to Addorio Way.

I recommend that the City Council move to authorize the use of Addorio Way as the private street name for the development at 105 Bartlett Street.

7. **Request to Donate Police Crown Victoria Vehicle:**

Attached please find a memorandum from Chief of Police Newport regarding a request to donate one retired Portsmouth Police Department Crown Victoria Vehicle.

I recommend the City be authorized to donate the Police Department's Crown Victoria to the Crown Victoria Museum.

8. **Request for First Reading For Annual Omnibus Ordinance, Amending Chapter 7, Vehicles, Traffic and Parking:**

Attached please find the annual omnibus set of ordinances recommended by the Parking and Traffic Safety Committee to be presented to the City Council. This year's omnibus changes are detailed on the attached sheets, and address amendments to the parking ordinance regarding no parking, driving on sidewalk, and speed limits.

By way of background, on March 29, 2000, the City Council adopted Ordinance #4-2000 under Chapter 7, Article I, 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 downtown. Before its adoption, it often took three readings of the City Council to simply change a parking space from a 2-hour time restriction to a 15-minute one. This process would often take 3-4 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. If adopted, the following sections of the parking ordinance would be amended: Chapter 7, Vehicles, Traffic and Parking, Article III, Traffic Ordinance, Section 7.330 A, No Parking; Section 7.341, Driving on Sidewalk and Chapter 7, Article XI, Speed Limits, Section 7.1100 E, Speed Limit: 25 MPH.

The attached amendments to Chapter 7 for the Council's consideration summarize the temporary regulations implemented by the Parking and Traffic Safety Committee over the past 12 months. The Parking and Traffic Safety Committee is requesting that the City Manager put this request for first reading of the Annual Omnibus Ordinance on the Agenda for June 17, 2024 and to schedule first reading at the July 15, 2024 City Council meeting.

I recommend that the City Council move to schedule a first reading at the July 15, 2024 City Council meeting.

9. **Request to Schedule Public Hearing to Consider Cable Television Franchise Renewal:**

Attached for public hearing and action at the City Council meeting on July 15, 2024 is a draft Cable Television Renewal Franchise Agreement with Comcast (“Franchise Agreement”). The proposed Franchise Agreement is for a 10-year term beginning August 1, 2024 and ending July 31, 3034. Background and key terms of the proposed Franchise Agreement are summarized in a quick reference document, also attached. Importantly, the proposed Franchise Agreement does not give exclusive rights to Comcast. The proposed Franchise Agreement allows Comcast to continue to serve existing and new customers without limiting competition.

The Cable and Broadband Internet Commission (“Commission”) has been working on the draft Franchise Agreement for over a year. As part of the process, City staff worked with the Commission to conduct an informal survey in 2023. The results of that survey are found here: <https://www.cityofportsmouth.com/sites/default/files/2023-09/FINAL%20Cable%20Survey%20and%20Comments%202023.09.21.pdf>

The Commission also created an FAQ page to help answer common questions and describe consumer options. Those FAQs are found here: <https://www.cityofportsmouth.com/cityclerk/cable-and-broadband-commission-faqs>

The Commission held a public hearing on January 22, 2024, and heard extensively from PPMTv which is granted the opportunity to broadcast under rights granted to the City under the Franchise Agreement.

At its meeting of June 6, 2024, the Commission moved to forward the proposed draft Cable Television Renewal Franchise Agreement to the City Council for its consideration.

The law requires a public hearing prior to action of the City Council, thus the request to schedule a public hearing for July 15, 2024. The current franchise agreement is scheduled to expire July 31, 2024.

I recommend that the City Council move to schedule a public hearing for July 15, 2024, to consider the attached draft Cable Television Renewal Franchise Agreement with Comcast.

XVII. City Manager's Informational Items:

1. **Community Policing Facility Update:**

Staff will provide an update on the Community Policing Facility at this evening's meeting.

2. **Pease Development Authority (PDA) Board of Directors Meeting Update:**

Following the most recent PDA Board Meeting on June 13th, I will provide a verbal update on the topics discussed.

3. **Status of Sherburne Property RFQ:**

At this evening's meeting, I will provide a verbal update on the status of the Sherburne Property RFQ.

4. **Status of South Meeting House RFP:**

I will provide a verbal update on the status of the South Meeting House RFP.