

**AGENDA FOR THE SPECIAL CITY COUNCIL MEETING  
TUESDAY, JULY 1, 2014  
CONFERENCE ROOM A, CITY CENTER  
7:00 P.M.**

There will be no pre-meeting.

**PUBLIC HEARING – Community Natural Gas and Tax Increment Financing District**

**PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA**

**NEW BUSINESS**

**14-110 City Manager**

WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “Community Natural Gas and Tax Increment Financing District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

WHEREAS, there is a need to maintain public streets, roads intersections impacted by the installation of natural gas utility lines in the City of Augusta; and

WHEREAS, there is a need to improve fire protection facilities and apparatus for the protection of citizens of the City of Augusta and the surrounding region;

WHEREAS, implementation of the Financial Program will provide additional investment in the City of Augusta’s designated Downtown District; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial activities through the establishment of the District in accordance with the provision of Chapter 207 of Title 30-A; and

WHEREAS, the City desires to designate the Community Natural Gas Economic Development Program and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, the Maine Department of Economic and Community Development has requested that the City revise its initial application to expand the geography of the tax increment financing district and clarify issues regarding the assessed value of the public street network; and

WHEREAS, it is expected that approval will be obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, that the attached Development Program, which creates the Community Natural Gas Economic Development Program and Tax Increment Financing District, be approved.

**14-111 City Manager**

WHEREAS, the City of Augusta, Maine (the “Lessee”) is a political subdivision duly organized under the constitution and laws of the State of Maine; and

WHEREAS, it is hereby determined that a true and real need exists for the acquisition by the Lessee of certain energy savings and telecommunication equipment more fully described in section 2 hereof (the “Equipment”); and

WHEREAS, it is necessary and desirable and in the best interest of the Lessee, as lessee, to enter into a loan and security agreement entitled Equipment Lease Purchase Agreement (the "Agreement") with Municipal Leasing Consultants or another entity stated therein, as lessor, including Capital One Public Funding, LLC (the “Lessor”), for the purposes described therein, including financing the acquisition of, and granting a security interest in, the Equipment;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Augusta, Maine as follows:

Section 1. The Agreement, in substantially the form presented to this meeting, and the terms and performance thereof, including a total principal portion of the rental payments required pursuant to the Agreement not in excess of \$966,190, are hereby approved and the City Manager of the Lessee or his designee, including without limitation the Assistant City Manager for Finance and Administration of the Lessee (any of whom is referred to herein as an Authorized Representative), is hereby authorized to execute and deliver the Agreement on behalf of the Lessee, with such changes therein as shall be approved by the Authorized Representative, such approval to be conclusively evidenced by the Authorized Representative’s execution thereof.

Section 2. The Authorized Representative is authorized to enter into (a) a contract with New England Energy Solutions, LLC (the “NEES Contract”) for solar panels and heat pumps at the Hartford Fire Station in an amount not to exceed \$222,750 and for natural gas boilers at the John Charest Public Works Facility and the Hartford Fire Station in an amount not to exceed \$290,470 and (b) a contract with CMC Technology Group (the “CMC Contract”) for telecommunication equipment upgrades in an amount not to exceed \$452,970.

Section 3. The Escrow Agreement (the “Escrow Agreement”), if any, among the Lessee, the Lessor and the escrow agent named therein, in substantially the form presented to this meeting, and the terms and performance thereof, are hereby approved and the Authorized Representative is hereby authorized to execute and deliver the Escrow Agreement on behalf of the Lessee, with such changes therein as shall be approved by the Authorized Representative, such approval to be conclusively evidenced by the Authorized Representative’s execution thereof.

Section 4. The Lessee shall, and the Authorized Representative is hereby authorized and directed to, take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Order, and to carry out, comply with and perform the duties of the Lessee with respect to the Agreement, the NEES Contract, the CMC Contract and the Escrow Agreement.

Section 5. This Order shall take effect and be in full force at the end of ten (10) days after its adoption by the City Council of the Lessee.

Respectfully submitted,

Barbara E. Wardwell, City Clerk  
June 27, 2014