



Regular City Council Meeting - Monday, June 29, 2015, 7:00 pm - Contois Auditorium, City Hall - 6/29/2015

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 29, 2015

APPROVED – July 13, 2015

MEMBERS PRESENT: Jane Knodell (Council President) – Central District

Selene Colburn – East District [via teleconference 7:55 PM to 8:59 PM]

David Hartnett – North District

Joan Shannon – South District

Max Tracy – Ward 2

Sara Giannoni – Ward 3

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Tom Ayres – Ward 7

Adam Roof – Ward 8

MEMBERS ABSENT: Sharon Bushor – Ward 1

ADMINISTRATION: Miro Weinberger, Mayor

Gene Bergman, Senior Assistant City Attorney

Gregg Meyer, Assistant City Attorney

Rich Goodwin, ACAO



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Michael Schirling, Police Chief

Brian Lowe, Special Projects Coordinator

Amy Bovee, Executive Secretary Clerk/Treasurer Office

Lori Olberg, Licensing, Voting & Records Coordinator

Mike Kanarick, COS [arrived 8:17 PM]

Jen Kaulius, Mayor's Office

Chapin Spencer, Public Works Director

OTHERS PRESENT: Fred Solomon

Tim Ruarks

Hans Heikel

Don Dubre

Jane Weiss

Charlie Herrick

Dean Athanson

Peter Baehner

Nicholas Schieldrop

[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7:10 PM on June 29, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Paul, SECOND by Councilor Shannon to approve the agenda with the following amendments:

· **Remove from Consent Agenda - Item 3.19, Communication from James Strouse re: VPOC Investment (item will be on the July 13, 2015 City Council meeting agenda), and renumber accordingly.**

· **Add to the Consent Agenda - Communication from Kenneth Canning re: settlement agreement with VLCT PACIF.**

· **Note on the Deliberative Agenda the action on Item 4.01 to approve interim operating agreement with proposed amendments.**





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Move Item 3.13 (rights-of-way encumbrances) from the Consent Agenda to Committee Reports.

VOTING: unanimous; motion carried.

2.0 PUBLIC FORUM

Public Forum commenced at 7:28 PM.

PUBLIC COMMENTS

Ø Fred Solomon commented:

§ The city is being asked to officially exempt Uber taxi company from the taxi ordinance and create a special custom made regulation for Uber.

§ There is a fallacy built into the premise of the exercise. The Mayor says the existing ordinance did not anticipate a digital dispatch, but there is nothing preventing every Uber taxi driver from applying for a regular city taxi license and to have all the cabs licensed under the existing ordinance except Uber does not want to do this.

§ Uber gets a competitive advantage by ignoring the existing taxi laws and lobbying, bullying, and badgering communities to pass special laws custom made to their operation.

§ An elected Burlington official was heard at a meeting to say that the city is not taking any action to force Uber to shut down operations in Burlington.

§ There is question as to how a private taxi company gets granted veto power over if and how the company is regulated by the City of Burlington. All the cab companies would like this special treatment.

§ City Council is urged to maintain a sense of fairness and equity.

Ø Tim Ruarks expressed concern about Uber drivers picking up the passengers of other drivers and building their own business.

Ø Hans Heikel, Ward 4 resident and part-time employee of Zab-Cab, a company with a mobile app that connects passengers with licensed cabdrivers, made the following remarks:

§ There is respect for the hard work and important service by cabdrivers.

§ The operating agreement with Uber does not establish a fair and level playing field for the taxi community. Uber will have a huge advantage and ultimately many taxi drivers will lose their job. There is agreement with the concern by Councilor Wright about tipping the competitive balance.

§ City Council should look at cities where Uber did not work out and follow their advice. Broward County in Florida has been at odds with Uber and finally required them to follow the same rules as taxis and pay fines when breaking the law.



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§ It is unlike Burlington to invite a "bullying" corporation to do business in the city. Uber has a well established reputation of being a bully and does not live up to commitments.

§ City Council is urged to vote against the interim licensing agreement.

Ø Don Dubre, cabdriver for a local company, mentioned the following:

§ Competition makes everyone a little better every day.

§ There is frustration with going through all the hoops to establish a business and frustration in holding a business to the regulations.

§ There is a threat posed by people getting around the laws.

§ Concern is for the safety of passengers.

§ A licensed cabdriver in Burlington has an extensive background check and must maintain a clean driving record. Drivers are held to a certain standard of competence to drive cabs. When others are giving rides without the level of competence then passengers do not know who they are riding with. With a licensed driver passengers do not need to worry about safety.

§ If a driver does not have to prove their record of safe driving then there is no way of knowing how a trip will end.

§ Many cabdrivers give rides to schoolchildren going to and from school.

Ø Jane Weiss, licensed cabdriver in the City of Burlington, disagreed with Uber having special treatment and spoke in support of one playing field, one set of rules and Uber getting licensed and having background checks. Ms. Weiss noted she pays over \$100 per year to have a license which is needed in order to have a job, and it is unfair for a "car service" doing exactly the same as cabdrivers not to be licensed and have a marked car and follow the rules. Uber has not been in Burlington a year and there has already been one incident. People do not feel safe in an unmarked car with someone they do not know. City Council is asked to vote against any special treatment and to have a fair playing field for all so either all have licenses and pay fees or none do.

Ø Charlie Herrick urged caution with the agreement which is a replacement not a supplement to the local transportation industry and essentially is entrusting the transportation industry to a company that will employ "hobbyists" who drive a couple times a day. Mr. Herrick stated:

§ Local taxi companies will be forced out of business due to higher fees and regulations.

§ People without smartphones or credit cards will find it hard to get rides.

§ Uber is paying \$5,000 to operate in the city, but local transportation companies pay for every driver, passenger, and vehicle. If the city knew all the Uber drivers and vehicles and received revenue for all that would be fair.

§ There was an incident in October 2014 where an Uber driver who was a UVM student had to go back to Massachusetts to renew her expired driver's license. Uber operates without direct oversight over drivers which is not safe.





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§ If Uber is not in compliance with the city ordinance then a geo-fence should be put around Burlington to disable the Uber app.

§ The goal is to have a true fair and level playing field and the temporary operating agreement is not this.

Ø Dean Athanson, former Benways taxi driver, limo, and truck driver, said he chose not to work for Uber while in Florida. Tampa, Florida banned ride sharing and Uber is trying to reverse the decision which is creating lots of tension and hostility. Other places in Florida are following suite. There is price gouging and surge pricing by Uber. Consumers get angry. The Uber business model says drivers are independent contractors yet Uber regulates the cost of rides. In San Francisco the taxi business is decimated and those without a cellphone or credit card cannot get a cab. City Council is urged to see the need for local, legal transportation companies and to have an equal playing field and make a fair decision.

Ø Peter Baehner, Burlington resident and part-time cabdriver, said he has witnessed cabdrivers as recent immigrants trying to feed their families and working long hours, older people living on a fixed income or social security and having a difficult time making ends meet, and those who are challenged in finding a job elsewhere for whatever the reason so driving a cab is a way to support themselves and their family and maintain self-dignity. All would be hard pressed if their income was eroded in any way, and all are seething because they want the city to uphold the law and protect their interests.

Ø Nicholas Schieldrop, cab driver registered in Montpelier and other cities, spoke against the agreement with Uber. Mr. Schieldrop said he is heavily regulated by the state. There are seven municipalities in Vermont issuing taxi licenses and it would be easier to have one license issued by the state and have the state handle complaints and problems. The Uber agreement will create lots of problems and will end up in court. There are lots of laws on the books already. The 2011 taxicab ordinance in the city is boilerplate and will fail. The Uber agreement will fail. Uber should not be allowed to destroy local rural taxis that rural communities depend on. City Council is urged to think beyond Burlington.

There were no further comments and Public Forum was closed at 7:53 PM.

3.0 CONSENT AGENDA

3.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated

3.02 ORDINANCE: Solid Waste Generation Tax

3.03 RESOLUTION: Amend Open Meeting Law Designations

3.04 RESOLUTION: Authorization to Contract for Car Rental Concessions at Burlington Airport

3.05 RESOLUTION: Reorganization and Improved Inclusion of City Council on City's Website

3.06 RESOLUTION: Authorization for Compressed Natural Gas (CNG) Fueling System Upgrade

3.07 RESOLUTION: Authorization to Amend Champlain Parkway Design Contract with Clough, Harbor & Associates



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3.08 RESOLUTION: Authorize Contract for Downtown Trash & Recycling Service with Bigbelly Solar, Inc.

3.09 REORGANIZATION: Change in Reporting Structure with Title Change – Assistant Director Department Public Works – Maintenance and Parking Services and Change in Reporting Structure with Title Change – Assistant Director Department Public Works – Right-of-Way Division Department of Public Works

3.10 RESOLUTION: Re-Categorization of Burlington Police Department Executive Assistant to Officer in Charge Position

3.11 RESOLUTION: Approval of Towing Contract with Spillane's Towing & Recovery

3.12 COMMUNICATION: Lori Olberg, C/T Office re: Accountability List

3.13 COMMUNICATION: C/T Office re: Sweep Accounts & Other Bank Accounts

3.14 COMMUNICATION: C/T Office re: General Fund Revenue Unaudited – May 2015 Financials

3.15 COMMUNICATION: Ryan Coonerty, Santa Cruz County Supervisor re: City Council join Santa Cruz County in Dumping the "bad banks"

3.16 COMMUNICATION: CAO Rusten re: Financial Management Questionnaire

3.17 INFORMATION: Burlington Planning Commission re: Appointment Recommendations – Chief and Assistant Administrative Officers

3.18 COMMUNICATION: C/T Officer re: Opening Burlington city Commissions/Boards

3.19 COMMUNICATION: Mayor Miro Weinberger re: 2015 Justice Assistance Grant (JAG)

3.20 COMMUNICATION: July Sanders, CSWD Alternate re: Resignation

3.21 COMMUNICATION: Bernadette Ferenc, CCRPC, re: Transportation Improvement Program for Fiscal Years 2016-2019 Public Hearing Draft June 17, 2015

3.22 REPORT: Matthew Bushy, DAB re: Annual Report of Design Advisory Board

3.23 REPORT: Board of Assessors Commission Report

3.24 REPORT: Connie Krosney, Burlington Board of Tax Appeals re: Board of Tax appeals – 2014 Annual Report

3.25 REPORT: Board of Registration of Voters re: annual Report for 2015

3.26 FOR INFORMATION ONLY: Communications related to Land Use Regulations and Other Matters

3.27 COMMUNICATION: Kenneth Canning, VLCT re: Settlement Agreement between VLCT PACIF and City of Burlington

MOTION by Councilor Wright, SECOND by Councilor Shannon, to accept the consent agenda as presented (Items 3.01-3.27), waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file.



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AMENDMENT by Councilor Shannon, **SECOND** by Councilor Roof, to modify line 6 of Item 3.05 in the Consent Agenda (resolution to reorganize and improve inclusion of City Council on the city's website) to add "strong council". **VOTING ON AMENDMENT: unanimous; motion carried.**

VOTING ON MOTION AS AMENDED: unanimous; motion carried.

4.0 DELIBERATIVE AGENDA

4.01 Communication: Joint Ordinance and License Committee Recommendation re: Interim Operating Agreement between City of Burlington and Raiser, LLC

Councilor Colburn jointed the meeting via teleconference at 7:55 PM.

MOTION by Councilor Mason, **SECOND** by Councilor Shannon, to adopt the licensing and operating agreement entitled "Final TAO" and accept the communication.

DISCUSSION: The following comments were made:

Councilor Mason stated the following:

- The draft represents a number of items adopted by the majority of committee members who met on June 23, 2015. There were two public hearings on the matter and comments were heard from the public and many interested parties. The City Attorney's Office walked the committee through the agreement.
- Amendments to the agreement include:
 - § The addition of a provision requiring an annual background check on all drivers.
 - § Drivers cannot discriminate against passengers for rides.
 - § Decals/logos must be prominently displayed on the vehicle.
 - § Vehicle inspection must be current per Vermont statutes.
 - § The interim operating agreement is not binding on the License Committee or City Council or the Administration; moving forward to the next stage there could be further amendments (TNC).
 - § The addition of a section saying Uber must comply with applicable federal, state, and local employment laws including Vermont labor laws.
- A series of other amendments were considered by the Licensing Committee that did not have majority support.
- The draft agreement is not perfect and there are areas that need deeper consideration, but the agreement is a step toward a level playing field in terms of public health, safety, and welfare. The agreement requires background checks with no right to appeal and zero tolerance with no right to appeal.
- The Licensing Committee agrees to the need to expedite review of the existing city taxi ordinance if the interim



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operating agreement is passed.

Councilor Tracy made the following points:

- **It was a reasonable request to ask Uber to stop operation until the terms of operation could be negotiated and they did not so they were ticketed. The company acted in bad faith.**
- **There was a sexual assault in the community by an Uber driver.**
- **There is question whether Uber meets the city's standards of being just and fair and standing by city principles.**
- **Having drivers as independent contractors allows Uber to avoid paying workers compensation or unemployment.**
- **Having Uber do its own background checks is not transparent and does not provide the best level of public safety.**
- **Uber will not say how many cabs are operating in Burlington so the city does not know if the \$5,000 payment is a fair deal.**
- **People without credit cards or smartphones or with disabilities cannot use Uber. This population needs taxicabs to get around.**
- **There are conflicts with city policies, such as parking, with Uber drivers taking valuable parking spaces downtown that should be open to the public at large.**
- **For all these reasons the agreement is flawed and needs more work.**

Councilor Shannon acknowledged the comments made, but felt the city is better off with the agreement than without the agreement. Councilor Shannon noted:

- **There is limited enforcement ability in the city. Cars cannot be impounded on the first offense.**
- **Without the agreement the city does not get a payment.**
- **With the agreement there will be background checks which the city can audit. Without an agreement the city would not have this ability.**
- **There is agreement on how Uber carries insurance.**
- **The agreement lasts only until the city amends the taxi ordinance.**
- **The agreement is a move toward improving safety for the public and fairness with cabs.**
- **It is hoped the ordinance will come promptly in September and there will be added improvements.**

Councilor Giannoni agreed with the concerns expressed and that having an agreement where cab companies are treated one way and Uber drivers another puts unfair responsibility on enforcers to ensure public safety and that policy is enforced.

Councilor Wright stated the agreement may be better than nothing, but it is not what is wanted. Uber is driving the ship too much. There is concern about background checks and not knowing the roster of drivers and whether the fee to be paid by a billion dollar company is adequate. The city should negotiate more strongly with





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Uber.

Mayor Weinberger noted the following:

- Councilor Tracy was the only committee member who voiced opposition to the agreement. It is unusual for City Council to ignore the work of a committee tasked with vetting a document.
- The committee held two public hearings and Uber agreed to all that was requested plus requests from the labor community which recognized the city is not in the business of regulating employment law with respect to cab companies (this is state jurisdiction and the state is considering action).
- The labor community asked the city to clarify the agreement in a way to expect Uber to comply with state laws and state labor laws. This is now part of the agreement.
- The committee would have addressed any further requests for changes, but none were received.
- The city is better with the agreement in place. The agreement does not exempt Uber from the city ordinance, but rather ensures Uber will comply with all the standards in the public interest laid out in the ordinance.
- The agreement will put a regulatory overlay over Uber's activities and ensure the public will be safer.
- The agreement will ensure Uber drivers and vehicles meet city standards and Uber starts paying fees to the city.
- There is no dispute that at important times there is an under supply of vehicles and drivers to serve the public, such as at night when people are leaving the bars or in the morning. To vote against the agreement is a vote to continue the under supply serving the public.
- The agreement is not perfect, but an agreement needs to be in place in order to get to a place where all companies operate under the same rules. A vote against the agreement delays this.
- The committee did not receive any testimony that a competitive advantage is set up for Uber with the agreement. No other cab companies are clamoring to meet the public standards of the taxi ordinance in the manner Uber is agreeing to with additional work and additional responsibility the other cab companies are relying on the city to do.
- There was no testimony given as to how cab companies are being damaged by Uber meeting the interests and intent via alternative mechanisms.
- Regarding an unfair burden on enforcers, the current situation is a much higher burden on enforcement. The agreement will clearly lay out expectations and enforcers can operate clearly.

Councilor Wright facilitated the debate at this point in time to allow President Knodell to comment.

DISCUSSION

CONTINUED:

President Knodell thanked the committee for their work and commented as follows:

- There is a philosophical problem with entering into a separate agreement with one provider of transportation and a lack of confidence in self-regulation.
- The responsibility of the city is to ensure public safety.
- A side-by-side analysis of regulatory costs of taxis, contract vehicles, and drivers partnered with Uber is needed in order to determine if there is a level playing field.



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- It appears regulatory taxis have high regulatory and insurance costs.
- Regulated taxis cannot set prices and must charge per the ordinance. Uber drivers charge according to what Uber says to charge based on supply and demand.
- Approving the agreement perpetuates the economic disadvantage for regulated taxis and does not meet the basic test of fairness.
- Having the new ordinance in hand by the first meeting in September would be helpful. Progress reports should be provided along the way.
- The TOA was made better by the work of the committee, but work on the document should continue to include language found in the vehicle-for-hire ordinance, sections 30-20 and 30-27, paragraph 11, relative to holding the city harmless from claims and damages. [Assistant City Attorney, Gregg Meyer, explained the language is in the airport section of the ordinance, not in the main body, and applies only to airport operations. The city is not exposed to risk because Uber is expected to maintain insurance coverage to protect the city.]

AMENDMENT by President Knodell, **SECOND** by Councilor Tracy, to refer the TOA to the joint committee to work further on strengthening the agreement specifically in areas of the fee paid to the city, regulatory cost differentials that are absent, and requiring a list of drivers, and further that the work is due back to City Council by July 13, 2015.

DISCUSSION OF AMENDMENT: The following comments were made:

- Councilor Colburn spoke in favor of the amendment, noting research of negotiations with Uber by other municipalities across the country gives indication the deal can be pushed farther. The agreement in Portland, Oregon included release of consumer data (origins, destinations, volumes, geography, parts of the city being well served or neglected) and addressed access for passengers with disabilities (referral process in place). Also, some regulations for taxi and limo drivers were lifted to equalize regulations. Councilor Colburn said the more learned about the Uber company the more concern there is about some of their practices including not working with regulating bodies. Councilor Colburn supported taking the time to push harder on key issues so Uber will work in Burlington.
- Councilor Shannon spoke against the amendment due to concern the July 13th deadline is an unrealistic timeframe, and suggested the August 10, 2015 meeting as more realistic. Councilor Shannon said the Ordinance Committee needs to use the time to move toward a more permanent solution. If the agreement is not approved the city has nothing. If more time is spent on making the agreement better there is longer time with no agreement and the city is farther away from getting an ordinance that ultimately is going to resolve the issues and offer the safety and level playing field the city is seeking.
- Councilor Mason spoke against the amendment because two of the three items were discussed by the committee and not supported. There was lengthy discussion on the fee structure at the subcommittee level and there was agreement to defer the conversation because it was technical. The list of drivers was discussed and voted down 4 to 1 at the committee level. The regulatory analysis can be requested, but the July 13th date is not a realistic timeframe.
- Councilor Ayres spoke against the amendment because it is an unnecessary and unwarranted delay in the process. The committee commits to dealing with issues in the ordinance by the end of September and the committee did deal with the issues mentioned at two meetings. Councilor Ayres said the entire community is better served if the process can move along judiciously and expeditiously over the course of the next months and the





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Ordinance Committee can do its work.

Councilor Roof stated by virtue of the progress initiated by the Administration the TOA is the focus rather than the more important task of re-evaluating and re-envisioning the vehicle-for-hire ordinance. The TOA is not perfect, but the time needed to improve it is better spent on a more permanent vehicle-for-hire ordinance change.

There were no further comments on the amendment.

VOTING ON AMENDMENT DUE DATE JULY 13, 2015 (by roll call): Tracy – aye, Giannoni – aye, Wright – aye, Mason – nay, Paul – nay, Ayres – nay, Roof – nay, Hartnett – nay, Knodell – aye, Colburn – aye, Shannon – nay (5 ayes, 6 nays); motion does not carry.

AMENDMENT by President Knodell, **SECOND** by Councilor Giannoni, to amend the interim operating agreement with amendments proposed by the Joint Licensing Committee with the addition of language saying: “with a commitment from the Ordinance Committee to have the amended ordinance complete by the first meeting in September, 2015”.

DISCUSSION ON AMENDMENT: The following comments were made:

President Knodell stated an amendment on the due date by the chairperson of the committee would be acceptable. The reason for the amendment is if the agreement is adopted then a system of unfair competition is perpetuated. Taxi companies are being asked to compete with both hands tied and therefore it is incumbent to act quickly and commit to completing the work in a timely fashion. A year as stated earlier is not acceptable.

Councilor Mason confirmed September as the goal, but pointed out there are other demands on committee members with form based code. Weekly meetings are being held on form based code. Also, input from Councilor Bushor should be heard. Councilor Mason said he would like to discuss a date with the committee and provide an answer after that.

FRIENDLY AMENDMENT by President Knodell, **SECOND** by Councilor Giannoni, to change the due date to the second meeting in October, 2015.

CONTINUED DISCUSSION:

Councilor Tracy warned of work conflicts in the summer that will impact attendance at meetings.

Mayor Weinberger pointed out the current ordinance since 2011 makes the distinction between operators using meters and contract vehicles not required to use meters or have pricing regulated by the city. Uber drivers could get a contract vehicle license and for a modest fee can operate under the existing system. The TOA provides another mechanism for Uber to comply and provides additional protection beyond having an Uber driver sign up as a contract driver. The issues raised by Councilor Colburn on consumer data should be covered which will take time so a better deadline is the end of the calendar year.

Councilor Hartnett said rather than having an interim agreement no one is comfortable with as a compromise the work could be done by November 1st.

FRIENDLY AMENDMENT by President Knodell, **SECOND** by Councilor Giannoni, to change the due date to the first meeting in November, 2015.

CONTINUED DISCUSSION: There was discussion of the appropriateness of the Council chair voicing an opinion on an amendment on the floor. It was noted legal counsel advises this is inappropriate, but past practice has been to allow brief remarks. Councilor Roof commented on the November due date as a good compromise and



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urged getting more councilors involved moving forward in order to manage resources. Councilor Colburn asked for clarification on the items to be voted and confirmed she heard the debate and can vote on the matter. There were no further comments.

VOTING ON AMENDMENT DUE DATE FIRST MEETING IN NOVEMBER (by roll call): Tracy – aye, Giannoni – aye, Wright – aye, Mason – aye, Paul – aye, Ayres – aye, Roof – aye, Hartnett – aye, Knodell – aye, Colburn – aye, Shannon – aye (unanimous); motion carried.

CONTINUED DISCUSSION ON MOTION AS AMENDED: Councilor Mason requested comments be forwarded to the committee before the hearings conclude. Councilor Tracy stated the amendment explicitly speaks to the fact the agreement is unfair and gives too much to Uber. If the agreement is approved the city will not have leverage for more stringent conditions in the next piece. Councilor Tracy reiterated he will not support the agreement. Councilor Hartnett stated more can be added to the agreement. Uber must prove they can operate in the city and be viable on a fair playing field. There is confidence the committee will bring the ordinance back on November 1st. There were no further comments.

VOTING ON MOTION AS AMENDED (by roll call): Tracy – nay, Giannoni - nay, Wright – yes, Mason – yes, Paul – yes, Ayres – yes, Roof – yes, Hartnett – yes, Knodell – no, Colburn – no, Shannon – yes (7 ayes, 4 nays); motion carried.

President Knodell resumed facilitation of the meeting. Councilor Colburn left the conference call and the meeting at 8:59 PM.

5.0 COMMITTEE REPORTS

5.01 Public Safety Committee

MOTION by Councilor Giannoni, SECOND by Councilor Hartnett, to waive the reading, accept the communication, take the action indicated, and place the information on file.

DISCUSSION: Councilor Giannoni reviewed work items for the Public Safety Committee including:

- Follow up with Sharp's dropbox work
- Uber concerns not addressed otherwise
- Multi-modal safety issues not addressed by the master plan
- Organizing around sexual assault issues (local data, prevention, enforcement)
- Mental health
- Substance abuse
- Listening tour

Councilor Shannon pointed out Uber is being addressed by the Ordinance Committee and request will be made that the committee specifically address background checks. Multi-modal issues are being addressed by the Public Works Commission. Drug issues can be added to mental health issues.



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AMENDMENT by Councilor Shannon, **SECOND** by Councilor Mason, to amend the work list for the Public Safety Committee to remove Uber and multi-modal issues and add substance abuse to mental health issues.

DISCUSSION ON AMENDMENT: Councilor Giannoni stated the Public Works Director felt there are multi-modal items not being done so that item should stay on the list. The other items can be removed unless there are remaining safety questions with Uber after November. President Knodell explained the intention of the list is to be firm, but if an issue comes up the list can be changed. Councilor Hartnett said the list is acceptable as is, adding the listening tour will address the opiate addiction problem in the neighborhoods. Councilor Ayres spoke in support of the amendment because multi-modal is the purview of the Transportation, Energy, and Utilities Committee and safety concerns are being addressed by the North Avenue Corridor Task Force and other deliberative processes around transportation issues. Councilor Tracy urged more engagement in multi-modal safety challenges in light of the numerous bike accidents that have occurred. Councilor Mason spoke in support of the amendment. There were no further comments.

VOTING ON AMENDMENT (by roll call): Ayres – aye, Paul – ayes, Shannon – aye, Mason – aye, Harnett – nay, Knodell – nay, Wright – nay, Roof – nay, Tracey – nay, Giannoni – nay (4 ayes, 6 nays); motion does not carry.

AMENDMENT by Councilor Hartnett, **SECOND** by Councilor Giannoni, to amend the list by removing Uber concerns not addressed otherwise. **VOTING ON AMENDMENT:** unanimous; motion carried.

AMENDMENT by Councilor Giannoni, **SECOND** by Councilor Tracy, to add substance abuse to the list. **VOTING ON AMENDMENT:** unanimous; motion carried.

5.02 License Committee re: Rights-of-Way Encumbrances and Sandwich Boards

MOTION by Councilor Ayres, **SECOND** by Councilor Roof, to waive the reading, accept the communication, take the action indicated, and place the information on file.

DISCUSSION: Councilor Ayres stated the Licensing Committee requested an addition to the report that henceforth any formal complaints to Department of Public Works with respect to alleged violations of right-of-way encumbrances be reported to the committee so the complaints can be reviewed. Councilor Shannon commented the report explains where the city is presently, but not where the city should be going to protect pedestrian walkways and use the ADA standard of 5' wide sidewalk. What is happening on the street needs to be discussed with the Accessibility Committee. Main Street has many sandwich boards and tables making it difficult to navigate especially for the vision impaired or those in a wheelchair. The committee should discuss more adequate protections in the public right-of-way and gather input from the Accessibility Committee. Senior Assistant Attorney Bergman explained the right to place obstructions in the street for over 30 days is granted by City Council. There are agreements in place and compliance is required. City Council can set conditions on how the rights-of-way are used. ADA laws for rights-of-way are not extensive. Regarding the inventory, Councilor Ayres noted the overwhelming majority of right-of-way encumbrances in the downtown core have been renewed year after year so the benefit of the inventory is unclear. Councilor Shannon said the reason renewals come before City Council is that City Council has the right not to renew. There is no reason to expect renewal. If the city moves to a more permanent renewal that is then a permitting process, not a licensing process. Senior Assistant Attorney Bergman said for legal reasons people need to be given adequate notice because most encumbrances are automatically renewed and there is an expectation of renewal. The licenses are contracts. There were no further comments.

VOTING: unanimous; motion carried.



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6.0 CITY COUNCIL – General Affairs

- v Councilor Wright announced the Charter Change Committee will meet July 9, 2015 and will have proposed agenda items for consideration by City Council. Forward any ideas for charter changes to the committee
- v Councilor Tracy reported the Walk/Bike Master Plan process includes a series of meetings and events on July 8th to have people interact with existing infrastructure and report. A workshop will be held July 9th to work on the plan.
- v Councilor Hartnett requested any concerns, input, comments on city parks be forwarded to the Parks Committee.
- v Councilor Mason stated the Ordinance Committee will meet July 1st to consider a series of small changes to the water meter ordinance and zoning amendments.
- v Councilor Paul stated the HR and Institution Committee is meeting July 9th to discuss fee-for-service and zoning agreements with UVM. The committee will work with the Mayor and the Administration on the MOU with UVM.
- v Councilor Shannon announced the Accessibility Committee and Vermont Center for Independent Living are hosting the ADA 25th Anniversary celebration at north beach on July 10th at noon. All are welcome to attend.

7.0 CITY COUNCIL PRESIDENT – Council Updates

Council President Knodell reported:

- Councilors who want to work with the Administration to plan an improved presence of City Council on the website should contact President Knodell. Appointments will be made.
- Councilor Roof volunteered to serve on the Taxi Licensing Board.
- Committee reports by chairpersons should be done in July and August so the work plan is known by fall. There will be follow up on resolutions from the City Attorney's Office.
- Zab-Cab requested permission to do a presentation to City Council in July or August on their app to call a cab.

8.0 MAYOR – General Affairs

Mayor Weinberger reported:

- Hosting the spontaneous celebration with the Pride Center on gay marriage was a great pleasure. Burlington and the State of Vermont have had a leadership role on the long road to the Supreme Court decision on gay marriage.
- The South End Plan BTV draft is available on the website. Public comment is welcomed.
- Beth Anderson has begun work as the Chief Innovation Officer and will address a host of technology and IT issues, data analysis and continuous improvements efforts.
- Progress is being made toward implementation of the Diversity and Equity Strategic Plan. The second quarterly update (first anniversary of the plan is November 2015) includes:



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- o 17 of 19 goals outlined in the June 2014 memo are underway or been successfully implemented.
- o Mandatory executive level diversity training for department heads has been instituted.
- o There is sustained commitment to diversity and equity goals in the budget with enhanced funding for implementation of the plan and with additional training within the HR Department focused on diversity training and civic engagement best practices so outreach and services are inclusive and reach under-represented, under-served populations.
- o Community Engagement Specialist would like to give a briefing to City Council on best practices in the city on civic engagement.
- o Board and commission vacancies are being shared with diverse communities.
- o EEO data reports are being done with exit interviews to gain insight into demographics to highlight areas of under representation.
- o Still to be done as an IT project is to create a global online complaint/compliment portal for all departments, and being aware of diverse perspectives in 21st century policing.
 - Burlington will celebrate July 4th Independence Day on July 3rd.
 - Police Chief Schirling (and wife, Kathy) retiring after 25 years of service with the City of Burlington is recognized for his service. The Award for Distinguished Service to the City of Burlington was presented.

Chief Schirling remarked it has been an honor and privilege to serve the city. Accolades go to those serving the city 24 hours a day. Burlington is an active and engaged community that takes its health seriously.

Councilor Wright stated Chief Schirling's legacy is a police force that is top notch in large part to his leadership. Councilor Shannon thanked Chief Schirling for his service, noting Burlington is lucky to have had him as Police Chief. President Knodell commented having a great police department is number one in terms of having high quality of life in the City of Burlington. Special thanks are extended to Kathy Schirling.

9.0 ADJOURNMENT

MOTION by Councilor Wright, SECOND by Councilor Roof, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 9:47 PM

RScty: MERiordan

