



Regular City Council Meeting - Monday, June 1, 2015 - 7:00 pm, Contois Auditorium, City Hall 6/1/2015

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 1, 2015

APPROVED – July 13, 2015

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

Selene Colburn – East District

David Hartnett – North District

Joan Shannon – South District

Sharon Foley Bushor – Ward 1

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 NOT PRESENT: Max Tracy – Ward 2

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Gregg Meyer, Assistant City Attorney

Kim Sturtevant, Assistant City Attorney

Bob Rusten, CAO





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John Vickery, City Assessor

Amy Bovee, Executive Secretary Clerk/Treasurer Office

Lori Olberg, Licensing, Voting & Records Coordinator

Mike Kanarick, Assistant to the Mayor for Operations & Communications

Jen Kaulius, Administrative Assistant

OTHERS PRESENT:

Ron Ruloff, Ward 3 resident

John Grimaldi, Uber driver

Lisa Ruffal, Uber driver

Mohammed Abdulahee, Uber driver

Jessica Kennedy, Uber driver

David Heide, Uber driver

James Kimball, Uber driver

Laura Chen, Uber New England representative

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the meeting to order at 7 PM on June 1, 2015 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Wright, to approve the agenda with the amendment to include a memo from Mayor Weinberger and a presentation from Uber. VOTING: unanimous; motion carried.

2.0 COMMITTEE REPORTS

2.01 Licensing Committee

Councilor Ayres reported:

- Next meeting of the Licensing Committee is June 9, 2015 at 4:46 PM.
- Ron Gore, Department of Public Works Advisory Committee will attend to discuss concerns raised by Councilors Shannon and Hartnett about obstructions in the downtown right-of-way.
- The meeting will also cover a comprehensive inventory of tables and chairs in the public right-of-way, review of





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policy if/when obstruction is allowed, and the need for assurance that existing and future encumbrances do not impose a risk to people with physical impairments.

- A report from the committee will be presented at the next City Council meeting.

2.02 Commissions & Boards Nominating Committee

Councilor Wright reported:

- Interviews of applicants for positions on numerous committees and board were held.
- The process will be finished June 4, 2015 after which the committee will deliberate and prepare a slate for City Council.

2.03 Community Development and Neighborhood Revitalization Committee

Councilor Colburn reported:

- The committee will be meeting in June to review feedback on the housing action plan and notes from the housing summit.

3.0 CITY COUNCIL – General Affairs

Councilor Wright reported the huge pole on North Avenue in the new North End installed by VTel will be replaced with a smaller pole. The correct process was not followed by VTel to install the pole. VTel will come before City Council to install the smaller pole.

4.0 CITY COUNCIL PRESIDENT – Council Updates

Council President Knodell reported:

- Committees need not meet for the sake of meeting and should check with the full Council on items of work as well as to get confirmation on the work that is being done.
- Committee chairs will meet to discuss their work plan and report to City Council at the June 29, 2015 meeting.
- Regarding the request to receive committee and board minutes in the meeting packets, the minutes are posted on the website and can be accessed there.
- Item 6.44 (For Information Only) is included in the Consent Agenda. Most of the items relate to land use processes. Contact City Clerk's Office for assistance accessing the complete information.
- Minutes from meetings through the end of April have been received. Amy Bovee is commended for the good work.
- Memo from Lori Olberg regarding proposed meeting dates September 2015 through August 2016 has been received for comment so the schedule can be finalized by the June 15, 2015 meeting.



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Department heads are reminded to submit their annual reports to City Council by July 1, 2015 for review.

5.0 PUBLIC FORUM

Public forum commenced at 7:14 PM.

PUBLIC COMMENTS

Ø Ron Ruloff, Ward 3 resident, spoke about Burlington College land and housing solutions, opining that there is a conflict of interest with Council President Knodell serving as a trustee of Burlington College and her role on the Neighborhood Development Committee. Mr. Ruloff contended the city planned to use Burlington College and the Farrell land sale as a straw purchase rather than getting into a direct political fight over acquiring the land for development by the city presumably using TIF funds. Mr. Ruloff commented the city is well over-extended in TIF financing. Mr. Ruloff requested President Knodell resign the city committee chairmanship and resign as City Council President and recuse herself from further decisions on TIF financing or acquisition of the 27.5 acre property which is the new people's park, adding the city and media will become well aware of this.

Ø John Grimaldi, Uber driver, explained he fills in his job as a truck driver by driving for Uber and has found the experience very positive. The job pays well and the people he meets are friendly. Uber response time is faster than the taxis and the drivers take a lot of intoxicated people home in a professional manner.

Ø Lisa Ruffal, Burlington resident and Uber driver since February 2015, said she partnered with Uber because she was having difficulty finding a job and the Uber job pays well with hours that work around being a single parent. Ms. Ruffal said the people she transports are visitors to the city and they get excited to see Uber service because many have used it elsewhere and they like having the same option in Burlington. Ms. Ruffal said with Uber riders use their phone app and do not have to carry cash.

Ø Mohammed Abdulahee said he has been an Uber driver since May 2015.

Ø Jessica Kennedy, Uber driver, said the Uber job is easy and convenient for her as a small business owner in Winooski and a single parent who needs hours that are flexible to her schedule and to bring in extra income.

Ø David Heide, Uber driver, said he began driving for Uber when he purchased his Prius car and found the demand for rides was overwhelming. Mr. Heide said his Uber rides are more than a transaction, but a personal agreement with his passengers. The people who use Uber have been wonderful and he has made many friends.





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Ø James Kimball, Uber driver since February 2015, said his driving experience includes trucks, school bus, and school vans for handicapped children, and now Uber rides. Mr. Kimball said he did not want to be a taxi driver because drivers must carry money and there is potential for robbery. Also, some of the driving by taxi drivers is dangerous. Mr. Kimball said with Uber your personal vehicle is used so drivers are more careful to avoid accidents. Also, Uber cares how their drivers drive and expect their drivers to stay out of trouble Mr. Kimball said Uber is one of the safer companies. Customers say they prefer to wait for Uber than a taxicab and feel safer in Uber vehicles.

Council President Knodell called for a five minutes recess. Public Forum resumed at 7:30 PM. There were no further comments and Public Forum was closed at 7:35 PM.

6.0 CONSENT AGENDA

- 6.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 6.02 COMMUNICATION: Minutes – Local Control Commission 8/11/14
- 6.03 COMMUNICATION: Minutes – Special City Council Work Session 11/10/14
- 6.04 COMMUNICATION: Minutes – Special City Council Work Session 12/1/14
- 6.05 COMMUNICATION: Minutes – Regular City Council Meeting 12/1/14
- 6.06 COMMUNICATION: Minutes – Board of Abatement of Taxes Meeting 12/1/14
- 6.07 COMMUNICATION: Minutes – Board of Civil Authority Meeting 12/1/14
- 6.08 COMMUNICATION: Minutes – Special City Council Work Session 12/15/14
- 6.09 COMMUNICATION: Minutes – Local Control Commission Meeting 12/15/14
- 6.10 COMMUNICATION: Minutes – Regular City Council Meeting 12/15/14
- 6.11 COMMUNICATION: Minutes – Board of Civil Authority Meeting 12/15/14
- 6.12 COMMUNICATION: Minutes – Special City Council Work Session 1/5/15
- 6.13 COMMUNICATION: Minutes – Regular City Council Meeting 1/5/15
- 6.14 COMMUNICATION: Minutes – Board of Civil Authority Meeting 1/5/15
- 6.15 COMMUNICATION: Minutes – Regular City Council Meeting 1/12/15
- 6.16 COMMUNICATION: Minutes – Regular City Council Meeting 1/16/15
- 6.17 COMMUNICATION: Minutes – Special City Council Work Session 1/26/15
- 6.18 COMMUNICATION: Minutes – Local Control Commission Meeting 1/26/15
- 6.19 COMMUNICATION: Minutes – Regular City Council Meeting 1/26/15





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6.20 COMMUNICATION: Minutes – Board of Civil Authority Meeting 1/26/15

6.21 COMMUNICATION: Minutes – Regular City Council Meeting 2/9/15

6.22 COMMUNICATION: Minutes – City Council Meeting with Mayor Presiding 2/9/15

6.23 COMMUNICATION: Minutes – Regular City Council Meeting 2/17/15

6.24 COMMUNICATION: Minutes – Board of Civil Authority Meeting 2/17/15

6.25 COMMUNICATION: Minutes – Public Information Hearing on Public Questions for March 3, 2015 Annual City Meeting 2/23/15

6.26 COMMUNICATION: Minutes – Regular City Council Meeting 3/9/15

6.27 COMMUNICATION: Minutes - Board of Civil Authority Meeting 3/9/15

6.28 COMMUNICATION: Minutes – Special City Council Work Session 3/23/15

6.29 COMMUNICATION: Minutes – Local Control Commission Meeting 3/23/15

6.30 COMMUNICATION: Minutes – Regular City Council Meeting 3/23/15

6.31 COMMUNICATION: Minutes – Board of Abatement of Taxes Meeting 3/23/15

6.32 COMMUNICATION: Minutes – Organization Day Meeting 4/6/15

6.33 COMMUNICATION: Minutes - Special City Council Work Session 4/13/15

6.34 COMMUNICATION: Minutes – Regular City Council Meeting 4/13/15

6.35 COMMUNICATION: Minutes – Local Control Commission Meeting 4/27/15

6.36 COMMUNICATION: Minutes – Regular City Council Meeting 4/27/15

6.37 COMMUNICATION: Minutes - City Council Meeting with Mayor Presiding 4/27/15

6.38 COMMUNICATION: C/T Office re: Accountability List

6.39 COMMUNICATION: Amy Bovee, Executive Secretary re: Applications for Renewals of License Agreements for Encumbrances Outside the Church Street Marketplace for 2015-2016 Season

6.40 COMMUNICATION: Jane Knodell, Council President re: Follow-up on May 11th Work Session on Committee Reorganization

6.41 COMMUNICATION: Special Event Indoor Entertainment Permit Application: El Gato Cantina for DJ music, dancing on June 6, 2015, 10 PM to 1 AM

6.42 RESOLUTION: Board of Finance - Authorization to Execute Contract with CHA Consulting, Inc. for Update of Airport Noise Land Reuse Plan under the Airport Improvement Program Grant at Burlington International Airport

6.43 RESOLUTION: Board of Finance – Authorization to Execute Property Lease Amendment with National Oceanic and Atmospheric Administration at Burlington International Airport





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6.44 INFORMATION: For Information Only – Communication related to Land Use Regulations and Other Matters

MOTION by Councilor Bushor, SECOND by Councilor Ayres, to accept the consent agenda as presented (Items 6.01-6.44), waive the reading, accept the communications, take the action(s) indicated and place the item(s) on file. VOTING: unanimous; motion carried.

7.0 DELIBERATIVE AGENDA

7.01 Mayoral Appointment FY2016

Mayor Weinberger requested reappointment of the slate of department heads and the team that is following through on getting the work done for the city with the addition of Beth Anderson and Neil Lunderville.

MOTION by Councilor Shannon, SECOND by Councilor Paul, to approve the Mayor's reappointment slate, dated 5/28/15, as presented. VOTING: unanimous; motion carried.

7.02 Resolution: Referral of Interim Operating Agreement with Rasier, LLC (Uber) to Joint Ordinance and Licensing Committee

MOTION by Councilor Ayers, SECOND by Councilor Colburn, to waive the reading and adopt the resolution titled "Referral of Interim Operating Agreement with Rasier, LLC (Uber).

DISCUSSION: The following comments were made:

- **Councilor Ayres pointed out:**
 - The resolution gives opportunity to resolve issues that have been simmering in the transportation community since last fall.
 - City Administration made it clear that Uber drivers and vehicles fall under the purview of the existing city taxi ordinance, but Uber is also a new breed of player in the transportation mix. Uber is not a taxi service in the traditional sense, but is essentially a voluntary rideshare service driven by a mobile app.
 - The committee needs to review the Vehicle-for-Hire ordinance and consider revisions to address the new ridesharing technology and options afforded by companies like Uber.
 - The interim operating agreement will allow Uber to meet the intent and standards of the current taxi ordinance through largely comparable adherence to existing policies. The IOA forwarded to the joint ordinance and licensing committee requests that City Council approve the resolution as a reasonable means of accommodating all points of view with the matter.
- **Mayor Weinberger stated he is pleased to have the interim operating agreement before City Council for action and hopes the matter will be referred to the joint ordinance and licensing committee for consideration. Mayor Weinberger also noted:**





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- There are numerous emerging technologies to allow people to adopt “car free” or “car light” lifestyles reducing transportation costs and pollution. The services help travelers and become more than the sum of their parts.
- A report from VPIRG ranking cities and adoption of innovative transportation technologies shows Burlington as ranked 56 out of 70 cities or as a “city not yet reached by the transportation technology revolution”. One of the technologies is “ride sourcing” which is a service like Uber or Lyft or Sidecar where users solicit a ride using their smartphone. Ride sourcing provides extra convenience, a significant improvement over past methods to solicit taxi service, and increases the supply of available drivers.
- There are over 20 other cities that have agreements similar to Burlington’s proposed agreement with Uber. Twenty states have enacted transportation network legislation addressing the changing transportation landscape. VPIRG calls out to explore ride sourcing.
- Adoption of the resolution is an interim step for a year or less then moving forward toward a permanent revision to the city’s taxi ordinance to ensure ride sourcing can continue to operate legally in the city and that all concerns are addressed and a level playing field is created for all companies engaging in Burlington’s vehicle for hire landscape.
- City administration is aware of existing persistent concerns with Uber and safety and the disruption the new technology creates on the marketplace, and expects the concerns will have further exploration and discussion moving forward. The interim operating agreement represents opportunity to improve the transportation system and City Council is urged to approve studying the matter further by sending the agreement to committee.
- Laura Chen, Uber New England representative, explained the technology company known as Uber created an app to connect riders with drivers using their own vehicles. The idea of Uber occurred in 2008, the company was launched in 2010, and Uber came to Burlington in 2014. Ms. Chen noted:
 - The GPS app locates the rider and indicates the nearest driver and time of pick up. The driver can be tracked with the app. Driver first name, photo, vehicle make, color, and license number are provided on the app. The rider enters their destination into the app and the driver delivers to the destination. No cash is exchanged. Tipping is not allowed.
 - Since the launch of Uber in Burlington in October 2014 there has been a very positive reaction from riders and drivers. Riders like the customer experience through Uber. Drivers are courteous and drive newer vehicles that are more fuel efficient and better kept. Riders like the reliability Uber affords them. Uber is an affordable option allowing people to move from point A to point B without driving their own car.
 - Partners who drive with Uber are independent contractors and can choose their own hours. Drivers include medical students, single parents, people who drive full time in another job and partner with Uber, and others. There is a wide variety of choices by partners to get on the platform. Uber drivers earn 80% of the fare so a fare of \$100 from Burlington to Stowe, for example, would earn the driver \$80. Likewise a \$5 fare from Church Street to Main Street provides the Uber partner with 80% of that amount. Drivers know exactly what they will earn at the end of a fare and that is appreciated.
 - Safety is most important to Uber. Partners must pass a series of background checks by Uber before getting on the Uber platform, and once on the platform and the app is activated the driver is covered by Uber’s insurance at varying levels. There is a feedback loop so riders can rate the driver and the driver can rate the rider.
 - Uber adds economic opportunity for hundreds of partners in the Burlington area. There have been instances where drivers in Burlington have earned \$1,400 in fares on the Uber platform and many who worked fewer hours



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still earned \$50 to \$500.

- There is a social impact to Uber's presence. The number of requests for rides in Burlington through the week spikes late at night on Fridays and Saturdays. Double digit decreases in DUIs have been measured in many cities with an Uber platform providing another choice for rides.
- Information collected by Uber on riders is held internally and used only for operational purposes. Uber does not sell information to advertisers and only releases information to outside organizations such as law enforcement.

Councilor Bushor confirmed Uber stores information and knows someone is taking advantage of their service. Councilor Bushor thanked the Mayor's Office and Uber for the interim agreement. The community needed to understand more about Uber and see the faces of drivers and better understand the issue of safety. It was interesting to learn that riders new to the community and visitors were aware of Uber in other places which was a comfort to them. There are taxi companies that have served the community well so it is important to have a level playing field and an agreement that addresses the safety concern while still allowing the community to be served through existing taxi services and welcome Uber as another member of the taxi service that is available. City Council wants everyone in the community to be able to make a livable wage and meet their financial needs, but does not want to abandon current taxi drivers in order to make room for new.

Councilor Wright stated clearly there is a place for Uber in Burlington, but there is a segment of the population for which Uber will not work and those who use the existing taxi services. Councilor Wright stressed he does not want to tip the competitive balance. It is important for Uber to be able to operate in Burlington and serve the rather large niche they have, but taxi companies must also be able to continue to operate competitively and serve those who do not use Uber. Councilor Wright questioned why the background check is done by Uber and not the city as is done with taxicabs. Ms. Chen explained Uber's background check is on multiple levels (federal, multi-state, and national criminal databases, county courthouses, motor vehicle check, terrorist watch list, sex offender list, and a multitude of other checks). Drivers provide their social security number, date of birth, and driver's license. A social security trace is done to show where the driver has lived, worked, applied for credit cards. The rigorous multi-step process is taken very seriously by Uber. There are concessions in the operating agreement with the way Vermont does background checks, but Uber will insist on meeting the more rigorous checks in addition to the state's process. Councilor Wright suggested the committee look at cities where Uber did not work.

Councilor Hartnett requested the Burlington data on the evaluations after each ride be provided to the joint ordinance and licensing committee. Ms. Chen said she will investigate what information can be released because generally Uber does not provide proprietary information and there is a privacy issue since the information contains the name of the driver and destination information. Uber has given tens of thousands of rides since the launch in Burlington in October.

Councilor Colburn said she will vote in favor of sending the operating agreement to the committee for further review and encourage the committee to look at the track record of how Uber responded to incidents in other cities. Councilor Colburn urged looking at the serious criticisms and body of evidence as well as the company's response to some of the safety types of incidents in other urban areas.

Councilor Giannoni mentioned the concern about lack of enforcement of the taxi ordinance and now having an agreement for Uber service. Councilor Giannoni asked how points #2-#9 in the summary agreement document (memo from Gregg Meyer, dated May 27, 2015) will be enforced. City Attorney Blackwood explained according to Burlington Police Uber drivers will be enforced the same as taxi drivers. Uber drivers will be put on notice that they have to be licensed with the city with a vehicle-for-hire license in order to be legally driving and must follow requirements of the vehicle-for-hire ordinance while they are operating. Basic differences between taxi companies and the agreement with Uber is the city does all the licensing for vehicles for hire. Uber has a setup via an app to do





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vehicle inspection and background checks to meet their requirements and their feedback system provides information on driver conduct, all of which has been effective in enabling Uber to police driver conduct. Also, feedback is available on the Uber website for all to see and drivers can be taken off the platform. Uber is a private company saying it will enforce all the same rules as the city. The agreement allows Burlington to do spot checks and to work with Uber to get results and make recommendations if complaints are received through the traditional system. The same sorts of hearings will be held for Uber as with taxi drivers and taxicab companies. Presently individual taxis must get licensed in Burlington and the owner of a taxi company must get a business license as well. With the Uber agreement rather than requiring a license for each individual driver Uber will pay a flat fee in this interim agreement period based on the number of drivers and if/when Uber has full time drivers (presently most of the Uber drivers are part time). If there is a proliferation of drivers the city can re-examine the amount of the flat fee. Uber will also pay \$2 per trip to the airport (taxi drivers pay \$1 per trip). Uber will provide \$1 million in commercial insurance from the time the app is activated.

· Council President Knodell asked that the committee chair post the meetings on Board Docs and share information that is received and further explored.

There were no further comments.

VOTING: unanimous; motion carried.

8.0 MAYOR – General Affairs

Mayor Weinberger reported:

· Four budget hearings have been held since the last City Council meeting. At the last Board of Finance meeting the budget drafted by Bob Rusten was discussed. The plan is to incorporate feedback from City Council and other changes then present the final budget document. It is hoped to have a formal recommendation from the Board of Finance on the budget and budget resolutions by 6/8/15 and the full budget before City Council by June 15, 2015.

· Congratulations are extended to Run Vermont and Peoples United Bank on a successful 2015 Vermont City Marathon. The Mayor's team completed the course and issues a challenge to competing teams from City Council and members of the media in future Burlington marathons.

· Congratulations are extended to Fletcher Free Library, Parks & Rec Department, Burlington schools food project, and Hunger Free Vermont for a successful fundraiser and raising awareness event that focused on how to meet the need in the community of meals for children in the summer. Burlington schools food project does an outstanding job of delivering much needed meals to children in need throughout the school year. Library, Parks & Rec, and others have been filling the need in the summer. There is still unmet need.

· Verizon Certificate of Public Good was granted for cell service at 260 North Winooski Avenue. The Planning Commission sent a letter in support of the proposal after input and comment.

9.0 EXECUTIVE SESSION

MOTION by Councilor Shannon, SECOND by Councilor Ayres, to make a finding that public discussion of collective bargaining with the collective bargaining team would reveal information concerning the strategy of collective bargaining and put the city at a disadvantage. VOTING: unanimous; motion carried.





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MOTION by Councilor Wright, SECOND by Councilor Ayres, to go into Executive Session and invite the collective bargaining team of Bob Rusten, Eileen Blackwood, staff from the Mayor's Office, and staff from the City Attorney's office to attend. VOTING: unanimous; motion carried.

Executive Session was convened at 8:17 PM.

MOTION by Councilor Wright, SECOND by Councilor Colburn, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:42 PM.

10.0 ADJOURNMENT

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

The meeting was adjourned at 8:43 PM

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