Adjourned City Council Meeting
5/19/2014

Adjourned City Council Meeting (Monday, May 19, 2014)

Generated by Amy Bovee on Monday, August 18, 2014

Members present
Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Absent

Norman Blais

Meeting called to order at 7:10 PM

1. Agenda

Action: 1.01 Approve/Amend the Agenda

Amend Agenda note revised version of Resolution 6.02.; add Agenda Item 6.04 Resolution Authorization to Transfer Advantage Car Rental Brand to Dollar Car Rental at the Burlington International Airport to the deliberative agenda and remove Agenda Item 10.01 - Executive Session Communication re: Update on Gateway Status.

Motion by William Mason, second by Sharon Bushor.

Final Resolution: Motion Passes

Aye: Tom Ayres, Norm Blais, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

2. Communication (oral)

2.01 Chapin Spencer and Bethany Whitaker, CCTA Representatives re: CCTA Update

Chapin Spencer, CCTA Representative, stated they will be providing updates on the follow up action items after the strike that occurred. They understand that coming to a resolution on the contract is not the end of this process and they are taking substantive steps forward to make improvements and change the Board's role. First, the Board is kicking off an after action report. It is an intensive review of the process that led up to the strike. This will help them how to figure out how to approach this differently when they enter collective bargaining again. They will be engaging the public, staff, and the Board in that discussion. They have a consultant who will independently facilitate this process. They are exploring filming CCTA Board meetings to make them as visible as possible. They received an estimate that this would cost $10,000 per year. They have already completed their FY15 budget, but will see how they may be able to phase that in. Additionally, they are considering changing meeting times and locations to enhance accessibility. They hope to have evening meetings in addition to morning meetings.

Bethany Whittaker, CCTA Representative, stated they discussed setting up an Operations Committee as a result of the strike. This Committee would allow Commissioners to liaise directly with staff members including drivers and mechanics. They have made progress in establishing that Committee. There is a statement on their website outlining what that committee will do. They have received several comments about that and the hope to finalize it and start that committee as soon as possible. Her term as a CCTA Commissioner is ending and she will be stepping down. They have advertised for that position and have had some interest.

Bill Watterson, CCTA General Manager, stated in the contract there are several things relevant to making better progress going forward. There are two labor management committees in the contract. One is a historic committee that they have had which regularly looks at driver work schedules. When they change service to the public, which happens about four times per year, they look at the drivers schedules. They will continue to have the Labor Management Committee get together to talk about how to make driver schedules as attractive to workers as they can. They also added a Labor Management Committee which will look at the issues that their drivers have. They will be discussing that initial meeting. The Drivers Union and CCTA have agreed to participate in Relationships by Objectives training. This will take place in the coming year, likely in September. Additionally, he is always available to talk to the City Council and others. He is prepared to do this in other communities that they serve as well. He hopes that he will be talking to them again soon about the Downtown Transit Center.

Councilor Bushor thanked Ms. Whittaker for her service. This was an informative presentation. It would be nice to include both management and their representatives when they give their annual report.

Councilor Brennan stated the strike was tough on a lot of people. He hopes that they can move forward so that this is not a regular occurrence. The most vulnerable were hurt the most. It seems that they are now working together. He regularly takes the bus and has had nothing but exceptional service. They have good staff all around and it is unfortunate that it went so far.

Councilor Colburn stated she has continued to hear some concerns from drivers about workplace issues. One of the concerns is about the makeup about the Operations Committee. She knows that it is still in draft form. It is currently comprised of Commissioners, but they have heard feedback about having some drivers and riders. She inquired where they are at with that feedback. Ms. Whittaker stated the Operations Committee would be a committee of the Board. The Committee would be made up of Board members. They would invite staff, including drivers and mechanics, to participate. Councilor Colburn inquired if their participation would be through a public forum process. Ms. Whittaker stated the committees are public. Councilor Colburn inquired if the Board's bylaws specify that a Committee of the Board can only be comprised of Board Members. Many Boards allow Committee structures to pull in different people. Ms. Whittaker stated it has been their practice but she is unsure if it is in the bylaws. Mr. Watterson stated the statement that is being written up about the Committee is where that could be specified. It is not disallowed, but it is not the direction that the Board of Commissioners is planning to take. Mr. Spencer stated there have been comments circulating stating that he promised they would focus on engagement between staff and drivers. This Operations Committee was not an idea when he made that statement. His comments were about the Scheduling Committee and the Labor Management Committee that will be a driver management enterprise. This is a new Committee on top of that to have more Board oversight over ongoing responsibilities. As the Board has more legal and fiduciary responsibilities, it is important that the concerns they have heard are adequately addressed. It is a committee of the Board that CCTA Staff and Community Members will provide advisory input on the Committee. If the Council would like more than that, he is open to hearing that feedback. He wants to ensure that this includes CCTA Union and Non-Union staff.

Councilor Ayres inquired what procedures are presently in place for annual performance reviews of management level personnel at CCTA and how might that process be changed as a result of the recent occurrences. Mr. Spencer stated he serves as a Leadership Committee member. They are in charge of leading the annual review of the General Manager. That review is currently underway. They engage senior management in that review. As Board Members, they do not go beyond a review of the General Manager. Councilor Ayres inquired if the review of management level employees beyond the General Manager is the prevue of the General Manager. Mr. Spencer stated that is correct.

Councilor Brennan inquired if there is a policy in place that the General Manager conducts annual reviews for lower level managers. Mr. Watterson stated her performs annual reviews for Department Heads that report to him. The people that report to them are in turn receiving annual reviews.

3. Presentation

3.01 Presentation: Nathan Wildfire, Assistant Director of Economic Development, CEDO, re: Update on Waterfront Projects (oral)(10 mins.)

Peter Owens, CEDO, stated they will be updating the Council on the status of their Waterfront Projects. The voters passed a $9.6 million slate of project for the Waterfront with a 70% approval rate. The largest share of that was for the New Moran project. Other projects include the Waterfront Park Project, Waterfront Access North, the Marina, the Community Sailing Center, and the ECHO Sustainability Park and project management costs.

Nate Wildfire, CEDO, stated that they held a year-long public process to choose these projects. They have learned a lot, and it was the first time that anyone in the State of Vermont allocated TIF Dollars in a public fashion. They have been working with a lot of projects that want to be on the Water. They have the Sailing Center, a new Marina, and ECHO. Their Harbor Management Plan has not been updated in over ten years. Their weather patterns and usage in the harbor are different. The way that wind and waves operate in the harbor are different. They need to update that plan. They have a scope of work in draft form that they hope to bring back for approval in the next couple of months. They hope to complete that work throughout the course of the summer. It will give them a lot of guidance about where a new Marina could be and for what cost. Moving the marina has significant impact on the amount of protection that they have to build for the Marina. Where that is located affects everything else. The next piece is Waterfront Access North. Their application to the Municipal Bond Bank went in this past Friday. They are going to bid very soon with construction beginning later in the summer. This is the spine that links all of the projects together. The New Moran Funding Feasibility Study is underway. This was one of the first big milestones that the New Moran Team has to accomplish. They have hired a consultant and have raised dollars for design, engineering, and legal work. Those conclusions will come at the end of the summer. This is important because it will determine if a capital campaign to build the project is possible. They are working on negotiating a long-term MOU and renewing the lease for the Community Sailing Center. This is the first project that will be constructed. Their site prep is a bid alternate in Waterfront Access North. Their fundraising is happening and they are excited to participate in the Harbor Management Plan Update. They are working to establish milestones for New Moran. They plan to develop a letter of agreement and an MOU to lead them to a lease agreement. It will take time to get to that point. They filed to become a non-profit and create an LLC. Those applications were successful, so they can start to draw fundraising. Fundraising is underway and they have already raised $219,000. They are building their team. There will be an event behind the building with projections onto the building to bring some energy to that area. Waterfront Park is included in the bonding application that went in. There will soon be dollars available for design and engineering. This will mainly improve the utilities, mitigate the impact on neighbors, and alter the Bike Path so that it has continued access during events. The Act 250 permit continues to move forward. The hearings are over and they are waiting to hear back. The Marina has designers working on design, but the Harbor Management Plan Update will not be prepared until the end of the summer. They are cooperating with putting that plan together, but it will have a lot to say about where and what they can build. They have been advised by the State Lakes and Ponds Office to evaluate the carrying capacity of the Harbor. They recently met with Sustainability Park to explore an MOU process. They are excited about the Harbor Management Plan because it will speak to the ecology of the harbor. They have given them their parameters and site needs.

Councilor Brennan inquired if they have contracted with someone for the wind and wave study. Mr. Wildfire stated they are still developing the scope of work and will have to go out to bid. The contract will come back before the Council.

Councilor Bushor inquired if they hope to create leases by this time next year. Mr. Wildfire stated it is premature to say when that will happen. Across the course of the summer, they will work on MOUs. If they are doing pre-development activities, they need to have an agreement for liability reasons. Councilor Bushor stated she wants them to do a good job with this, but time is not their friend.

Councilor Tracy inquired what will happen with the Skate Park and Bike Path Construction this summer as part of Waterfront Access North. He inquired if they have set milestones for fundraising. Mr. Wildfire stated they have hired a financial feasibility analyst to evaluate the ability of the project to be successful in a capital campaign. They will be setting very specific milestones about when they raise capital and when the City has confidence that those dollars have been committed. They have roughly projected that they will know by spring time of next year. They will return to the Council with any agreements. The first milestone is to determine if they can raise the money. Kirsten Merriman-Shapiro, CEDO, stated the project has not gone out to bid yet but will soon. Once it is out to bid, they will bring the bid back for approval and award the contract. They will put together a construction schedule. They anticipate that trenching and big equipment will begin this season. They will make sure to minimize disruption around the Bike Path.

Councilor Knodell inquired how the revised Harbor Management Plan will be adopted. Mr. Wildfire stated the Harbor Management Plan update will be managed by involving key stakeholders. The consultant would create a final report which would go to the Parks, Arts, and Culture Committee. That would then come as a recommendation to the Council. Councilor Knodell inquired if it would involve the Planning Commission. Mr. Wildfire stated he does not believe so. Councilor Knodell stated it sounds like a lengthy process and it would be great if it were wrapped up by the end of the summer. Mr. Wildfire stated the elements that need to be updated are the wind and wave study and the capacity study.

City Council President Shannon requested more information on the plan update. She inquired what the process of determining the carrying capacity is. Mr. Wildfire stated he does not know. The consultant will look at the ecological impacts of adding boats. It is impacted by how much wash they get through the harbor and the volume and flow of the water. Their breakwater is fixed, while others have floating wave attenuators allowing water to move in many directions. Since it is enclosed, adding more things affects travel lanes, safety, and the ecology of the harbor. City Council President Shannon inquired if it is an environmental study. Mr. Wildfire stated it is environmental and relates to the travel lanes with the ferry. There is likely an upper limit of how many boats they can have docked.

Councilor Wright stated he has heard from people in Ward 4 that the ballot question would bring closure to the issue. He believes that brought more votes for this. The first benchmark is coming up this fall. He inquired if this relates to them determining on their own if it makes sense to go forward. Mr. Wildfire stated it is an independent campaign and feasibility analysis. The City will vet that internally and the conclusions will say whether or not there is enough money to meet their development vision. Mr. Wright inquired if there are any benchmarks that will leave them in an unclear position about whether or not they will move forward. Mr. Wildfire stated they have not fully set the milestones. Their goal is to have clarity on every single benchmark.

Councilor Mason inquired how they learned about the need for the update of the Harbor Management Plan. Mr. Wildfire stated any time they contemplate changes to the harbor, they tell State agencies what they are going to do. They asked if they had updated the plan lately. They were informed that not making those updates would impact their ability to get permits. They have gotten feedback that they will not be permitted to build any more fixed breakwaters in the harbor without moving the ferry operations. They would not have known that without having those conversations. They act as guides through this. The Parks and Recreation Staff has a history of dealing with the harbor, so they know that it will be important to make sure they have the right data as they make changes.

4. Public Forum

Adjourned City Council Meeting
5/19/2014

City Council President Shannon opened the public forum at 7:30pm.

Name	Ward/Affiliation	Subject
Martha Lang	Ward 1 Resident	Opposed to Taft School Lease
Ron Ruloff	Ward 3 Resident	Retirement Fund Finances
Karen Porter	Ward 1 Resident	Driver Representation at CCTA
Charles Norris-Brown	Ward 1 Resident	Driver Representation at CCTA
Kelly Devine	Burlington Business Association	In favor Parking Changes at Mall

City Council President Shannon closed the public forum at 7:12pm.

5. Consent Agenda

Action: 5.01 Approve/Amend the Consent Agenda

adopt the consent agenda and take the actions indicated.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.02 Resolution: Issuance of Bonds for Public Improvements Within The Waterfront TIF District Re March 2014 Ballot Item (Board of Finance)(pending BOF approval on 5/19/14)

Waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.03 Resolution: Issuance of Bonds for Public Improvements Within The Waterfront TIF District Re November 2012 Ballot Item (Board of Finance)(pending BOF approval on 5/19/14)

Waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.04 Resolution: Authorization to Alter Spring Street (Councilor Tracy)

Waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Resolution: 5.05 Resolution: Appointment of Acting Ward Clerk for Ward Six; Acting Inspectors of Election for Wards Two, Four, Six and Seven (Councilor Shannon)

Waive the reading and adopt the resolution

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.06 Communication: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List

Waive the reading, accept the communication, and place it on file.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William

Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.07 Communication: Bob Rusten, Chief Administrative Officer, re: Livable Wage Rates for FY 2015

Waive the reading, accept the communication, and place it on file.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.08 Communication: Mayor Miro Weinberger, re: Mayoral Appointments for FY15

Waive the reading, accept the communication, and place it on file.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.09 Communication: Laura Babcock, Clerk, Board of Electric Commissioners, re: Electric Commission Attendance Record

Waive the reading, accept the communication, and place it on file.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action (Consent), Communication: 5.10 Communication: Lori Olberg, Licensing, Voting and Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, Draft, February 18, 2014

Waive the reading, accept the communication, place it on file and adopt the February 18, 2014 City Council Minutes as received at the May 12, 2014 City Council Meeting.

Motion by Sharon Bushor, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

6. Deliberative Agenda

6.01 Public Comment on Elimination of 2-HR Free Parking

Alexandra Zipparo, Ward 3 Resident, spoke on behalf of a store owner in the mall who feels the elimination of two hour parking will be detrimental to the mall.

Action, Resolution: 6.02 Resolution: Burlington Town Center-Authorization to Amend Agreement Regarding 2-Hour Free Parking In The Mall Garage (Councilors Ayres, Shannon and Tracy)

Councilor Bushor stated she is glad that they held a public hearing on this. She hopes that people are aware and she has tried to spread the word. There was some misunderstanding about what was proposed. There was also a discussion that this would be used as a pilot for the rest of the City's transportation management plan. There is parking downtown, but accessing the structures at night can be a challenge because they do not feel safe to people. She has also heard that they need an infusion of new life in the mall. She hopes that the new owner listens closely to the existing stores so they do not lose more mall tenants. The agreement states that this will not apply until the conditions are achieved, including signing a lease with an anchor tenant. An amendment was added so that it would not be sooner than June 30, 2014 to allow for an adjustment period. She feels they desperately need someone who loves their downtown mall, and they now have that. She will support this, but she hopes that if they are not getting the customers that they need they will reconsider this. They also talk about a modern urban development plan which will include food service and stores. She does not want Burlington to become Mall USA. She wants Burlington to remain unique, but they also need some revitalization. They embrace local businesses so she hopes there will be a healthy mix weighted towards the local rather than national. She requested confirmation that the elimination of two hours of free parking will not take place until the lease is signed. Don Sinex, Burlington Town Center, stated the agreement depends on the execution of a lease with a new anchor tenant. He is in favor of this agreement for many reasons. They need revenue to properly maintain the garage. This arrangement has been in place for fifteen years, and that is the reason the garage looks how it does. It does not make sufficient revenue to undertake all of the necessary repairs. Changing this policy will require the users to pay for the garage which will provide them with adequate revenue to bring it up to a modern state. The garage is 35 years old. They are looking at the feasibility of its life even with major repairs. It may be best to replace the garage sometime soon. Replacing the garage would be impossible with the two hour free parking condition in place. They may also add to the garage as they redevelop the center by bringing entertainment tenants and an additional anchor tenant. They also understand the public's desires and they are trying to balance their need for revenue with the use and demand for the garage. If the policy is changed by the adoption of the resolution and they discover that a dollar or two has an impact on the Center, they will revisit their decision. Their intention is to have a better, safer, easier to use, well lit garage. They have to have additional revenue to do that. If they discover that their policies are not well-received, they will alter them. There has been an increase in vacancy. That is a function of a lot of things. Some of the tenants that left were not doing well and it may not have been the right place for them to be. The Center needs a new strategy that keeps with the character of Church Street. The notion that they will fill the Center with national tenants is incorrect. They will fill it with tenants who offer goods and services and business plans that meet the demand that is here. That demand comes primarily from Church Street, and secondarily for those who live and work in the area. They want a mix of local, regional, and national tenants. They have unique tenants that no one else in Vermont has. They will be flexible and will change policies that do not work. Councilor Bushor requested updates on how things are working once they make changes.

Councilor Paul inquired what they estimate will be the total investment in the garage. Mr. Sinex stated it is a difficult question. It depends if they update the current structure, replace the structure, or repair the existing garage and add parking to it. The cost to get the garage to the point where it is in good condition would be between $5-7.5 million. They could not make this investment without this resolution. Councilor Paul inquired if there is a way of projecting what the total of free parking space hours to the total numbers of hours that the garage is open. Mr. Wildfire inquired if she means free of charge or vacant spaces. Councilor Paul stated she received the question from a constituent and is unsure. Mr. Wildfire stated BTC could tell them how many people come and go for the garage without paying, which is about 78%. They could figure out how many cars are not paying at peak times. If the question is how often the garage is full during hours that it is operating, they could figure that out too. However, that question would be misleading because there are parts of the day where the garage is also very vacant. He would be happy to speak directly to the constituent. Councilor Paul stated they do not know how many people park downtown. There are people who will continue to park in the garage regardless of what they have to pay, there will be others who will park elsewhere that is free. She inquired if that will create a queue in the other nearby garages. The neighboring garages are also in need of significant repair, and she inquired how that increased traffic may affect those garages. Mr. Wildfire stated that is part of their analysis as part of the Downtown Parking Initiative. In the Lakeview and College garages, there are hundreds of vacant spaces. Their challenge is to ensure that parkers who are price motivated will know where the cheaper or free vacant parking is. They currently do not do a good job of that, which is part of why they are doing this study. Councilor Paul stated they had mentioned that the mall was willing to contribute to studies and technical support. She inquired what they mall would be willing to contribute to technical support. Mr. Sinex stated their garage is automated and they collect a lot of data. They will be sitting down with the City to find out what data they would like to extract from their database. They will share whatever data they have.

Councilor Colburn inquired how they will measure success or failure of this program beyond their ability to reinvest in the garage. She inquired how tenant feedback will be factored into that assessment. Mr. Sinex stated any time they make changes, it disrupts behavior which will have an impact. They are looking at having a validation program where tenants could validate parking for shoppers. It would be up to the tenant if they choose to do this. If they were to shop at the Gap, for example, and the shopper spent money there, they may be willing to cover that parking charge for the shopper. It would remain free for the shopper for the first hour or two. That program would answer some of the concerns. It would help to mitigate the concern that there would no longer be free parking available for shoppers. They will not be making changes to the program until June 30, and they plan to have a validation program in effect before that happens. From there, they can develop data that they will share with the City. Councilor Colburn inquired if they have heard feedback from mall tenants about that program. Mr. Sinex stated they have not engaged in one on one conversations with tenants. This is the type of program that national tenants participate in other parts of the country.

Councilor Tracy stated he believes this is one of many necessary steps to help fix the system that is broken in terms of management and structural issues. The structures were built 30-40 years ago and have not been adequately maintained. They are now in an unsafe and unattractive state. They are placing a damper on the business community as a whole and affecting the consumer experience. They have identified Cherry Street as an area that needs improvements to help connect the Waterfront and Downtown. This will be a first step in bringing the garage to a safe level. This should be viewed as a part of a larger strategy that will need to be undertaken to fix the downtown parking system. There are also a number of provisions in the resolution requiring Burlington Town Center to contribute to the parking management fund, redevelopment of Cherry Street, and working on larger parking issues. He is excited to see what they will be able to do with this and other garages in the City.

Councilor Wright inquired how much money they will need to raise to renovate the garage. Mr. Sinex stated it would cost between $5-7.5 million depending on the extent of the repairs. Councilor Wright stated that 75% of people using the mall use it for free, meaning they use it for two hours or less. He inquired how much money they expect to save per year by eliminating two hours of free parking. Mr. Sinex stated they believe garage revenue would increase approximately $250,000 per year. That would be if they got $1 per car that uses the garage and currently does not pay. That assumes there is no change in usage. Councilor Wright stated he will support this resolution with some reservations that he has heard from constituents. Because there is potential for a validation program, there are other garages with two hours of free parking available, they are willing to revisit this if it does not work, they are bringing in new tenants, and the mall is in need of makeover, he will support it.

Councilor Brennan stated he has reservations about this because they do not have a complete study. They have heard that the mall parking garage is often close to full, but the Macy’s garage often has many open spaces. The only difference will be one will have two hours of free parking. He believes there are other venues that people will choose to shop at, even if they have to drive to South Burlington or Williston. He does not feel they have informed the general public enough about other free parking options.

Mayor Weinberger stated he fully supports this resolution. This is a new and important relationship for the City of Burlington. Burlington Town Center has indicated that they are prepared to make reinvestments in this property. That is the type of reinvestment that has been lacking for a long period of time. This is the first step in the relationship and he is pleased that they were able to craft an agreement allowing them to change City policy while the City and public are assured that they will see a reinvestment in a timely manner.

Councilor Bushor stated she is concerned about how this will cut into the profit margin of major tenants. They have lost some national tenants because of poor performance. She would be concerned if they lost a unique tenant because of this. She believes that this is cost shifting and it concerns her.

Councilor Knodell stated that Councilors have noted that they are concerned about the impact to local tenants. She hopes they are doing everything they can to make sure that businesses survive during this transition period. Many of them operate on very thin margins and may not be able to hold on until the large tenant is established.

City Council President Shannon stated she is concerned about the timing of this because they are going to start charging for parking while they are still allowing free parking in the City garages. They may not be successful on their own, but they may be successful when the program is completed. She is certain they will figure that out quickly. She also believes they can accommodate tenants. She looks forward to having a mix of local tenants along with national tenants. That is what gives the Downtown its character.

Mayor Weinberger stated he believes it would be premature for the Council to say that two hours of free parking is going away. They are certainly considering changes to that program, but this vote does not prejudge the outcome of that discussion. There are a range of options that are still being actively considered.

waive the reading and adopt the resolution

Motion by Tom Ayres, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon

Nay: Vince Brennan, Rachel Siegel

Recess the meeting to address the Tax Abatement meeting.

Motion by Vince Brennan, second by Jane Knodell

Final Resolution: Motion Passes

Ayes: Tom Ayres, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Max Tracy, Kurt Wright, Joan Shannon, Vince Brennan, Rachel Siegel.

City Council President Shannon reconvened the meeting.

Action, Communication, Resolution: 6.03 Resolution: Sale of 82-90 So. Winooski Ave. to City Market (Board of Finance)

Mayor Weinberger stated this is an important conversation that has been under consideration for a length of time. They are proposing to sell the property that the Onion River Co-op is sited on. They currently have leased it to them in long term. The sale price would be $1 million with $200,000 of payments to CEDO over the next four years. The key elements of the sale are that it will allow the City to complete the settlement agreement that they have signed with Citibank regarding the Burlington Telecom lawsuit. There was an estimate that they would need $500,000-$700,000 of City funds beyond Burlington Telecom sources to complete the Settlement Agreement. They believe it is of substantial importance that they complete that agreement. They feel this is an appropriate way to do that without impacting the City’s operational budget or services. They way that this agreement has been structured provides robust protections that the supermarket will remain on this site for at least fifteen years and that the City will have substantial rights in any change in use or redevelopment of the site. They have had an extensive discussion at the Board of Finance level while crafting this agreement. It is his hope that the Council will support this initiative.

Councilor Knodell stated the previous Board of Finance took action on this and approved it 4-1. They had numerous discussions. The Council had a very vigorous debate when City Market opened. They knew that they needed a Downtown grocery store. They did an RFP and it came down to a corporation and City Market. They chose City Market and built in some principles that they wanted City Market to follow to ensure that it would be a place where all kinds of people felt comfortable. They also have a significant public subsidy. For the initial period of time they were leasing the land for $1 per year. Her concern was to make sure that subsidy would not be captured by City Market, but would continue to be invested in the public good of a downtown supermarket. The deal they have structured achieves that. She also wanted to make sure the principles are still in place. She was a hard sell on this, but she believes they worked hard to come up with an arrangement which preserves the public benefits that underlay the original arrangement with City Market and allows the City to regain that property below market price in the future should they ever want to sell.

Councilor Bushor stated that this had a lot of scrutiny and they went back and forth. Looking at what was in the best interest of the City and residents, she feels this agreement protects those interests. She asked for a comparison between if they had leased the property versus selling it. The financial gain is self-evident. The loss is ownership of that site. City Market redefined that site. She did not want to box the City in. That is prime real estate and it abuts the YMCA. She sees this as a block that the City may want to utilize in a different way surrounding the grocery store. She is still concerned about the loss of ownership of that parcel. She requested an explanation of the differences between leasing versus an outright sale. CAO Rusten stated one of the issues was that under the current lease agreement, if City Market wanted to sell the property they would have an appraisal done, including the premises. They would then offer to the City to purchase the entire property, including the building. If the City did not do that within one year, City Market could sell the building, but not the land, to anyone for any purpose. Under the sale agreement, the City will be given the first offer on repurchasing the land for $1 million for the first fifteen years. If they were to repurchase the land and they wanted to continue to function as City Market or lease it to someone else, they would have to resign a ground lease. If they could not reach agreement, no one would be able to function on that property. This gives them more protection to maintain it as a supermarket than under the current agreement. Under the current lease agreement, they receive about $50,700 per year and an additional $8,000 fee payment. This fee payment has been contested under the sale agreement, as they will be receiving about $500,000 over the appraised value and continued payments to CEDO. Councilor Bushor stated they do need to find the money to deal with the Burlington Telecom issue. She has been going back and forth on this and feels that this is consistent with the spirit of where they were when they began. The sale of this property does not put them in a detrimental situation to develop in the future. She does not see them wanting City Market to vacate for another development. Any development would surround City Market. She will support this resolution, although she does not take it lightly. She does not like to sell City property, but this makes sense.

Councilor Colburn stated she believes that this benefits both City Market and the City. She is concerned about the CEDO Office and the payments of $50,000 per year that they currently receive. It is great that there will be four years of continued payments after the sale. She inquired how they will be looking at CEDO’s funding structure moving forward. CAO Rusten stated they have been working hard to understand the current funding structure and are looking for dependable revenue streams down the road that will allow them to focus on core functions of CEDO. This provides a four year transition period where the $50,000 payments will allow them to look at bigger issues with CEDO and its budget. Mayor Weinberger stated CEDO’s funding issues are larger than this issue and are in the process of being addressed.

Councilor Colburn made a motion to amend the resolution.

Councilor Siegel stated she is supportive of this amendment and has great concern about the lack of funding the federal provides. They should continue to support CEDO in any way that they can. Burlington has a 30% poverty rate, which is on par with Detroit. These programs are critical.

Councilor Wright stated he will support this proposal. He wonders if they would have done this deal if it were not for the need for money for the settlement. City Council President Shannon reminded Councilor Wright they are discussing the amendment.

Councilor Knodell stated they are aware that the administration has been working on this. This amendment indicates that the Council accepts ownership of the consequences of this transaction.

Amendment to add an additional Resolved clause at the end of the resolution to state "be it further resolved that the Council asks the Board of Finance and the Community Development and Neighborhood Revitalization Committee to work with the director and staff of the Community and Economic Development Office in their efforts to find alternative funding sources for the office to replace the funding that will be lost as a result of this transaction.

Motion by Selene Colburn, second by Max Tracy.

Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Councilor Wright stated he will support the work that was done by the Board of Finance. He wonders if this would have been done if they did not need money for the Settlement Agreement. It appears that the answer is yes. He wishes they were not in a situation where the $1 million needs to be used towards the Settlement Agreement because of mistakes made prior to the past two years.

CAO Rusten stated the Onion River Cooperative Board of Directors voted to support this agreement.

City Council President Shannon inquired why City Market wants this deal. CAO Rusten stated it gives them more control of the property and the parking lot. It may help them with some financing issues.

Primary motion - Waive the reading and adopt the resolution as amended.

Motion by Jane Knodell, second by Max Tracy.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

Action: 6.04 Resolution: Authorization to Transfer Advantage Car Rental Brand to Dollar Car Rental At the Burlington International Airport

City Attorney Blackwood stated this issue came up at the last minute. It is a minor matter where a lease was assigned from Dollar Rent A Car to Advantage. Advantage has now filed for bankruptcy and Dollar Rent a Car has purchased Advantage in an auction. They have to consent to assign the lease back to Dollar Rent a Car. They have just learned that the Bankruptcy Court needs to have this by June 2, and this is the last meeting to allow enough time for that.

Councilor Ayers stated there is a reference to the Hertz Corporation and inquired what their involvement is. City Attorney Blackwood stated they are the parent company of Dollar Rent A Car.

Motion to Waive the Reading and Approve the Resolution

Motion by Karen Paul, second by Sharon Bushor.

Final Resolution: Motion Passes

Aye: Tom Ayres, Vince Brennan, Sharon Bushor, Selene Colburn, Dave Hartnett, Jane Knodell, Bianka Legrand, William Mason, Karen Paul, Rachel Siegel, Max Tracy, Kurt Wright, Joan Shannon

7. Committee Reports

Councilor Knodell stated the Community Development and Neighborhood Revitalization Committee had an organizational meeting and will meet again on June 5. They will discuss quality of life issues in student neighborhoods east of Downtown.

Councilor Mason stated the Ordinance Committee had a hearing on the ZA 13-12 which makes changes to historic building materials. They voted unanimously to refer the matter back to the Planning Commission based on a request from the Planning Commission based on comments that had come in and discussion with Planning staff. They have agreed to meet as a combined Ordinance Committee and Planning Commission to do some fact finding. They all appreciate the need to do something expeditiously, but the proposed action was not in anyone’s best interest.

Councilor Siegel stated the Charter Change Committee will be meeting to discuss the resolution that was referred to them about School Budget approval process. The resolution stated that they will engage the views of the School, the public at large and the Cost Control Committee.

Councilor Hartnett stated the Public Safety Committee will be meeting soon.

Councilor Tracy stated the TEUC will be meeting.

8. City Council - General City Affairs

Councilor Wright stated he attended a Parks Commission meeting where they presented the redesign of the Bike Path from North Beach through Perkins Pier. He is excited about that and everyone thinks it is a very big step. They heard a few comments with concerns, but overall it was well received. He wants them to keep the pressure on to do the entire Bike Path. The Director said they will continue to seek federal grants and do fundraising. At some point they need to move forward. They will need to make a decision to settle on a financing plan to do the entire Bike Path. He is confident that there will be support for that. He requested information about the Internal Controls Audit and why they have not complied with the date that they need to bring that to the auditor.

Councilor Bushor stated in the Consent Agenda there was a communication from CAO Rusten regarding the livable wage rate for this year. It was particularly important to look at the supporting documents from Doug Hoffer about how they calculate that rate. They will not be adjusting it this year. Their Ordinance says they will not decrease the wage. The process in how they calculated it is very important. The Mayor provided a communication on the Consent Agenda saying he will be delaying bringing forward his list of appointees because of a process that he is undertaking. She is concerned that they are waiting until the last meeting because it will not allow Councilors to give feedback if there were concerns. She understands that the individuals carry on until there is support from the Council. The Ward 1 NPA met and discussed the School Budget. The Parks Director came to discuss the Parks Master Plan and the proposal that is being undertaken. They used to have tennis courts in Ward 1 and they were not maintained. They were told that they would have to wait their turn. In the process that is unfolding, there is an evaluation of how many tennis courts there are. There is a statement that there is more than enough to meet the needs of the population. However, the location of courts still matters. Many Ward 1 Residents feel that what was promised that their tennis courts would be restored, but it does not appear that is what is being proposed.

Councilor Brennan stated he met with Friends of Burlington Education. They are working to pass the budget on June 3. He reminded voters to participate in the election. There has been a lot of controversy. The difference will impact a lot of children and it is important that they support the kids. He thanked the Parks and DPW Directors for their work preparing for the marathon. He and Councilor Siegel will be having a coffee hour for their constituents.

Councilor Knodell stated three weeks ago they adopted a resolution regarding the School Budget that included an offer to provide financial management assistance to the School District. The Mayor announced his support for the budget. An important part of that announcement was an observation that the School Board needs to tell them how they will manage their budget during this transitional period. There will be six weeks where the current Superintendent and Chief Financial Officer will not be in that office. She hopes their Chief Administrative Officer can step in to make sure their budget is managed responsibly. Once they get clarity on the plan, she will support the budget.

Councilor Paul stated the Board of Finance discussed the Audit Advisory Committee and the Internal Controls Checklist. The answer that they received about the Internal Controls Audit being provided to the State was because the CAO took office in early June and did not feel comfortable signing something that he had just taken over. He does feel that he will be in a position to complete the checklist in the next few weeks. The checklist is a State compliance issue and it will be sent to the City Council.

Councilor Siegel stated the City Council will be appointing dozens of Board and Commission applicants. The deadline to apply is Friday. Those who have applied will hear about the next steps at the beginning of the next week.

Councilor Ayres stated the New North End Corridor Study will hold its final public meeting tomorrow.

City Council President Shannon noted that she attended a benefit lunch for the Burlington Police Department sponsored by the Queen City Police Foundation and the Rotary Club. A number of awards were given at this event. She thought it was interesting in the discussion about why people were getting awards, it covered the major concerns in the community. The Police are central to dealing with issues that their constituents face. An award was given to an officer who was called to a retail theft at Hannaford's. They stole some items that were essential to them. The Officer followed up and caught the thief. The Officer then went to Hannaford's and bought those items with his own money and gave them to the family. That happens often with the Police, but they do not hear about it. The person who received the items brought it to their attention, but it is common. They have reason to be proud of their Police force. The Howard Center Outreach team received an award for their work. Tris Coffin and Skip Gates received an award for the movie that they made on opiate addiction. She thanked the Police for all that they do.

9. Mayor - General City Affairs

Mayor Weinberger stated he also attended the Police Luncheon and he was pleased that the Rotary Club and Queen City Police Foundation held the event to acknowledge the achievements of their Police Department. They have signed the Burlington Police Officers Association contract that was approved recently. It is a very significant event and an opportunity to review what had worked well. It was a confirmation that the new process undertaken this time had yielded positive results.

Fairpoint and the VT Center for Emerging Technologies announced that the center will be moving from the UVM campus to the largely vacant Fairpoint building. They will be fitting out 11,000 square feet of that center. They will share a cooperative workspace. It will create the opportunity for innovation, job creation, and start-up formation. Several companies plan to move into that facility as soon as it is done including a local Twitter employee and a gaming consultant. It is an important component of the BTV Ignite economic development initiative. That will work well with what is happening with the Generator Space.

They are in Marathon week. He will be sounding the starting gun and running a leg with 8,000 other runners. DPW and Parks and Recreation have worked hard to address Leddy Park Road which was in need of renovation.

He looks forward to their first budget sessions next week.

~~10. Expected Executive Session~~

~~10.01 Communication: Peter Owens, CEDO Director, re: Update on Gateway Status (oral)~~

This item was removed from the agenda.

11. Adjournment

This item was removed from the agenda.