



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

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

February 27, 2017

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

David Hartnett – North District

Joan Shannon – South District [via teleconference]

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

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

ADMINISTRATION: Miro Weinberger, Mayor

Bob Rusten, CAO

Eileen Blackwell, City Attorney

Rich Goodwin, DFO

Jennifer Kaulius, Mayor’s Office

Brian Lowe, Mayor’s Office





Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

Katie Vane, Mayor's Office

Amy Bovee, C/T Office

Lori Olberg, C/T Office

OTHERS PRESENT: David Provost

David Maher

1.0 CALL TO ORDER and AGENDA

Council President Knodell called the City Council meeting to order at 7:06 PM on February 27, 2017 and led the assemblage in the Pledge of Allegiance.

1.01 Agenda

MOTION by Councilor Colburn, SECOND by Councilor Bushor, to approve the agenda with the following amendment(s):

- **Note corrected version Item 4.12 – Step Placement, Emergency Communications Manager**
- **Note final version Item 4.19 – 2016 Certifications of Increment for Burlington TIF Districts**
- **Note revised version Item 4.23 - Planning Technician Position**
- **Remove Item 4.21 – Financing for Parking Project**
- **Note revised version Item 4.30 – Renewal of Designated Downtown**
- **Note material for Item 4.31 – Quitclaim Deed, 44 West Road**

VOTING: unanimous; motion carried.

2.0 PRESENTATION: Proposed Process/Timeline for Sale of BT

David Provost, BTAB, reviewed the process for sale of Burlington Telecom, noting the following:

- Two public forums were held to hear comment on the process which was supported, but there were comments not in favor of the sale of BT itself.
- The timeframe of the sale is March through October 2017.
- If a buyer is found by January 1, 2018 then the amount to split with Citibank is at the highest level. After that date the amount the city receives decreases.
- The process focuses on partners that align with the criteria developed and who would be more advantageous for the city.
- The list of partners will be finalized in February and the sale process will launch in March. Initial due diligence meetings will be in April/May with BT and interested partners at the table.



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

- The offer deadline is June 1st. Finalists will be sent to City Council in July. Selection will be made in September and preparation made to present to the PSB.
- October 9th is the target date for City Council approval to forward to the PSB for approval.
- City Council approval of the process and timeline is needed.
- BT is secured by the Bluewater Agreement which allows Burlington to weigh in on selecting a partner. Effort will go into finding the right partner and not rehashing the past with the \$33.5 million liability to Citibank which is no longer the case.

Councilor Tracy asked how a balance between public participation and keeping proprietary information private will be found. David Provost said City Council will select the final buyer/partner. There will be public forums at each monthly BTAB meeting. When the finalists move forward to City Council there will be a public forum process and presentation from the finalists. How much information the finalists will share in a public setting is not known. It is hoped there will be opportunity for the public to see who the finalists are and what they are bringing to the table (i.e. how they address the criteria on net neutrality, staying local, financial resources, plans to expand, and such).

Councilor Colburn asked about the alternate process. David Provost said the alternative process would be shorter and more intense. BT would be advertised for sale with ads. Anyone could participate in the sale. There would be criteria, but it would be likely telecommunication companies and investors would be looking to buy the asset. BT staff and the work at BT would likely be disrupted by the sale. There may be pause to BT continuing the business of getting new subscribers which would be ignoring what the public and BTAB created in the sales criteria of what is important to Burlington in finding a partner.

Councilor Mason asked about how the list of potential partners was identified. David Provost said over the last 18 months interested groups have contacted BT and a list was compiled. Most of the groups have not been public about their interest. BT Co-op has announced they will be a bidder. Once the process is approved by City Council contacts in the industry will be notified that BT is actively looking for potential partners. Councilor Mason asked if there will be a nonbinding letter of intent or a purchase agreement. David Provost said there will be letters of interest and then the finalists will draft a purchase and sales agreement. Names of all interested parties will be provided to City Council to decide the partner.

Councilor Wright asked if the goal of the city maintaining a certain percentage of ownership remains. David Provost said the criteria maintains allowing the city to retain a meaningful carried equity interest in BT (15% to 49%) which will decrease the share the city gets back from the transaction. Citibank needs to sign off when the transaction is complete. Attorney Blackwood added if the asset is sold within the timeframe the city's share is 50% of the sale price and that is split with Citibank. There is opportunity to roll the city's share into continuing the company. The same opportunity needs to be given to Citibank.

Councilor Bushor asked why the process would be shorter and more intense with advertising BT for sale. David Provost explained if the sale goes on too long people will think the city is not serious about selling. Potential buyers want to believe from a transparency standpoint and an arm's length transaction that the city is serious about selling and turning the asset



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

over quickly.

3.0 PUBLIC FORUM

Public forum was opened at 7:34 PM.

COMMENTS

- David Maher, resident, spoke in support of an open process with the sale of BT to ensure the best deal for the city and taxpayers of Burlington. Mr. Maher said it is a normal sales process to advertise and take the best bid. BTAB criteria can still be used. Putting up "For Sale" signs is not an issue because everyone knows the asset is for sale. The advertisement should state that any offer include the price and how the BTAB criteria will be met. The bids can then be compared to identify those to be considered seriously. City Council is urged to proceed with a formal, open process to get the best deal for the City of Burlington and Burlington taxpayers.

There were no further comments. Public Forum was closed at 7:39 PM.

4.0 CONSENT AGENDA

- 4.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 4.02 COMMUNICATION: Accountability List
- 4.03 COMMUNICATION: Minutes 11/14/16 City Council
- 4.04 COMMUNICATION: Minutes 11/14/16 Local Control Commission
- 4.05 COMMUNICATION: Minutes, 11/14/16, Board of Civil Authority
- 4.06 COMMUNICATION: Minutes, 11/28/16 Mayor Presiding
- 4.07 COMMUNICATION: Minutes, 11/28/16 City Council
- 4.08 COMMUNICATION: Minutes, 12/12/16 City Council
- 4.09 COMMUNICATION: Minutes, 12/12/16 Local Control Commission
- 4.10 COMMUNICATION: Minutes, 12/19/16 City Council
- 4.11 COMMUNICATION: Reappointment, Cheryl Fatnassi
- 4.12 COMMUNICATION: Step Placement, Judy Dunn
- 4.13 COMMUNICATION: General Fund Revenue Unaudited, December 2016
- 4.14 COMMUNICATION: Sweep Accounts & Other Bank Accounts Unaudited
- 4.15 COMMUNICATION: Taser-Axon Body Worn Camera Purchase



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

- 4.16 COMMUNICATION: 2017-2020 Ambulance Billing Contract
- 4.17 COMMUNICATION: Compressed Natural Gas Refueling Station Improvements Contract
- 4.18 COMMUNICATION: ECHO Development Agreement
- 4.19 COMMUNICATION: 2016 Certifications of Increment, Burlington TIF Districts
- 4.20 COMMUNICATION: FIO Document(s)
- 4.21 RESOLUTION: Financing for Parking Project [*Removed from Consent Agenda]
- 4.22 RESOLUTION: Full time Safety Manager Position
- 4.23 RESOLUTION: Planning Technician Position
- 4.24 RESOLUTION: Full Time and Part-Time Library Computer Assistant Positions
- 4.25 RESOLUTION: Acting Inspectors of Election for Wards 3, 4, 5, 6, 7, 8
- 4.26 RESOLUTION: Property Rental Leases, Kirby Cottages, South Burlington
- 4.27 RESOLUTION: Calahan Park Easement for Garden Parking Improvements
- 4.28 RESOLUTION: License Agreement, Obstruct ROW, College/Pine Streets
- 4.29 RESOLUTION: License Agreement, Obstruct ROW, Church/Maple Streets
- 4.30 RESOLUTION: Renewal, Designated Downtown & Community Reinvestment Agreement
- 4.31 RESOLUTION: Quitclaim Deed, 44 West Road

MOTION by Councilor Colburn, SECOND by Councilor Roof, to adopt the Consent Agenda, Items 4.01 – 4.31 with amendment to Items 4.12, 4.19, 4.23, 4.30, 4.31 as noted previously and removal of Item 4.21 (Financing for Parking Project), and to take the action indicated.

DISCUSSION: Councilor Mason noted his recusal on Item 4.29 (License Agreement, Obstruct ROW, Church/Maple Street).

VOTING: unanimous; motion carried.

Council President Knodell recessed the meeting at 7:40 PM to convene the Local Control meeting. The City Council meeting resumed at 7:43 PM.

5.0 DELIBERATIVE AGENDA

5.01 Indoor Entertainment Permit Application (2017-2018): Esperanza Restaurante, 180 Battery Street, Suite #130

MOTION by Councilor Ayres, SECOND by Councilor Tracy, to approve the Indoor Entertainment Permit Application 2017-2018 for Esperanza Restaurante, 180 Battery Street, Suite #130. VOTING: unanimous; motion carried.





Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

5.02 Outdoor Entertainment Permit Application (2017-2018): Spot on the Dock, 1 King Street

MOTION by Councilor Ayres, SECOND by Councilor Tracy, to approve the Outdoor Entertainment Permit Application 2017-2018 for Spot on the Dock, 1 King Street. VOTING: unanimous; motion carried.

5.03 Annual City Election Update

Amy Bovee reported:

- Election Day is March 7, 2017. Polls are open 7 AM – 7 PM. Absentee ballots are now available (625 have been issued to date).
- Election Day voter registration is in place. City Hall will be open March 4, 2017, 9 AM to 4 PM, to register voters. People can also register at the polling locations on Election Day.
- City staff discussed the process and has been trained in voter registration. Staff also worked with the Secretary of State's Office to draft best practices for Election Day voter registration. Information is on the election website and will be available at the polls.
- Warnings, notices, voter checklist, sample ballots have been drafted, posted, and published as required.
- Thanks is extended to all the staff for their assistance, especially Linda Blanchard, Lori Olberg, Jean Poulin.

Council President Knodell recessed the meeting at 7:46 PM to convene the Board of Civil Authority meeting. The City Council meeting resumed at 7:47 PM.

6.0 COMMITTEE REPORTS

- Councilor Giannoni reported the Public Safety Committee had a robust discussion on oversight of the Police Department.
- Councilor Tracy reported the Transportation, Energy, & Utilities Committee is meeting on 3/8/17 to discuss the Bike/Ped Path Master Plan.
- Councilor Colburn reported the Community Development & Neighborhood Revitalization Committee discussed next steps in review of inclusionary zoning and expects to form a working group to make recommendations. The recommendations will be provided to City Council. Next meeting is 3/23/2017. The committee also discussed next steps in the neighborhood stabilization project and an RFP for a consultant to look at how to restore balance in districts that are dense with student housing.

7.0 CITY COUNCIL – GENERAL AFFAIRS

- Councilor Wright congratulated the UVM men's basketball team on the recent win over Stoney Brook University and the phenomenal undefeated season in conference play. Tournament play begins now for an NCAA berth. Go Cats!
- Councilor Giannoni commented it was clear in the discussion of the role of the Police Commission that there was not enough interest in forming a task force which is difficult to understand because the citizens and residents could benefit from robust, difficult, constructive conversation around the role of the Police Commission and policing into



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

the future. There was also talk of an alternative that may be acceptable, but as it turned out the alternate was not accepted. Councilor Giannoni said she looks forward to more conversation on the matter with the Administration, Police Chief, and the Police Commission.

- Councilor Tracy questioned how the State Police model would address the situation of an officer lying on an affidavit and facilitate conversation around challenging issues such as when an officer should be able to turn off their body camera or how the model would engage the community in conversation around oversight and the benefits and drawbacks of different models beyond the State Police model.
- Councilor Colburn stated a mechanism is needed for the community to be engaged in the conversation on policing. Steps were made with working with the Administration and a number of community members, police representatives, and Police Commission representatives.
- Councilor Ayres recognized the appointment by Governor Scott of Emily Bodecker former Executive Director of Local Motion as the Commission of the Department of Environmental Conservation. It is a credit to the state and the Governor to have Ms. Bodecker in the position.
- Councilor Bushor said she felt the conversation on the Police Commission task force was shut down which is not what was wanted. It is hoped the conversation will continue.
- Councilor Hartnett said he felt the public meeting on the Police Commission task force was a good first step and the hybrid plan that resulted was dictated by the public in attendance. It is hoped work continues toward the goals.

8.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

Council President Knodell announced:

- March 1, 2017 is the public information hearing on the charter changes. Legal counsel is reviewing the list of changes.

9.0 MAYOR – GENERAL AFFAIRS

Mayor Weinberger reported the following:

- The city has a long tradition of civilian oversight of the Police Department in the vehicle of the Police Commission which continues to be very active and robust. The city has been well served.
- The situation with Officer Lopez was handled by Chief Del Pozo and the Police Department very decisively and briskly as it emerged. The department's actions with respect to the situation have been positive and is more evidence the department does not tolerate this kind of behavior and wants to move forward reforms when they are necessary.
- The Police Commission debates the issue of body cameras and the types of policies and practices to be in place on a regular basis.
- The Administration would like action on the recommendation that gives more formal authority to the Police Commission to review internal investigations when they occur and reject them if it is found specific standards are not met. It is unfortunate not to have clarity now on the Police Commission's role with internal investigations. It is hoped the urgency and purpose in moving forward as the Administration has proposed is recognized. Additional civilian powers can be worked out with some additional process and discussion.
- All are urged to visit the Fletcher Free Library "Exploring Human Origins" exhibit which is on display until mid-March.
- The development agreement with ECHO was approved. TIF money approved by the voters in 2014 and privately invested dollars will be used to make improvements to public infrastructure in the area around the museum in the 2018 construction season.



Regular City Council Meeting - Monday, February 27, 2017, 7:00 pm, Contois Auditorium, City Hall 2/27/2017

- Work on the new Community Sailing Center is underway. It appears the goal of opening in 2017 will be met.
- Welcome home to the members of Vermont Air National Guard who have returned from their recent deployment.
- Town Meeting Day 2017 is coming up. There is no longer a deadline to register to vote. People can register and vote on the same day, either early or on Election Day.
- Mardi Gras Parade in Burlington is March 11, 2017.
- March 16, 2017 is a town hall meeting on the opioid crisis following release of the city's draft opioid principles. The principles will be provided to City Council.

10.0 ADJOURNMENT

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

The meeting was adjourned at 8:15 PM.

RScty: MERiordan