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DELIBERATIVE AGENDA

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REGULAR MEETING, CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

MONDAY, APRIL 15, 2013

7:04 P.M.

PRESENT: City Council President Shannon; Councilors Mason, Siegel, Brennan, Ayres, Blais, Bushor, Tracy, Knodell, Decelles, Hartnett, Aubin and Councilor Worden (via phone)

ABSENT: Councilor Paul

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Rich Goodwin and Scott Schrader

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

City Council President Shannon held a moment of silence to honor the victims of the Boston Marathon Bombing.

On a motion by Councilors Mason and Bushor the agenda was adopted as amended as follows: add to the consent agenda item 6.35. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only): Skinny Pancake, 60 Lake Street, Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing, with the consent action to “waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake and to the consent agenda item 6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13) and note **proposed** amendment for agenda item RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Bushor requested that they amend the action on consent agenda item 6.18.COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports to waive the reading, accept the communication, place it on file “and send a copy to the Department of Public Works.” She requested that they remove consent agenda item 6.08. RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of The City Council (Councilor Shannon) and place it on the Deliberative Agenda as agenda item 8.5. She requested that they add consent agenda item 6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance) with the action to “waive the reading and adopt the resolution.” This item was taken up by the Board of Finance and there was a time sensitivity issue. This will be needed to accommodate larger planes that will be arriving.

2. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Hotel Vermont

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Hotel Vermont. The motion passed unanimously.

3. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Madera's

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Madera's. The motion passed unanimously.

4. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Pacific Rim

Councilors Blais and Tracy made a motion to approve the Indoor Entertainment Permit Application for Pacific Rim. The motion passed unanimously.

5. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:34 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Greg Roy	Ward 4 Resident	Redistricting Committee Makeup
Ben Aleshire	Ward 3 Resident	Against Church St No-Trespass & F-35s
Sandy Baird	Ward 1 Resident	Against Church St. No-Trespass
Genese Grill	Ward 3 Resident	Against Church St. No-Trespass
Jennifer Dumas	Ward 3 Resident	Against Church St. No-Trespass
Jen Berger	Ward 2 Resident	Against Church St. No-Trespass
David Lustgarten	Ward 4 Resident	Thanks to Parks and Recreation
Phil Lavigne	Ward 4 Resident	Trash Containers

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:56 p.m.

6. CONSENT AGENDA

On a motion by Councilors Brennan and Bushor the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

6.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:  
Accountability List

\*waive the reading, accept the communication and place it on file

6.02. ORDINANCE: BUILDINGS AND BUILDING CONSTRUCTION Appeals from Order  
(Public Works Department, Public Works Commission)(1<sup>st</sup> reading)

\*consider this 1<sup>st</sup> reading and refer it to the Ordinance Committee

6.03. RESOLUTION: Authorization for Execution of Municipal Inspection Agreement  
Between The State and The City (Councilors Hartnett, Blais)

\*waive the reading and adopt the resolution

6.04. COMMUNICATION: Inspection Agreement Between The State of Vermont and The City of  
Burlington

\*waive the reading, accept the communication and place it on file

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- 6.05. RESOLUTION: Authorization to Enter into License Agreement to Install and Maintain Railings on a Portion of The City's Right-of-way with Vermont House Condominium Association (Councilors Tracy, Blais: 2012-2013 License Committee)  
\*waive the reading and adopt the resolution
- 6.06. COMMUNICATION: License Agreement for Railings with Vermont House Condominium Association 2013-2014 Season  
\*waive the reading, accept the communication and place it on file
- 6.07. COMMUNICATION: Joan Shannon, City Council President, re: Changes to Council Rules  
\*waive the reading, accept the communication and place it on file
- 6.09. RESOLUTION: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)  
\*waive the reading and adopt the resolution
- 6.10. COMMUNICATION: Richard W. Haesler, Jr. – Assistant City Attorney, re: Declaration of Official Intent Approving Reimbursement of Capital Expenses for Waterfront Tax Increment Financing (TIF) District  
\*waive the reading, accept the communication and place it on file
- 6.11. RESOLUTION: Adoption of Revised Personnel Policy Section 5.4 Compensation Plan - Step Placement – (Councilors Blais, Tracy and Worden: 2012-2013 Institutions & Human Resources Policy Committee)  
\*waive the reading and adopt the resolution
- 6.12. COMMUNICATION: 5.4 Compensation Plan, a. Placement  
\*waive the reading, accept the communication and place it on file
- 6.13. COMMUNICATION: Susan Leonard, Human Resources Director, Institutions and Human Resource Policy Committee, re: Policy Revisions, Section 5.4, Compensation, subsection(a) Step Placement  
\*waive the reading, accept the communication and place it on file
- 6.14. RESOLUTION: Authorization to Accept an Award from The American Library Association for The American Dream Grant to The Fletcher Free Library; and Amend the FY 2013 Budget (Councilors Shannon, Bushor, Decelles and Knodell: Board of Finance, pending BOF approval on 4/15/13)  
\*waive the reading and adopt the resolution
- 6.15. COMMUNICATION: Rubi Simon, Library Director, re: American Library Association American Dream Grant  
\*waive the reading, accept the communication and place it on file
- 6.16. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes Tuesday, December 11, 2012  
\*waive the reading, accept the communication and place it on file
- 6.17. COMMUNICATION: Amy Bovee, Executive Secretary, re: Redistricting Committee Minutes

Tuesday, January 8, 2013

\*waive the reading, accept the communication and place it on file

6.18. COMMUNICATION: Wm. Michael Hedges, P.E., Structures Program Manager, State of Vermont, Program Development – Structures Section, re: Calendar Year 2012 Bridge Inspection Summary Reports

\*waive the reading, accept the communication and place it on file and send a copy to the Department of Public Works

6.19. COMMUNICATION: Barry Trutor, Fence Viewer to Ms. Joan Shannon, Council President, re: Boundary Lines

\*waive the reading, accept the communication and place it on file

6.20. COMMUNICATION: Kristin Jones, Taxi Administration Office, re: Mr. Mohamed

\*waive the reading, accept the communication and place it on file

6.21. COMMUNICATION: Isaac Trombley, Airport Ambassador Foreman, re: Mr. Ragab Mohamed

\*waive the reading, accept the communication and place it on file

6.22. COMMUNICATION: Full Authorization for S.D Taxi

\*waive the reading, accept the communication and place it on file

6.23. COMMUNICATION: Ragab Mohamed to Taxi Board, re: Sticker and Registration from S.D taxi

\*waive the reading, accept the communication and place it on file

6.24. COMMUNICATION: Ward 1 NPA Steering Committee on behalf of the Ward 1 NPA to Joan Shannon, City Council President, re: Communications from Ward 3 City Councilors to Ward 1 School Commissioner

\*waive the reading, accept the communication and place it on file

6.25. COMMUNICATION: Kevin Stapleton, Member, Development Review Board, re: Resignation

\*waive the reading, accept the communication, place it on file, advertise the vacancy (already has been in Seven Days), and send a letter of appreciation to Kevin Stapleton thanking him for his time served on the Development Review Board

6.26. COMMUNICATION: Rachel Siegel, Chair, Charter Change Committee, re: Notes from the Charter Change Committee on the Assault Weapons Ban resolution

\*waive the reading, accept the communication and place it on file

6.27. COMMUNICATION: North End NPA, Ward 4 and Ward 7 Steering Committees, re: Ward 4 and Ward 2 only have 1 vote each on the Redistricting Committee

\*waive the reading, accept the communication and place it on file

6.28. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards \*\*updated\*\*

\*waive the reading, accept the communication and place it on file

6.29. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned Meeting, City Council, January 28, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

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6.30. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Regular City Council Meeting, February 11, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.31. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary, re: Minutes, Adjourned City Council Meeting, February 19, 2013, Draft

\*waive the reading, accept the communication, place it on file and adopt the minutes at the April 29, 2013 City Council Meeting

6.32. COMMUNICATION: City Council President Shannon, re: City Council Standing Committees 2013-2014

\*waive the reading, accept the communication and place it on file

6.33. COMMUNICATION: David A. Casey, Member, Burlington Board of Health, re: Proposed Urban Livestock Slaughter Ordinance

\*waive the reading, accept the communication and place it on file

6.34. COMMUNICATION: Conservation Board, re: Downtown Parking Amendment: ZA-13-06

\*waive the reading, accept the communication and place it on file

6.35. SPECIAL EVENT INDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Skinny Pancake, 60 Lake Street Suite 1A, Wednesday, April 24, 2013, 8 p.m. – 12 a.m., Amplified Music, Dancing

\*waive the reading, accept the communication, place it on file and approve the one day only special event indoor entertainment permit application for Skinny Pancake

6.36. RESOLUTION: Appointment of Chief Administrative Officer as Trustee of Burlington Electric Department 457 Plans (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance; pending BOF approval on 4/15/13)

\*waive the reading and adopt the resolution

6.37. RESOLUTION: Authorization for Purchase of Passenger Boarding Bridge for Burlington International Airport (Councilors Shannon, Bushor, Decelles, Knodell: Board of Finance)

\*waive the reading and adopt the resolution

7. RESOLUTION: City Redistricting Committee Makeup (Councilors Bushor, Siegel, Decelles, Aubin)

Councilor Siegel stated that this resolution addressed a concern that they have heard about the lack of balance on the Redistricting Committee. This would add an additional member from Wards 2 and 4. She read an amendment to the resolution which allowed for the Mayor's resignation and the addition of a representative from Ward 6.

Councilors Siegel and Bushor made a motion to waive the reading and adopt the resolution as amended. The motion passed unanimously.

8. RESOLUTION: Burlington City Accessibility Strategy and Plan Implementation (Councilor Bushor)

Councilors Bushor and Mason made a motion to waive the reading and adopt the resolution.

Councilors Bushor and Decelles made a motion to amend the resolution to end on line 49.

Councilor Bushor stated she felt that because there were concerns about the final whereas clauses, they should remove them from the resolution. This keeps with the recommendation from the Accessibility Committee and their involvement in prioritizing the needs within the City. It also gives more consideration to the training program for employees and elected officials. They hope to address those two items in a separate resolution.

The motion to amend the resolution passed unanimously.

The motion to adopt the resolution as amended passed unanimously.

8.5 (was 6.08.) RESOLUTION: Proposed Amendments to Appendix B Rules and Regulations of  
The City Council (Councilor Shannon)

Councilor Bushor stated that the reason she removed this from the consent agenda was because she would have preferred to postpone action on this item until after their retreat.

Councilors Bushor and Decelles made a motion to postpone action until after the retreat.

City Council President Shannon inquired if it would be acceptable to refer the resolution to the Charter Change Committee and request that they hold action until after the Council retreat.

Councilor Bushor stated she was not totally in agreement with that. There was a portion that referred to the timeliness of resolutions. The Administration did not typically attend retreats, but it may be helpful if the City Attorney's Office came for a part of it. She was concerned how tight this would make it for Councilors to get things done. She would prefer the discussion come back when this has been modified after the retreat.

Councilor Knodell inquired if this was time sensitive or if it could wait. City Council President Shannon stated that there was a high level of stress amongst staff, in part because things were being submitted by the deadline but continuing to change afterwards. The new deadlines were intended to give a window where an item would be submitted to the City Attorney's Office at an earlier time but changes could continue to be made. Currently, there was one deadline but Councilors continue to make changes after that date. It has been a long time, but it could wait. She requested that the Council at least be aware that the Tuesday deadline for the City Attorney's Office needed to be a more firm deadline. She hoped to discuss this further at the retreat and address how they handle amendments on the floor. She did not object to delaying action until after the retreat.

Councilor Blais stated he had reservations about having a retreat. He hoped that they could discuss substantive issues at the retreat.

The motion passed unanimously.

9. COMMITTEE REPORTS (5 mins.)

Councilor Siegel stated the Redistricting Committee met with the reconstituted Committee. They now have a timeline for their work and will be meeting once more in April, twice in May, and once in June. That will bring them to the end of the time with their facilitator. They hope that people will come to speak at public forum to express what they would like to see in the process and results. The Charter Change Committee has reorganized and had a good first meeting. They will be meeting every other Monday and

will continue to look at the assault weapons ban. The Diversity and Equity Committee is planning to end in June. They are working to print the Strategic Plan for the public. They hope to have a Diversity and Equity Commission and are working to determine the staffing for that.

Councilor Tracy stated the TEU Committee has been working to answer questions regarding Tar Sands Fuel. They have determined that the City's fuel does not come from fracked sources. It mostly comes from Venezuela and is sourced through Albany. Tar Sands sources would come mostly from the Portland facility, but they do not receive fuel from that site. They have asked the Fleet Manager to provide a certification from the supplies to be absolutely certain. The other portion of the resolution referred to switching to renewable energy sources. This will be more challenging and complicated. There is not much room in the budget for the purchase of this type of vehicle to add to the fleet, as hybrids cost about 15% more than the market rate. There is a move towards natural gas fueled vehicles, which opens up issues related to fracking. It will require continued follow up moving to the future.

10. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Knodell stated that Lauren-Glenn Davitian, the Director of CCTV, received a Lifetime Achievement Award from the major national organization that brings together the non-profit technology network. In her speech, she talked about utilizing network building and digital resources to open the doors for social change. She congratulated her. She stated the Mayor has proclaimed April as Fair Housing Month to recognize the signing of the Civil Rights Act of 1968. The Act prohibits discrimination to access to safe rental housing. The State of Vermont law adds additional protected categories. It is important to keep in mind that everyone deserves access to housing and should not suffer discrimination.

Councilor Decelles stated he has become involved in a program called AAU. This is a league that children play in on the weekends that can be very expensive. This group decided to start a program meant to enable any child who wanted to play the opportunity to do so at a discounted rate or for free. There is a tournament this weekend to allow children to play and he encouraged people to attend.

Councilor Hartnett stated April is National Child Abuse Awareness Month. They sometimes lose focus on that during Organization time. There are blue and silver pinwheels at local banks and stores being sold for \$1; donations go to the Child Abuse Fund. He encouraged people to participate because it does happen here in Burlington. It is a serious issue and they lose focus of that sometimes.

11. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated that City Councilors should have received a communication regarding the rating from Moody's. The City's credit rating is remaining unchanged at this point. There was an acknowledgement of the efforts that have been taken over the last year to stabilize the City's General Fund and the Fiscal Stability Bond.

There will be a report from the IBM Global Team on the Smarter Cities Challenge Grant. There have been a number of meetings over the course of the last two weeks and it has been an exciting process. There are six thoughtful and talented people on a mission to evaluate how the City can reduce its impact on climate change. They have spoken with a number of stakeholders in the City and he is optimistic that they will come out with something positive.

Budget season has begun and they will begin to hold Work Sessions to work through the budget. The CAOs Office has published a schedule of meetings that will run through May. The meetings will be videotaped and posted on the Channel 17 website.

12. COMMUNICATION: Eileen Blackwood, City Attorney, re: Pending Litigation (oral)

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On a motion by Councilors Brennan and Ayres, the City Council voted unanimously to go into executive session at 9:02 p.m. as premature disclosure would place the City at a substantial disadvantage. Present were: see above

**\*\*\* EXPECTED EXECUTIVE SESSION \*\*\***

On a motion by Councilors Bushor and Brennan, the City Council voted unanimously to go out of executive session at 9:12 p.m.

13. ADJOURNMENT

On a motion by Councilors Bushor and Brennan, the Regular City Council Meeting unanimously adjourned at 9:12 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary