

****OPEN HOUSE FOR PROSPECTIVE COMMISSION/BOARD MEMBERS****
MONDAY, MAY 17, 2010
CITY HALL LOBBY/CONTOIS AUDITORIUM, CITY HALL
6:30 P.M. TO 7:15 P.M.

DELIBERATIVE AGENDA

REGULAR MEETING, CITY COUNCIL
CONTOIS AUDITORIUM, CITY HALL
MONDAY, MAY 17, 2010
7:30 P.M.

PRESENT: Councilors Adrian, Berezniak, Bushor, Caldwell, Decelles, Dober, Kaplan, Kehoe, Krancihfeld, Mulvaney-Stanak, Paul, Shannon, Wright, Keogh. Mayor Kiss.

ABSENT: No one.

CITY ATTORNEY’S OFFICE: City Attorney Ken Schatz. Gene Bergman

CLERK/TREASURER’S OFFICE: Assistant CAO Ben Pacy, Lori Olberg, Sue Trainor

PRESIDENT KEOGH PRESIDING:

1. AGENDA

On a motion made by Councilors Adrian and Shannon, the Council voted unanimously to adopt the agenda, as amended, as follows: add to the consent agenda item 3.20. COMMUNICATION: Will Dodge, Member, Board of Tax Appeals, re: Resignation with the action to “waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Will Dodge thanking him for his time served on the Board of Tax Appeals;” add to the consent agenda item 3.21. RESOLUTION: Authorization to Accept Grant Offer and for Execution of Agreements for Reconstruction and Overlay of Portions of Runway 15-33 Burlington International Airport (Board of Finance) with the action to “waive the reading and adopt the resolution;” add to the consent agenda item 3.22. REPORT: William A. Mason, Chairperson, Board of Tax Appeals, re: 2009 Annual Report with the action to “waive the reading, accept the report and place it on file;” add to the consent agenda item 3.23. COMMUNICATION: Jonah Salzman, re: Complaint with the action to “waive the reading, accept the communication and place it on file;” add Councilor Mulvaney-Stanak as a co-sponsor to item 5. RESOLUTION: Champlain Parkway (Councilors Wright, Paul, Keogh); add to the agenda item 7.5. RESOLUTION: Authorization of Execution and Delivery of a Master Lease Purchase Agreement for Burlington International Airport for Fiscal Year 2010 (Board of Finance); add to the agenda item 7.6. RESOLUTION: Authorization of Execution and Delivery of a Master Lease Purchase Agreement for Equipment for Fiscal Year 2010 (Board of Finance); add to the agenda item 10.5. COMMUNICATION: Ken Schatz, City Attorney, re: Phoenix House (oral): expected executive session.

2. PUBLIC FORUM

President Keogh opened the Public Forum at 7:34 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Lea Terhune	North End NPA	Explains the Ward 4/7 NPA
Chadd Quirk	North End NPA	

Phil Lavigne	North End NPA	Discussion of NPA
Senada Sokocevic	North End NPA	Invites Bosnian Community to NPA
Ellie Blais	Commissioner	Police Commission Candidate
Terry Jeroloman	Ward 3	Supports Phoenix House
Maxwell Tracy	Ward 2	Phoenix House/Sidewalk Issues
Sarah Flynn	Ward 7	Supports Phoenix House
Jonathan Leavitt	Ward 2	Supports Phoenix House
John Franco	Ward 1	Supports Phoenix House
Jen Berger	Ward 2	Opposes Sitting Ban
Mike Knauer	Chair, BHA Commission	Supports Phoenix House
Connie Krosney	BHA Commissioner	Supports Phoenix House
Sheila McLaughlin-Gorsky	BHA Commissioner	Supports Phoenix House
Sam Mayfield		Opposes Sitting Ban
Ben Dangi	Ward 6	Opposes Sitting Ban/Supports Phoenix House
Greg Nixon	Ward 2	Opposes Sitting Ban
Jonah Salzman		Opposes Sitting Ban
Rachel Batterson	Housing Discrimination Law	Supports Phoenix House
Amy Wright	Ward 1	Supports Phoenix House
Gavin Blumenthal	Ward 3	Library Commission Candidate

There being no one further coming forward, President Keogh closed the Public Forum at 8:16 p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Kaplan, the Council voted unanimously to adopt the consent agenda, as amended, thus taking the actions indicated as follows:

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

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

3.02. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Bern Gallery (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Enter into License Agreement to Maintain a Bike Rack and Tent on a Portion of the City's Right-of-way with the Ski Rack (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.04. RESOLUTION: Authorization to Enter into License Agreement to Maintain Park Benches on a Portion of the City's Right-of-way with Vermont Sandwich Company (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Vietnam Restaurant (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of the City's Right-of-way with Zabby's Stone Soup (Councilors Dober, Berezniak, Mulvaney-Stanak: License Committee)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Authorization to Contract for Services Associated with Fire Safety Upgrade Project at Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.08. RESOLUTION: Authorization to Acquire Vehicles for Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.09. REPORT: Burlington Conservation Board, re: Annual Report of the Burlington Conservation Board: Fiscal Year 2010: June 30, 2009 – July 1, 2010

*waive the reading, accept the report and place it on file

3.10. REPORT: Christina B. McCaffrey, Chair, Board for Registration of Voters, re: Annual Report

*waive the reading, accept the report and place it on file

3.11. COMMUNICATION: James Lockridge, Executive Director, The Big Heavy World Foundation, Inc., re: Thank you for the Recognition

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

3.12. COMMUNICATION: Eleanor Kenworthy, Member, Development Review Board, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Eleanor Kenworthy thanking her for her years of time served on the Development Review Board

3.13. COMMUNICATION: Sue Trainor, Assistant to the CAO, re: Minutes, Special City Council for December 3, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes at the May 24, 2010 City Council Meeting

3.14. REPORT: Ron Wanamaker, Chair, Design Advisory Board, re: Design Advisory Board Annual Report

*waive the reading, accept the report and place it on file

3.15. REPORT: Ron Redmond, Church Street Marketplace, re: FY 10 Annual Report

*waive the reading, accept the report and place it on file

3.16. COMMUNICATION: Burlington City Council, William Keogh, President, to William Connors, President, Comcast Cable, re: Channel 17

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

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for October 26, 2009

*waive the reading, accept the communication, place it on file adopt the minutes as received at the May 10, 2010 City Council Meeting

3.18. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for November 9, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2010 City Council Meeting

3.19. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO, re: Minutes, City Council for November 16, 2009

*waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2010 City Council Meeting

3.20. COMMUNICATION: Will Dodge, Member, Board of Tax Appeals, re: Resignation

*waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Will Dodge thanking him for his time served on the Board of Tax Appeals

3.21. RESOLUTION: Authorization to Accept Grant Offer and for Execution of Agreements for Reconstruction and Overlay of Portions of Runway 15-33 Burlington International Airport (Board of Finance)

*waive the reading and adopt the resolution

3.22. REPORT: William A. Mason, Chairperson, Board of Tax Appeals, re: 2009 Annual Report

*waive the reading, accept the report and place it on file

3.23. COMMUNICATION: Jonah Salzman, re: Complaint

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

4. RESOLUTION: City Response to "Challenges for Change" and Creation of a Taskforce (Councilors Mulvaney-Stanak, Caldwell, Bushor)

Councilor Mulvaney-Stanak made a motion to adopt the resolution, seconded by Councilor Caldwell. Councilor Mulvaney-Stanak explained the intent of the resolution was to create a dialogue on how the recently-enacted Challenges for Change would impact the community and begin the process of determining steps to alleviate the pressure created by this legislation. It was explained there would be significant cuts to human services and state departments, with the Corrections Department being cut by \$5 million. Those would be part of the dialogue would include representatives from housing agencies, police, business owners, city government, state government and neighborhoods.

Councilor Dober noted his concerns with the agenda of the Administration which seemed to entail keeping the Council unaware of upcoming projects in the City. He did not think a task force was needed to know the community couldn't handle more individuals who needed social services.

Councilor Bushor expressed her support of the resolution. She reminded the Council that several years ago when the State Hospital released a large number of residents, a group similar to this proposed task force convened to determine what services were available and where the gaps were. This resolution would be a pro-active approach to being better prepared for the eventual relocation of those being released from the Department of Corrections. She then asked Police Chief Schirling to speak to the Council about the resolution.

Chief Schirling stated a task force would be helpful and, further, that embracing the active and engaged community of Burlington was an important component of successful projects and policy development. He did not characterize Burlington as being oversaturated, as Councilor Dober had stated, but that there was a high concentration of those needing services and the margin for error was thin.

Councilor Kranichfeld supported the goal of the resolution, agreeing that Challenges for Change will create potential problems for Burlington. He agreed the City needed to be pro-active rather than reactive. However, he was unclear that a task force was the best way to achieve the goal. He would prefer to get more information. He then made a motion to refer the resolution to the Public Safety Committee for review and recommendation. Councilor Decelles seconded the motion. Councilor Mulvaney-Stanak responded to the previous comments. Because of the timeliness of the issue she was concerned about it going to the Public Safety Committee to determine if a task force was need. She believed it was time consuming.

Councilor Adrian stated that because of the re-entry of offenders to Burlington, this resolution was appropriate to be referred to the Public Safety Committee. Council President Keogh interrupted Councilor Adrian to remind him to stay on track in his remarks. Councilor Adrian then stated that the Public Safety Committee would act on this resolution in a timely manner.

Councilor Decelles noted his reasons for the resolution going directly to the Public Safety Committee rather than waiting for a task force to convene. Councilor Caldwell stated the reason to include more people through a task force was because two-thirds of the Public Safety Committee had a small scope of experience in this area whereas a task force could include a wide spectrum of experts. She also noted that multiple task forces and two Blue Ribbon committees had been created by this Council over the past six months and Councilor Caldwell saw no reason for this particular request to be denied. Councilor Bushor spoke in agreement with Councilor Caldwell, stating the expertise of a task force was needed and transparency would be provided.

Councilor Shannon supported the concept of a task force, however, she believed it would be best sent to committee. She believed that a task force should include other communities outside of Burlington in order to determine services that could be shared. She then asked that Councilor Adrian have a "report back" date from the Committee. The date of June 14th was offered by Councilor Adrian as a friendly amendment to Councilor Kranichfeld's motion. The maker and seconder stated it was friendly.

The Mayor explained that Challenges for Changes consisted of \$38 million in cuts this year and \$70 million in cuts the following year. This resolution attempted to review and prepare for the broad range of services that would be taken away from human service needs in the City of Burlington. The resolution did not only deal with the issue of the Department of Corrections and offenders. The task force being proposed would deal with issues that were broader in scope.

Councilor Wright asked what the intention of the amendment to the Public Safety Committee was and what the goal was. Councilor Kranichfeld replied the committee would explore alternatives and return to the Council with recommendations on whether to have a task force. Councilor Mulvaney-Stanak stated if the amendment failed, she would support having the Public Safety Committee be members of the Task Force which she believed would be more efficient.

Councilor Berezniak called the question, seconded by Councilor Kaplan. Councilor Mulvaney-Stanak asked for a roll call. The vote to call the question passed by a vote of 13 to 1:

Aye: Councilors Adrian, Berezniak, Bushor, Decelles, Dober, Kaplan, Kehoe, Kranichfeld, Mulvaney-Stanak, Paul, Shannon, Wright, Keogh.

Nay: Councilors Caldwell.

The amended resolution referring the action to the Public Safety Committee with a report back date of June 14th was then voted on. Councilor Caldwell asked for a roll call. The amended resolution passed by a vote of 10 to 4 with the following votes:

Ayes: Councilors Adrian, Berezniak, Decelles, Dober, Kaplan, Kranichfeld, Paul, Shannon, Wright and Keogh.

Nays: Councilors Bushor, Caldwell, Kehoe and Mulvaney-Stanak.

5. RESOLUTION: Champlain Parkway (Councilors Wright, Paul, Keogh, Mulvaney-Stanak)

Councilor Wright made a motion to adopt the resolution, seconded by Councilor Paul. He then yielded the floor to the Mayor. Mayor Kiss explained this resolution would allow DPW to pursue an Act 250 permit for the building of the Chaplain Parkway. He stated his belief that the Parkway would support economic development in the Pine Street corridor, would address traffic at Maple, Pine and King Streets with street lights, would enhance the south end of the City and was in the best interest of the City of Burlington.

Councilor Dober stated his support for the resolution. Councilor Shannon reminded the Council there would be winners and losers with the building of this road. She hoped the Act 250 process would benefit the design of the road as she was very concerned about the King and Maple neighborhood and how it would be affected. She stated she wanted to see a traffic light placed on Pine Street prior to approving this resolution. Councilor Decelles also noted his opposition to the resolution.

Councilor Wright strongly supported the resolution and believed the benefits would outweigh the negatives. Councilor Caldwell then spoke of her opposition to directing traffic to the Maple/King neighborhood. Councilor Berezniak expressed his support of the project, noting funding was not available to build a different design.

The motion passed by a vote of 11 to 3 with Councilors Shannon, Caldwell and Decelles voting against.

6. COMMUNICATION: Daniel Shearer, Chair, Burlington Electric Commission, re: Commission

Chair Report (oral)(written report was part of the May 10, 2010 City Council packet)

Mr. Daniel Shearer, Chair of the Burlington Electric Commission, addressed the Council. He expressed appreciation to the staff at BED for the work done in keeping rates low and using less electricity.

Councilor Bushor noted her reasons for pulling the item from the consent agenda. She wanted to be sure the public knew that the sale of renewable energy credits from McNeil Generating Station generated enough revenue to pay for the nitrogen oxide reduction unit in a matter of 18 months rather than the anticipated three year period. Further, she commended the Department for not increasing the rates.

Councilor Caldwell expressed appreciation to BED for the Clean Energy Assessment work that was done. She asked about smart metering and asked how much work was being done with BT. Councilor Berezniak asked that BED think twice about using gas companies that are using fractured shale to get at their product.

Councilor Shannon made a motion, seconded by Councilor Kehoe, to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. REPORT: Steven Goodkind, DPW Director, re: Annual Report to City Council – FY2010

Councilor Kehoe made a motion, seconded by Councilor Berezniak, to waive the reading, accept the report and place it on file. The motion passed unanimously. Councilor Bushor addressed Steve Goodkind, Director of Public Works, with complaints she had heard from a sidewalk committee that felt nothing had come of the work they had done to improve the sidewalks. Director Goodkind outlined the work on sidewalks, brought forward by the committee, would begin in Fiscal Year 2011. He noted, however, that there was much to do and little money to do it. It would be done according to a priority list.

Councilor Kaplan explained that the paving schedule could be found on the City's website and she commended DPW for making that information accessible to residents. She also noted that she and Councilor Caldwell would be working on providing more drinking fountains in and around Burlington.

The motion passed unanimously.

7.5. RESOLUTION: Authorization of Execution and Delivery of a Master Lease Purchase Agreement for Burlington International Airport for Fiscal Year 2010 (Board of Finance)

Councilor Wright made a motion, seconded by Councilor Bushor, to adopt the resolution.

A recess was called at 9:25 p.m. The meeting then reconvened at 9:28 p.m. Councilor Paul left the Council meeting at 9:28 p.m.

CAO Leopold explained the terms and conditions of the Master Lease Purchase Agreement to the Councilors. The motion then passed unanimously.

7.6. RESOLUTION: Authorization of Execution and Delivery of a Master Lease Purchase Agreement for Equipment for Fiscal Year 2010 (Board of Finance)

Councilor Bushor made a motion, seconded by Councilor Kehoe, to approve the resolution. CAO Leopold explained the terms and conditions of the Master Lease Purchase Agreement and the purchases included in the Lease Agreement.

The motion passed unanimously.

8. COMMITTEE REPORTS

Councilor Decelles informed the Council that the Charter Change Committee met to discuss resolutions referred to their committee on recall, impeachment, Finance Board composition and appointment process. He explained that the members of the Committee will be contacting municipalities to discuss the four topics and will meet on May 27th to report the findings to each other.

Councilor Bushor noted the HR Committee would meet to discuss the BED position that was before the Board of Finance and Fire Department compensation.

Councilor Shannon informed the Council the Ordinance Committee would meet to discuss zoning ordinances.

Councilor Berezniak stated the Community and Economic Development Committee met and were given a presentation on the Downtown Tax Incremental Financing District. A resolution will come from the Committee regarding this item for consideration.

9. COMMUNICATION: City Councilors, re: General City Affairs

Councilor Kaplan expressed appreciation to those from the Ward 4/7 Neighborhood Planning Assembly for speaking to the Council.

Councilor Mulvaney-Stanak informed the Council the Spring Move Out event would occur on May 6th. This was a great waste reduction effort for the City. She also mentioned she had been to the Young Elected Leaders Conference in Washington, DC which had been informative for her work on the Council.

Councilor Shannon noted that she and Councilor Paul had just returned from Boulder Colorado, a trip organized by the Church Street Marketplace. They were able to recognize challenges similar to Burlington and brought back ideas that could be used here. Additionally, she noted that Boulder's downtown district encompassed the outlying downtown stores as well which allowed more money to be generated with less coming from each merchant.

Councilor Caldwell commended the Burlington High School Drama Club for their recent production and encouraged residents to attend future shows. She also reminded residents of the opening of the Farmer's Market.

Councilor Decelles asked the Administration to provide an update on Burlington Telecom at the next meeting. Council President Keogh noted there had been some action by the Public Service Department relative to BT and Attorney Bill Ellis had requested an executive session at the next Council meeting to update the Council.

Council President Keogh provided the Council names of the recently selected members of the Ad Hoc Committee on the Moran Project.

10. COMMUNICATION: Mayor Kiss, re: General City Affairs (oral)(5 mins.)

Mayor Kiss spoke of the Carbon War Room session in Vancouver he had attended during the winter. Following that meeting, Burlington was selected to be one of the fifteen first wave city's that would benefit from Carbon War Room activities. A primary effort at the beginning of the project would be to mobilize private capital to address energy efficiency issues and planet change. He noted that this funding

may help Burlington to do work under the energy efficiency assessment. Chicago, Boston, and San Francisco are an example of other cities that were selected.

The Mayor informed the Council that the Administration is moving along on finalizing the Climate Action Plan. The first group of priorities would address 14% of the goal to reduce the carbon emissions by 20% by 2020. He believed that the country is hugely underestimating the threat of climate change and more needs to be done.

Finally, he informed the councilors that Relocate America, a company that helps consumers find a place to move, had just named Burlington one of the 100 best places to live in America for 2010.

10.5. COMMUNICATION: Ken Schatz, City Attorney, re: Phoenix House (oral)

On a motion by Councilors Shannon and Kehoe, the Council voted to go into executive session regarding potential litigation, the premature disclosure of which could place the City at a substantial disadvantage.

Councilor Caldwell stated she would request that the Council not discuss in executive session anything that could be discussed in open session.

The vote to go into executive session passed by a vote of 11 in favor and 2 opposed, with Councilors Caldwell and Berezniak voting against. Councilor Paul was absent.

On a motion by Councilors Wright and Dober, the Council voted unanimously to go out of executive session at 10:33 p.m.

Councilor Wright made a motion to suspend the rules and continue the meeting past 10:30 p.m. The motion was seconded by Councilor Dober and approved unanimously.

The meeting reconvened with Council President Keogh asking if the documents provided by City Attorney Schatz during Executive Session remained confidential. City Attorney Schatz stated they were but when the Council took action or the litigation were concluded it would no longer need to remain confidential.

Mayor Kiss then offered an alternative resolution to the one that was currently in place, authorizing the City Attorney to work with the Phoenix House to complete the agreement and Memorandum of Understanding.

Councilor Kehoe made a motion to adopt the resolution, seconded by Councilor Bushor. Councilor Bushor then asked that the agenda be amended to allow the resolution to be added to the agenda. Councilor Adrian then made a motion to amend the agenda to consider a resolution offered by the Mayor, seconded by Councilor Kaplan.

Councilor Shannon requested a point of order and questioned whether this item could be considered without withdrawing the previous resolution. City Attorney Schatz stated it could be considered a reconsideration of a previous resolution or as a freestanding resolution. Following debate from Councilor Adrian, it was determined that amending the agenda was debatable.

Councilor Adrian then noted that he would vote against amending the agenda to include this particular resolution with a whereas clause that discussed settlement. Councilor Mulvaney-Stanak asked for a point of information, asking if a councilor could make a motion to amend an agenda and then ask individuals not to vote for that amendment. Council President Keogh stated it was allowed. The vote to amend the agenda to include the Mayor's proposal failed by a vote of 10 to 4 (lack of 2/3 vote) with Councilors Bushor, Mulvaney-Stanak, Caldwell, and Kranichfeld voting to amend the agenda.

Councilor Adrian then made a motion to amend the agenda to include consideration of a proposed settlement agreement discussed in executive session, seconded by Councilor Wright. The motion passed unanimously.

Councilor Caldwell commented, stating she would not support the proposed settlement agreement, as she felt the appropriate action would be to vote on a reconsideration of the previous resolution on the Phoenix House. Councilor Wright called for a point of information. He asked that the City Attorney explain the action the Council was discussing so the public could be informed.

City Attorney Schatz explained the proposed settlement involved the City withdrawing their pending Motion to Alter that is before the District Commission in the ACT 250 proceeding, the Act 250 permit would go into effect and the City would then enter into a Memorandum of Understanding with the Phoenix House, including agreements in such areas as program eligibility, operations and discharge notification.

Councilor Dober stated his support of the agreement. However, he felt it still didn't address the core issue which was the process that took place. He then asked that an action plan be put in place following this lack of notification or understanding of the proposed project. The Mayor responded, stating again that the use of the building was permitted under the zoning law of the City without a hearing. The Mayor stated the State's notification will be dealt with in a different way in the future and outlined in what ways this would occur. The Mayor did request that procedures be reviewed by staff for notifications. Additionally, Planning Director White would be reviewing and considering revisions within the City's ordinance to address these types of zoning requests.

Councilor Adrian stated his support of the agreement, however, he was upset this item was last minute and did not involve a more open process. He also spoke of amending Exhibit 1. Councilor Wright stated his hope that the process improve in the future. He believed the action of the past week had been helpful to making the process more transparent and allowing business owners to have their opinions heard. Councilor Berezniak expressed his support of the documents and made a motion to amend one document per Councilor Adrian's previous request. Councilor Kaplan asked for a point of information, asking whether the Council had an option to change a settlement agreement. City Attorney Schatz asked for some leeway in dealing with the settlement. He noted he had heard the Councilor's concerns and was fairly certain he could remove the sentence the councilors were concerned with, however, he needed to work with the other parties in question.

Councilor Berezniak then withdrew his motion. He wanted it noted that his previous vote did not signify a fear or distrust of the proposed residents of the Phoenix House. He believed there were better alternatives than what was being proposed. He believed instead of one house with twenty residents, the City should have looked at having three houses for those twenty residents.

Councilor Shannon then asked for a point of information, asking what the motion on the floor was. After discussion and at Attorney Schatz' suggestion, Councilor Adrian made a motion to accept and authorize execution of the settlement documents and memorandum of understanding, seconded by Councilor Wright. He asked that there be amendments in the joint stipulation the first sentence of paragraph 2 on the second page be stricken and that the Attorney's Office be given authority to negotiate.

Councilor Dober made a motion to call the question, seconded by Councilor Kehoe. The motion passed unanimously.

The motion passed by a vote of 11 in favor, 1 absent (Paul) and 2 opposed, with Councilors Mulvaney-Stanak and Caldwell voting against.

11. ADJOURNMENT

On a motion by Councilors Decelles and Dober, the Council voted unanimously to adjourn at 11:32 p.m.

Attest:

Lori Olberg, Licensing, Voting and Records Coordinator and Sue Trainor, Assistant to the CAO