



## CITY COUNCIL MCINTYRE SUBCOMMITTEE MINUTES OF SEPTEMBER 24, 2020 MEETING

The September 24, 2020 meeting of the McIntyre Subcommittee was held via Zoom.

**Chair Peter Whelan opened the meeting at 3:12 p.m. with a roll call.**

Present were Chair Peter Whelan and Councilors Paige Trace and John Tabor.

Also present were City Manager Karen Conard, City Attorney Robert Sullivan, Legal Administrator Synthia Ravell, Michael Kane and Ralph Cox.

Attorney Justin Pasay of Donahue Tucker & Ciandella was admitted to the meeting at 3:15 PM.

Chair Peter Whelan stated last meeting discussed the results and has the letter from Attorney Justin Pasay with the questions. First thing to discuss is try to do this as much as we can in the public as we can. When Redgate/Kane feels should go into non-public and go into some negotiations, can raise hand and do that, but at this point the Subcommittee wants to try to keep it in public as much as we can moving forward.

Discussion then led into the letter by Attorney Justin Pasay with the first question being Subcommittee will advise Redgate/Kane specifically how it wants the McIntyre Project redesigned. Chair Peter Whelan asked for discussion to try get Redgate/Kane some direction of what Subcommittee thinks we should be doing moving forward with the redesign.

Councilor John Tabor discussed the following points related to the survey results:

- More public space;
- Taking out building at Bow and Penhollow;
- How to fulfill desire for more usable open space;
- What would make the best project?
  - Brainstorming with Redgate/Kane

Councilor Paige Trace has read Attorney Justin Pasay's letter and reiterated that we've heard a lot from a lot of residents and they want Councilors to be as open and transparent as possible and to be public, so as many meetings as we can should be held publicly.

At 3:17 PM, John Kane was admitted to the meeting.

Councilor Peter Whelan discussed retail space and reconfiguring one or both back buildings.

Michael Kane spoke to the lease area of the Post Office to the City and the City to the Post Office, as well as discussed indoor space and not sure where to put it if not where it would go.

Attorney Robert Sullivan noted that someone has to determine direction.

Michael Kane said Redgate/Kane would make their architecture team available for whatever the city needs. He also stated that there would be as much public process as needed.

With respect to the public process, Attorney Robert Sullivan asked what amount of involvement does Redgate/Kane want. The response from Ralph Cox was that Redgate/Kane has architects, use them to remain economically viable, and the City drives the process.

Attorney Robert Sullivan noted that a roadmap needs to be made from where we are today to get the case settled and that the Subcommittee sets off on its own with Redgate/Kane observing.

Chair Peter Whelan noted that the subject of costs needs to go to the whole City council and the survey shows that the public is willing to spend some money.

Further discussion was had regarding the cost for conceptual design and the Subcommittee would need to seek supplemental approval from the full City Council. Chair Peter Whelan will put this on the next City Council meeting.

Ralph Cox asked what it is specifically that the Subcommittee wants. Council Paige Trace stated that the Subcommittee was grasping at that and:

- Need to get something started with Ralph Cox and Michael Kane on what is going to be built;
- Residents have spoken as to what they want to see and don't want to see;
  - Survey has given a little bit of clarity;
  - Constructive agreement as it relates to Redgate/Kane's contractor, clients and investors, as well as the City;
  - 75% of the surveys show the residents are okay with some expense

- Residents want more open space
- Residents want return of the Post Office

At 3:31, Councilor Deaglan McEachern was admitted to the meeting.

Chair Peter Whelan suggested that City Attorney Robert Sullivan and Attorney Justin Pasay work together to get the lawsuit behind us, especially if the City is willing to put money into the redesign.

Councilor John Tabor questioned how enforceable is an agreement that the public rejects.

Ralph Cox stated that we need a line of sight to a new deal.

Chair Peter Whelan commented that can't give what the new deal or perform a is going to look like until the redesign and they crunch the numbers, but the Subcommittee has been acting in good faith and having the lawsuit doesn't help. A lot of things in the City's tool box to add to the project.

Councilor John added that we were willing to take the risk to leave the original project with minor modifications in the survey and go to the public. Received answer loud and clear and asked that they be willing to take that kind of risk to keep things moving forward.

Michael Kane stated that if Subcommittee wants to propose a solution to the lawsuit, they're all ears.

City Attorney Robert Sullivan asked if the first three steps would look something like this:

1. Get \$150,000;
2. Once received, will follow whatever process the Subcommittee wants to follow with a public process; and
3. Utilizing that \$150,000, spending it on Redgate/Kane's architects
  - a. on a building concept;
  - b. say here's what we want you to build; and
  - c. then Redgate/Kane will then tell Subcommittee the basic business points of the deal

Once we have gone through those, then enter a new development agreement and new ground lease to accomplish that result, and do it all right in a row to try to get this wrapped up by the end of the year.

Ralph Cox and Michael Kane agreed to the concept. Ralph Cox mentioned revenue neutral to try to get that point and Councilor John Tabor stated there was more detail needed before we discuss revenue neutral and his sense of discussion was to get same

healthy ROI but on a lower capital spend. Michael Kane said he doesn't believe it benefits anyone to negotiate this on a Zoom call, but from 30,000 feet he doesn't think they disagree on the perspective Councilor Tabor is taking right now, and Ralph Cox agreed.

Chair Peter Whelan stated he would bring it to the City Council for project redesign with Redgate/Kane, public input, and projecting a redevelopment agreement by end of year with project set. It was also asked of Redgate/Kane to prepare a 1-2 page summary.

Councilor John Tabor mentioned the possibility of showing the three slides of the survey results as part of building the momentum. City Manager Karen Conard confirmed to show the slides at the October 5, 2020 City Council meeting and ask for the matter to be heard at the October 19, 2020 City Council meeting.

Councilor Deaglan McEachern proposed \$150,000 cost, outline of how it is to be spent, present to City Council and to public, framing it as an investment.

Councilor Paige Trace stated that the Subcommittee is in agreement with City Attorney Robert Sullivan and the City's partners.

Councilor John Tabor asked about the status of the parking revenue with the budget and City Manager Karen Conard stated that it is currently looking good for the first two and a half months of the new fiscal year.

Next meeting dates were discussed with the Subcommittee to meet on October 6, 2020 and October 13, 2020, and then a meeting on October 20, 2020 to include Michael Kane and Ralph Cox.

**At 3:54 P.M., Councilor Paige Trace made a motion adjourn the meeting, which was seconded by Councilor Deaglan McEachern. On a 4-0 roll call vote, the meeting was adjourned at 3:55 PM.**

Minutes taken by  
Synthia M. Ravell, Legal Administrator  
September 24, 2020

Date: \_\_\_\_\_

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Peter Whelan, Chair  
McIntyre Subcommittee

