BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
February 12, 2024
DRAFT

MEMBERS PRESENT:	Karen Paul Joan Shannon Ali Dieng Zoraya Hightower (via Zoom) Sarah E Carpenter Mark Barlow Joe Magee Gene Bergman Ben Traverse Tim Doherty Melo Grant Hannah King
OTHERS PRESENT:	Miro Weinberger Katherine Schad Lori Olberg Kim Sturtevant Jamie Feehan Bruce Baker Brian Pine Rebeka Lawrence-Gomez Christine Curtis Cindi Wight Meghan O'Daniel Abby Duke Dave Farrington Patrick O'Brian Al Senecal Laura Wheelock Julia Ursaki Nic Longo Dave Carman Marie Friedman Jeff Glassberg Chapin Spencer

Norm Baldwin
Corey Mims

---

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 4:39 PM.

MOTION by Councilor Doherty, SECOND by Councilor Carpenter, to amend and adopt the agenda as follows:

- **Remove from the consent agenda item 8.21. and place it on the Deliberative Agenda as item 9.9 (per City Council President Paul per Councilor Bergman);**
- **Remove from the consent agenda item 8.16 and place it on the Deliberative Agenda as item 9.10 (per City Council President Paul per Councilor Grant);**
- **Add to the consent agenda item 8.23. Communication: Margaret Prindle, re: NEIGHBORHOOD CODE;**
- **Add to the consent agenda item 8.24. Communication: Solveig Overby, re: Why has the City derailed the Gateway Block Request for Proposal process? 2/12/2024 City Council Agenda Item 4;**
- **Add to the consent agenda item 8.25. Communication: Beth Anderson, Member, Electric Light Commission, re: Resignation;**
- **Remove from the agenda item 9.2 (per COS Redell).**

VOTING: unanimous; motion carries.

2. LEGISLATIVE UPDATE AND MEETING WITH PRIMMER PIPER TEAM (VERBAL)

2.1. Legislative update and meeting with Primmer Piper team (verbal)
Jamie Feehan of Primmer Piper Eggleston & Cramer began by speaking about the legislative session and timeline. He noted that there are generally 3-4 weeks of legislative activity prior to crossover, which is when committees move bills from one chamber of the legislative to the other. He noted that generally, crossover occurs the week of March 15 for non-financial committees and the week of March 22 for financial committees. He noted that any bills that don’t go through crossover will not be taken up that legislative session. He then spoke about several high-priority issues in the legislature that pertain to Burlington.

Mr. Feehan noted that the first issue pertains to property taxes, which are slated to increase by approximately 20% absent any changes. He noted one bill that was fast-tracked out of the House Ways & Means Committee that would repeal the 5% spending cap put in place by Act 127 and replace it with incentives for towns to cut their school budget growth over the next five years, and provides for a delay in school budget votes until after Town Meeting Day, which will give schools the chance to propose alternative budget options without the 5% cap. Councilor Barlow noted that the tax cap in Act 127 favors Burlington and asked whether measures were put in place to protect Burlington from an additional tax increase, if that cap is being repealed. Councilor Bergman asked if there is anything the Council or administration can do to advance the interests of the City as a whole, since the school budget vote and the City’s proposed tax increase are intertwined. Councilor Bergman spoke about the $400,000 threshold for determining income sensitivity, noting that the result of Burlington’s last appraisal bumped many households over that threshold and made it more difficult for them to get relief. Mr. Feehan said that this is one of the levers that could be explored for tax relief at the State level. Mr. Bergman urged the legislative delegation to press this issue on behalf of Burlington. Councilor Grant noted that the voters are asked to vote on a budget and an estimated tax rate, and asked whether the City has ever gone over the estimated tax rate. Chief Administrative Officer Schad replied that they will need to follow up with an answer to this offline. Councilor Grant noted that Act 127 had many measures in it to improve equity, and asked how this proposed bill would affect those. She also wondered how this delay would affect Burlington’s ability to accurately project a tax rate in time to receive voter approval. Mr. Feehan noted that the pupil weighting methodology won’t be changed to Burlington’s detriment.

Mr. Feehan then spoke about emergency housing. He noted that the legislature is addressing this through the Budget Adjustment Act (SFY 24 BAA) bill, which is currently Bill 839. He noted that the motel voucher program was proposed to be extended by the House through June 30, and will pick it up again in the SFY 25 budget. He also noted that the SFY24 BAA also provides for 5 new shelters around the state to house segments of the unhoused population. He noted that the Senate passed an amendment on Friday that agreed to the 5 shelters but would extend the motel voucher program only to those in vulnerable populations through June 30 (he noted that this does not include the elderly or those on disabilities, unless they have other conditions). Councilor Shannon asked how many people the 5 shelters are estimated to house, and Mr. Feehan replied that his team can provide statistics on the number of unsheltered people and the number who would qualify (or not qualify) for housing based on modifications to the motel voucher program. Councilor Dieng asked about the types of shelters that are being proposed for those 5 new shelters and when they will come online. Mr. Feehan replied that they will only be running through June 30, and will be a mix of congregate housing and other types.

Councilor Hightower asked whether there has been an update on the just-cause eviction bill that came out of Burlington’s proposed charter change, and Mr. Feehan replied that the legislature has not yet taken up any municipality’s just-cause eviction proposals, since they are currently prioritizing emergency housing.

Mr. Feehan then spoke about other bills related to housing. He spoke about a large bill in the House that would modify Act 250 requirements to allow cities and towns with robust zoning and permitting regulations to be exempt from certain duplicate review processes at the State level. He also noted a bill in the Senate that largely focuses on addressing Act 250 as well.

Mr. Feehan then spoke about bills related to public safety. He spoke about a bill that would enhance penalties for violation of retail theft, which has since shifted into creating a program to help violators avoid repeat violation and addressing the root cause of the theft. He said that significant resources are being proposed to reducing the backlog of cases in the court systems. Mr. Feehan also noted a bill that would address auto theft, which would increase penalties and broaden the applicability of the charge. Mr. Feehan spoke about bills related to drug crimes and prohibiting ghost guns, and a bill related to overdose prevention centers, which has passed the House and is pending in the Senate. He also spoke about bills related to public transit funding and identifying new sources of that funding for public transit providers. Councilor Magee spoke about his support for H. 72 (overdose prevention centers), and asked that the Council be kept updated on its progress, and that Council involvement be considered as the bill continues its way through Montpelier. Councilor Grant spoke about overdose prevention centers, noting that the current governor has not taken this issue as seriously as it needs to be taken, given that tried and true methods of handling the opioid epidemic are no longer working. She asked whether the strategy is trying to get the governor on board with a bill or ensuring that the legislature has a veto-proof majority on a bill, and Mr. Feehan replied that it could be either of those two strategies.

City Council President Paul asked that Councilors be kept informed of bills, their status, and dates where it could be valuable to represent the issues in Montpelier.

3. PRESENTATION ON FORMER YMCA FROM BRUCE BAKER (VERBAL)

3.1 Presentation on former YMCA from Bruce Baker (verbal)

Cleary Buckley, the architect for the developer, said that this is a proposal for redeveloping the former YMCA building on College Street in Burlington. He noted that the historic building is on the historic register, and that they have negotiated with the local and state historic groups to tear down the existing structure except for the part with the gabled roof. He said that the project will contain 90 apartment units, amenity spaces on the ground floor, and parking below grade. He said that the site has a significant grade change between South Union and the portion behind City Market and the Howard Center, so there is accommodation for some parking. He said that the project is six stories tall. He said that they anticipate having a cost estimate for the project available next week. Councilor Doherty asked how the developer will attract a variety of tenants, noting that he has heard that this development will be for student housing. Mr. Baker replied that these units will all be rentals, and the proximity to downtown will attract a variety of people. Councilor Dieng asked about the timeline and inclusionary zoning provisions. Mr. Baker replied that hope to secure permits in June and begin construction, which should take two years. He said that they will likely have 20% of the units as inclusionary zoning units. Mr. Baker spoke about some of the challenges of constructing on this lot, which include the uneven terrain, tight urban configuration with no possible areas for staging, soils that are insufficient for new buildings, preserving a portion of the historic structure, and the challenges of building to LEED standards. Councilor Grant asked about the unit mix for the 90 units. Mr. Buckley replied that it would be a mix of studios, 3-bedroom, and 4-bedroom units, with a smaller amount of 1-bedroom and 2-bedroom units. He said that they are trying to attract families and young professionals. Councilor Grant asked whether the property will be monitored, given that it has been a focus of trespassing and graffiti, and that it is currently fenced off. Mr. Baker noted that they have gotten permission from the fire marshal to block the windows from the inside, to protect construction site tools. He said that more construction activity at the site has also deterred nefarious behavior, since the site is less unsupervised. He said that they will also designate a person during construction to be a point of contact for community needs. Councilor Traverse noted that there are a handful of new measures this Council has adopted that will impact this project, and he asked about the project's parking plans (given the elimination of minimum parking requirements) and asked whether the developer anticipates fully electrifying the property. Mr. Buckley replied that the project is slated to have 43 parking spaces below grade. He said that hot water generation will be through gas. He said that the HVAC systems will be electric heat pump/split systems. He said that the building envelope will be well-insulated and to LEED gold standard. Councilor Bergman asked about the noise-proofing between units, and Mr. Cleary spoke to the details of the insulation between units. Councilor Magee asked about timing for demolition and construction, and Mr. Baker replied that they are hoping that they can secure permitting and begin the demolition and construction in June. City Council President Paul noted that a number of constituents that live near this area are excited about the prospect of having more housing for families in this area.

4. COMMUNICATION: MAYOR MIRO WEINBERGER RE: SOUTH END COORDINATED REDEVELOPMENT PREDEVELOPMENT AGREEMENT AND GATEWAY BLOCK PREDEVELOPMENT AGREEMENT (VERBAL) **EXPECTED EXECUTIVE SESSION**

4.1. Communication: Mayor Miro Weinberger re: South End Coordinated Redevelopment Predevelopment Agreement and Gateway Block Predevelopment Agreement (verbal) **expected executive session**

Mayor Weinberger said that this pertains to two different projects (the South End project and the Gateway Block project), in different locations in the City. He said that while there are differences between the two, one of his goals is to make sure that there is consensus between his administration and the City Council about the direction in which these projects will go, as well as consistency between this direction and the goals of the private partners with whom the City is engaged on these projects. He noted that no action will be taken tonight based on discussion in executive session.

Councilor Bergman noted that there have been some complaints about how these types of issues, such as development agreements, are handled during executive session. He said that there should be public discussion and opportunity for dialogue first, especially related to the goals of these projects, after which it is more appropriate to have executive session. Councilor Hightower agreed, saying that discussions about goals could be held in open session, while discussions about what a predevelopment agreement could look like are better handled in executive session. Mayor Weinberger noted that both the Gateway Block and South End developments have gone through months of public discussion and debate. He said that he thinks it would be a good next step to take these concepts and goals around these projects and articulate them in predevelopment agreements with the developers. Councilor Grant disagreed with the Mayor, saying she has gotten feedback from her constituents about lack of engagement, noting that the Council had been asked to vote on a Letter of Intent related to the Gateway Block without a public process.

MOTION by Councilor Doherty, SECOND by Councilor Barlow, to enter into executive session for the Council to communicate with legal counsel and the City Administration about negotiations related to the South End Coordinated Redevelopment Predevelopment Agreement and Gateway Block Predevelopment Agreement, pursuant to 1 V.S.A 313(a)(2), to include the Mayor's staff, City Attorney's Office, CEDO Director, the Assistant CEDO Director, the Planning Director, the Principal Planner, and consultant Jeff Glassberg.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – aye, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (10 ayes, 2 nays); motion carries.

5. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

5.1 Verbal Comments
Forum opened at 7:43 PM.

COMMENTS:
Burlington residents (in person):

- Jake Schumann noted that he will be presenting later tonight as part of the dog task force. He spoke about task forces as a great tool for the City to use as an opportunity for a group of residents, representing diverse perspectives, to come together to solve a problem. He expressed regret that a task force model could not be utilized for some of the Palestinian/Israeli issues that have come before this Council that have been particularly divisive.
- Jane McDougal spoke about the lack of policing downtown and said that more policing is needed to help ensure the safety of residents, particularly those housed at Cathedral Square, given the rampant drug use in that area.
- James Sherrard spoke about item 9.4, the item regarding an amendment to the CityPlace agreement. He categorized this as a bait and switch, saying that sacrificing 70 housing units for 350 hotel rooms (as is proposed) is a bait and switch on the part of the CityPlace developers. He said that there is an acute shortage of housing for Burlingtonians now. He urged the Council to ask the developers to support the agreement as it stands, and not support this proposed amendment.
- Solveig Overby expressed concern about the Gateway Block project, asking why the City has derailed the Gateway Block request for proposal process, given that there was a process established in 2019 that was then replaced by a sole source bidder's Letter of Intent. She asked the Council to engage in a public process to develop the three properties associated with the Gateway Block.
- Romeo von Hermann expressed concerns about the ever-changing priorities of the CityPlace project. He said that the City has enough hotels and does not need more, but it does need more housing.
- Kathy Owell urged the Council to heed the NPAs' 45-day request to give the citizens a chance to understand what issues are before the Council and the opportunity to discuss them with their Councilors. She said that citizens aren't being given enough time to discuss recent issues, such as the zoning amendments, the change in the number of housing units being proposed for removal from the CityPlace agreement, and the lack of an RFP process on the Gateway Block project. She said that this can open the City up to lawsuits and that it needs to slow down and not rush the public process.
- Karen Long said that the Neighborhood Code conversation began as a way to get more two, three, and four unit-buildings into the City, but has now morphed into a proposal to get 8 to 10-unit buildings on almost every City lot. She said that the Planning Office and

Committee should discuss the implications of these proposed changes on stormwater and water management, given how gravely runoff affects the lake. She said that the CityPlace agreement now proposes replaces 77 housing units with 350 hotel rooms, which the City doesn't need. She said that the safeguards to protect against amendments like this were broken when the zoning for this development was fast-tracked. She also said that the Council was misled in November and pressured to vote on the Gateway Block Letter of Intent.

- Michael Long advised the Council to proceed thoughtfully on the number of important policy and project items on tonight's deliberative agenda, and not try and rush to make decisions for the sake of making decisions prior to the end of this Council session and administration.
- Chris Gish expressed frustration about how the administration and City Council handle climate policy and the democratic process. He spoke about the engagement in the public process that he and other constituents went through over the past year, but that it doesn't seem like they have had any impact on public policy. He urged the City to support item 9.9, and urged the Council to listen to the people and not special interests or polluters.

Burlington residents (via Zoom):

- Ry Sherman said that the City needs real climate policies and that the Council needs to stand up and lead the City toward real climate action. He urged the Council to vote in support of item 9.9 and allow this item to go on the ballot for the voters to weigh in. He noted that UVM spoke against this measure at the last Council meeting, but that UVM does not represent its diverse student body, many of whom are supportive of this resolution.
- Sharon Bushor said that there have been so many significant issues that impact Burlington up for the Council's consideration over the past six months that there has been little time for public input. She said that constituents feel left out and that they are not being heard. She spoke about the proposed CityPlace agreement changes, and asked whether the Mayor had outreached to UVM or the hospital and asked if they would have liked to have some residential presence at CityPlace for their employees, given that the hospital is actively looking for places for its employees to live. She also asked whether Mr. Baker had done similar outreach to the hospital or university for the development he is proposing for the former YMCA building discussed earlier tonight.
- Caroline Wydman said that UVM students are demanding climate action, and urged the Council to vote in support of putting the carbon emission item on the ballot to enable voters to weigh in on it.

Burlington property-owners or organizations (in person):

- Laura Marino spoke as the property manager at Cathedral Square in support of the use of HOME and CDBG funding to provide affordable housing for low-income older adults. She said that they serve 1,300 residents in 27 housing communities, ten of which are in Burlington, and that 93% of residents are low or very low income and almost 20% were previously homeless. She said that the services provided by SASH (Supports and Services at Home) are integral to supporting aging in place for the fastest-growing demographic in the state.

Forum closed at 8:09 PM.

6. CLIMATE EMERGENCY REPORTS

6.1 Verbal Reports

Mayor Weinberger spoke about legislation that proposes changes to the State's renewable energy standard, saying that it is making its way through the House, and would achieve 100% renewable energy statewide by 2030. He also noted that Burlington Electric Department just acquired two electric Ford F-150 trucks to replace gasoline-fueled vehicles in its fleet.

7. PUBLIC HEALTH & SAFETY EMERGENCY UPDATES

7.1 Verbal Reports

Councilor Grant provided information from the Chittenden County State Attorney's Office about the number of cases they have, the backlog, and information on the types of cases they have received. She noted that there is fear and frustration in the community, which has created a hotbed of misinformation and disinformation about the State Attorney's Office and its actions. She noted that Chittenden County had 2,990 pending criminal cases at the beginning of February, which include 45 pending assault and robbery charges, 182 pending burglary charges, 789 pending retail theft cases, and 222 operation without owner's consent (car theft) charges. She further noted that the State's Attorney herself is carrying over 200 cases, including several murders. She said that the clearance rate for cases continues to be consistent and good. She said that the State Attorneys across the state cannot prosecute on complaints they haven't received, and urged community members to submit an incident if they feel there is one, and follow up on it to ensure that it was logged. She said that she spoke at the Ward 8 NPA about public safety and officer staffing levels.

Mayor Weinberger spoke about the City's efforts to expand methadone access, given that the opioid crisis has changed and that the drug treatment of choice (buprenorphine) is no longer as effective and that methadone is also needed to address the crisis. He noted that an RFP was issued for more methadone treatment and that the Howard Center responded to it. He said that he hopes this means expanded methadone access in Chittenden County. He said that if approved, this dosing center would be located within the Community Health Centers of Burlington. He additionally provided an update on the winter warming shelter, noting that donations were received from Hannaford's Supermarkets ($90,000) and from the State ($37,000) to fund nursing services at the City's three low-barrier shelters. He noted that the winter warming shelter has served over 100 people since opening in December.

8. CONSENT AGENDA

8.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
8.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
8.3 Communication: C/T Office, re: January 16, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 26, 2024 Regular City Council Meeting.
8.4 Communication: C/T Office, re: January 22, 2024 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the February 26, 2024 Regular City Council Meeting.
8.5 Communication: C/T Office, re: January 29, 2024 Regular City Council Meeting Minutes, Draft – waive the reading, accept the communication, place it on file and adopt the minutes at the February 26, 2024 Regular City Council Meeting.
8.6 Special Event Outdoor Entertainment Permit Application (May 2024-September 2024): Higher Ground, BCA Center – 405 Pine Street (in back parking lot of building) - approve the special event outdoor entertainment permit application (May 2024 - September 2024) for Higher Ground, BCA Center - 405 Pine Street (in back parking lot of building.
8.7 Special Event Outdoor Entertainment Permit Application (Friday, April 5, 2024 to Monday, April 8, 2024): The Pinery, 377 Pine Street – approve the special event outdoor entertainment permit application (April 5, 2024 to April 8, 2024) for the Pinery, 377 Pine Street.
8.8 Special Event Outdoor Entertainment Permit Application (May 17 – August 30): South End Get Down, 377 Pine Street - approve the special event outdoor entertainment permit application for South End Get Down, 4:30 pm – 11:00 pm every Friday, 377 Pine Street.
8.9 Special Event Outdoor Entertainment Permit Application (9/19/24 to 9/22/24): Oktoberfest, Burlington Waterfront - approve the special event outdoor entertainment permit application (9/19/24 to 9/22/24) for Oktoberfest, Burlington Waterfront.
8.10 Communication: Mayor Miro Weinberger, re: Appointments of Brian Lowe and Kirby Dunn to the Burlington Housing Authority Board – accept the communication and place it on file.

8.11 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals: see attached list – approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.
8.12 Communication: Solveig Overby, re: 1/29/24 City Council PF – waive the reading and place the communication on file.
8.13 Motion to Authorize Chief Innovation Officer to enter into a contract for email services – I&T – approve and recommend that the City Council approve and authorize the Chief Innovation Officer execute an agreement with GovConnection, Inc. and Microsoft for email services for a total amount not to exceed $165,000 over three years, subject to final contract approval by the City Attorney's Office.
8.14 Authorization to Execute Contracts for two Great Street CityPlace Streetscape Public Art Projects – BCA/DPW - authorize the Director of Burlington City Arts to execute the following Artist Agreements for public art surrounding CityPlace Burlington, for contract values not to exceed $182,500 in the aggregate, with additional approved contingency funds in the amount of $17,500 to fund any future necessary contract amendments or city scope related to the public art projects, for a total authorized expenditure not to exceed $200,000, subject to review and approval by the City Attorney's Office and contingent upon City Council approval of Budget Amendment for BTC Public Improvements for Public Art Contracts and ARDA Amendment: 1. A contract with Studio Projects, LLC in an amount not to exceed $92,500 for final design, fabrication, and installation of artwork; and 2. A contract with Studio KCA in an amount not to exceed $90,000 for final design, fabrication, and installation of artwork.
8.15 Budget Amendment for 130 Bank Street Sales Tax Reallocation Funds for the BTC Public Improvements Project – DPW - authorize the Director of Public Works or designee to request reimbursement in the amount of $987,059 in 130 Bank Street Sales Tax Reallocation funds towards the BTC Public Improvement Project Budget to accept the same, and to further authorize the Chief Administrative Officer or designee to effectuate all necessary budget amendments and transfers of funds in substantial conformance with Attachment 1 in furtherance of securing this reimbursable state funding.
8.16 Van Purchase For Burlington Cares - **NOW AGENDA ITEM 9.10.**
8.17 Approve Street Maintenance Worker/Working Foreperson Retention Bonuses – DPW - approve the attached Memorandum of Understanding between AFCSME Local #1343 and the City of Burlington re: Retention Bonus for Department of Public Works Street Maintenance Employees, authorizing Public Works Director Chapin Spencer to execute the agreement and to further authorize the payment of retention bonuses to employees holding the positions of Street Maintenance Worker and Street Maintenance Working Foreperson for the periods described and amounts listed therein provided that such payments shall not exceed $1500 per employee or $28,500 in the aggregate, subject to review as necessary by the Chief Administrative Officer or designee.
8.18 Request to Amend a Contract with Nelson/Nygaard Consulting Associates, Inc. for Consultant Services for the Citywide Transportation Study – Planning – approve and authorize the Director of City Planning to amend the maximum limiting amount for the CTOS study to a total of $104,373.50 and to execute a contract amendment with Nelson/.Nygaard Consulting Associates, Inc. for the revised amount and for the purposes of replacing the scope of work for Task 1A, subject to final review and approval of the City Attorney's Office.
8.19 Budget Amendment and Contract Amendment for BTC Public Improvements and Associated Public Art Contracts – DPW - 1. Approve and authorize the use of $200,000 in Waterfront TIF funds towards the BTC Public Improvements, Public Art project budget, as further detailed in the amendments to the project budgets as described in the above table labeled "NW Budget-TIF Only" and subject to the attached Budget Amendment form; and 2. Approve and authorize the use of $1,054,624 in Waterfront TIF funds towards the BTC Public Improvements, BTC Public Improvement TIF project budget, as further detailed in the amendments to the project budgets as described in the above table labeled "NW Budget-TIF Only" and subject to the attached Budget Amendment form; and 3. Approve and authorize the Chief Administrative Officer or designee to effectuate all necessary budget amendments and transfers of the funds in substantial conformance with Attachment 1; and 4. Approve and authorize the Director of Public Works to execute a second contract amendment with Stantec Consulting Services, Inc. for the development of an updated design for the Great Streets Bank & Cherry Street project in an additional amount up to $85,716, and any necessary future amendments in furtherance of updating the current design using up to $8,571.60 (10%) in available contingency funds, for a total authorized contract amount not to exceed $1,340,003.32, subject to the review and approval of the City Attorney's Office.
8.20 FIO Documents – for information only.

8.21 Resolution: Implementation of a Carbon Pollution Impact Fee (TEUC (Councilors Bergman and King)) **NOW AGENDA ITEM 9.9**
8.22 Resolution: Climate Policy Review and Next Steps For Existing Commercial And Industrial Buildings Less Than 50,000 Square Feet (Councilors Traverse, Barlow) – postpone to a date certain to the February 26, 2024 Regular City Council Meeting.
8.23. Communication: Margaret Prindle, re: NEIGHBORHOOD CODE – waive the reading and place the communication on file.
8.24 Communication: Solveig Overby, re: Why has the City derailed the Gateway Block Request for Proposal process? 2/12/2024 City Council Agenda Item 4 - waive the reading and place the communication on file.

MOTION by Councilor Dieng, SECOND by Councilor Shannon, to adopt the consent agenda and take the actions indicated for items 8.1-8.24.

VOTING: unanimous; motion carries.

9. DELIBERATIVE AGENDA

9.1 Public Hearing: City's 2024-2028 Consolidated Plan for Housing and Community Development – CEDO
Director Pine began by noting that they are here before the Council to gather feedback about housing and community development needs, in order to inform the City's plan for housing and community development for the next five years. He said that this is a way for the City to think strategically about its community development needs and market conditions, and make data-driven, place-based decisions on investment of scarce federal dollars. Housing Program Manager Lawrence-Gomez spoke in more detail about the broad public engagement process CEDO has undertaken to inform this next five-year plan. She said that they have met with healthcare providers, housing providers, individuals, state departments within the Agency of Human Services, as well as fielded an online survey, which is still open but has yielded many responses so far. She noted that they are collecting feedback and incorporating it into the consolidated plan through March and will be returning to the Council in April with a draft plan for approval, and anticipate submitting the plan to the federal government at the end of May.

City Council President Paul opened the public hearing.
There were no public comments.

City Council President Paul closed the public hearing.

Councilor Hightower asked whether CEDO plans to give a presentation on the survey results. Director Pine replied that yes, they plan to present the results of the survey once it is closed.

Councilor Carpenter asked whether there are any major changes that will drive how funding will be used going forward versus how it used to be used. Director Pine replied that the federal government hasn't given any direction that departs from that of the past, though he noted that the amount of funding in real dollars has decreased dramatically since the 1990s, in part now due to inflation.

Councilor Dieng asked about the level of engagement necessary for an engagement campaign to be considered successful. Housing Program Manager Lawrence-Gomez replied that CEDO is less focused on the number of people who have been engaged but more at having as wide an array of responses as possible, especially from vulnerable populations. Councilor Dieng asked how CEDO has been using the City's Language Access Plan to reach diverse populations in the City. Housing Program Manager Lawrence-Gomez replied that they connected with the Associations of Africans Living in Vermont and worked in partnership with them to identify the needs of the communities that they represent. She noted that the online survey has been translated into multiple languages. She also noted that CEDO staff attended the Trusted

Community Voices meeting and heard directly from them about their experiences and community needs. Councilor Dieng suggested directly outreaching members of the New American community rather than going through an organization.

9.2 Communication: Mayor Miro Weinberger, re: Appointment of Assistant City Attorney **ITEM REMOVED FROM AGENDA**
Item removed from agenda.

9.3 City of Burlington, VT 2021-2023 Dog Task Force Report
Maria Karunungan, Chair of the Dog Task Force, began by introducing the other present members of the task force (Jake Schumann, Kyle Tansley, Ilona Blanchard, and Lori Kettler). She noted that the task force was tasked with a mixture of policy recommendations and implementation requests. She noted that recommendations included updating animal-related city ordinances, improving licensing process and increasing the number of licenses, requiring licensing of cats and prohibiting at-large cats in the City, improving reporting, compliance, and enforcement through the creation of an Animal Control Officer (ACO) and adding experts to the Animal Control Committee, establishing a policy for off-leash dogs, and creating and expanding the annual calendar of education outreach, activities, and parks-based events to reduce issues and conflict. She said that in terms of updating ordinances, the task force specifically reviewed Chapter 5, which relates to animals, and they updated language, improved the animal shelter policy, added language to require the licensing of cats, increase licenses fees and dedicate funds to improving the welfare of dogs and cats, and strengthened enforcement measures. In terms of licensing recommendations, they recommended improving the licensing process, increasing the number of animals in the City that are licensed, and allocating revenues appropriately. She noted that the City's current estimated rate of licensing is 11%, and that the City is receiving around $24,000 per year in licensing revenues. She said that with the recommendations outlined in this report, the projected increase in revenue to the City from improved licensing outreach and efforts to encourage compliance could be between an additional $70,000 and $276,000 per year. She spoke in more detail about recommendations around cat licensing. She said that the task force recommends requiring cats to be licensed and to prohibit at-large cats. She said that licensing cats would improve their welfare, aid in identification for animal control purposes, and to better ensure public safety. She said that prohibiting at-large cats would reduce disease, injury, and fatalities, reduce neighborhood nuisances, and improve wildlife conservation efforts, particularly for birds. She noted that Burlington would not be the first municipality to implement this. She spoke about recommendations related to reporting, enforcement, and compliance, such as the creation of an Animal Control Officer, adding professional experts to the Animal Control Committee, increasing accessibility of reporting and ensuring issues are responded to, increasing the consequences of ordinance violations, and improving the City's animal shelter provisions. She then spoke about recommendations related to off-leash areas, noting that the task force recommends that off-leash areas be expanded in the City. She said that the task force recommends establishing a policy for off-leash dogs that includes the management and creation of fenced and unfenced off-leash dog areas, and that this policy would have oversight from the Parks Commission. She spoke about a proposed pilot program of unfenced off-leash dog areas with clear signage and rules, and then spoke about potential areas in the City that could host this pilot program. She then presented a proposed annual education and outreach calendar.

Councilor Magee spoke about the collaboration between this task force and the Parks, Arts, and Culture Committee, and thanked the task force for its diligent and hard work over the past several years to bring forth these recommendations. He noted that the Parks, Arts, and Culture Committee is supportive of these recommendations

Councilor Doherty spoke about two important points within these recommendations, which are recognizing the negative impact of stray and at-large cats on the City's songbird population, and recognizing the potential impacts of exotic pets on Burlington's environment (particularly its waterways).

Councilor Grant noted that at-large cats include not just strays but any cat that is outdoors, and that people would need to find ways to keep their cats inside or on their property if at-large cats are prohibited. Ms. Karunungan noted that they have put together materials to help educate people on this.

Councilor Barlow thanked the task force for its work on this. He asked whether there has been prioritization of these recommendations, and whether some of them should be implemented before others. Mr. Schumann replied that there isn't currently an effective policy in place right now, so having an off-leash policy codified in ordinance is important. He also noted that the budget recommendations could be particularly impactful for the upcoming budget season, so he encouraged the City to look at that sooner rather than later.

Councilor Hightower asked whether the report could be referred to the Ordinance Committee, rather than placed on file. Assistant City Attorney Sturtevant replied in the affirmative.

MOTION by Councilor Hightower, SECOND by Councilor Magee, to waive the reading, accept the report, place it on file, and refer it to the Ordinance Committee.
<u>DISCUSSION:</u>

- **Councilor Carpenter noted that the underperformance in licensing isn't something the Ordinance Committee is equipped to deal with. <u>She made a friendly amendment to request that the parts of the report that are germane to the Parks, Arts, and Culture Committee (such as the underperformance in licensing) be referred to the Parks, Arts, and Culture Committee.</u>**
- **Councilors discussed postponing this item, so that the City Attorney's Office can review the report and determine which parts should be referred to which committees for further work to implement the recommendations.**

MOTION by Councilor Magee, SECOND by Councilor Traverse, to postpone action on this item until the City Council's February 26, 2024 meeting.

VOTING: unanimous; motion carries.

9.4 Second Amendment to Second Amended and Restated Development Agreement, CityPlace Partners LLC – Mayor's Office
Mayor Weinberger spoke briefly about the history of the CityPlace project, which began about a decade ago. He noted that in the fall of 2022, the Council approved the ARDA 2.0 (the Amended and Restated Development Agreement), which allowed the new local development team to move forward, break ground, and begin on the lowest levels of the project. He said that the partners were clear at that time that they were still putting together a financing plan and considering an array of development plans. He said that throughout the agreement discussion, the developers and the administration noted that this is a complex project and that more changes would likely be needed. He said that tonight, they can say with certainty that this effort will succeed. He noted that the South Tower at CityPlace is the tallest structure in Vermont and should be completed and open to residents within the next year. He said that most of the foundation of the second building (the North Tower) has been constructed, and it is anticipated that it will open in 2026. He said that by approving this series of amendments, the Council will allow the project to take another critical step forward. He said that the proposed changes are the addition of another hotel and the reductio of about 70 permanent homes from the project. He acknowledged that these changes would include an additional 350 hotel rooms, which would bring business into the City's downtown. He said that this new set of amendments would include at least 350 apartments, 70 of which will be permanently affordable, and has 30% more homes than the first development agreement that the Council approved (in 2018). He said that this is not a bait and switch, and that it represents a major step toward increasing the housing supply in the City. He urged the Council to approve this set of amendments, speaking about the CityPlace partners' efforts to ensure that this project is viable in the face of significant

headwinds around supply chain issues, inflation, and increased costs. He said that approving these amendments would also continue the efforts to ensure that significant public and private investment in the downtown continue to take place. He spoke about other large scale projects, such as the Main Street Great Streets project and the Cambrian Rise development, saying that the City has never had as much public investment being made as it is now, and hasn't had as much housing being created as it is now.

Outside legal counsel Tim Sampson began a brief presentation, noting that they will discuss the development agreement's history, project updates, and the second amendment to the agreement. He noted that the original development agreement was executed in 2017, and then paused until ARDA 1.0 in May 2021 and ARDA 2.0 in November of 2022, as well as the first amendment to the ARDA 2.0 in June of 2023. He briefly spoke about project updates, noting new partnership from the Giri group to provide a source for substantial third-party financing, the shift of Champlain Housing Trust's affordable housing component into the Cambrian Rise project, resulting in the CityPlace partners developing their own inclusionary zoning units. He noted that changes with this second amendment would include some program changes, adjustments to the timing, adjustments to the inclusionary housing provisions, adjustments to allow for progress payments toward the public improvements that the partners are doing, and updates on the TIF financing.

Attorney Sampson spoke in more detail about the amendment. He spoke about building program changes. He noted that there were originally going to be 272 units, which is now guaranteed to be a minimum of 350 units. He noted that the number of hotel rooms would increase from approximately 140 to not more than 350. He outlined changes in timing, saying that the south and north buildings were slated for completion by November 2025 and the CHT component completed by 2026, but now the proposal is to complete the south building by November 2025 and the north building by June 30, 2026. He spoke about changes to the inclusionary housing component of the project. He noted that the CityPlace partners will self-develop their inclusionary zoning units, and that they will be located in the north building and integrated throughout it. He said that there are provisions that protect the City to ensure that these IZ units materialize. He then spoke about progress payments for public improvements, saying that the current agreement allowed for TIF funding to be deployed when both towers are under construction contracts, but the proposed amendment would allow for the TIF funding to flow when the south tower has been fully financed. He said that the TIF financing protections would remain in place for this set of amendments.

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to approve and authorize Mayor Miro Weinberger to execute a Second Amendment to Second Amended and Restated Development Agreement with Cityplace Partners LLC, in substantial conformance with the attached draft and subject to the final review and approval of the City's attorney.
<u>DISCUSSION:</u>

- **Councilor Carpenter said that she is excited to see this project continue to move forward, and that it will represent a large effort to increase the housing supply as well as business in the downtown area.**
- **Mr. Farrington, one of the CityPlace Partners, spoke about how they have had to pivot with this project to adjust to the realities of increased construction costs, labor costs, and higher interest rates, but emphasized that they are committed to completing this project.**
- **Councilor Bergman asked for an explanation of why voting against these proposed amendments puts the project at risk. Mr. Farrington replied that the risks are around the economics of the project, because they are getting bank financing for 75% of the project and the partners need to demonstrate that this is a solid return on investment to the banks. Councilor Bergman said he is not supportive of the loss of 75 housing units, but he agreed that there are benefits for having more hotel units. He asked how the public will be able to access the inclusionary zoning units. Mr. O'Brian replied that a waiting list may be developed, but that it is too soon to discuss that at this juncture.**
- **Councilor Hightower expressed support for the agreement, even with these amendments. She said that the public and Council have not been given enough time to digest these changes, and would like to postpone a vote on this item until**

the Council's second February meeting. She expressed disappointment in how quickly large items like this are put in front of the public and the public isn't given enough time to give their input prior to the Council voting on them.

- **Councilor Magee expressed support for the project, saying that looking at it from a pig picture lens, it is beneficial to the City to have more hotel rooms and increased residential housing. He said he is supportive of these amendments, with the caveat that continuing to leave the public out of these conversations and lack of engagement is an ongoing problem.**
- **Councilor Grant said that she is disappointed to lose any number of housing units in this project but that the economics of building right now are difficult and expensive. She said that the sooner the pit in the middle of downtown is gone, the better. She also acknowledged the lack of public engagement around these amendments, and asked how more updates to the public can be released from the project without jeopardizing the financial plans of the project. She said she would like to work toward more public engagement for this project.**
- **Councilor Shannon said that the Council gave the permission for this project to go from 14 stories and only 272 units to 278 housing units, and then permission for 420 units and 10 stories, highlighting that this project has evolved over time. She acknowledged that this is a private development, but suggested that it would be beneficial to the public for the developers to produce a newsletter or communication to keep the public informed about progress being made on the project.**
- **Councilor Dieng said that a project of this magnitude should have proactive public engagement, and he would have preferred if the developers proactively engaged with the City's NPAs and commissions on these changes. He expressed concern about the lack of public engagement, though he said he is supportive of this project. He said that the most fundamental problem in this City is housing, and said that these changes represent less housing and more infrastructure for tourists. He said that the project should take the time to more actively engage the public. He asked how many IZ units have been lost as a result of these changes. Mr. Farrington replied that they reduced the number of IZ units in the project by ten units, though those units are being shifted to Cambrian Rise. He said that they are still including the required 70 IZ units they need for the project. Councilor Dieng pointed out that the perception of the community is that units are being lost, and said that the community needs to be engaged moving forward so that they understand these changes.**

VOTING: unanimous; motion carries.

9.5 Resolution: Supporting Students and Educators Through Statewide Education Tax Relief (Councilors Traverse, Paul, Barlow, and Carpenter)

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to waive the reading and adopt the resolution.
DISCUSSION:

- **Councilor Traverse spoke about the general feeling of sticker shock at the proposed education tax increase of 13.97%. He said that he is invested in the success of the schools, and is worried about how the high proposed rate increase would influence the outcome of the school budget vote, especially given that more than half of the increase is being mandated by the state and is outside the control of the local school district, due to the application of the CLA. He said that many municipalities are also dealing with similarly high increases. He said that this resolution is intended to support reasonable efforts that will mitigate the impact of state-mandated tax increases and establish a more equitable state education financing system. He said that this resolution also sends a plea to Montpelier to not walk back the gains made through Act 127 to make per pupil funding more equitable.**

- **Councilor Barlow spoke about the school district's careful budget planning, which for the proposed FY25 budget, included incorporation of both savings and increased expenses, as well as other operational investments, and that 61% of the increase was driven by the debt service being incurred because the school district is building a new high school and regional technical center. He said that any careful planning can be waylaid by pressure imposed by surprises that come from the state later in that planning process (in this instance, the CLA). He said he hopes the legislature considers serious structural changes in how it finances education in the state.**

VOTING: unanimous; motion carries.

9.6 RAISE Reconnecting Downtown Grant Acceptance associated with the BTC Public Improvements Project – DPW
Senior Engineer Wheelock and City Engineer Ursaki spoke to this item. Senior Engineer Wheelock said that this will be a transformative grant that would allow the City to reconstruct all of the blocks of Cherry Street and all of the blocks of Bank Street. She noted that this is a $22 million grant with no local match.

Mayor Weinberger said that with this congressionally directed spending from Senator Leahy, the City is back in its former position of potentially realizing the original vision of the Main Street Great Streets project, which had had to be scaled back in recent months due to rising construction and interest rate costs. He said that this grant will allow the City to bring all of the proposed streets up to the Great Streets standard.

MOTION by Councilor Barlow, SECOND by Councilor Carpenter, to 1. Authorize the Director of Public Works to execute the Amendment #1 to Cooperative Agreement CA0811 from the Vermont Agency of Transportation to accept an additional grant amount of $22,384,000 for construction of the Reconnecting Downtown Project, for an authorized RAISE grant acceptance in the amount of $22,384,000, resulting in a total authorized grant acceptance amount of $37,384,000, including a previously authorized CDS local match in the amount of $3,000,000, with project costs to be paid upfront by the City of Burlington and then reimbursed by the Vermont Agency of Transportation with no local match, subject to approval by the City Attorney's Office; 2. Authorize the Director of Public Works to execute the U.S. Department of Transportation Grant Agreement under the Fiscal Year 2023 Raise Program to define the scope of work, project schedule, and City's reporting responsibilities, subject to approval by the City Attorney's Office; 3. Approve the necessary amendments to the BTC Public Improvements Project Budget – Great Streets Bank and Cherry Street Project Budget by adjusting the accounts as described herein and in the attached draft budget amendment form and further authorize the Chief Administrative Officer or designee to effect all necessary transfer of funds in furtherance of such amendments.

VOTING: unanimous; motion carries.

9.7 Request to (1) convey the so-called North Hangar building at Patrick Leahy Burlington International Airport to Beta Technologies, Inc. (Beta) by Bill of Sale, and (2) to execute a Ground Lease Agreement with Beta to replace the existing building lease between the parties (Airport)

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to authorize the conveyance of the North Hangar building located at 1150 Airport Drive in South Burlington to Beta Technologies, Inc. and to authorize the Mayor of the City of Burlington to execute a bill of sale to effect the conveyance, subject to final review and approval by the City Attorney's Office; and 2. Approve and recommend that the City Council authorize the leasing of certain identified space at the Patrick Leahy

Burlington International Airport to Beta Technologies, Inc. and to authorize the Mayor of the City of Burlington to execute the ground lease agreement, subject to final review and approval by the City Attorney's Office.
DISCUSSION:

- **Aviation Director Longo began by providing a brief history of this particular lease, which originated in 2019. He noted that the building in question had been scheduled for demolition and was unoccupied prior to the 2019 lease, and that Beta Technologies made significant renovations to the building as part of its lease agreement. He said that over $500,000 has been invested into the building. He said that this item would sell the property to Beta Technologies and continue to lease the ground back to Beta Technologies. He said that this item is revenue neutral.**
- **Mr. Glassberg spoke in more detail about this agreement.**
- **Councilor Barlow said that he is supportive of Beta Technologies and the activities occurring at the airport, though he expressed concern that the Council was only made aware of this proposal a week ago. He said he would have liked the Council to be brought into the process sooner. He requested that these types of agreements be brought to the Council sooner so that it can conduct its due diligence prior to approving them. He said that he would also like items like this to go to the Airport Commission prior to coming to the Board of Finance and City Council. He asked for further detail about the revenue neutrality of the agreement. Aviation Director Longo replied that Beta is currently paying rent for the building, per its lease, and a limited portion of ground rent. He said that this would shift the rent entirely to ground rent, which would not itself be a revenue neutral deal, so other components were added to it to make it revenue neutral, such as parking fees and landing fees, which combined all create a revenue neutral deal for the Airport. Councilor Barlow asked how a change in lease terms and building sale affect the City's control in the event of a business failure or loan default or change in ownership. Mr. Glassberg replied that the City's interests are protected in the event that Beta puts in place a lease hold mortgage and it fails to pay it.**

MOTION by Councilor Magee, SECOND by Councilor Bergman, to suspend the rules and complete the remainder of the deliberative agenda.

VOTING: unanimous; motion carries.

DISCUSSION (CONT'D):

- **Councilor Traverse asked if there are any next steps and whether the airport will be returning to the Council for further action. Aviation Director Longo replied that Beta is one of the first companies to manufacture full-scale electric aircraft, which comes with many operational changes to the Airport itself. He spoke about some of these changes, which have already been approved by the Council, and does not anticipate further Council action needed in this area in the near future.**
- **Councilor Dieng said that he would have liked this to go to the Transportation, Energy, and Utilities Commission (TEUC) in addition to the Airport Commission, Board of Finance, and now City Council.**
- **Councilor Grant asked if this item would be included in the report that the Airport writes for the Airport Commission,. And Aviation Director Longo replied that yes, it would have been included. Councilor Grant suggested that the report to the Airport Commission be forwarded to the TEUC.**
- **City Council President Paul spoke briefly about the number of people employed by Beta Technologies at its Burlington facility.**

VOTING: unanimous; motion carries (Councilor Doherty recused).

9.8 South End Coordination Schedule Update 2.12.24 DPW

Director Spencer began by noting that in the fall of 2021, DPW put together the South End Construction Coordination Plan, which sought to deliver generational infrastructure renewal and minimizing the impacts of that investment on the community by coordinating the projects together. He noted that the downtown project has been added to the Construction Coordination Plan. He said that this plan represents over $200 million in investment in infrastructure. He said that at the next City Council meeting they will return to the Council with requests for contract and budget amendments for the Champlain Parkway. He said that the purpose of tonight is to lend context to those asks prior to seeking approval for them.

Assistant Director Baldwin began by noting the projects that have been completed since formation of the plan, projects in construction, and projects still in development. He showed the designs for some of the projects in development. He noted that the environmental impact assessment was just completed for the Railyard Enterprise Project, which allows the City to move forward with the rest of its preliminary design and then begin the process of right-of-way construction. He noted that the first phase of the Champlain Parkway Project is slated for completion this August, and that the second phase is anticipated to advance in August. He noted that they will be seeking Council approval for repackaging the final phase of the Champlain Parkway Project's design, and also completion of the first phase with some additional costs that weren't anticipated. He said that they are preparing to submit an application for the second phase of the Main Street Great Streets Project, which would connect from Pine Street to Battery Street.

Councilor Bergman asked about the completion of the Champlain Parkway Project three years before the proposed beginning of construction for the Railyard Enterprise Project. Director Spencer replied that the plan reflects that the Railyard Enterprise Project reached a milestone (the environmental assessment from the Federal Highway Administration), which means that it is a viable project to move forward with preliminary design. He also noted that the state and federal governments have committed up to $20 million on this project, which is a major commitment. He said that the Champlain Project is moving into its second phase, which will not be completed until 2026 or 2027, and it is anticipated that the Railyard Enterprise Project would begin construction in 2027. He acknowledged this gap, saying that the sequencing has shifted from what was presented to the Council three years ago, hence this update. Assistant Director Baldwin emphasized that the Railyard Project is one of the City's highest construction project priorities, along with the Parkway, but noted the challenges with constructing such a project on such a constrained site.

Councilor Magee echoed Councilor Bergman's concerns, saying that when they approved moving forward with Phase 1 of the Champlain Parkway, they were doing so in anticipation that the Railyard Enterprise Project would come first. He said that for the King/Maple Neighborhood, it's a non-starter that Phase 2 occur before the start of the Railyard Enterprise Project. Director Spencer noted that the asks of the Council for the next meeting will not be approval for a construction contract for Phase 2 of the Champlain Parkway Project, but would be the supporting consultants for some of the scope. He further noted that the City engaged in a robust process with federal and state partners around the National Environmental Policy Act (NEPA) process, which looked at the impacts on the King and Maple Neighborhood, and found that there was no disproportionate impact for that neighborhood. He noted that there is a projected increase in traffic of 9%, but that is balanced with exclusive pedestrian phases, bump outs, traffic calming, and other measures to manage that traffic.

Councilor Traverse asked if there is a timeline of when DPW will be seeking Council support for a construction contract for Phase 2. Assistant Director Baldwin replied that after the procurement process, they will likely come to the Council in April or May with a construction contract approval request. Councilor Traverse asked whether there could be ways to compress the timeline for the Railyard Enterprise Project, and Assistant Director Baldwin replied that they've been advancing certain components early, but are limited in flexibility by some of the federal processes and timelines. Councilor Traverse said that he, like others, would like the Railyard Enterprise Project and the Champlain Parkway

Project to be completed as closely as possible, though he is mindful of the traffic and safety concerns in the south end of this project, and that there are a number of competing demands.

Councilor Grant said that there are equity issues around the Champlain Parkway project and the King/Maple Neighborhood. She said that these issues should not be discounted, because if the people who lived there had more political power or wealth, there may have been more debate about it.

9.9 Resolution: Implementation of a Carbon Pollution Impact Fee (TEUC (Councilors Bergman and King)) **WAS CONSENT AGENDA ITEM 8.21**

MOTION by Councilor Bergman, SECOND by Councilor King, to waive the reading and adopt the resolution.
<u>DISCUSSION:</u>

- **Councilor Bergman said that this resolution looks at more than just fees, but looks at incentives and other areas with more granularity. He said that this resolution looks at August as an alternative to a Town Meeting Day ballot item, and allows the City to engage in a process that appeals across the board. He asked fellow Councilors not to deny by acting to delay.**
- **Councilor Grant spoke about the unseasonably warm temperatures this winter.**
- **Councilor Barlow said that he is not a climate denier, but said that the City needs to be very thoughtful about how it decarbonizes smaller buildings in Burlington, and that the carbon pollution impact fee may not be the right tool to decarbonize those smaller buildings. He said that if the City makes it onerous to own commercial or industrial property in Burlington, it would be difficult to decarbonize those buildings if those business owners leave and set up shop in a neighboring community. He said that he hopes that they can explore other tools, such as incentives and weatherization.**
- **Councilor Traverse spoke about actions taken to strengthen the implemented carbon fee ordinance. He acknowledged that some feel that even with this strengthening, the ordinance does not go far enough, but he does not agree that not supporting this resolution is an anti-climate action. He said that once the current, recently-implemented ordinance's monitoring and reporting provisions have led to the collection of actual data, the City can make evidence-based decisions on a future path.**
- **Councilor Grant said that this Council has a habit of kicking the can and doesn't incentivize businesses and building owners to do the right thing. She said that this is an area where the City can effect real change and can motivate businesses to do the right thing sooner rather than later.**
- **Councilor Magee expressed support to incentivizing conversion to electric, but that without the carbon impact fee, the City will not get there as quickly as it needs to. He said that this resolution works toward putting the question on the ballot in August and does not include the actual implementation of further carbon impact fees, but rather allows for that as one of the tools in the City's toolbox.**

VOTING (by roll call): Councilor Barlow – nay, Councilor Bergman – aye, Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Doherty – nay, Councilor Grant – aye, Councilor Hightower – aye, Councilor King – aye, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – nay, City Council President Paul – nay (6 ayes, 6 nays); motion fails.

9.10 Van Purchase for Burlington CARES (Police) **WAS CONSENT AGENDA ITEM 8.16**

Councilor Grant said that this allocation of funds is an important step in having a real community-driven public safety model and is Burlington's version of the CAHOOTS model. She said that it is important to have these public safety items on the deliberative rather than consent agenda to allow for further discussion and opportunities to inform the public about them.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to approve and authorize the Chief of the Burlington Police Department to enter into a purchase agreement with New England Motor Car Company, to acquire a Ram ProMaster Van for use by the Burlington CARES team, in an amount not to exceed $84,995, with review and approval of any agreements by the City Attorney's Office.
DISCUSSION:

- **Councilor Magee said that he is glad that this is moving forward, and hopes to see this team operationalized by the time his term on the Council ends in several months.**

VOTING: unanimous; motion carries.

10. COMMITTEE REPORTS
10.1. Verbal reports
None.

11. CITY COUNCIL – GENERAL AFFAIRS
11.1. Verbal reports
None.

12. CITY COUNCIL PRESIDENT – COUNCIL UPDATES
12.1. Verbal reports
None.

13. MAYOR – GENERAL AFFAIRS
13.1. Verbal reports
None.

14. ADJOURNMENT
14.1 Motion to Adjourn

MOTION by Councilor Magee, SECOND by Councilor Bergman, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 11:31 PM.

RScty: AACoonradt