BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
June 5, 2023
DRAFT

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Kim Sturtevant
Sarah Russell
Samantha Dunn
Jon Murad
David G. White
Kara Alnasrawi

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 6:16 PM.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to amend/adopt the agenda as follows:

- **suspend the Rules and amend the agenda to set public comment for 7:50 p.m., as well as to take up Item 2 ahead of public comment;**

- **remove from the consent agenda item 6.29 First Amendment to Second Amended and Restated Development Agreement and place it on the Deliberative Agenda as agenda 7.1 (per City Council President Paul per Councilors Bergman and Grant);**
- **add to the consent agenda item 6.31 Communication: Michael Long, re: Police Chief Appointment;**
- **add to the consent agenda item 6.32 Communication: Jennifer A. Francoueur, re: BTV crime and council support for citizen safety through essential law enforcement.**

VOTING: unanimous; motion carries.

2. RESOLUTION: DECLARING JUNE 15, 2023 AS FROZEN TREAT DAY (COUNCILORS TRAVERSE, BERGMAN, PAUL, CARPENTER, BARLOW)

2.01 Resolution: Declaring June 15, 2023 As Frozen Treat Day (Councilors Traverse, Bergman, Paul, Carpenter, Barlow)

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

- **Councilor Traverse said that this is the result of a visit to Champlain Elementary School and asking kids what they would like to honor about Burlington through a resolution. Several schoolchildren spoke about why frozen treat day is a good idea.**

3. WORK SESSION: PLAN FOR HOMELESSNESS/EXITING OF THE MOTEL VOUCHER PROGRAM

3.01 Work session on plan for Homelessness/Exiting of the Motel Voucher Program **6:15 pm - 7:45 pm
Mayor Weinberger noted that since the last discussion about this topic, the legislative session has ended with clarity about resources to help with the transition from the end of the program, though the budget was vetoed. He said that the City was invited by the Agency of Human Services to be part of responding to the ending of the motel program. He said that the City team has been working on submitting a Letter of Intent to pursue State funding to open a third fifty-bed congregate shelter and a partnership with 26 other members of the Chittenden County Alliance to endorse an alternative plan for the second phase of motel exits that are slated for the end of July. He noted that the City would propose to extend that second phase with a commitment from the Alliance to focus its resources on housing the 165 high-needs households who are expected to lose their housing by the end of July. He said that the goal is to house at least 25 households per month through the coordinated entry system. He said that this proposal would have the motel voucher program end in 5-8 months, rather than at the end of next month.

Assistant Director Russell provided an update on activities since the May 15th City Council meeting. These include convening regular meetings with AHS and Chittenden County municipal leaders and service providers, meetings with outreach providers, receiving Chittenden County population data and responding to AHS requests for Letters of Intent (LOIs), and convenings with departments within the City to define staff roles and responsibilities with response to camping within the City. She noted that the City Attorney’s Office has begun updates to the Sheltering on Public Lands policy. She noted activities taken around the June 1 motel exits, which include immediate response from outreach teams, ensuring that bathrooms, meals, tents, and storage needs are met, and county-wide coordination on reentry.

Assistant Director Russell summarized the proposed resources and support for response efforts. This includes Burlington establishing emergency congregate overnight shelter for up to 50 people, establishing a co-located day shelter with access to services for an average of 75 people per day, and working with the Chittenden County Homeless Alliance to support the transition of 165 households in vulnerable subpopulations directly to permanent housing over 5 to 8 months, and joint advocacy for extension of the motel program for vulnerable households. She noted that the budget projections are $1.1-$1.5 million for co-located shelters for 5-8 months, and $1.7-$2 million for extended hotel stays for 5-8 months.

Mayor Weinberger emphasized that from the Chittenden County Homeless Alliance’s perspective, the Governor’s plan to turn out 165 Chittenden County families from the program and into congregate shelter is unacceptable. He said that the Alliance would welcome the City Council’s support for this alternative proposal.

Councilor Grant asked several questions specific to data that was shared on the individuals who would be exited from the motel voucher program. She asked whether Chittenden County residents who are currently sheltered in Rutland County are represented in the data. Assistant Director Russell replied that this data tracks the households within Chittenden County. Councilor Grant asked about work around camping policies, and Mayor Weinberger replied that the City’s position is that camping is not a viable solution to this voucher program ending and this proposal reflects that. Councilor Grant acknowledged that though camping is not a solution, it is an option that some have had to resort to.

Councilor Traverse asked whether staffing needs outside the proposed congregate shelter on Cherry Street are being considered, in addition to the staffing needs inside the building, given its proximity to the Downtown Transit Shelter. Assistant Director Russell said that the model of oversight would provide for additional staffing both inside and outside the proposed Cherry Street shelter. Councilor Traverse asked how the City has been coordinating with municipalities around Burlington. Assistant Director Russell replied that CCHA is a county-wide organization with representation across municipalities and that though the City is not hearing much in terms of actions taken by other municipalities, she noted that AHS received 44 LOIs from around the State.

Councilor Hightower asked what percentage of the homeless population were planning on camping or didn’t have shelters, and Assistant Director Russell replied that it was around 60%, though the number is not firm and more data is becoming available. Councilor Hightower said that this proposal isn’t solving Burlington’s portion of the problem and that there will be an increase in camping and a corresponding decrease in quality of life and health for the unhoused campers, for City staff, and generally for constituents. She said that the City also needs an exit strategy for campers to secure housing. She expressed support for the congregate housing proposal, but cautioned against it becoming against a long-term solution. She expressed frustration that the City’s financial priorities are not focused on housing first above other priorities.

Councilor Carpenter expressed disappointment at the lack of direct responses from surrounding communities about setting up shelters. She encouraged CCHA and the State to push other municipalities to put together responses to help deal with this crisis. She asked about the timeline for operationalizing a congregate shelter at 108 Cherry Street, as well as whether contractors and service providers are available to provide the work. Assistant Director Russell replied that in addition to releasing the LOI requests, the State also allowed for staffing agencies to submit proposals for staffing. She said that she is confident that the staffing agencies in mind will be able to fill positions.

Councilor Magee expressed disappointment that this program is being ended. He asked whether this new shelter would be first-come first-serve, and Assistant Director Russell replied that her preference is to guarantee beds to people who return nightly, as a form of stability. Councilor Magee asked about prevention efforts in the Coordinated Entry program. Assistant Director Russell replied that they are working to track both outflows and inflows to houselessness, and are working to develop an intake assessment to incorporate in Coordinated Entry.

Councilor Dieng asked why the proposal did not include utilizing the Leddy Beach camp area. Assistant Director Russell replied that there is currently a plan for individuals who are adults (which is congregate shelter) and acknowledged that non-congregate shelter would be the ideal. She said that any kind of congregate setting for children, families, or those receiving home health or hospice is unacceptable. She said that the City is advocating for those vulnerable households to remain in motels until they can be transitioned into permanent housing. Councilor Dieng asked if staff have had the chance to interact with the individuals who have already exited the motel program, and Assistant Director Russell replied that they have not had a chance to interact with them yet.

Councilor Bergman asked what number of campsites or encampments are in Burlington right now and Assistant Director Russell replied that there are currently 60-70 people living outside in Chittenden County and that the unsheltered number of people is a difficult number to track. Councilor Bergman suggested asking for state support to collect garbage from encampments, as trash collection activities put additional strain on the Parks and Recreation Department. He also requested that the City Council be included in updates that the City Attorney's Office is conducting to update the City's camping on public lands policies.

Councilor Shannon said that the State legislature should look more closely at putting resources into this acute need and said that more support should come from the income taxpayers, not the property taxpayers.

Mayor Weinberger made closing remarks, expressing frustration at the situation and emphasizing that the root cause of this is the acute shortage of housing in the City. He spoke about activities to address the housing shortage and the push to enact housing reform and create more housing in the City.

4. PUBLIC FORUM: **TIME CERTAIN – 7:50 PM**

4.01 Verbal Comments
Forum opened at 7:50 PM.
COMMENTS:
Burlington residents (in person):

- Romeo von Herman expressed support for providing any assistance to the currently unhoused that they may need and asked the City to continue supporting them and listening to their voices and needs.
- Cheryl Boutilier spoke about concerns about the Police Department and homelessness. She said that there are a number of abandoned buildings that could be used as homeless shelters in Burlington. She also spoke about the large amount of garbage on the streets.
- Cheryl Green said that the Police Department needs to be more effective at de-escalation and that they should treat people with compassion.
- Dave Maher expressed support for prevention efforts and efforts to transition the unhoused into permanent housing. He said that more work needs to be done on developing long-term solutions. He said that mental health and substance use issues, in addition to lack of affordable housing, are root causes of this issue.
- David Call thanked staff and the City for the work that they are doing to help the unhoused and that compassion is what is needed to help solve this issue.
- Diane Clemmer said that the City should not appoint Jon Murad as the permanent Police Chief. She said that the Police Chief does not seem open to feedback or criticism and that he needs to be able to problem-solve and take criticism well.
- Todd LaCroix said that Jon Murad should not be appointed as the Police Chief and that he needs to prove himself before he can be appointed.

- Barbie Alsop spoke about de-escalation and expressed skepticism that the appointee for Police Chief is able to effectively practice de-escalation, citing an incident that occurred at the University of Vermont Medical Center.
- Mark Bachette expressed support for the appointment of Jon Murad as the Chief of Police. He cited the work done to recruit and hire CSOs and CSLs and de-escalation trainings.
- Ellen Cooper expressed support for the appointment of Jon Murad as the Chief of Police, saying that having a permanent Chief of Police will encourage more recruitment and retention of officers.
- Dawn Moskowitz encouraged the City to advocate for more collection of data on the part of the State, in order to help curb homelessness. She emphasized the importance of pursuit of aggressive and rapid increases in the housing supply in order to combat homelessness.
- Jeff Hayes spoke in support of the appointment of Jon Murad as the Chief of Police, saying that he is right for the job.
- Max Tracy expressed support for the City's actions to address the current homelessness issues, as well as efforts to create a more centralized camping policy. He spoke against the appointment of Jon Murad as the Chief of Police, citing concern that he has not acknowledged systemic racism as a factor within the Police Department, nor has he taken much action on oversight and accountability.
- Colin Hilliard spoke in support of the appointment of Jon Murad as Chief of Police.
- Sandy Baird spoke in support of Jon Murad as the Chief of Police.
- Pat Rivers spoke in support of the appointment of Jon Murad as the Chief of Police.
- Terry Rivers spoke in support of Jon Murad as the Chief of Police.
- Dave Hartnett spoke in support of Jon Murad as the Chief of Police, saying that having a permanent chief appointed will be incredibly helpful in rebuilding the Police Department.
- Karen Long expressed concern about the $18 million loan to build CityPlace. She asked why the City would borrow millions of dollars when this project has failed so many times in the past. She asked that the City ensure that the developers adhere to the agreement.

Burlington residents (via Zoom):

- Robert Kiernan spoke in support of appointing Jon Murad as Chief of Police.
- Amy Malinowski spoke against appointing Jon Murad as the Chief of Police, saying that he has failed to acknowledge systemic racism as an issue at the Police Department, his lack of collaboration, patterns of fearmongering, and a betrayal of trust.
- Anna Wageling spoke as a Community Support Liaison (CSL) for the City and spoke about her experiences working in that position. She urged Councilors to come and see how the CSLs work within the Police Department as they discuss where the CSL positions should be housed within the City.
- John Tracy spoke in support of the appointment of Jon Murad as the Chief of Police.
- Jake Schuman said that the City wants to move forward with policing to make it safer and more collaborative. He said that the Mayor has not engaged in more efforts to recruit alternative candidates for the Chief of Police position and suggested that the appointment be tabled until an administration change.
- Kelly Halstedt spoke in support of Jon Murad as Chief of Police.
- Jeff Halstedt spoke in support of Jon Murad as Chief of Police.

Non-Burlington residents (in person):

- Becky Cassidy spoke about her experience working with Jon Murad through the Queen City Police Foundation. She expressed support for the appointment of Jon Murad as Chief of Police.

Forum closed at 8:47 PM.

5. CLIMATE EMERGENCY REPORTS

5.01 Climate Emergency Reports
Councilor Bergman spoke about the climate implications of air travel, noting an international movement around lowering airline emissions and that the City should be paying more attention to that.

6. CONSENT AGENDA

6.01 Motion to adopt the consent agenda (as amended) and take the actions indicated
6.02 Request to Adjust Contract with Motorola Solutions and Execute a Contract with Burlington Communications for Installation of our Public Safety Communication System - authorize the reduction of the Motorola Solutions contract maximum limiting amount to $3,623,631.00 and to further authorize the Fire Chief to execute a contract with Burlington Communications for public safety communication system installation, with a maximum limiting amount of up to $208,659.00, subject to the review and approval of the City Attorney's Office.
6.03 Request for Acceptance of American Rescue Plan Act (ARPA) 2022 Pretreatment Grant Funds for Businesses and Municipalities - authorize the Director of Public Works to execute a grant agreement for $183,188 with the Vermont Department of Conservation for ARPA Pretreatment Grant funds to be used for the further development of the City's Industrial Pollution Prevention Program, subject to the prior review and approval of the City Attorney's Office.
6.04 Authorization to accept ARPA grant funds and Execute the Associated MOU for a Public-Private Partnership Stormwater Water Quality Project - 1. To approve and recommend to the City Council that the Director of the Department of Public Works be authorized to execute a grant agreement with Vermont DEC for up to $705,504.00 for final design and construction of the P3 project involving the "South Meadow Apartments" and the "Shelburne Road Shopping Plaza" property, subject to final review and approval by the City Attorney's Office; 2. To authorize the execution of a MOU between the City and the P3 private parties: Antonio B. Pomerleau, LLC and Champlain Housing Trust, establishing the roles and responsibilities of administering said grant funds, subject to final review and approval by the City Attorney's Office."
6.05 Authorization to Execute Contract with Chittenden Solid Waste District for 2024-2028 Wastewater Biosolids disposal - approve the participation agreement and authorize Chapin Spencer, DPW Director, to execute a contract with CSWD for sludge disposal with the amounts and fee schedule described in the Contract between CSWD and Casella Organics, subject to the prior review and approval of the City Attorney's office.
6.06 Request to Execute a Contract with Michael Van Valkenburgh Associates for Phase 2 Conceptual Design and Scoping at Moran Plant - approve and authorize the Director of the Community & Economic Development Office to enter into a contract with Michael Van Valkenburgh Associates for the purposes of phase two conceptual design and scoping work at the Moran Frame, with a maximum limiting amount of 279,500, subject to final review and approval of the City Attorney's Office.
6.07 Great Streets Main Street Resident Engineering and Outreach Consultant Authorization to Award and Design Contract Amewndment #7 with Vanasse Hangen Brustlin, Inc. - 1. To authorize the Director of Public Works to execute a contract, subject to City Attorney review and approval, with EIV Technical Services, LLC. (EIV) in the amount of $1,636,876.00, and authorize the use of an additional $163,124.000 (10%) in contingency funds to be available to use toward any necessary future contract amendments, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of $1,800,000.00 for the development of the design of the Great Streets Main Street project; 2. To authorize the Director of Public Works to execute Amendment #5 to the design contract, subject to City Attorney review and approval, with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of $278,108.00, bringing the total contract value up to $2,545,677.00, and authorize the use of an additional $100,000 in contingency funds to be available to use toward any necessary future contract amendments, and further authorize execution of any such necessary amendments upon review and approval by the City Attorney's Office, for a total authorized amount of $2,645,677.00 for the development of the design of the Great Streets Main Street project.
6.08 Waterfront Overnight Security Contract - approve the contract with Green Mountain Concert Services to provide waterfront overnight security services for an amount not to exceed $130,000, and to authorize Cindi Wight, BPRW Director to execute the contract and any related documents, subject to review by the City Attorney's Office.

6.09 Organizational Chart Update - approve the:
• Modification, retitle, and reclassification of Director of Grid Services to Director of System Operations, a Regular, Full-time, Exempt, Non-union, Grade M29 ($94,216.00-$140,902.00) position.
• Addition of a new Supervisory Control and Data Acquisition (SCADA) Engineer tiered position reporting to the Director of Engineering, a Regular, Full-time, Exempt, Non-Union: Senior SCADA Engineer Grade MF3 ($97,961.34-$160,936.46), SCADA Engineer Grade M21 ($83,686.93-$128,748.67), and Associate SCADA Engineer Grade M20 ($67,996.03–104,608.19).
• Modification of the job description for Director of Engineering position to oversee the SCADA Engineer and SCADA system.
• Addition of a 5th Shift Supervisor, a Regular, Full-time, Exempt, Non-Union, Grade H15 ($66,925.04-$109,711.89) position.
• Conversion of the General Plant Worker position to an Engineering Production Technician I, a Regular, Full-time, Non-Exempt, Union, Grade 11 ($50,625.12-$82,992.00) position.
• Conversion of the existing Senior Generation Engineer position to Director of Generation Engineering & Maintenance, reporting to COO/Manager of Utility Services and Engineering, a Regular, Full-time, Exempt, Non-Union, Grade M30 ($112,029.00 -$173,744.00) position.
• Conversion of the Director of Generation position, a Regular, Full-time, Exempt, Non-Union, Grade M19 ($137,232.58-$190,893.25) to a Generation Engineer reporting to Director of Generation Engineering & Maintenance, a Regular, Full-time, Exempt, Non-Union, tiered position: Senior Generation Engineer Grade MF3 ($97,961.34 - $160,936.46), Generation Engineer Grade M21 ($83,686.93 - $128,748.67), and Associate Generation Engineer Grade M20 ($67,996.03 –$104,608.19).
• Updating the job description for Supervisor of Generation to Director of Generation Operations, reporting to COO/Manager of Utility Services and Engineering, a Regular, Full-time, Exempt, Non-Union, Grade M30 ($112,029.00 -$173,744.00) position.
• Changing the reporting structure for Supervisor of Plant Maintenance from Supervisor of Generation to Director of Generation Engineering & Maintenance.
• Changing the reporting structure for Chief Forester from Director of Generation to COO/Manager of Utility Services and Engineering.
• Changing the reporting structure for Business Coordinator Generation from Director of Generation to COO/Manager of Utility Services and Engineering.
• Adding a second Accounting Administrator II position, a Regular, Full-time, Non-Exempt, Union, Grade 8 ($47,283.18-$77,513.49).
• Adding a Project Manager/Business Analyst-CIS position, a Regular, Full-time, Exempt, Union, Grade A04 ($62,704.72-$102,794.64), reporting to Director of Information Technology.
• Updating the job description for Director of Information Technology to increase the number of direct reports.

6.10 BED FY24 Rate Changes - authorize the General Manager of the Burlington Electric Department or their designee to file tariff amendments and supporting documents with the Vermont Public Utility Commission requesting an increase to Burlington Electric Department rates of 5.5 percent on bills rendered starting September 1, 2023 as proposed.

6.11 Request to Execute a Contract for Bituminous Paving of Airport Circle with SD Ireland Construction and a budget neutral amendment - 1. “To authorize the Director of Aviation execute a contract with SD Ireland Construction in the amount of $126,800.00 with a 15% contingency totaling up to $145,820.00 for the paving of a portion of Airport Circle, subject to review and approval of the City Attorney’s Office.” 2. “To approve a budget neutral amendment in the amount of $127,000 to the Fiscal Year 2023 Airport budget by increasing the accounts as described in the affiliated memorandum.”

6.12 Request for Approval of a $513,015 Budget Neutral Amendment to the FY2023 Burlington International Airport Budget – approve a budget neutral amendment to the Fiscal Year 203 Burlington International Airport budget in the amount of $513,015 by increasing the accounts as described in the affiliated memorandum.

6.13 Rubber Removal for Runway 15/33 at Patrick Leahy Burlington International Airport - approve that the Director of Aviation be authorized to execute a two year contract with Hi-Lite Airfield Services, LLC, for $102,000.00, with a 20% contingency, with a maximum limiting amount of $122,400.00, to supply and implement rubber removal on Runway 15/33 to improve aircraft braking action and reduce marking obscuration at the Patrick Leahy Burlington International Airport, subject to the final review and approval by the Office of the City Attorney.

6.14 Authorization to Execute a Contract for the Supply and Installation of Airfield Pavement Parking at the Patrick Leahy International Airport - approve and recommend to the City Council that the Director of Aviation be authorized to execute a contract with Hi-Lite Airfield Services, LLC, for $123,555.96 with a 30% contingency with a maximum limiting amount of $160,622.75 for the supply and installation of taxiway and ramp markings on requested taxiways, runways, and ramps at the Patrick Leahy Burlington International Airport, subject to the final review and approval by the Office of the City Attorney.
6.15 Annual Report of the Design Advisory Board Fiscal Year 2023: July 1, 2022 – June 30, 2023 – waive the reading, accept the report and place it on file.
6.16 Communication: Keith Pillsbury, re: UVM Student Housing – waive the reading and place it on file.
6.17 Communication: Raszell Reeder, re: Cyber Attackers - waive the reading and place it on file.
6.18 – FIO Documents – for information only.
6.19 Resolution: Authorization To Submit 2023 Burlington One-Year Action Plan (Community Development and Neighborhood Revitalization Committee) – waive the reading and adopt the resolution.
6.20 6.20. Resolution: Approving Obtaining Standby Letter(s) Of credit For The City's Workers' Compensation Program (Board of Finance) – waive the reading and adopt the resolution.
6.21 Tobacco License Renewal (2023-2024): Northern Lights, 75 Main Street – approve the 2023-2024 Tobacco License Renewal for Northern Lights, 75 Main Street.
6.22 Umbrella Entertainment Permit Application (June 7-11, 2023); Flynn Center, JazzFest, various locations within the City - approve the umbrella entertainment (indoor and outdoor) permit application for Flynn Center, Jazzfest, June 7-11, 2023, various locations around the City.
6.23 Special Event Outdoor Entertainment Permit Application (June 24, 2023): Citizen Cider Press House, 180 Flynn Avenue in parking lot, 1 pm - 5 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Press House, 180 Flynn Avenue in parking lot, June 24, 2023, 1 pm - 5 pm.
6.24 Special Event Outdoor Entertainment Permit Application (September 9, 2023): Citizen Cider Pub Parking Lot, 316 Pine Street, 6 pm - 10 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Pub Parking Lot, 316 Pine Street, September 9, 2023, 6 pm - 10 pm.
6.25 Special Event Outdoor Entertainment Permit Application (October 14, 2023): Citizen Cider Press House, 180 Flynn Avenue in parking lot, 1 pm - 5 pm - approve the one day only special event outdoor entertainment permit application for Citizen Cider Press House, 180 Flynn Avenue in parking lot, October 14, 2023, 1 pm – 5 pm.
6.26 Special Event Outdoor Entertainment Permit Application (July 11, 18 and 25, 2023): Switchback, lawn on brewery property, 5:30 pm - 8:00 pm, Dog Days of Summer events to benefit Bellcate School - approve the three day only special event outdoor entertainment permit application for Switchback, lawn on brewery property, July 11, 18 and 25, 2023, Dog Days of Summer events to benefit Bellcate School.
6.27 Special Event Outdoor Entertainment Permit Application (August 12, 2023): Switchback, lawn on brewery property, 21st Birthday Bash, 3:00 pm - 8:00 pm - approve the one day only special event outdoor entertainment permit application for Switchback, lawn on brewery property, 21st Birthday Bash, August 12, 2023, 3:00 pm - 8:00 pm.
6.28 Resolution: Appointment Of Dr. Spencer Blackman To The City Of Burlington's Board Of Medical Examiners (Councilor Carpenter) – waive the reading and adopt the resolution.
6.29 Communication: Karen Paul, City Council President, re: Addition of June 26, 2023 City Council Meeting – add the meeting on June 26 to the City Council calendar of meetings.
6.30 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
6.31 Communication: Michael Long, re: Police Chief Appointment – waive the reading and place it on file.
6.32 Communication: Jennifer A. Francoeur, re: BTV crime and council support for citizen safety through essential law enforcement – waive the reading and place it on file.

MOTION by Councilor Magee, SECOND by Councilor Dieng, to adopt the consent agenda as amended and take the actions indicated for items 6.021-6.32.

VOTING: unanimous; motion carries.

7. DELIBERATIVE AGENDA

7.01 First Amendment to Second Amended and Restated Development Agreement (was consent agenda item 6.29)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to approve and authorize Mayor Miro Weinberger to execute a First 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 attorneys.
DISCUSSION:

- **Mayor Weinberger said that when the Amended and Restated Development Agreement (ARDA) was approved in November 2022, it was to find a way to move forward and start sitework and foundation work for CityPlace to get the project off the ground. He said that this is the first set of amendments to the ARDA that was approved in November. He spoke about the proposed changes within the amendments, including the City lessening its financial and development risk pertaining to the development project.**
- **Attorney Sampson noted that the developer will not have access to City funding for this project until milestones are met around the public infrastructure projects. He explained how the amendments address the June 30 deadline to incur TIF debt.**
- **Councilor Dieng asked that the CityPlace developers speak to their efforts to communicate around the project to the public. One of the developers replied that they conducted a site visit and have visited neighboring properties around Cherry Street, as well as informing adjacent neighbors through mailings on a weekly basis. He said that the closer they get to construction, the more details they will have to share. He said that they have listed their phone number around the property site and that people can call them whenever they need to. Councilor Dieng also suggested having a website that the public can visit, and the developer replied that there is a website that is updated frequently.**

VOTING: unanimous; motion carries.

7.02 Indoor Entertainment Permit Application (2023-2024): MothershipVT, 19 Church Street

MOTION by Councilor Shannon, SECOND by Councilor Traverse to approve the 2023-2024 Indoor Entertainment Permit Application for MothershipVT, 19 Church Street with all standard conditions to include no exemption to the noise ordinance.
DISCUSSION:

- **Councilor Shannon noted that the standard terms and conditions include the City's noise ordinance, which must be adhered to.**

VOTING: unanimous; motion carries.

7.3. Outdoor Entertainment Permit Application (2023-2024): Junk's Tea House, 324 North Winooski Avenue

MOTION by Councilor Shannon, SECOND by Councilor Traverse, to approve the 2023-2024 Outdoor Entertainment Permit Application for Junk's Tea House, 324 North Winooski Avenue with all standard conditions to include no exemption to the noise ordinance.

VOTING: unanimous; motion carries.

7.04 Communication: Mayor Miro Weinberger, re: Fiscal Year 2024 Mayoral Appointments (10 mins.)
Mayor Weinberger said that he is proud to put forth this slate of mayoral appointments for the Council's consideration.

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to confirm the FY24 Mayoral Appointments as listed.

VOTING: unanimous; motion carries.

7.05 Communication: Mayor Miro Weinberger, re: Appointment of Police Chief (60 mins.)
Mayor Weinberger said that this appointment request is for a permanent Chief of Police for Jon Murad. He spoke about Acting Chief Murad's past work to support the Burlington Police Department, including accomplishments and challenges. He spoke about Acting Chief Murad's strong commitment to the City. He said that the City cannot make the urgent progress that is required of the department without a permanent Chief of Police.

MOTION by Councilor Barlow, SECOND by Councilor Shannon, to confirm the appointment of Jon Murad as Police Chief.
DISCUSSION:

- **Councilor Barlow agreed that it is time to move forward with a permanent chief and expressed gratitude that Acting Chief Murad is still unwavering to his commitment to the City. He noted an improved experience for the downtown due to an increased police involvement from the BPD.**
- **Acting Chief Murad thanked the Mayor for leading by example and in the spirit of collaboration. He thanked all who submitted public comment, including those with criticism, as he said that he hears and takes into consideration both the positive and negative feedback.**
- **Councilor Carpenter said that the appointment process is the prerogative of the Mayor to create a cohesive team. She also said that with this process comes public and citizen oversight and opinion, and that the Police Commission plays this important role for the Police Department. She acknowledged some tension between the BPD and the Police Commission and asked Acting Chief Murad how he would work to improve the relationship with the Commission. Acting Chief Murad replied that a citizen Police Commission plays an important role in the City. He said that the BPD has worked to codify more sharing of information and collaboration with the Police Commission.**
- **Councilor Doherty said that some of the Acting Chief's critics have said that he has failed to acknowledge systemic racism as an issue for the BPD and he asked the Acting Chief to respond to this criticism, further asked what he has done to implement fair and unbiased policing practices, and finally asked what he plans to do in the next year to continue addressing systemic racism. Acting Chief Murad replied that his first and foremost goal is to ensure that racial biases and injustices do not occur at the BPD. He spoke about trainings he has developed and implemented in conjunction with the City's REIB department. He said that every single use of force is presented to the public in the spirit of full transparency. He said that he wants the public to be involved in the determination of whether use of force is a result of officer biases. Councilor Doherty expressed his support for the appointment of Jon Murad as the permanent Chief of Police.**

- **Councilor Traverse asked about Acting Chief Murad's commitment to engage in the oversight and accountability work the Council is pursuing jointly through the Charter Change and Ordinance Committees. Acting Chief Murad replied that he is present at all meetings and provides data to the Council and Commissions and that he prioritizes this engagement. Councilor Traverse expressed concern that a no-vote on this appointment will decrease morale at the BPD and reminded the public and other Councilors that every permanent appointment by the Mayor is an annual appointment. He said that he will strive to implement best practices in policing oversight and hopes that Acting Chief Murad will work collaboratively on these efforts.**
- **Councilor Hightower said that the BPD has an ongoing cultural problem and that there is no plan for addressing it. She said that it is time to build trust between the Department, the City Council and the public, and that increased accountability is one way to do so. She said that she cannot support this appointment without an improvement plan or mechanisms for citizen oversight of policing in place.**
- **Councilor King expressed support for the appointment of Jon Murad as Chief of Police.**
- **Councilor Magee said that he cannot support this appointment without a clearly-articulated improvement plan. He said that his lack of support for this appointment is in no way a reflection upon the Police Department but a reflection upon the process and lack of respect for the concerns of many in the community.**
- **Councilor Bergman said that this appointment is divisive and a wedge issue for the City. He said that though he does not support this appointment, he will continue to work with the Acting Chief collaboratively because the safety of his constituents is of utmost importance.**
- **Councilor Dieng expressed support for the appointment of Acting Chief Murad. He said that the Chief has the responsibility to prove that he is worthy of the appointment. He noted that many Councilors have expressed a desire for an improvement plan from the Police Chief, and asked whether the Mayor is willing to engage in this request. Mayor Weinberger replied that the Acting Chief has worked hard to improve the engagement between the BPD and the Police Commission and said that he and the Acting Chief are committed to continuous improvement.**
- **Councilor Shannon said that the Police Department needs to be stabilized and that this appointment sends the message that the Council is committed to stabilizing the department.**
- **Councilor Grant noted positive actions from the Acting Chief, such as getting behind the CAHOOTS model, hiring more CSOs and CSLs, and his work with the Center for Police Equity. She expressed concern about the Acting Chief's defensiveness and the need to control. She expressed concern that the Acting Chief does not support the Police Commission. She also expressed concern about the language that the Acting Chief uses sometimes around race and gender.**

MOTION by Councilor Traverse, SECOND by Councilor Hightower, to suspend the rules and complete the deliberative agenda and item #8 (Committee Reports).

VOTING: unanimous; motion carries.

<u>DISCUSSION (CONT'D):</u>

- **Mayor Weinberger addressed the concern that this appointment is a wedge issue and denied this, noting that Jon Murad is clearly qualified for being the Chief of Police. He spoke about the unprecedented attrition in the Police Department and the staggering increase in crime and gun violence in the City and that the Acting Chief has risen to that challenge.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (8 ayes, 4 nays); motion carries.

7.06 Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request
Consultant David G. White spoke briefly about this public hearing, noting that it pertains to a proposed application to the Vermont Economic Progress Council (VEPC) to determine how much of the incremental taxes from the Downtown TIF District should be retained in the district, both in municipal and education fund taxes. He said that additionally, there has been a disagreement between VEPC and the City with regard to an annual development fee that is being paid by Champlain College to fund one of the projects on St. Paul Street. He said that the City is proposing to make this question moot by paying the equivalent of this fee to cover some costs in the TIF District.

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

City Council President Paul closed the public hearing.

7.07 Substantial Change Request to VEPC - Downtown Tax Increment Financing District (10 mins.)

MOTION by Councilor Carpenter, SECOND by Councilor King, to approve the City's substantial change request to VEPC (Vermont Economic Progress Council) for its Downtown TIF District and authorize City Council President Karen Paul and Chief Administrative Officer Katherine Schad to execute the attached formal request letter.

VOTING: unanimous; motion carries.

7.08 Public Hearing Regarding Settling Common Area Fees FY24
City Council President Paul opened the public hearing.
Marc Sherman spoke as a business owner on the Church Street Marketplace, noting that the City is proposing to increase fees and expressing concern that the Church Street Marketplace fees are effectively making businesses double pay. He said that there should not be fees for the Church Street Marketplace, saying that they should be folded into the grand list and that they add value to the community as a whole. He asked that the City not increase fees, if not abolish them completely.

City Council President Paul closed the public hearing.

7.09 Resolution: Allocation Method And Standards For Common Area Fee Formula, And Establishment Of Common Area Fees For The Church Street Marketplace For Fiscal Year 2024 (Councilor Shannon)(10 mins.)
Executive Director Alnasrawi noted that Marketplace fees were waived for the duration of the COVID-19 pandemic and that the City is now proposing to increase the fees by 5%, or around $30,000 overall. She said that this increase would help with deferred maintenance on the Marketplace.

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

- **Councilor Hightower asked about the general response from businesses on the Church Street Marketplace with regards to the proposed fee increase. Director Alnasrawi replied that businesses were notified but that she did not receive feedback.**
- **Councilor Carpenter asked if this fee structure will be reconfigured once CityPlace is built and opened. Director Alnasrawi replied that these fees are assessed on the per square foot ground floor, but that there are discussions about looking at the Downtown district as a whole, rather than just the four blocks of the Marketplace.**
-

VOTING: 10-0; motion carries (Councilors Doherty and Traverse recused themselves).

7.10 Resolution: Accepting Grant Funding From The Department Of Mental Health For The Crisis Response Team And Exploring The Creation Of A Burlington CAIP Department (Councilors Paul, Carpenter, Traverse, Magee)(20 mins.)

MOTION by Councilor Carpenter, SECOND by Councilor Magee, to waive the reading and adopt the resolution.
DISCUSSION:
- **Councilor Carpenter said that this resolution asks the City to look at this "third arm" of public safety and assess how best it can be incorporated into City government. She noted that this evaluation will include feedback from public safety employees.**

VOTING: unanimous; motion carries.

8. COMMITTEE REPORTS

8.01 Verbal Reports
Councilor Traverse noted that the Ordinance Committee will meet on June 12 to consider the South End Innovation District proposal. He also noted that the Ordinance Committee and Charter Change Committee will jointly meet on police oversight and accountability on July 6, July 13, August 2, and August 3.

Councilor Dieng noted that the Racial Equity, Inclusion, and Belonging Committee will meet on June 6 to discuss legal services offered to BIPOC residents of the City, as well as the last details of the planning of the Juneteenth event.

Councilor Barlow spoke about the Biomass Symposium that will occur on June 13 at 6:30 PM to discuss the burning of biomass at the McNeil plant.

Councilor Bergman noted that a Tax Abatement organizational meeting will occur June 8 at 4:30 PM.

City Council President Paul noted that the special committee for board and commission candidate selection will meet on June 7 at 5:30 PM.

9. CITY COUNCIL – GENERAL AFFAIRS

9.01 Verbal Reports
None.

10. CITY COUNCIL – COUNCIL UPDATES
10.01 Verbal Reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES
11.01 Verbal Reports
None.

12. MAYOR – GENERAL AFFAIRS
12.01 Verbal Reports
None.

13. ADJOURNMENT
5.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 11:31 PM.

RScty: AACoonradt