

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
August 14, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Sarah E Carpenter (via Zoom)
Zoraya Hightower
Mark Barlow
Joe Magee (via Zoom)
Gene Bergman
Ben Traverse
Timothy Doherty
Melo Grant
Hannah King

OTHERS PRESENT:

Miro Weinberger
Katherine Schad
Jordan Redell
Jared Pellerin
Lori Olberg

1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:37 PM.

MOTION by Councilor Traverse, SECOND by Councilor Bergman, to amend and adopt the agenda as follows:

- **add to the consent agenda item 5.47: Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, 377 Pine Street;**
- **add to the consent agenda item 5.48: Communication: Robert Bristow-Johnson, re: New Erosion at Bike Bridge and Mayes Landing;**
- **add to the consent agenda item 5.49: Communication: Selene Colburn and Rachel Siegel, re: double standard in the City's treatment of former REIB Director Tyestia Green;**
- **note that agenda item 6.4 Annual Report for 2022-23 – Parks, Recreation and Waterfront Commission is postponed to the next Council meeting, September 11 (per City Council President Paul).**

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

2. COMMUNICATION: MAYOR MIRO WEINBERGER & AIRPORT DIRECTOR NIC LONGO, RE: NEGOTIATION OF AN AGREEMENT WITH VTANG REGARDING CAPITAL INVESTMENTS (VERBAL)

****EXPECTED EXECUTIVE SESSION** 5:30 PM – 6:00 PM ****

2.1. Communication: Mayor Miro Weinberger & Airport Director Nic Longo, re: Negotiation of an Agreement with VTANG Regarding Capital Investments (verbal) ** Expected Executive Session ** 5:30 PM – 6:00 PM **

MOTION by Councilor Barlow, SECOND by Councilor King, that the Council find that premature general public knowledge of information concerning contract negotiations of an agreement with VTANG regarding capital investments would clearly place the City at a substantial disadvantage with such negotiations.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

MOTION by Councilor Barlow, SECOND by Councilor King, that, based upon that finding, the Council go into executive session to receive information regarding agreement negotiations with VTANG, 1 VSA §313(a)(1)(A), to include the Mayor, Mayor's Office, Airport Director and City Attorney.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

3. PUBLIC FORUM: **TIME CERTAIN – 6:15 PM**

3.1 Verbal Comments

Forum opened at 6:12 PM.

COMMENTS:

Burlington residents (in person):

- Jacqueline Posley spoke about Burlington's reputation as a diverse and welcoming city while the experience on the ground is one of police brutality and racism. She spoke against the Mayor's attack on the character of the departed former director of the City's REIB department.
- Raven Havens spoke about the atrocities around the City and State and said that he supports his fellow Vermonters and community.
- Ferene Paris Meyer spoke about how she feels as a Black woman interacting within the Burlington community, and asked what actions the Council will take to ensure that the Mayor does not launch a witch-hunt on former REIB director Tyestia Green.
- Katarina Campbell spoke in solidarity with Tyestia Green, Casey Ellerby, Ferene Paris Meyer, Kiah Morris, and others who have experienced racial and gender-based discrimination, harassment, and terrorism. She said that they demand the end of the practices of abuse that those such as former director Green have experienced, and expressed concern about the harm done to them through the continued defamation of character and unwarranted targeting by the City's administration. She said that the hiring and retention policies should combat anti-BIPOC and gender-based discriminatory practices.
- Romeo von Hermann spoke about the chronic issue of retail theft in the Burlington community, noting its impact on businesses large and small, and on the community as a whole.
- Rachel Siegel and Julie Micuga read a letter drafted by Ms. Siegel and Selene Colburn, speaking about the double-standard in the City's treatment of the former REIB director Tyestia Green. The letter spoke about their experience as former City Councilors

regarding the questionable behavior of some City department heads, and by the administration itself. The letter provided several examples of this questionable behavior.

- Max Tracy spoke about former director Tyestia Green and her unquestionable integrity. He spoke about how she started the REIB department from scratch and also launched the City's annual Juneteenth event. He spoke about how her treatment is different from that of other department heads in the City, which is racist, and cautioned that this sets a precedent for other racist behaviors in the City that will cause harm to Black members of the community.
- Aspen Overy spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism. She said that they demand the end of the practices of abuse that those such as former director Green have experienced, and expressed concern about the harm done to them through the continued defamation of character and unwarranted targeting by the City's administration. She said that the hiring and retention policies should combat anti-BIPOC and gender-based discriminatory practices.
- Josh Myer spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism. He spoke of his experiences in a mixed-race family in the City, including harassment, the writing of racial slurs on his family's cars, and other racist acts. He expressed concern about the treatment of Black women and people of color in general in the Burlington community.
- Joanne Margaret Brown spoke with concern about actions of Vermont's Congressional delegation, specifically Congresswoman Balint's shift from the House Budget Committee to the House Judiciary Committee.
- Madison quoted from Mayor Weinberger's State of the City address in 2021, which included a number of BIPOC-related initiatives. She said that the City Council should make clear that the findings of the REIB audit show no wrongdoing on the part of former Director Green, make clear that Director Green oversaw a very successful 2021 Juneteenth, that findings of mismanagement regarding the 2022 Juneteenth event articulate that Ms. Green resigned from her position in March and that the Burlington City Arts Department staff and outside organizations were responsible for the execution and management of that event, that there is a pattern of bias in the Mayor's execution of oversight.
- Jenna Emerson spoke in solidarity with Tyestia Green and others. She spoke about the success of the Juneteenth event.
- Levi Silverstein spoke as a member of the UVMHC support staff union, urging the Council to support the union in its negotiations with UVMHC. He spoke about the lack of livable wages for the majority of union members.
- Liam Malone spoke in solidarity with Tyestia Green and others who have experienced racial and gender-based discrimination, harassment, and terrorism.
- Robert Bristow-Johnson spoke about erosion next to the bike bridge, which is threatening the integrity of the bike bridge. He said that repairs must be made now before they become too costly to do so, or before the bike bridge is destroyed.
- Bethany Whittaker spoke as a member of the Burlington Electric Commission, about the McNeil Plant and District Energy. She said that the Commission is speaking about these topics and invited the public to come give input on them. She said that the District Energy plan would increase the efficiency of the system overall, but acknowledged public concerns about the burning of biomass.
- Jacob Horowitz spoke as a member of the support staff union at UVMHC. He spoke about his role as a staffing coordinator for the hospital's inpatient nursing units, noting a complete lack of support staff and that there are often unsafe staffing ratios. He said that one reason for this deficit is the hospital's refusal to support a livable wage.
- Lee Morrigan spoke about the REIB audit and reporting, noting that Director Green was not the director for the majority of the timespan in the audit. They noted that the findings and recommendations in the audit were contradictory.
- Eli Johanowicz spoke about his experience as an unhoused individual for the last six years. He quoted passages from the Old Testament about the end of times.
- Jake Schumann spoke in support of his fellow community members, BIPOC women, and union members.

- Grace Pfeil spoke in support of the BIPOC women in Burlington and in the State who face racism and terrorism every day. She said that the City must do everything it can to ensure the safety and well-being of everyone in the community, including especially the most vulnerable and those who are BIPOC.
- Faried spoke about Director Green's integrity and her attention and caring when it comes to meeting peoples' needs. He said that there should be an office of investigations for residents with complaints about City departments that aren't doing their jobs (such as code enforcement). He said that residents are being made homeless too often as a result of landlords failing to keep their fire detection systems up to code.
- Todd LaCroix spoke about the hypocrisy and selective outrage in America.
- Brian Cina said that this REIB audit is being used as an instrument of state violence against Black women and asked why this is being investigated but the mismanagement of the TIF District isn't. He said that violence begets violence.
- ____ spoke about how the Mayor continuously targets Black people and called for his resignation.

Burlington residents (via Zoom):

- Ryan Bergman expressed interest in the vacant seat on the Church Street Marketplace Commission. He spoke about his background and qualifications for this position. He spoke about his goals of promoting the long-term safety and stability and growth of the marketplace.
- Sarah Sciortino spoke in solidarity with Tyestia Green and other BIPOC members of the community. She additionally spoke in solidarity with the support staff union of UVMCMC. She said that the City should not force out members who go against the racist status quo.
- Pike Porter spoke about the VTANG agreement, noting that the Air Force is one of the richest institutions in the world. He said that the City Council should scrutinize any agreements between the City and VTANG.
- Ishmael Ahmed spoke in solidarity with both Tyestia Green and the UVMCMC support staff union. He additionally spoke about spending priorities, and how focusing on the lowest cost vendor for certain things helps to enable the status quo and systems as they currently are, which are often exploitative.
- Julia Curry spoke with shame about the City, saying that the decision to commission the REIB report was a failure of integrity. She said that this report is coming from a defensive or vindictive desire to attack someone who cannot defend themselves, and is a projection of ego that does not belong in this community.

Non-Burlington residents (in person):

- Kathleen Kemp spoke about how she had to endure Slave Day at Burlington High School for three years, even though she voiced concerns to a guidance counselor about it. She said that this was an act of terrorism.
- Kiah Morris spoke in solidarity with Tyestia Green, Casey Ellerby, Black femmes, non-binary, and trans women throughout the State who have experienced racial or gender-based harassment and terrorism. She spoke about the structural racism that have made these people have to leave the State. She demanded a reckoning and full accounting for the multiple forms of harm enacted by the City on these individuals.
- Lydia Diamond spoke about her experience running for City Councilor in South Burlington. She spoke in support of the Black women and that the violence against women of color has to stop.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to extend the public forum to allow all speakers to speak who have signed up to speak.

VOTING: 9-1; motion carries (Councilor Shannon dissenting; Councilor Carpenter absent for vote).

- Leah Briggs spoke as a member of the UVMMC support workers union, and spoke about her experiences working at UVMMC as a support worker. She asked for the City Council's support for livable working conditions at UVMMC. She said that UVMMC is maintaining a working poor class in the State of Vermont, which is unacceptable.
- Gina Russ spoke as a member of the UVMMC support staff union, saying that the workers can't afford to live in the community that they take care of.
- Alex Hilliard spoke in solidarity with Tyestia Green and other Black femme women in the State. He said that scores of Black and non-binary individuals have experienced abusive practices and disproportionate harm at the hands of the media and State and local government offices.
- Tara Bragg spoke about misogyny and racism in Vermont.
- Eric Weiman spoke about his experience as a phlebotomist at UVMMC and expressed support for his fellow support staff union members. He noted that his wage of \$16.36 per hour as a phlebotomy technician at UVMMC is lower than his son's \$18 wage at McDonald's.
- Modaeeri Bapa spoke about minority oppression in Vermont and how similar it feels to his experience living in oppression as a minority in Israel. He said that nothing has changed in the last three years, which is why there are so many people here tonight demanding change from current policies.
- Tabitha Moore spoke in support of the women of color in Burlington and Vermont, and said that the NAACP is fully in support of Tyestia Green. She spoke in support of livable wages and fair processes in general, since the status quo in the system is that of oppression.

Non- Burlington residents (via Zoom):

- Heather Bowman spoke as a member of the UVMMC support staff union and as a phlebotomist. She said that despite the fact that support staff are underpaid, under-staffed, and under supported, they continue to take care of the community. She noted that the majority of support staff are on Medicaid and cannot even afford the health insurance that UVMMC offers as a benefit.
- Peter Duvall spoke about the District Energy Plan and the lack of transparency around the project. He urged the City Council to take more of an interest in the project and request full documentation and information pertaining to the project.
- Sandi Bermazon spoke in support of Black women and non-binary individuals in the State.

Forum closed at 8:20 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

None.

5. CONSENT AGENDA

5.1 Motion to adopt the consent agenda (as amended) and take the actions indicated

5.2 Communication: CT Office, re: Accountability List – waive the reading, accept the communication and place it on file.

5.3 Communication: CT Office, re: March 27, 2023 Local Control Commission Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.4 Communication: CT Office, re: March 27, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.5 Communication: CT Office, re: April 3, 2023 Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.6 Communication: CT Office, re: April 17, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.7 Communication: CT Office, re: April 17, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.8 Communication: CT Office, re: May 1, 2023 Full Board of Abatement of Taxes Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.9 Communication: CT Office, re: May 1, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.10 Communication: CT Office, re: May 1, 2023 City Council with Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.11 Communication: CT Office, re: May 1, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.12 Communication: CT Office, re: May 15, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.13 Communication: CT Office, re: May 22, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.14 Communication: CT Office, re: May 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.15 Communication: CT Office, re: June 5, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.16 Communication: CT Office, re: June 5, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.17 Communication: CT Office, re: June 20, 2023 City Council with Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.18 Communication: CT Office, re: June 20, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.19 Communication: CT Office, re: June 20, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.20 Communication: CT Office, re: June 26, 2023 Special City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.21 Communication: CT Office, re: June 26, 2023 Special City Council with Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes as received at the July 24, 2023 Regular City Council Meeting.

5.22 Green Castle Group – 15 Hungerford Terrace – Construction Barricade Fencing and Parking Obstruction – DPW – approve the First Amendment to License Agreement between the City and Green Castle Group LLC, in order to extend the term of the agreement through January 1, 2024, granting use of the City right-of-way for construction fencing and parking stalls located at 15 Hungerford Terrace and, to authorize the Mayor to execute the First Amendment to License Agreement in substantial conformity with the License Agreement attached—subject to approval by the City Attorney’s Office—on behalf of the City of Burlington.

5.23 Communication: Kim Hornung-Marcy, re: Public Forum 7/24/23, Wood Smoke – waive the reading and place on file.

5.24 Special Event Outdoor Entertainment Permit Application (three days only): SEABA, Art Hop, September 8-10, 2023, various locations and times throughout the South End – approve the three day only special event outdoor entertainment permit application for SEABA, Art Hop, September 8-10, 2023, various locations and times throughout the South End.

5.25 Communication: Holly Bessette, re: Parking – waive the reading and place it on file.

5.26 Authorization to Execute Contracts with On-Call Water Resources Excavation Contractors – DPW – Water Resources – approve and authorize the Director of Public Works to execute Main On-Call Agreements with three (3) water resources excavation contractors (BP Wastewater Services LLC, Engineers Construction, Inc. and S.D. Ireland Brothers Corporation), each with a maximum limiting amount of \$200,000, for a total authorized expenditure of \$600,000, subject to review and approval by the City Attorney.

5.27 Request for approval of three contracts related to the River Siphon Break emergency response – DPW – Water Resources – 1. To retroactively authorize and ratify the Director of Public Works' execution of a contract with BP Wastewater for sewage pumping and hauling services, for an amount up to \$232,000, subject to the review and approval of the City Attorney's Office; 2. To retroactively authorize and ratify the Director of Public Works' execution of the following agreements related to the construction of the temporary bypass pumping system: i. an amendment to the Main Agreement for On-Call Services with Engineers Construction Inc., for on-call repair services for an amount up to \$775,000; and ii. A Work Assignment Agreement for On-Call Services with Engineers Construction Inc. for construction of a temporary bypass-pumping system, assigned pursuant to the above-referenced Main Agreement for On-Call Services for an amount up to \$550,000 inclusive of the Main Agreement limit; provided that both such agreements shall not exceed a total authorized amount of \$775,000 combined and shall be subject to review to the prior review and approval of the City Attorney's Office; 3. To authorize the Director of Public Works to execute an agreement or a series of agreements with Rain For Rent for pump rental services in furtherance of emergency pumping related to the temporary bypass of flows from the Winooski River wastewater pipe failure; and, to retroactively authorize and ratify all such rental costs incurred retroactive to July 24, 2023 provided that the total authorized expenditure under all such agreements shall not exceed \$82,980, inclusive of such rental costs incurred retroactive to July 24, 2023, and that execution of the same shall be subject to the prior review and approval of the City Attorney's Office.

5.28 Request to accept a Federal Aviation Administration Grant for the Residential Sound Insulation Project FAA Phase 3 Project and Execute Contracts for Construction and Inspection Services for this Project with Strong Tower Construction, Inc. and Jones Payne Group, Inc. respectively – Airport – 1. To authorize the Director of Aviation to accept an execute a grant from the Federal Aviation Administration in an amount up to \$5,511,621.34 with a 15% contingency, totaling up to \$6,338,364.54 as allowed under the grant, for program management and development, community outreach, evaluation of structures, design services, bid and award activities, and construction activities for 52 homes, subject to review and approval of the City Attorney's Office; 2. To authorize the Director of Aviation to execute a contract with Strong Tower Construction, Inc. in an amount of up to \$4,780,947.00 with a 15% contingency totaling up to \$5,498,089.05 as allowed under the grant, for construction activities for 52 homes, subject to review by the City Attorney's Office; and 3. To authorize the Director of Aviation to execute a contract with The Jones Payne Group, Inc. in the amount of up to \$1,325,076.71 with a 15% contingency totaling \$1,523,838.22 as allowed under the grant for program management and development, community outreach, evaluation of structures, design services, bid, award activities and construction activities for approximately 50 homes, subject to review by the City Attorney's Office.

5.29 Request to Accept a Federal Aviation Administration Grant and Execute a Contract for Design, Permitting and Bidding of the Snow Removal Equipment Building Project with Passero Associates – Airport – 1. To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration to accept an amount up to \$1,160,011.80 with a 15% contingency, totaling \$1,334,013.57, as allowed under the grant, for the design, permitting, and bidding of the Snow Removal Equipment Building Project, subject to review by the City Attorney's Office; and 2. To authorize the Director of Aviation to execute contracts with Passero Associates Inc. in an amount of up to \$1,272,902.00, with a 15% contingency, totaling up to \$1,463,337.30 as allowed under the grant, for design, permitting, and bidding of the Snow Removal Equipment Building Project, subject to review by the City Attorney's Office.

5.30 Request to Execute a Federal Aviation Administration (FAA) grant and execute a Contract with Hoyle Tanner & Associates, Inc. to update the Airport's Pavement Management Plan – Airport – 1. To authorize the Direction of Aviation to execute a grant from the Federal Aviation

Administration to accept an amount up to \$226,970.10, with a 15% contingency, totaling up to \$261,015.62, as allowed under the grant, for the update of the Pavement Management Plan, subject to review by the City Attorney's Office; and 2. To authorize the Director of Aviation to execute a contract with Hoyle Tanner and Associates, Inc. in a cumulative amount of up to \$241,689.00 with a 15% contingency totaling \$277,942.35, as allowed by the grant for the update of the Pavement Management Plan (PMP), subject to review by the City Attorney's Office.

5.31 Request to Accept and Execute a Federal Aviation Administration (FAA) Grant and Contract with Hoyle Tanner & Associates, Inc. for the planning, design, permitting and bidding an expansion of the existing Cargo Apron – Airport – 1. To authorize the Director of Aviation to execute a grant from the Federal Aviation Administration accept an amount up to \$2,754,490.00, with a 15% contingency, totaling up to \$316,813.50, as allowed under the grant, for the planning, design, permitting, and bidding of the cargo apron expansion, subject to review by the City Attorney's Office; and 2. To authorize the Director of Aviation to execute a contract with Hoyle Tanner and Associates, Inc. in a cumulative amount of up to \$296,100.00 with a 15% contingency totaling \$340,515.00, as allowed by the grant, for planning, design, permitting, and bidding of the cargo apron expansion, subject to review by the City Attorney's Office.

5.32. Request to Execute a Contract with Stantec Consulting Services Inc. for the Design, Permitting, and Bidding of Runway 15-33 Rehabilitation Project – Airport – authorize the Director of Aviation to execute a contract with Stantec Consulting Services Inc. in an amount up to \$688,486.00, with a 15% contingency totaling \$791,758.90, as allowed under the grant for the planning, design, permitting, and bidding of the pavement management and rehabilitation of Runway 15-33, subject to review by the City Attorney's Office.

5.33. Final Change Order - CY22 Sidewalk Reconstruction Program – DPW - 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$1,110,031.34 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program; and 2. To retroactively authorize the Director of Public Works to execute the a balancing change order for the construction contract for the CY22 Sidewalk Reconstruction Project with SD Ireland Brothers Corporation for a final amount of \$1,110,031.34, subject to the final review and approval by the Office of the City Attorney.

5.34. FY24 Parking Garage Security Contract - DPW - Division of Parking and Traffic - approve and authorize: 1) the Director of Public Works to execute a contract for FY24 with Green Mountain Concert Services for security services at the Marketplace Garage and Downtown Garage for a total authorized contract value not to exceed \$280,000, subject to review and approval by the City Attorney's Office and approval by the Chief Administrative Office for compliance with the City's procurement and expenditure policies; and, 2) an FY24 budget amendment for Fund 265 – Parking Facilities for general ledger line item 19-205-451- 6500_103 (Marketplace Garage) from 90,000 to \$140,000 and line item 19-205-455-6500_103 (Downtown Garage) from \$90,000 to \$140,000, for a total budgeted expenditure of \$280,000; to be drawn against currently budgeted net revenues.

5.35. Marketplace Garage Repair - DPW - Division of Parking and Traffic - approve and retroactively authorize the increase of the maximum limiting amount of the contract with Structural Preservation Systems, LLC from \$545,955 by \$23,564, resulting in a total authorized expenditure of \$569,519 for repairs completed to the Marketplace Garage and further authorize the Director of the Department of Public Works to execute an amendment to such contract to reflect the increased maximum limiting amount, subject to review by the City Attorney's Office.

5.36. FY24 Recycling Truck Purchase Cost Increase – DPW - approve and authorize the Department of Public Works to spend an additional \$44,145.00, for a total of \$309,145.00, for the FY24 Recycling truck purchase; and, to further authorize the Director of the Department of Public Works to execute a purchase agreement, and other associated documents necessary to effect such purchase, with Allegiance Trucks for a total purchase price not to exceed \$309,145.00, subject to the review of the City Attorney's Office.

5.37. Champlain Parkway - Design Contract Amendment No. 18 with Clough, Harbour & Associates – DPW - authorize the Director of Public Works to execute Contract Amendment Number 18 to the contract with Clough Harbour & Associates for engineering design services for the Champlain Parkway project, increasing the total contract amount by \$520,826.34 and the local match obligation by \$10,416.52, for a total authorized contract amount not to exceed \$13,992,929.18 and a local match obligation in the amount of \$279,858.59, subject to review and approval by the City Attorney's Office.

5.38. CY23 Paving Contract Amendment for Additional Patching Work – DPW - 1. To approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2023 Paving Program contract with Engineers Construction Inc. in the amount of \$337,254.00, bringing the total contract value up to \$1,893,552.45, and authorize the use of \$173,634.85 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 \$2,067,187.30; and 2. To authorize the Chief Administrative Officer or designee to affect all necessary budget amendments and transfers of funds, as described in the attached budget amendment form, for a total of \$35,000 in street capital funds to be used to complete the CY23 Paving Program project.

5.39. Reclassification of One (1) CEDO Position with No Adverse Impact to the City's General Fund - CEDO/HR - approve the reclassification of the Community Development Specialist II – Grant Management position, from a Regular Service, Full-Time, Non-Exempt, Union, Grade 17 to the position of Senior Community Development Specialist – Grant Management, a Regular Service, Full-Time, Non-Exempt, Union, Grade 18.

5.40. Church Street Marketplace Winter Holiday and Winter Lights - Authorization to Award Contract – CSM - authorize the Director of the Church Street Marketplace to execute a three-year contract with SavATree, LLC for Winter Holiday and Winter Light services for a total authorized amount not to exceed \$101,445 subject to final review and approval by the City Attorney’s Office.

5.41. Church Street Marketplace Snow Removal - Authorization to Award Contract – CSM – authorize the Director of the Church Street Marketplace to execute a three-year contract with J. Labrecque, LLC for snowplowing services for a total authorized amount not to exceed \$173,100, subject to final review and approval by the City Attorney’s Office.

5.42. Fletcher Free Library Security Guard Contract FY24 – Library - authorize Mary Danko, Director of the Fletcher Free Library, to execute a Contract Agreement and any related documents needed to carry out said contract with Chocolate Thunder, LLC for a 1 year contract of security guard services for the Fletcher Free Library at a rate of \$45.00 per hour in an amount up to \$135,720.00 with a contingency of \$9,450.00 for a total maximum limiting amount of \$145,180.00, subject to final review and approval of the City Attorney’s Office.

5.43. Communication: Colin Hilliard, re: BBA Comment Re: FY24 Parking Garage Security Contract – waive the reading and place it on file.

5.44. 2023 Annual Report - Board for Registration of Voters – waive the reading, accept the report, and place it on file.

5.45. FIO Documents – for information only.

5.46. Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Parking Traffic Division Of The Public Works Department – CT – waive the reading and adopt the resolution.

5.47. Special Event Outdoor Entertainment Permit Application (two days only): The Pinery, 377 Pine Street - approve the two day only special event outdoor entertainment permit application for The Pinery, 377 Pine Street, September 8 - 9, 2023.

5.48. Communication: Robert Bristow-Johnson, re; New Erosion at Bike Bridge and Mayes Landing – waive the reading and place it on file.

5.49. Communication: Selene Colburn and Rachel Siegel, re: double standard in the City's treatment of Former REIB Director Tyestia Green – waive the reading and place it on file.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.49.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

6. DELIBERATIVE AGENDA

6.1 Communication: Mayor Miro Weinberger, re: Appointment of Deputy City Attorney
Mayor Weinberger noted that the position of Deputy City Attorney was created several years ago, and that it provides further structured support for the City Attorney’s Office. He spoke about his nominee for this position, Assistant City Attorney Jared Pellerin, and his relevant experience. Assistant City Attorney Pellerin spoke briefly about his interest in this position.

MOTION by Councilor Doherty, SECOND by Councilor Bergman, to confirm the appointment of Jared Pellerin as Deputy City Attorney

DISCUSSION:

- **Councilor Grant spoke about past experiences serving on volunteer commissions with the City and the lack of support from the City Attorney's Office in those roles. She said she appreciated Assistant City Attorney Pellerin's attention to that problem and expressed hope that processes will be implemented to better support the City's boards and commissions.**

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

6.2 Tobacco License Application (2023-2024): Fireman Smoke Shop LLC, 130 Church Street

MOTION by Councilor Shannon, SECOND by Councilor Grant, to approve the 2023-2024 Tobacco License Application for Fireman Smoke Shop, LLC, 130 Church Street.

VOTING: unanimous; motion carries (Councilor Carpenter absent for vote).

6.3 Appointment: Church Street Marketplace Commission (Term Expires 6/30/26)
City Council President Paul called for nominations for this position.

MOTION by Councilor Bergman to nominate Romeo van Hermann for a position on the Church Street Marketplace Commission.

VOTING: unanimous; motion carries (Councilors Carpenter, Traverse absent for vote).

6.4 Annual Report for 2022-23 – Parks, Recreation and Waterfront Commission (15 mins.) **postponed to the next Council meeting, September 11**

6.5 Resolution: Support For Fair Contract For UVMMC Support Staff United Union (Councilors Bergman, Grant, Hightower, Magee, Dieng, Paul, Shannon, King, Carpenter, Barlow)(20 mins.)
Councilors Doherty and Traverse recused themselves from this deliberative agenda item.

MOTION by Councilor Bergman, SECOND by Councilor King, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Bergman thanked the union and his fellow City Councilors for the support on this. He said that this resolution very clearly states that the Council must take action to support its community. He said that this resolution stands up against the neoliberal logic that the market will dictate what a fair wage is, and stands up against inequality. He said that a unanimous passage of this would stand for a basic proposition of a united community that lives in dignity and justice.**
- **Councilor Shannon thanked the union for informing the Council about what has been occurring at UVMMC.**
- **Councilor Hightower thanked the union for their courage in coming to the Council to share their experiences and for their efforts to make UVMMC better for everyone.**

- **Councilor Magee thanked the union for their efforts, noting that the hospital has many undervalued workers at many levels. He said that it is past time that the hospital pay workers what they are worth.**
- **Councilor Grant said that UVMHC is in denial about what it takes to live in this City right now. She noted that the new housing created on Market Street isn't even available to many of the support staff workers. She said that no one should have to work overtime due to the mismanagement at higher levels of the hospital.**

VOTING: unanimous; motion carries (Councilors Doherty and Traverse recused).

6.6 Communication: Heather E. Ross, Sheehey Furlong & Behm PC, re: Financial Review of Expenditures by Racial Equity Inclusion and Belonging Department ("REIB") in Fiscal Years 2021 and 2022 (25 mins.)

City Council President Paul noted that last week, a request was made of the full City Council that any questions that might require additional research or information from Attorney Ross be sent to the City Attorney's Office prior to the report being posted online on Thursday.

Chief Administrative Officer Schad walked through the questions that were received from Councilors and their responses. They were as follows:

- Page 3 of the report, in a footnote: Melo Grant is listed as a Juneteenth musician. Does this create a conflict of interest in reviewing the report? Response: the City Attorney's Office has discussed the charter provision regarding conflicts of interest with Councilor Grant and determined that it is up to the Councilor to disclose any conflicts of interest should they feel that there is one, or the Council determine that there is one through a two-thirds vote.
- Page 2 of the report notes that some of the information in the report is confidential. Is the report public? Response: that is boilerplate language to protect the law firm that created it. The administration has reviewed to ensure that everything in the report can be released publicly.
- There was a clarification that some of the businesses involved in the event were not subject to the Secretary of State search as being eligible to do business in Vermont because they are well-known entities with a presence in the state already.
- There was a clarification about Andrew Champagne's role not as a musician but as having been hired to help register votes.
- Page 8 of the report references an invitation-only black tie event at Hula on June 17, 2022 to honor members of the Black community. What was the cost of the event? Who was invited? What were they asked to pay? What was the criteria for the invitation? Response: this question is out of scope of the assignment.
- Noble Jewels was paid \$50,000 for cultureology. What is that and what are the details of that work? Response: this came before the Board of Finance in September of 2021, and includes a cultural gap analysis, community assessment, and creating a strategy and action plan.
- Kesha Ram was paid \$1,000 to speak. When did she speak, for how long, and is there precedent for paying a local politician to speak? Response: she spoke at the Juneteenth FY22 event and it's not clear how long she spoke for and the question of precedent is out of scope.
- How much did the report cost? Response: it cost \$41,000. The firm interviewed 10 current and former City employees and examined 77,000 emails and other documents. Baker Tilley, which led the internal review of Ms. Green's work in Minneapolis, was paid \$175,000 for its work (which interviewed 13 current and former city employees and reviewed 285,000 emails).
- Did the contracting follow City procurement procedures, and if yes, what is that process? Response: yes. A scope of work was developed and the City made calls and talked to 3 different lawyers at 3 different law firms, and that most law firms did not have the expertise or availability to take on the work. Heather Ross at Sheehey, Furlong, & Behm has had previous experience conducting these kinds of investigations, offered a governmental discount, and was not conflicted out of the work.

- What steps are being taken to address the recommendations by the Administration? Response: the City is following up on each recommendation in the report and will report back on them to the Board of Finance and City Council. The Clerk Treasurer's Office will take responsibility for these efforts, which include developing and implementing a process to make the Board of Finance aware of the Juneteenth budget, and any other large events for any other department well in advance of the event, developing and holding annual reminder trainings regarding purchasing requirements, strengthening the City's conflict of interest policy, establishing a robust fraud, waste, and abuse policy, a policy regarding when out-of-state vendors are allowed to have lodging and travel expenses paid for by the City, formalize requirements that contractors must be registered to do business in Vermont, and document requirements about signing authority for contracts.
- Where is the budget amendment that increased the June 2022 budget from \$100,000 to \$180,000? Response: there is an amendment that took \$90,000 from the FY21 REIB department and added it to the 2022 Juneteenth budget, and a second amendment that took \$10,000 from that \$90,000 and put it toward computers.
- The 2023 budget reflects \$720,000 for use of fund balance in the 2022 amended budget. What is this? Response: this is money that was carried over from the original \$1 million obligated in FY21 for the fund for racial justice, and that it shows up in budget amendments as it is spent.
- The 2023 budget shows \$68,000 in donations for special events, but the report says that the City raised \$103,000. Why is there a discrepancy? Response: some of the money came in after the FY23 budget closed. The FY24 REIB proposed budget shows the \$103,000 under actuals.
- The Mayor's 2023 budget includes \$1.2 million of CARES Act revenue for REIB. Has that been received? Is it guaranteed? Response: This was ARPA money that was set aside for FY23 for REIB salaries, and is only funded as it is incurred. Due to limited staffing for REIB in FY 23, the entire salary amount (\$740,000) was funded (not the full \$1.2 million as anticipated).
- A number of individuals were listed as BCA. Why is that? Response: this question crosses the line of attorney-client privilege, and the Councilor who asked this question would need to waive that in terms of the formation of the advice that was given.
- Is there accounting for Juneteenth specifically? Response: Yes, there is, and it can be shared.
- Is Exhibit 1A intended to be a summary for all FY22 Juneteenth spending? Response: Yes.
- Who are the recipients of the gift cards from City Market and Hannifords? Response: This was out of scope but the City can find out and report back to the Councilor that asked this question.
- If the City was overcharged for goods received from vendors, do we have any recourse? Response: This would be contract-specific. The City Attorney's Office would need to review the terms of the contract.

MOTION by Councilor Hightower, SECOND by Councilor Bergman, to not accept the memorandum: Financial Review of Expenditures by REIB in Fiscal Years 2021 and 2022, but instead, refer both materials posted under this as supporting documents today to the HR Committee to consider a full public articulation of harm from Mayor Miro Weinberger and the City of Burlington to Tyestia Green, Casey Ellerby, and their families for the continued defamation of character and unwarranted actions taken through City processes like the audit itself and an apology of the same. Additionally, request that the HR Committee establish a process for independent evaluation and oversight of the hiring and retention policies and solutions employed by the City of Burlington to combat anti-BIPOC and gender-based discriminatory practices.

DISCUSSION:

- Councilor Hightower noted that the June 2021 Juneteenth was the only Juneteenth that was managed and executed by former Director Green and that there was no mismanagement found for this Juneteenth and it was a great success. She noted that when Director Green gave notice in February of 2022, the 2022 Juneteenth was on track, that vendors had not been hired, the theme had not yet been selected, and that no financial commitments had yet been made. She noted that the focus of the review was around fraud, waste, and abuse, which did not occur with the 2021 nor the 2022 event,

and that the memorandum summarizing the report creates the appearance of mismanagement by former Director Green throughout, without providing support or analysis for accusations. She said that the issues appear to be a Citywide lack of clarity and enforcement around City policies. She noted that there have been documented instances of other City departments mismanaging resources, but that former Director Green is the only department head to be publicly reviewed in this way. She said that the administration should strongly consider the presence of a potential bias in its response to these concerns being raised tonight. She noted other instances of other City department heads and employees not following City protocol in their use of resources without proper documentation, and noted that none of them were audited to this degree. Councilor Hightower then spoke about her own personal experience working with the Mayor on issues related to racial equity, inclusion, and belonging, and the CNA report through the Police Commission.

- Acting City Attorney Pellerin cautioned the City Council that they should receive advice on the legality of the motion before moving forward.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Bergman, to move to refer the materials posted under this item as supporting documents to the HR Committee to consider the full impact of this report on our City, Tyestia Green, Casey Ellerby, and their families. Additionally, refer these materials to the HR Committee to establish a process for independent evaluation and oversight of the hiring and retention policies and solutions employed by the City of Burlington to combat anti-BIPOC and gender-based discriminatory practices.

VOTING: unanimous; motion carries.

6.7 Communication: Jared Pellerin, Assistant City Attorney, re: Redistricting Roll-Out (10 mins.)

Acting City Attorney Pellerin said that the City Attorney's Office has been working with the Chief Administrative Officer and her team on how to implement the recent charter change to redistrict the City, and how that affects Town Meeting Day for the City's elections going forward. He said that fortunately, keeping the 8-ward and 4-district scheme will mean minimal changes. He noted that 8 of the 50 elected seats were displaced by the movement of the boundaries, and that 4 of them are up for reelection, but 4 of them unfortunately will no longer live in the district or ward that they were elected to represent, so they will need to step down for their seats. He said that the City Council can appoint acting officials for those seats.

MOTION by Councilor Doherty, SECOND by Councilor Traverse, to waive the reading, accept the communication and place it on file.

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Barlow noted that the Transportation, Energy, and Utilities Committee (TEUC) is meeting on August 15 at 5:00 PM at 585 Pine Street to continue deliberations on the carbon impact fee ordinance. He also noted that the TEUC will hold its regularly-scheduled meeting on Tuesday, August 22nd, at 5:00 PM, at which time it will discuss the new ordinance to control noise and fuel efficiency standards at the airport.

Councilor Bergman noted that the joint Charter Change/Ordinance Committee on Oversight has met several more times and that they need to set new meetings moving forward, to discuss the different paths forward on oversight. Councilor Traverse noted that the Police Commission

has been active in this process and that he hopes they will provide formal recommendations and feedback on the direction that the current iteration of the Police Commission would like to go in.

Councilor Traverse noted several items pending before the Ordinance Committee, including the graffiti and stickering ordinance that was passed by the Council, and the carbon pollution impact fee ordinance (once TEUC has completed its review).

City Council President Paul noted that the Public Safety Committee will be meeting on August 17 at 6:00 PM, remotely, and will discuss drug activity in neighborhoods and establishing forums to talk about drug activity with various constituencies.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Hightower noted the passing of Omar, the owner of Kismayo Kitchen, last week.

Councilor Grant said that the Council needs to be very careful about how it makes decisions based on decisions from other municipalities. She noted that the City of Minneapolis had a Truth and Reconciliation Committee, but members of that committee felt exhausted and gaslit and resigned from the Committee and their positions on City Council. She noted that 75 current and former City staff signed a letter criticizing racist, toxic work culture in the City of Minneapolis. She said that Burlington needs to examine whether they want to mirror the behavior of other municipalities, and that they need to look carefully at how other places treat their people. She also said that the current director of the REIB department needs to be supported right now.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Weinberger noted that the City has already surpassed the number of overdoses for all of 2022, and that given the ongoing challenge and work needed in this area, he noted that August 31 is international Overdose Awareness Day and there will be an event in City Hall Park on that day.

11. ADJOURNMENT

11.1 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The meeting adjourned at 10:17 PM.

RScty: AACoonrad