

**BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
September 18, 2023
DRAFT**

MEMBERS PRESENT:

Karen Paul
Joan Shannon
Ali Dieng (via Zoom)
Sarah E Carpenter
Zoraya Hightower
Mark Barlow
Joe Magee
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 6:43 PM.

MOTION by Councilor Traverse, SECOND by Councilor Magee, to adopt the agenda.

VOTING: unanimous; motion carries.

2. COMMUNICATION: LITIGATION UPDATE (VERBAL) **EXPECTED EXECUTIVE SESSION 6:45 PM – 7:15 PM**

2.1 Communication: Litigation Update (verbal) **expected executive session**

MOTION by Councilor Traverse, SECOND by Councilor King, to find that premature general public knowledge of legal advice and information concerning the details of probable and pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Traverse, SECOND by Councilor King, that based upon that finding, the City Council go into executive session to receive confidential attorney-client communications, per 1 VSA §313(a)(1)(F), in a pending or probable civil litigation matter, per 1 VSA §313(a)(1)(E).

VOTING: unanimous; motion carries.

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

3.1 Verbal Comments

Forum opened at 7:52 PM.

COMMENTS:

Burlington residents (in person):

- Curt McCormack spoke about engine idling and how it has become epidemic in Burlington, though there is a City ordinance and State law prohibiting engine idling. He asked that the Police Department inform motorists of the law against engine idling.
- Jadah Bearden spoke in response to comments made by a City Councilor at last week's Council meeting, citing hypocrisy and racism.

Burlington residents (via Zoom):

- Peter Duval spoke about the McNeil Plant, noting that its owners met on September 11 and discussed their financial earnings, which he said were disappointing. He said that energy efficiency funds have been misspent pursuing the District Energy Plan.

Forum closed at 8:09 PM.

4. CLIMATE EMERGENCY REPORTS

4.1 Climate Emergency Reports

Mayor Weinberger noted that this Saturday will be the second annual Net Zero Energy Festival, hosted in downtown Burlington by the Burlington Electric Department.

Mayor Weinberger also noted that there will be a panel discussion and film screening on Wednesday evening (September 20) at Main Street Landing pertaining to Burlington's net zero energy activities and goals.

5. CONSENT AGENDA

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

5.2 Communications: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.

5.3 Communication: C/T Office, re: Opening Burlington City Commissions/Boards – waive the reading, accept the communication, and place it on file.

5.4 Program Year 2022 Consolidated Annual Performance & Evaluation Report Draft – CEDO - waive the reading, accept the communication, and place it on file.

5.5 Authorization to Execute Lease Amendment No. 2 to the General Services Administration (GSA) Lease – Airport – approve that the Mayor of Burlington, Miro Weinberger, be authorized to execute Amendment No. 2 to the Lease Agreement with the U.S. General Services Administration, subject to the final review and approval by the Office of the City Attorney.

5.6 Request to Execute a Grant of Easement to Champlain Water District (CWD) for the Design, Installation, and Service of a new Valve Vault on National Guard Road – Airport – approve and authorize Mayor Miro Weinberger to execute a Grant of Easement to the Champlain Water District for the design, construction, and service of a new valve vault on National Guard Avenue, subject to review by the City Attorney's Office.

5.7 National Endowment for the Humanities Challenge Infrastructure Capacity Building Grant – Library – 1. Move to authorize the Director of the Fletcher Free Library to execute the Award Agreement with NEH to accept a grant amount of \$245,425.00.00, with project costs to be paid upfront by the City of Burlington and then reimbursed by NEH, including a local match of \$736,275.00 in City funds, for a total project budget of \$981,700.00; subject to final review and approval by the City Attorney's Office and Chief Administrative Officer; and 2. Move to accept the recommendation of the City's Capital Committee and approve the creation of the Fletcher Free Library project budget for Fiscal Year 2024, for use of Capital Funds as described in the affiliated memorandum and related attachments, and subject to the review and approval of the Chief Administrative Officer.

5.8 Execute a Contract Amendment with Engineers Construction, Inc. (ECI) for the Design-Build services for the Flynn Avenue Sewage Forcemain Rehabilitation – DPW/Water Resources – approve and retroactively authorize and ratify the Director of Public Works' execution of a contract amendment with Engineer's Construction, Inc. for the Design-Build services for the Flynn Avenue Sewage Forcemain Rehabilitation increasing the maximum limiting amount of the agreement by \$4,213 for a total authorized expenditure not to exceed \$192,525, subject to the review and approval of the City Attorney's Office.

5.9 Old North End Greenway Construction Grant Project Commitments Form – DPW - authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for the Old North End Greenway construction, obligating the City to commit a local match of \$166,000 of the total project budget of \$241,000 in furtherance of accepting a reimbursable grant amount up to \$75,000, subject to approval by the City Attorney's Office.

5.10 Authorization to Execute the Design Contract for the Queen City Park Road (QCPR) Sidepath – DPW – 1. To authorize the Director of Public Works to execute a contract, subject to City Attorney approval with Hoyle Tanner & Associate Inc. in an amount not to exceed \$214,245, and further authorize the Director of Public Works to execute any necessary future amendments using up to \$21,000 (10%) in available contingency funds, for a total authorized amount of \$235,245 for the development of the design of the QCPR Sidepath project, subject to the review and approval of the City Attorney's Office; and 2. To approve and authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds from the sources identified in the attached budget amendment form to amend the project budget to total \$1,035,000 for the Queen City Park Road Sidepath Project.

5.11 Resolution: Allocation of Bond Proceeds for Public Improvements – Rock Point Bridge Project (Board of Finance) – waive the reading and adopt the resolution.

5.12 Rock Point Bridge – Authorization to Award Construction Contract and Proposed Budget Amendment – DPW – 1. To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to amend the project budget to total \$1,219,128.51 as detailed in Attachment B for the Rock Point Bridge Replacement Project; and 2. To authorize the Director of Parks, Recreation and Waterfront (BPRW), or their designee, to execute a construction contract with Desroches Construction Services in the amount of 984,131.00, and to further authorize the use of an additional \$98,413.00 in contingency funds (10%), for a total authorized expenditure in the amount of \$1,082,544.00.

5.13 Reclassification of two (2) Clerk Treasurer's positions and not filling of one (1) position – CT/HR – approve the modification, retitle, and reclassification of the Director of Financial Operations, a regular service, fulltime, exempt, non-union position with a market factor range of

\$118,055.69 to \$165,325.93 to Director of Finance, a regular service, full-time, exempt, non-union position with a market factor range of \$127,900 to \$191,900; and Modification, retitle, and reclassification of the Banking & Cash Operations Manager, a regular service, full-time, exempt, non-union Grade 21 to Assistant Director of Finance, a regular service, full-time, exempt, non-union Grade 23.

5.14 Approval of Marina Slip and Mooring Fees – BPRW – approve the 2024 Marina fees as set by the Harbor Commission during its September 12, 2023 meeting, subject to review by the City Attorney’s Office.

5.15 195-201 Flynn Avenue 2019 Third MOU Extension – DPW – move to approve a one-year, term-only, no cost extension of the Second 2019 Chittenden Solid Waste District – City of Burlington Memorandum of Understanding through September 30, 2024, and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney’s Office.

MOTION by Councilor Traverse, SECOND by Councilor King, to adopt the consent agenda as amended and take the actions indicated for items 5.1-5.15.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.1 FY23 Fiscal Health Report – CAO

Mayor Weinberger began by noting that this fiscal health report was initially requested when the City approved a short-term stability bond a number of years ago, and has been used over the years to update the City Council and public on the City’s fiscal health and credit standing. He provided a review of the City’s credit rating and the methodology used (Moody’s), noting that a City’s credit rating has an impact on the cost of borrowing. He noted that the City was downgraded in 2012 to Baa3 (the edge of junk bond status), which was a wakeup call and precluded the seeking of the fiscal stability bond in that year. He noted that the City was subsequently upgraded to an Aa3 rating in 2019. He noted that in August of 2023, Moody’s published its credit opinion of the City, noting that its financial position is stable with sound reserves and liquidity, and is likely to remain stable over the next few years due to conservative budgeting and prudent revenue increases.

Mayor Weinberger spoke about the impact of the credit upgrades for the City. He said that because the City’s credit was upgraded, its \$130 million in bonds issued for the Burlington High School/Burlington Technical College (BHS/BTC) project were obtained at an interest rate of 3.84%. He said that had the City had its previous credit rating, it would have been issued the bonds at a higher interest rate of 5.31%. He noted that this lower interest rate is saving the City approximately \$20.5 million in present value savings. He noted that current dollar savings for other bonds that have been issued is approximately \$24 million.

Mayor Weinberger spoke about the drivers of Burlington’s positive credit score ratings and increases. He said that one of these has been the improvement to the City’s Unassigned Fund Balance (UAFB), or rainy day fund. He said that the UAFB has remained well within the target range of 5-15% of the General Fund budget’s operational costs.

Councilor Shannon asked how the bond rates work with the borrowing, saying that the City typically does not borrow the entire bond amount at a single time. She asked if there are outstanding amounts that need to be borrowed that aren’t locked in. Mayor Weinberger replied that the \$130 million for the BHS/BTC project was the entirety of the bonding amount. Chief Administrative Officer Schad noted that \$40 million of that was refinanced, and there is no outstanding bonding on the school side or the City side.

Councilor Grant expressed concern about the amount of obligation to the school district the City has made, while having its own deferred maintenance that will need addressing in the next several years. She said that the next option for financing that is through property taxes, and noted that the City hasn’t had conversations about property tax reform yet.

Mayor Weinberger agreed with Councilor Grant, saying that it will be challenging not to pursue unplanned borrowing given the capital investments needed in the future, though the City has made significant investments in its infrastructure in the last several years. He noted that there has been some capital assistance from the federal government through ARPA and other investments, so the City has some funding available.

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

DISCUSSION:

- **Councilor Dieng asked if Moody's would come to City Council meetings to present these results and speak to their credit rating and feedback. Mayor Weinberger replied that Moody's wouldn't necessarily come before the Council, but that the City has a bond consultant who has spoken about this topic in the past to the Council.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.1. Verbal reports

Councilor Grant noted that the Public Safety Committee has started discussions about a resolution related to the overdose crisis, and the resolution would ensure that the opioid crisis is a standing agenda item for City Council meetings. She said that this would present an opportunity to provide communication in a coordinated way, including the sharing of data and updates about funding that could be available to help deal with the crisis.

Councilor Barlow said that the Transportation, Energy, and Utilities Committee is meeting on September 26 at 4:30 or 5:00, and the agenda items include proposed language for a survey for the North Winooski Avenue corridor stakeholders and reviewing a solar ordinance that South Burlington recently passed.

Councilor Dieng said that the Racial Equity, Inclusion, and Belonging Committee is meeting on September 19 at 5:30 to discuss updates from the Reparations Task Force, and a presentation.

Councilor Hightower said that the CDNR Committee is meeting on September 19 and will be discussing NPA support, a public hearing on CEDO's annual evaluation report, and receiving an update on homeless initiatives from CEDO.

8. CITY COUNCIL – GENERAL AFFAIRS

8.1. Verbal reports

Councilor Shannon spoke to the resolution from the Public Safety Committee, noting that she hopes that the public safety aspect of the resolution is brought back into it before it comes before the Council, noting that since its origination, the resolution has become more focused on public health. She acknowledged that the City is in a public health crisis, but said that it is also in a public safety crisis, and that residents do not feel safe. She cited chronic theft and discarded syringes all over the City, and she said she hopes the Public Safety Committee will take that to heart. Councilor Grant said that the resolution will contain both public health and public safety aspects. She said that it will be important for people to understand what the police can and cannot do related to addressing public safety.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.1. Verbal reports
None.

10. MAYOR – GENERAL AFFAIRS

10.1. Verbal reports

Mayor Weinberger spoke about the reopening of the Community Resource Center on Thursday, September 21, 2023, and services will resume at the site at that time. He also spoke about how CEDO has taken over the property on Shelburne Road (Anew Place), and that it will move to a more Elmwood Emergency Community Shelter model of service delivery. He noted that the City is in conversations with the State to understand what kind of shelter program they intend to run to ensure that there are no gaps in services.

11. ADJOURNMENT

11.1 Motion to Adjourn

MOTION by Councilor Barlow, SECOND by Councilor Grant, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 9:01 PM.

RScty: AACoonradt