



Regular City Council Meeting - Monday, July 18, 2022, 6:00 pm, Contois Auditorium OR REMOTELY via ZOOM 7/18/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

July 18, 2022

MEMBERS PRESENT: Karen Paul

Joan Shannon

Jack Hanson

Ali Dieng

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ben Traverse

Ali House

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Stephen Ellis

Jared Pellerin

Kim Sturtevant



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Jordan Redell

Lori Olberg

Sarah Montgomery

Jenna Olson

Nic Longo

Jeff Glassberg

Art Klugo

Grace Keller

Jess Kirby

Chapin Spencer

Corey Mims

Meagan Tuttle

Tom Flanagan

Nathan Lavery

Clare Wool

Darren Springer

Bill Ward

Jen Green

Chris Burns

Patricia Wehman

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 6:10 PM



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MOTION by Councilor Traverse, SECOND by Councilor Hightower, to amend/adopt the agenda as follows:

- **add to the consent agenda item 5.24 Communication: Brad Wiltfong, re: Encourage Alternative Transport with Better infrastructure with the action to "waive the reading, accept the communication and place it on file";**
- **add to the deliberative agenda item 6.045 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And BPOA (July 1, 2022 - June 30, 2025) with material to be posted (per Council President Paul);**
- **note proposed amendment for agenda item 6.05 Ordinance: CDO-Parking Minimum and Maximum Parking Requirements and Transportation Demand Management ZA #22-07 (Councilor Hanson; Ordinance Committee)(per City Attorney's Office per Councilor Traverse).**

MOTION by Councilor Bergman, SECOND by Councilor House to divide the question between amending and adopting the agenda.

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

VOTING to amend agenda: 8 ayes, 3 nays, 1 absent (Councilors Bergman, Freeman, and House dissenting; Councilor Dieng absent).

VOTING to adopt the agenda as amended: 10 ayes, 1 nay, 1 absent (Councilor Freeman dissenting; Councilor Dieng absent).

2. COMMUNICATION: RE BETA TECHNOLOGIES LEASE AGREEMENT, BPOA CONTRACT RATIFICATION, AND TAX INCREMENT FINANCING (TIF) AUDITexpected executive sessions ** 6:00-7:30 PM**

2.01 Communication: Jeremy Farkas, Jeffry Glassberg, re: BETA Technologies Lease Agreement **expected executive session**

Chief Administration Officer Schad said that the BETA Technology lease was summarized during the Board of Finance meeting, and noted that there will be a public session after executive session. Chief Administration Officer Schad also noted that the City has been undergoing a routine audit from the State Auditor's Office on the Waterfront TIF District and it is nearing its conclusion.

MOTION by Councilor Shannon, SECOND by Councilor Barlow, that the Burlington City Council find that premature general public knowledge of legal advice and information concerning the details of pending lease negotiations with Beta Technologies, Inc. to which the City is a party or has a stated interest would clearly place the City at a



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substantial disadvantage, that the Council find that premature general public knowledge of information concerning labor relations agreements with employees would clearly place the City at a substantial disadvantage with such negotiations, and that premature general public knowledge of legal advice and information concerning the details of Tax Increment Financing (TIF) audit would clearly place the City at a substantial disadvantage.

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

MOTION by Councilor Shannon, SECOND by Councilor Barlow, that, based on that finding, the Burlington City Council go into executive session to receive confidential communications, 1 VSA §313(a)(1)(F), in a pending contract and lease agreement matter, 1 VSA §313(a)(1)(A), to include Chief of Staff Redell, Chief Administration Officer Schad, Attorney Farkas, Consultant Jeff Glassberg, Interim Director of Aviation Longo, members of the BTV team, Shelby Lozier, Director of Ground Transportation and CFO Friedman; and to receive confidential updates on labor relations agreements with employees, 1 VSA §313(a)(1)(B), to include Chief of Staff Redell, Attorney John Maitland, HR Director Durfee, Chief Administration Officer Schad, and City Attorney Pellerin; and receive confidential attorney-client communications made for the purpose of providing professional legal services to the body 1 VSA §313(a)(1)(F), to include Attorney Stephen Ellis, Chief Administration Officer Schad, Chief of Staff Redell, and Director Pine.

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

Councilor Traverse noted his recusal from the executive session regarding Item 2.01 (Beta Technologies Ground Lease).

2.02 Communication: John Maitland, Jared Pellerin, Kerin Durfee, Katherine Schad, re: BPOA Contract Ratification
expected executive session

Discussed in item 2.01 above.

2.03 Communication: Stephen Ellis, Katherine Schad, (Richard Haesler and Martha Keenan), re: Tax Increment Financing (TIF) Audit **expected executive session**

Discussed in item 2.01 above.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 8:54 PM.

COMMENTS:



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Burlington residents (in person):

- Greg McKim spoke with concern about alcohol consumption, drug use and transactions, public intoxication, nudity, profanity, littering, and overnight camping at City Hall Park. He said that there cannot be this level of civil disobedience in this community. He said that when he talked to police officers, they have said that they are understaffed and cannot respond. He asked that the City please enforce the laws that are on the books.
- Pike Porter spoke about the Air National Guard lease. He requested that the City examine its lease with the Air Guard, which allocates 280 acres of land for \$0.02 per year to the Air Guard. He said that the Air Guard has polluted the Winooski River. He said that this land is valuable and that the City should hold their tenant accountable for damages.
- Christopher Aaron Felker spoke in opposition to the safe injection facilities that this Council is debating and potentially endorsing tonight. He acknowledged how much the opioid epidemic is impacting this community and encouraged the State and City to expand needle exchange programs and access to fentanyl test strips and Narcan, as well as expand access to treatment. He additionally recommended opening more long-term treatment centers and houses. He said that the evidence that safe injection facilities lead to decreased mortality is weak. He noted that the overdose prevention site in San Francisco is being shut down.
- Lee Morrigan spoke about Item 6.02 (establishing an overdose prevention site). They said that overdose prevention sites are important because they prevent death.
- Ed Baker, a substance use disorder counselor, said that the State is not doing everything it can to prevent and mitigate the effects of the opioid epidemic. He noted that Governor Scott vetoed legislation that would research the feasibility of opening an overdose prevention site in Vermont. He compared this to New York State, which opened an overdose prevention site in New York City in November 2021. He noted that this site has since then reversed 360 overdoses and engaged 1,400 participants. He said that this has led to millions in savings to the health care and emergency response system.

Burlington residents (via Zoom):

- Josh Katz spoke about Item 6.05 (minimum and maximum parking requirements) on behalf of CATMA. He said that getting rid of minimum parking requirements is a good step forward to reducing the overbuilding of parking, though the exacting requirements of this ordinance don't create an effective TDM program. He urged the City Council to adopt a waiver process that considers a project's location, size, resident population, and income restrictions to determine if the TDM might cause more harm than good.
- Mike Celic spoke about Item 6.02; he specifically spoke about his work in harm reduction. He said that overdose prevention sites prevent deaths and strongly supports the resolution.
- Melo Grant spoke about Item 6.02. She noted that the services offered in San Francisco are being funded through the rest of the 2022 calendar year, which will give the Mayor of San Francisco time to include "sobering centers" in their budget. She noted that there are a number of locations in Burlington where there is open drug use in and around homes and near schools in the Old North End. She said that providing services can help control where people use drugs, and get that activity out of the parks and neighborhoods.

Forum closed at 9:20 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports



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None at this time.

5. CONSENT AGENDA

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

5.02 Communication: CT Office, re: Accountability List as of June 23, 2022 - waive the reading, accept the communication and place it on file.

5.03 Communication: C/T Office, re: May 23, 2022 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.04 Communication: C/T Office, re: May 23, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.05 Communication: C/T Office, re: June 6, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.06 Communication: C/T Office, re: June 27, 2022 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.07 Communication: C/T Office, re: June 27, 2022 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.08 Communication: C/T Office, re: June 27, 2022 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting.

5.09 Communication: Diana Carlisle, re: Subject: Correction to the Public Record - waive the reading, accept the communication and place it on file.

5.10 Communication: Aaron Keech, Member, Winooski Valley Park District, re: Resignation - waive the reading, accept the communication, advertise the vacancy (already did in Seven days), place it on file and send a letter of appreciation to Aaron Keech thanking him for his time served as a Member of the Winooski Valley Park District.

5.11 Communication: Samantha Dunn, CEDO Assistant Director, Community Works, re: Moran Frame Project Update - waive the reading, accept the communication and place it on file.

5.12 Communication: Samantha Dunn, CEDO Assistant Director, Community Works, re: Request to Execute a License Agreement with iSun Barge Canal Solar, LLC - authorize Mayor Miro Weinberger to execute a license agreement between the City of Burlington ("City") and iSun Barge Canal Solar, LLC, ("iSun") to allow iSun to enter on real property owned by the City for the purpose of exploring the possibility of installing and operating a floating photovoltaic solar generating facility on the City's "Barge Canal" parcels located off of Pine Street.

5.13 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Authorization to Make a Charitable Donation Fines for Food Program - authorize the Director of the Department of Public Works to make an annual charitable donation to Feeding Chittenden in an amount equal to one-half of revenues received from delinquent parking ticket payments during the period from Thanksgiving through December 31 during 2022, 2023, 2024, 2025, and 2026, subject to review and approval by the Chief Administrative Officer.





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5.14 Communication: Danielle Cota, Human Resources Manager, Deryk Roach, Parks and Central Facilities Superintendent, Gary Rogers, Recreation Superintendent, BPRW, re: Creation of one new position, and re-classification of two positions - approve the Creation of the Project Coordinator position, a Limited Service, Full-time, Non-Union, Exempt, Grade 17 position; the Reclassification of one Custodian 1 position, Regular, Part-time, AFSCME, Non-Exempt, Grade 8 position to a Regular, Full-time, AFSCME, Non-Exempt, Grade 9 position; and the Reclassification and Retitling of the Athletic Program Coordinator position, a Regular, Full-time, Non-Union, Exempt, Grade 16 to the Athletic Manager, a Regular, Full-time, Non-Union, Exempt, Grade 18 position.

5.15 Communication: Chapin Spencer, Director Public Works, Lee Perry, Assistant Director - Fleet Maintenance Division, Ashley Parker, Capital Program Director, Department of Public Works, re: FY23 Vehicle Purchase Recommendations - 1. To approve and recommend that the City Council authorize the Director of the Department of Public Works to purchase eight (8) vehicles/equipment for Water Resources, the Traffic Division, and the Recycling Program, for a total value of up to \$962,500 with lease financing determined by the Clerk/Treasurers Office and at a rate not to exceed five percent (5%) for terms of up to seven (7) years, subject to the review and approval by the City Attorney's Office; 2. To approve and recommend that the City Council authorize the Director of the Department of Public Works to enter into a one-time cash purchase not to exceed \$500,000.00 for General Fund vehicles, and equipment, subject to the review and approval by the City Attorney's Office; and 3. Recommend that the City Council, the Transportation, Energy, and Utilities Committee, the Department of Public Works, and the Chief Administrative Officer develop a long-term Fleet purchasing strategy that both ensures the operational sustainability of all existing City vehicles/equipment and brings the City closer to reaching its Net Zero 2030 goals.

5.16 Communication: Phillip Peterson, EI, Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, Department of Public Works, re: University Place Street Reconstruction Project Construction Contract and Budget Amendment - 1. To authorize the Director of Public Works to execute a construction contract amendments with Don Weston Excavating, Inc. for the University Place Street Reconstruction Project, increasing the total contract amount from \$2,225,691.45 to \$2,417,352.27, and to further authorize the Director of Public Works to utilize up to \$230,908.33 in additional contingency funds if needed, totaling \$2,648,260.60, subject to prior approval of the City Attorney's Office; and 2. To authorize the necessary budget amendments to bring the total project budget to \$3,383,000.00 by adjusting the accounts as described in the affiliated memorandum and attachments.

5.17 Communication: Ashley Walenty, Water Resources Engineer, Jenna Olson, Water Policy & Program Manager, DPW-Water Resources Division, re: Authorization to execute a Construction Contract for the GSI/CSO - Old North End Retrofits - authorize the Director of Public Works to execute a contract with ECI for \$434,963 with a \$65,244.45 contingency, totaling \$500,207.45 in authorized contract expenditure, for the construction of the Old North End Green Stormwater Infrastructure Combined Sewer Overflow Reduction Retrofits Project, subject to prior review and approval of the City Attorney's Office.

5.18 Communication: Elizabeth Ross, Planner, DPW, Rob Goulding, Public Information Manager, DPW, re: Lease of Pump House Shed for Recreational Item Storage - authorize a property lease of the pump house shed located at 234 Penny Lane for commercial recreational item storage with North Star Sports and The Ski Rack Inc., on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office.

5.19 Communication: Brian Pine, CEDO Director; Rachel Jolly, Assistant Director, CJC, re: Department of Corrections Grant: "Safer Communities" (Grant #03520-1542) - 1) authorize Director Pine to accept and execute an amendment to State Grant #03520-1542 in the amount of \$321,000 for FY23, and 2) authorize the CAO to effectuate any budget amendments necessary to reflect the changes to the FY23 budget associated with the grant.

5.20 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Parking Management Software -





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authorize the Director of the Department of Public Works to execute a contract with ECD Corporation to provide AIMS Parking Management Software for \$67,780.25 per calendar year for 3 years, with two optional 1-year extensions at \$67,780.25 per year for a total authorized project expenditure amount of \$338,901.25 subject to City Council appropriation and review and approval by the City Attorney's Office.

5.21 FIO Documents – for information only.

5.22 Resolution: Appointment of Acting Inspectors of Election for Wards Two, Five and Seven (Councilor Paul) - waive the reading and adopt the resolution.

5.23 Resolution: Conclusion of Integration of Parking Enforcement into the Parking and Traffic Division, Department of Public Works Phase1c - Step 2 - Reclassify, Retitle, Redefine, and Positions in Parking Services (Board of Finance) - waive the reading and adopt the resolution.

5.24 Communication: Brad Wiltfong, re: Encourage Alternative Transport with Better Infrastructure – waive the reading, accept the communication, and place it on file.

MOTION by Councilor Hightower, SECOND by Councilor House, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.24.

DISCUSSION:

- **Councilor Hightower noted that Item 5.19 should be a Resolution and not a Communication.**

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

6. DELIBERATIVE AGENDA

6.01 Communication: Burlington International Airport, Nic Longo, Acting Director of Aviation, re: Request to Execute a Ground Lease Agreement with Beta Technologies, Inc. (BETA) at the Burlington International Airport (15 mins.)

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, "To authorize the leasing of certain identified space at the Burlington International Airport to Beta Technologies, Inc., and to authorize the Mayor of Burlington to execute the ground lease agreement; And to authorize an amendment to a lease with the Greater Burlington Industrial Corporation, subject to final review and approval by the City Attorney's Office;" and 2. "To authorize an amendment to the Lease dated September 24, 1979 made with Greater Burlington Industrial Corporation to confirm that such lease does not pertain to or encumber those portions of Burlington International Airport being leased to Beta Technologies, Inc., and to authorize the Mayor of Burlington to execute the lease amendment subject to final review and approval by the City Attorney's Office.

DISCUSSION:

- **Interim Director of Aviation Longo said that this is a historic moment and that Beta Technologies is currently operating two fully-electric aircraft out of the Burlington International Airport.**



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- **Consultant Glassberg said that in accordance with direction from the Mayor and Council, the City has negotiated a ground lease agreement with Beta Technologies for a 75-year term, which would allow them to build a 355,000 square foot manufacturing and assembly facility, a 15,000 square foot child care facility, a parking area of up to 300 vehicles, and provides the opportunity for expansion of those facilities over time. He said that this lease is beneficial for Burlington, the region, and the State. He said that it uses an under-utilized land asset to allow Beta to invest up to \$200,000,000. e noHe said that Beta has been a tenant at the Airport since 2019 and employs over 300 people in Vermont and has been a collaborative partner to the City.**
- **Art Klugo of Beta Technologies gave a brief background of Beta Technologies as a company. He said that its goals are addressing climate change, sustainability, and job growth in the area. He invited Councilors to come visit the facility.**

VOTING: 11 ayes, 0 nays, 1 recusal (Councilor Traverse); motion carries.

6.02 Resolution: The Overdose Crisis And Advocating For Harm Reduction And Establishing An Overdose Prevention Site In Burlington (Councilors Magee, Paul, Hanson, Carpenter, Bergman, Hightower, House, Traverse (25 mins.)

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

DISCUSSION:

- **Councilor Magee said that this resolution is about reducing harm in the Burlington community and saving lives. He spoke about opioid overdoses and deaths in Burlington. He said that this resolution takes another step toward opening an overdose prevention site in Burlington. He said that overdose prevention sites offer recipients the opportunity to gain stability, connect with their community, access mental health care, find housing and employment, and reconnect with their families. He said that while federal guidance is lacking, New York City has been operating overdose prevention sites since November of 2021 and they have had a number of successes.**
- **Grace Keller, a Safe Recovery Program Coordinator, said that the overdose epidemic is getting worse and that front-line workers such as herself need more time to respond, rather than always respond to very acute, immediate emergencies.**
- **Jess Kirby, a Safe Recovery Harm Reduction Supervisor, said that the situation continues to worsen and that more people are having more frequent and stronger overdoses. She said that many people resort to using drugs alone because they do not have opportunities to use with others or in a supervised way.**
- **Councilor Shannon said that the City needs to be mindful that the alternative to an overdose prevention site is the continued use of drugs and littering of needles. She expressed support for the resolution, but noted that it will be important to heed the advice of the City Attorney and recognize the differences between the Burlington community and other communities.**
- **Councilor Bergman said that there is no single solution to the opioid crisis, but that this is one piece of the solution. He added that it will be important to emphasize the importance of community engagement to help with the opioid crisis.**
- **Councilor Barlow expressed concern that moving forward without federal and State support may incur potential civil or criminal liability for the City. He said he is not supportive of the resolution as written but would like to explore what is currently permitted under federal law.**
- **Councilor Traverse stressed that the City needs to do more and thanked stakeholders for their support for an**



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innovative but proven approach to savings lives. He acknowledged that other overdose prevention sites have come under legal challenge, but thanked both Councilors Bergman and Barlow for suggestions regarding the exploration of legal implications and community engagement. He called on Governor Scott and others to be creative and see if something like this works in Burlington.

- Councilor Carpenter said that this resolution pushes the City to educate itself in this form of harm reduction and that this resolution would allow the City to conduct those activities.
- Councilor House said that this resolution is a huge step forward for the community and called on the City and State to continue the fight against the opioid epidemic.
- City Council President Paul spoke about Line 78 of the resolution, which asks the Council and Governor to designate August 31 as international overdose awareness day and September as national recovery month.

VOTING: 11 ayes, 1 nay (Councilor Barlow dissenting).

6.03 Communication: Corey Mims, PE, Senior Public Works Engineer, Norman Baldwin, PE Assistant Director of Public Works/City Engineer, re: D&K Amendment #5 - MPM Services Champlain Parkway Project (15 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Dieng, to authorize the Director of Public Works, or their designee, to execute a Fifth Amendment to the contract with Dubois & King, Inc regarding Champlain Parkway Municipal Project Management Services to increase the Maximum Limiting Amount by \$228,000.00 to \$425,485.00 for continued municipal project managing services through the completion of Initial Construction.

DISCUSSION:

- Councilor Hightower noted that while she is proud of City staff's work on this, she expressed dismay that the Council's unanimous vote was used to reverse a temporary stop order. She said that she would not be supporting this resolution.
- Councilor Hanson asked if this contract is to oversee phase 1 of the project only. Senior Public Works Engineer Mims replied that yes, it will be to complete phase 1, but also to prepare bid documentation for the following construction contract. Councilor Hanson expressed concern about putting resources towards a second phase of the project at this juncture.
- Councilor Carpenter suggested changing the name of the project to remove the reference to "Parkway."
- Councilor Bergman said that he would not support a phase of construction that would connect I-189 to Maple Street, though he is supportive of phase 1 of the project. Director Spencer replied that the design work for the Champlain Parkway Project has been completed and the preparation of bid documents is standard language around the design work that has been completed. He said that the Council could pass the resolution tonight without authorizing the preparation of bid documents.
- Councilor Dieng said that he is supportive of this amendment.
- City Council President Paul clarified that this amendment does not impact the second or third phases of this project.

MOTION TO AMEND by Councilor Bergman, SECOND by Councilor Magee, to add to the end of the motion "amending the scope of work to not include any work on the final construction contract."



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VOTING ON AMENDMENT: unanimous; motion carries.

VOTING ON MOTION AS AMENDED: 11 ayes, 1 nay (Councilor Hightower dissenting); motion carries.

6.04 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And AFSCME (July 1, 2022 - June 30, 2026)(Board of Finance) (10 mins.)

MOTION by Councilor Magee, SECOND by Councilor Dieng, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Carpenter thanked AFSCME and the bargaining team for their work on this agreement.
- Damian Gilbert said that this is one of the best contracts he's worked on and said that many employees came out to help support negotiation and the agreement. He noted that an important component of the contract is its expansion of Family Medical Leave Act leave benefits, and he said that this is a big step forward for the City. He said that the increases that were given for AFSCME, Burlington Electric, and the Fire Department were extremely generous and will hopefully help decrease workforce attrition.
- Councilor Hanson thanked Mr. Gilbert and others for their work on this agreement.

VOTING: unanimous; motion carries.

6.045 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And FOP BPOA #021 (July 1, 2022 - June 30, 2025 (Board of Finance) ****WAS AGENDA ITEM 6.09****

MOTION by Councilor Bergman, SECOND by Councilor Magee, to postpone this item until the next City Council meeting.

VOTING: unanimous; motion carries (Councilors Hightower and House absent for vote).

6.05 CDO—PARKING Minimum and Maximum Parking Requirements and Transportation Demand Management ZA# 22-07 (Councilor Hanson)Ordinance Committee) (3rd reading) (20 mins.)



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

VOTING: unanimous; motion carries (Councilors Hightower and House absent for vote).

MOTION by Councilor Hanson, SECOND by Councilor Traverse, to waive the third reading and warn the ordinance with technical corrections recommended by the Planning Commission in "Ordinance- Councilor Hanson – ZA 22-07 – CDO Article 4 and 8 re Min. and Max. Parking 7-18-22 PC recommendations.pdf" on BoardDocs, for public hearing.

DISCUSSION:

- Councilor Traverse acknowledged the great deal of time spent by the Ordinance Committee and Planning Commission on this.
- Councilor Hanson said that this issue has been discussed since 2019 and that this is beneficial for housing, climate, livability, transportation, safety, urban heat effect, and cost of living. He said that this is a good step forward, in addition with prior steps to eliminate parking minimums. He said that the only changes since the second reading in March are what came from the Planning Commission, though this does not include all of their recommendations. He said that in terms of a waiver process, he thinks it could be explored in future.
- Planning Director Tuttle said that these policies would reduce the impact of parking on cost, livability, and land use in general, which has been an administration priority. She thanked the Ordinance Committee and Planning Commission for their work on this.

VOTING: 10 ayes, 1 nay, 1 absent; motion carries (Councilor Shannon dissenting, Councilor House absent for vote).

6.06 Ordinance: ELECTRICITY - Permitting, Fees and Reporting Structure (Department of Permitting & Inspections, Ordinance Committee)(2nd reading) (10 mins.)

MOTION by Councilor Traverse, SECOND by Councilor Shannon, to waive the second reading, approve the ordinance as amended.

DISCUSSION:

- Councilor Traverse said that this resolution makes minor changes in updating the name of the department and Director Ward's title, updates the pronouns within the resolution to be gender-neutral, includes several minor substantive changes including additions to the list of work for which electric permits are not required (device replacement and direct equipment replacement), and includes a slight increase to the fees associated with electric inspections.

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



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6.07 Communication: Darren Springer, General Manager, Chris Burns, Director of Energy Services, Jen Green, Director of Sustainability and Workforce Development, Bill Ward, Director of Permitting & Inspections, Patricia Wehman, Housing Division Manager, re: Initial Progress Report on Thermal Charter Change Work/City Council Resolution Relating to Decarbonizing All Buildings in Burlington by 2030 (25 mins.)

General Manager Springer said that BED has been working with the Building Electric Institute to review policies that are relevant in other jurisdictions, such as Denver, Boston, and New York City. He said that they have begun stakeholder engagement with the University of Vermont, University of Vermont Medical Center, and Champlain College, though they would like to conduct further stakeholder engagement. He said that they looked at a number of sectors to determine what has been done and needs to be done in order to decarbonize buildings in Burlington. These sectors include new construction, major renovation, and City buildings and large existing commercial buildings. He reviewed what has been done in each sector and what work still needs to be done in each. He noted that there will be issues around historic preservation. He also noted that they are exploring alternative compliance carbon fees and having a portion of those fees directed to disadvantaged Burlingtonians (which was called out in Ballot Item #7 on the 2021 Town Meeting Day ballot). He also said that they want to ensure that all of the BED incentives continue to be available for these buildings. He said he anticipates more stakeholder engagement and a final report to the Council in October of 2022.

Councilor Hanson asked whether BED evaluated a ban on gas hookups for new buildings and any associated findings. General Manager Springer replied that they did not evaluate a ban on gas hookups, but recommended expanding the approach of renewable fuels, rather than banning certain types of infrastructure.

Councilor Dieng asked about whether there may be pushback from the University of Vermont. General Manager Springer replied that they have had 3 meetings with UVM, and that they are on a mission to take steps relative to climate change and that they are aligned with the City in their mission. He noted that UVM wants the City to set policy that is realistic, attainable, and pragmatic. He said that they will likely want the maximum amount of flexibility and targets that are achievable. He noted that this work is not currently focused on residential buildings.

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

VOTITNG: unanimous; motion carries.

6.08 Presentation Regarding School and Leadership, re: BHS/BTC 2025 Project Update (25 mins.)

Superintendent Flanagan said that this update on the project serves to brief the City Council prior to the bond ballot vote on August 9th. He discussed some of the questions raised during the presentation at the June 27th City Council meeting. One question is whether the new building will be net zero energy, and Superintendent Flanagan replied that the new building will be designed for LEED certification but that the potential for net zero still remains, and will depend on the cost-benefit analysis and whether the Burlington School District (BSD) will continue to use its wood chip plant (which is not net



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zero). He said that they are working to have a concrete answer to this question prior to bonding. He noted that another question was around whether they could delay the bond vote and the project until March or later. He said that delaying would be catastrophic, in that construction and remediation costs will only get more expensive, a delay would keep students out of a new high school past 2025, and that the lease for Downtown BHS will expire and may leave the District without a high school building in 2025. He noted a question around the estimated bond amount and cost to taxpayers. He said that the estimated bond amount is up to \$165 million, that estimated tax impacts will be produced once BSD receives the schematic design costs in late July, and that fundraising will continue after the bond vote to minimize the cost to taxpayers. In terms of funding that is already in place, BSD has already identified \$25 million through grants and savings as well as reducing the cost of the original design by \$20 million. He said that BSD has completed state and federal-level funding research. He then noted the updated timeline, which included milestones for 2022 (schematic design completion, cost estimates, tax implications, bond ballot item approval by City Council and subsequent submission to the Secretary of State and bond vote in November) and a move in date of August 2025.

Councilor Magee noted that the last presentation had a maximum bond amount of \$150 million and that this presentation has a maximum bond amount of \$165 million. Superintendent Flanagan replied that they are still aiming for \$150 million and that they don't necessarily need to borrow the totality of what's in the bond. He said that they have chosen the least expensive option for the school building.

Councilor Hightower noted that the schematic shows a substantial amount of grading behind the building for parking, and suggested looking at the amount of building and amount of parking if they need to make cuts. Superintendent Flanagan agreed, and noted that the new site would include a substantial number of bicycle parking spaces and will be encouraging a high level of multi-modal transportation.

Councilor Barlow asked about progress made in trying to find alternative sources of funding, specifically for remediation and the construction of a tech center. He noted that historically, tech center costs have not been borne by taxpayers but at the State level. Superintendent Flanagan replied that in terms of the technical center, they have already reduced the price by millions by moving approximately half of the technical center programming to the Airport. Finance Director Lavery added that with respect to PCB remediation, there is significant money in the State budget to deal with PCBs in schools, though most of that money won't be available until next year. He said that they have also made progress on eligibility for brown fields money. He said that there are also opportunities to seek funding for other portions of the project, such as landscaping. He said that they will still have opportunities to fundraise and receive other sources of funding, even if they go to bond and receive approval for the full bond amount.

Councilor Traverse asked whether the BSD team has stressed to the schematic designers the importance of keeping costs as low as possible to minimize the impact to taxpayers. Superintendent Flanagan replied that they have stressed the importance of this and are mindful of the impact to the people of Burlington, but acknowledged that some of the costs are out of BSD's hands. Finance Director Lavery added that there will be multiple opportunities to make design decisions to reduce cost, but that the cost estimating is conducted by an independent third party entity.

Councilor Hanson also suggested looking at reducing parking as a cost-saving mechanism and a sustainability component. He asked whether BSD has been consulting with BED on the net zero component of the project. Finance Director Lavery



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said that they are conducting modeling at this juncture, after which they will engage more with BED.

Councilor Dieng said that he would like to see further details about BSD's fundraising plan for this project. Superintendent Flanagan noted that they have hired a consultant to help with fundraising and public affairs.

Councilor Carpenter suggested again that it would be helpful to have a public tool to show how this project would affect the homestead tax for individuals. City Council President Paul concurred, saying that it will be important to have this level of transparency with the taxpayers.

7. COMMITTEE REPORTS

7.01 Verbal Reports

None at this time.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None at this time.

11. ADJOURNMENT

11.01 Motion to Adjourn



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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 11:25 PM.

RScty: AACoonrad

