



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

June 3, 2019

MEMBERS PRESENT: Kurt Wright (Council President) – Ward 4

Perri Freeman – Central District

Franklin Paulino – North District

Joan Shannon – South District

Jack Hanson – East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Brian Pine – Ward 3

William “Chip” Mason – Ward 5

Karen Paul – Ward 6

Ali Dieng – Ward 7

Adam Roof – Ward 8

ADMINISTRATION: Mayor Weinberger

City Department Heads

Beth Anderson, CAO

Rich Goodwin, DFO

Eileen Blackwood, City Attorney

Jordan Redell, Mayor’s Office

Olivia LaVecchia, Mayor’s Office



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

Brandon del Pozo, BPD

Jon Murad, BPD

Deanna Paluba, HR

Brian Lowe, IT

Lori Olberg, C/T

Amy Bovee, C/T

Chapin Spencer, DPW

Robert Goulding, DPW

Norm Baldwin, DPW

Susan Molzon, DPW

Nicole Losch, DPW

Darren Springer, BED

Bill Ward, Code Enforcement

David White, Interim CEDO

Cindi Wight, Parks & Rec

Gene Richards, Airport

OTHERS PRESENT: Luke McGowan

Mark Sousa

Clough Harbour representative

Bob Bell

Mark Hughes

J.F. Carter Neuberger

PJ Lalumiere

Jackie Corbally

Laci Smith

Jack Daggett

Julie Macuga

Dan Gilligan



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

Jim Carrier
Charlie Messing
Tom McDonald
Ben Traverge
Almy Landour
Liz Curry
Tony Redington
Carolyn Bates
Steve Goodkind
Stephanie Seguia
Brian Waters
Erin Starr Hughes
Robin Lloyd
Ann Taylor

1.0 CALL TO ORDER and AGENDA

Council President Wright called the meeting to order at 6:11 PM on June 3, 2019.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Pine, to approve the agenda with the following amendments:

- **Note additional information for Item 5.21 (E-Bike Share), remove from Consent Agenda and place on Deliberative Agenda as Item 6.10**
- **Note additional information on Item 5.25 (Brookfield CityPlace Burlington Update)**
- **Note additional information on Item 5.26 (Resignation, Conservation board, Ellen Ruth Kujawa)**
- **Note material on Item 6.02 (Mayoral Appointments)**
- **Note co-sponsors on Item 6.07 (Policing Practices)**
- **Remove Item 5.18 from Consent and Place on Deliberative Agenda as Item 6.09 (Champlain Parkway Agreement Amendment #7)**



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

VOTING: unanimous; motion carried.

2.0 EXECUTIVE SESSION: UVM Agreements

City Attorney Blackwood explained negotiations with UVM on the water billing issue.

MOTION by Councilor Mason, SECOND by Councilor Roof, to find that premature public knowledge of contract negotiations with UVM would adversely affect the city. VOTING: unanimous [Councilors Tracy, Dieng, Freeman, Hanson, Paulino not present for vote]; motion carried.

MOTION by Councilor Mason, SECOND by Councilor Roof, based on the finding of premature public knowledge adversely affecting the city to go into Executive Session pursuant to 1VSA313 to discuss contract negotiations and the water billing issue with UVM, and invite the Mayor, CAO, City Attorney, and DPW Director to attend. VOTING: unanimous [Councilors Tracy, Dieng, Freeman, Hanson, Paulino not present for vote]; motion carried.

Executive Session convened at 6:12 PM.

MOTION by Councilor Roof, SECOND by Councilor Shannon, to adjourn Executive Session. VOTING: unanimous [Councilors Tracy, Dieng, Freeman, Hanson, Paulino not present for vote]; motion carried.

Executive Session was adjourned at 6:41 PM. Council President Wright reconvened the regular City Council meeting at 7 PM and led the assemblage in the Pledge of Allegiance. All city councilors were present.

3.0 REPORT: GMT Bus Incident

Mark Sousa, GMT, briefed City Council on the recent bus incident and the action taken by GMT with the driver and parents of the children involved. GMT will be meeting with the school board as well. Appropriate steps have been taken to ensure another incident will not occur.

City councilors thanked GMT for taking necessary steps in the matter and working on the culture of behavior of drivers. Mark Sousa assured all drivers have a process and protocol to follow outlined in the operator's manual and quarterly training sessions. There was mention of the meeting by the school district with parents and students about responsible behavior on the bus and the consequences of misbehavior. Councilor Hanson said one parent felt the incident had a racial component. Mark Sousa said after review of the tape and the investigation was complete it was concluded the incident was not racially based. Bus operators received training in this area.



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

Council President Wright recessed the City Council meeting at 7:21 PM to convene the Liquor Control Commission. The City Council meeting reconvened at 7:28 PM.

4.0 PUBLIC FORUM

Public forum was opened at 7:28 PM.

COMMENTS

- Mark Hughes, Justice for All, representing Isaiah Longmore who was asked to get off the GMT bus, said the Longmore family has four generations in Burlington. The same discussion of 40 years ago is being held today which makes people angry. There is much work to do and the city should get to it.
- RJ Lalumiere read a statement in support of updating the bike share fleet to be all electric.
- Jackie Corbally spoke in support of the reappointment of Police Chief del Pozo and said as a social worker with 35 years of experience and working with the Police Department that everyday seeks to keep the public safe it is clear social workers are not equipped to do the job done by the police. There is profound respect for what the police do every day. Money should be put into training and reinforcing the work of the police.
- Laci Smith read a statement as a social worker in the Police Department and in support of the police, stressing city councilors need to get informed about the Police Department so decisions can be made based on fact.
- J.F. Carter Neuberger spoke in support of e-bikes and green transportation alternatives, and said it is time to hold the police accountable.
- Jack Daggett expressed concern Burlington is not taking climate change and global warming seriously enough, and urged suspending the all tree cutting in the city.
- Julie Macuga urged taking concrete action against police brutality and firing the three officers involved in the recent acts of violence. City Council is urged to pass the resolution.
- Dan Gilligan said the two police incidents in question were reviewed and it was determined the officers did not use excessive force. Burlington's Use of Force Policy is the most progressive in the state based on national standards set by the U.S. Supreme Court. An injury to an individual does not necessarily mean excessive force was used. With over a quarter of a million calls to service by BPD, the police have used force only 1.3% of the time and injury caused .2% of the time which means there is a 99.8% chance the call for service will have no injury. The department continues to try to improve the statistics.
- Jim Carrier spoke against e-scooters on Burlington streets which do not have room for another transportation mode.
- Charlie Messing suggested holding City Council meetings at Perky Planet to help business, and spoke of people drinking on College Street and being very noisy. Also, the F-35 planes will be loud at take off and the Champlain Parkway needs re-design per the advice of Tony Redington.
- Tom McDonald stated the passageway between Hotel Vermont and Macy's is very dangerous with bikes and skateboarders. Senior citizens live next door and the area is very dark. Mr. McDonald reviewed the posted signs in the area.
- Ben Traverge reported the Housing Board of Review hears complaints and educates Burlington landlords on security deposits. Mr. Traverge spoke in support of the Champlain Parkway proposal.
- Almy Landhour spoke of the proposal by Higher Ground in the south end in a residential neighborhood and expressed concern infrastructure is not in place for this. The one-way road is in poor condition and has a one-way bridge. There is no sidewalk. The lighting is not sufficient. There are safety issues and concerns of increased criminal activity, trespass, drugs, and intoxication.
- Liz Curry spoke about the GMT incident and the need for implicit bias training for all city departments.
- Tony Redington spoke about the Champlain Parkway which shuts off the way to the Kmart and Hannaford's sites



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

and does not have separate walk/bike facilities which will increase injuries.

- Carolyn Bates said \$3.2 million added to the taxes without taxpayer approval is not being transparent. A new EIS is needed for the Champlain Parkway before starting the project. There are no safety rules in the design and the road makes Pine Street a dead-end. Acres of land are being wasted for the road.
- Steve Goodkind recalled the city fought the Southern Connector road configuration from 2006 to 2009 and the current proposal is not much better. A new EIS for a 21st Century street is needed. "Complete streets" design should be done.
- Stephanie Seguino spoke of racial disparity in policing and urged not drawing conclusions on a small amount of data.
- Brian Waters spoke of the GMT bus incident being racially bias, and spoke in support of the resolution using social workers rather than police officers.
- Erin Starr Hughes urged hearing from the children who were on the bus for their version of the incident, noting there is racism and micro-aggression which should not be taken lightly.
- Robin Lloyd mentioned the majority of the Vermont Senate voted in support of keeping the F-35 planes out of Vermont. The vote said nuclear force weapons which are the F-35 planes. City Council is urged to pass a resolution in support of what the state senate has done.
- Anny Taylor urged better communication to promote safety while bicycling, such as bells on handlebars to alert pedestrians of a passing bike. Also, there should not be e-bikes on the bike path.

There were no further comments from the public. Public Forum was closed at 8:30 PM.

5.0 CONSENT AGENDA

- 5.01 PROCEDURAL: Amend/Adopt Consent Agenda and Take Action(s) as Indicated
- 5.02 COMMUNICATION: Accountability List
- 5.03 COMMUNICATION: Airport FY19 Budget Amendment
- 5.04 COMMUNICATION: Encumbrance Application, 55 Main Street, Outdoor Seating
- 5.05 COMMUNICATION: Encumbrance Application, 55 Main Street, Parklet Seating
- 5.06 COMMUNICATION: Encumbrance Application, 171 St. Paul Street, Entry Ramp
- 5.07 RESOLUTION: Encumbrance Application, 191 College Street, Parklet Seating
- 5.08 COMMUNICATION: Encumbrance Application, 66 North Avenue, Construction
- 5.09 COMMUNICATION: Encumbrance Application, 213 College Street, Outdoor Seating
- 5.10 COMMUNICATION: 2019-2020 Encumbrance Agreement Renewals Outside Church Street Marketplace
- 5.11 PERMIT (2 day): Special Event Outdoor Entertainment, Oktoberfest Vermont, LLC, Waterfront Park
- 5.12 PERMIT (1 day): Special Event Outdoor Entertainment, Willows, 71 South Union Street
- 5.13 COMMUNICATION: CCRPC Resolution 2019 planBTV
- 5.14 ANNUAL REPORT: Board of Tax Appeals Annual Report 2018



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

- 5.15 ANNUAL REPORT: Housing Board of Review Annual Report 2018
- 5.16 REPORT: Sweep Account and Other Bank Accounts
- 5.17 COMMUNICATION: March 2019 Financials
- 5.18 COMMUNICATION: Champlain Parkway Agreement Amendment #7
- 5.19 COMMUNICATION: Champlain Parkway Agreement Amendment #14
- 5.20 ANNUAL REPORT: Fletcher Free Library Commission Annual Report FY2018
- 5.21 COMMUNICATION: E-Bike Share
- 5.22 ANNUAL REPORT: Conservation Board Annual Report FY2018
- 5.23 ANNUAL REPORT: Board of Registration of Voters Annual Report 2018
- 5.24 COMMUNICATION: FIO Document(s)
- 5.25 COMMUNICATION: Brookfield CityPlace Burlington Update
- 5.26 COMMUNICATION: Resignation, Conservation Board, Ellen Ruth Kujawa

MOTION by Councilor Bushor, SECOND by Councilor Roof, to adopt the Consent Agenda and take the actions indicated for Items 5.01 through 5.26. VOTING: unanimous [Councilor Shannon not present for vote]; motion carried.

6.0 DELIBERATIVE AGENDA

6.01 Appointment: CEDO Director

Mayor Weinberger said after an exhaustive national search a candidate with extensive public/private experience comes to Burlington. Luke McGowan is an outstanding appointee.

Luke McGowan reviewed his experience in the private sector and public sector, including work in the Obama Administration.

MOTION by Councilor Pine, SECOND by Councilor Bushor, to confirm the appointment of Luke McGowan as the Community Economic Development Office (CEDO) Director.

DISCUSSION:

- Councilor Bushor said she is looking forward to tapping into Luke McGowan's expertise to address issues facing Burlington.
- Councilor Dieng noted Mr. McGowan's many jobs and asked about his plan to stay in Burlington, and how he will bring equity, diversity, and inclusion to his CEDO work. Luke McGowan assured his relocation to Vermont



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

with his family is long term, and reviewed his objective to bring his professional experience and management skills to improve the capacity of CEDO to achieve its goals by managing the team, setting goals and working on the professional development of the team to get the job done. Mr. McGowan said he worked in government before the private sector and will use approaching problems in an innovative way in his work at CEDO.

- Councilor Freeman mentioned having a regional economy to sustain the working people and the environment. Luke McGowan said he is passionate about making it easier and on more equal ground for entrepreneurs to support themselves. CEDO can help shepherd people through the regulatory process. Mr. McGowan said he will work to get a full understanding to be able to come up with better solutions.

VOTING: unanimous [Councilor Shannon not present for vote]; motion carried.

6.02 Mayoral Appointments FY20

Mayor Weinberger said the department heads in place now are highly committed, highly skilled, strong communicators, and committed to working across departments and with partners outside city government. The city is fortunate to have them.

MOTION by Councilor Paul, SECOND by Councilor Mason, to confirm the slate of Mayoral appointments for FY2020.

AMENDMENT by Councilor Dieng, SECOND by Councilor Bushor, to divide the question and vote on the Police Chief appointment separately from the slate. VOTING: 7 ayes, 4 nays (Councilor Mason, Councilor Paul, Councilor Roof, Councilor Paulino) [Councilor Shannon not present for vote]; motion carried.

MOTION by Councilor Paul, SECOND by Councilor Mason, to reappoint Brandon del Pozo as Police Chief.

DISCUSSION:

- Councilor Dieng spoke of negligence on the part of the Police Chief in not keeping City Council informed on events and matters involving the police, and racism and bias on the part of police officers.
- Mayor Weinberger spoke in disagreement to virtually every statement by Councilor Dieng, stressing the statements are not correct. The reappointment of Chief del Pozo who has earned the support of the vast majority of the community is warranted.
- Councilor Hanson said the resolution he sponsored outlines ways to address the issues under discussion.

VOTING on appointment of Police Chief: 9 ayes, 2 nays (Councilor Dieng, Councilor Freeman) [Councilor Shannon not present for vote]; motion carried. Brandon del Pozo is reappointed Burlington Police Chief.

VOTING on remaining slate of Mayoral appointments for FY2020: unanimous [Councilor Shannon not present for vote]; motion carried.

Ron Redmond, CSM, who is retiring, was presented with flowers on behalf of the city and thanked for a tremendous job done at CSM.



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

6.03 Special Event Indoor Entertainment Permit Application (one day): Zero Gravity, 716 Pine Street.

MOTION by Councilor Roof, SECOND by Councilor Pine, to approve the Special Event Indoor Entertainment Permit Application for Zero Gravity, 716 Pine Street, on June 12, 2019 from 5 PM to 8 PM with DJ Craig Mitchell and amplified music. VOTING: unanimous [Councilor Shannon not present for vote]; motion carried.

6.04 Public Hearing: FY20 Common Area Fees CSM District

The public hearing was opened at 9:03 PM. Ron Redmond reported there is no increase in the fee charged to property owners. There were no other comments. The public hearing was closed at 9:04 PM.

6.05 Common Area Fee CSM – Councilor Roof

MOTION by Councilor Roof, SECOND by Councilor Bushor, to waive the reading and adopt the resolution on the allocation method and standards for the common area fee formula and the establishment of a common area fee for the CSM for FY2020.

DISCUSSION:

- Councilor Bushor asked if any property owners spoke against keeping the fee at the FY15-16 level. Ron Redmond said there was no opposition.
- Councilor Dieng asked if property owners pay the fee plus taxes. Ron Redmond said the property owners pay the common area fee, property tax and the two hour free parking fee. Councilor Dieng asked how the property owners are kept informed. Ron Redmond said the group is small and keep themselves well informed.

VOTING: unanimous; motion carried.

6.06 Response to BPD Use of Force – Councilors Freeman, Hanson, Tracy

MOTION by Councilor Freeman, SECOND by Councilor Hanson, to waive the reading and adopt the resolution on the response to the Burlington Police Department's use of force.

DISCUSSION:

- Councilor Freeman said the resolution comes from the demands set out at a meeting with the Black Lives Matter of Greater Burlington group. The demands include terminating the three officers named and prohibiting rehire, requiring all officers to wear a body camera that is on at all times, capping the current police force and divert funds to community support and social workers, and as a standard operating procedure terminating officers found to have used excessive force. Better training is needed for the police to use all other methods before resorting to force (this needs to be addressed at the state level). The resolution outlines expectation around use of force and violence, transparency and accountability.
- Councilor Hanson said the resolution is taking the steps necessary to move to policy to terminate officers who have used excessive force so it is not in conflict with the union contract. Councilor Hanson spoke of maintaining a high standard in the community and building trust, and addressing the drivers of crime so



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

such a large police force is not needed.

- Councilor Bushor expressed concern about replacing officers with social workers and access to camera footage, and questioned if there could be a worse outcome for the people in the roles they play (i.e. having social workers replace police officers).
- Councilor Paulino expressed concern about capping the number of officers and impact on public safety, and violating the union contract.
- Councilor Mason stated the resolution ignores established policies and procedures on use of force and subjects City Council opinion on the incident that occurred for that of people who had full information from their review. The resolution goes against the union contract and publicly chastises city employees which should not happen. The Police Chief and the department are better qualified to determine staffing needs than City Council. The Chief and the Mayor can make an argument for social worker positions in addition to officers, not in lieu of officers.
- Councilor Shannon expressed concern about termination of officers and losing the opportunity for the officers to learn to do better. Also, union contract items that were negotiated should not be pre-empted. Release of body camera footage prematurely could have unintended consequences and end up harming people. Capping the number of police officers and shrinking the force is counter to what the Administration has been trying to do (Burlington has very high standards for police officers). Chief del Pozo is the person who initiated social workers being with police officers. City Council needs to better support the Police Department so they can do the job they were hired to do for all in the community.
- Councilor Pine expressed concern about City Council deciding on the number of police officers in the department.
- Councilor Tracy said the resolution builds in accountability and transparency in policing in Burlington. Better discipline is needed for brutal and excessive use of force. The public needs to know about and understand the disciplinary proceedings and not find out months later, but rather address it when the events happen. The body camera and audio are crucial tools. There needs to be more access and accountability. There needs to be ongoing conversation on capping the number of officers and having a variety of individuals equipped to deal with the issues facing the city.
- Councilor Dieng stated the resolution outlines the facts. Not supporting the resolution sounds like not caring about what happened. People asked City Council to take action. Having social workers with the police is already in place.

AMENDMENT by Councilor Dieng to strike lines 46-48 of the resolution relative to social workers with police officers. The motion failed due to lack of a second.

AMENDMENT by Councilor Dieng, **SECOND** by Councilor Hanson, to add "unnecessary" after "brutal" to read "...unnecessary brutal excessive force" on Line 31 of the resolution. **VOTING:** 8 ayes, 3 nays (Council President Wright, Councilor Mason, Councilor Paulino); motion carried.

DISCUSSION ON RESOLUTION AS AMENDED:

- Councilor Paul pointed out voting against the resolution does not mean disrespect to community members or the event that occurred. As written the resolution is not about having the conversation, but is declaratory. It is hoped City Council can move forward in a collaborative way.
- Councilor Hanson said the resolution is to direct the city side of the negotiation. The City Attorney was involved in drafting the resolution which is responding to real pain and hurt by people in the community and their experience with the police. Regarding shrinking the force, Burlington is above the national average for the ratio of police to citizens. Burlington is safer than other places so it is not necessary to be above the national average. The issue is a broader cultural shift of moving toward a society that requires less police force. It is a multifaceted approach of creating opportunity and uplifting people. There are communities



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

with virtually no police and people are doing well economically, have strong community connections, and strong education.

- Councilor Hanson commented on the intention of city councilors who did not support the amendment on social workers with the police.
- Point of order was raised regarding impugning the intention of city councilors which is against City Council Rules.
- Mayor Weinberger said the resolution is misguided by suggesting the work of police officers can be substituted with social workers. Parts of the resolution show lack of understanding of the way policing works. The resolution by naming individual officers is highly problematic and cuts against the concept of due process for city employees who are doing the work for the people of Burlington and City Council, and have an expectation that disciplinary matters will be handled in a fair and orderly way. In two of the police cases under discussion the officers have had due process administered already. The assertion in the resolution with the third case is purely speculative and shows sloppiness with how the resolution was constructed. Having a police officer or any city employee named for some political reason is not the way to treat the city's employees and certainly not officers who put their lives on the line day in and day out for the community. Burlington is fortunate to have a great Police Department due to decades of strong leadership that has gotten even better under Chief del Pozo specifically in the areas of concern raised in the resolution. The department has better use of force policies today. Wide strides have been made in policing issues. The department has 100 sworn officers who are willing to put their lives on the line for the community and willing to do what is needed in the changing ways of policing over time that officers of the past were not willing to do. More is asked of police officers today and they are willing to respond. There can always be improvement especially with the length of time to release information.
- Councilor Tracy clarified the wording says "call into question" and does not accuse anyone. The resolution was carefully worded. The resolution is in-bounds when the Mayor's actions to change the Medical Examiner's words were not.
- Councilor Dieng said the debate taking place is because of the Administration. The issue should have come to City Council eight months ago and it would have been resolved.
- Councilor Freeman spoke of the root causes of violence and the view in society that there can be change without changing. To change would mean challenging white supremacy, sexism, and so many toxic elements of violence.
- Council President Wright noted City Council heard from social workers in the Police Department who made it clear that as a social worker they are not equipped to deal with what police officers have to deal with every day. City Council has worked hard to add police officers and those officers are extremely important. The police deal with an incredible number of incidents that are serious and have to be addressed and reviewed. Council President Wright stressed he will not be part of an effort to demoralize the members of the Police Department. Police officers are needed on the streets. Mistakes are made and they are reviewed. BPD is better than most police departments across the country and the vast majority of members are out doing good work every day.

VOTING on resolution as amended (by roll call): Councilor Bushor – nay, Councilor Hanson – aye, Councilor Dieng – nay, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Pine – nay, Councilor Roof – nay, Councilor Shannon – nay, Councilor Tracy – aye, Council President Wright – nay (3 ayes, 9 nays); motion does not carry.

6.07 Form Special Committee to Review Community Policing Practices – Councilors Roof, Paul, Shannon, Mason, Paulino

MOTION by Councilor Roof, SECOND by Councilor Paul, to waive the reading and adopt the revised resolution as



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

posted on BoardDocs for the formation of a special committee to review community policing practices through a robust community engagement process.

DISCUSSION:

- Councilor Roof recognized the work by the police every day in the city and outlined the recommendation to form a working committee representative of the community to review police policies and practices. The committee will operate under Open Meeting Law requirements. Funding of \$50,000 is requested for the committee to do the work.
- Councilor Dieng said the work should have been done eight months ago. It is too late. The resolution does not address the facts. The committee is too vague and has no substance.
- Councilor Dieng asked for comments from the police on the legitimacy of the resolution in looking at police policies and if the police would be better suited to update the policies than a committee. Deputy Chief Murad said the resolution incorporates input from neighbors and experts who understand how policing and training works. The policy can be updated in keeping with community needs. BPD is training in ways that are cutting edge and a leader in the country. Chief del Pozo said there is no urgent need to update the policies, but the committee is an opportunity to involve the community and have a product of community work and police work that all can live under. The police can make an excellent policy and it would be one of the best in the U.S., but part of legitimacy and trust is developing products with the help of the people.
- Councilor Shannon said the committee is timely. It is never too late to improve what is being done in the city. The resolution reflects the idea of community policing. The Police Chief is open to input from the community. Councilor Shannon said she is proud and grateful for BPD.

AMENDMENT by Councilor Pine, SECOND by Councilor Hanson, to change Line 42 to say two members of the City Council Public Safety Committee will be appointed by the Public Safety Committee Chair.

DISCUSSION OF AMENDMENT:

- Councilor Shannon pointed out there are only three members on the Public Safety Committee so having two members on the proposed committee would be a quorum.
- Councilor Dieng said there needs to be a balance between parties from City Council, not just two members.
- Councilor Roof said any city councilor is well suited to serve on the committee.

Council President Wright recessed the City Council meeting for five minutes at the request of Councilor Roof.

- Councilor Pine suggested the wording of the amendment be changed to say two members appointed by the Council President in consultation with the Chair of the Public Safety Committee.
- Councilor Roof said he can support a selection from the entire City Council, not just Public Safety Committee members, because there will be a substantial workload with the proposed committee and there is concern members of the Public Safety Committee may not be able to commit to that.
- Councilor Dieng questioned why the Council President must consult with the Public Safety Committee Chair on the appointments.
- Councilor Hanson said it is important to have different perspectives.
- Council President Wright said he has always been fair in making appointments. The committee will look at the broad perspective.

SUSPEND THE RULES



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

MOTION by Councilor Mason, **SECOND** by Councilor Shannon, to suspend the rules at 10:34 PM to complete Item 6.07 (Special Committee), and Item 6.08 (Champlain Parkway Agreement Amendment #7), Item 6.09 (Champlain Parkway Agreement Amendment #14), and Item 6.10 (E-Bike Share) only. **VOTING:** unanimous; motion carried.

RESUME DISCUSSION ON MOTION

CALL THE QUESTION by Councilor Paul, **SECOND** by Councilor Shannon. Discussion on the amendment ceased. **VOTING:** unanimous; motion carried.

VOTING on amendment: 11 ayes, one nay (Councilor Shannon); motion carried.

CONTINUED DISCUSSION ON RESOLUTION AS AMENDED:

- Councilor Freeman said the composition of the committee needs to be balanced with people not connected to the city and people in the city.

AMENDMENT by Councilor Freeman, **SECOND** by Councilor Tracy, to change Line 43 to say one member of the Administration rather than two members and change Line 59 to say two members of the Burlington community rather than one member.

DISCUSSION OF AMENDMENT:

- Councilor Roof said he sought input from many people and put much work into the resolution. The make-up of the committee should not be changed at this point. There is no right answer. People beyond City Council helped develop the resolution and 60 hours in the last month have been spent communicating with people. More than City Council needs to have ownership of the resolution.

VOTING ON AMENDMENT: 4 ayes, 8 nays (Councilor Bushor, Council President Wright, Councilor Mason, Councilor Shannon, Councilor Roof, Councilor Pine, Councilor Paul, Councilor Paulino); motion does not carry.

CONTINUED DISCUSSION ON RESOLUTION AS AMENDED:

- Councilor Tracy said the task force should not be the only step taken to address the issues in the community.
- Councilor Dieng said it is problematic that City Council was not involved with Councilor Roof earlier and that \$50,000 is requested to hire a third party when the Police Department has a budget and can hire a third party and bring the results to City Council.
- Councilor Roof said one of the foundational points around the process was the Police Dept. should not steer the ship on their own. Language was added to the resolution per the request for more context.

VOTING on resolution as amended (by roll call): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – nay, Councilor Paulino – aye, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Council President Wright – aye (11 ayes, one nay); motion carried.

Council President Wright thanked BPD and members of the Police Commission for their service and being in attendance at the meeting.



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

6.08 Champlain Parkway Cooperative Agreement Amendment #7 – DPW

DPW Director Spencer and Assistant DPW Director and City Engineer Baldwin mentioned two new milestones with the Champlain Parkway road project (cleared the right-of-way clearances and all utility agreements). The amendments to the Cooperative Agreement bring the total limiting amount up to \$4,570,00 to go through completion of the project, and adds \$450,976.11 to be paid to the consultant (Clough Harbour & Associates) for continued design and permitting work.

Councilor Shannon asked about bike/pedestrian access on the parkway. DPW Director Spencer said there will be a shared use path that connects to Pine Street, on the south side of the parkway, and from Home Avenue to Kilburn Street. There is over a mile and a half of shared use path plus new sidewalk, crosswalks, and crossing signals. The intersections will be raised brick pavers. A shared use path is being built because of space limitations to accommodate all the facilities.

Councilor Tracy questioned the age of the EIS for the project. Assistant DPW Director Baldwin said there has been considerable review without impacting the permitting so an updated EIS is not necessary. FHwy did an environmental review. Councilor Tracy asked about contaminated soils. Assistant DPW Director Baldwin said the soils along the corridor have been characterized. DPW has been working closely with the state on soil remediation. The city's share of the project is 2% of the cost or \$2.5 million. Councilor Tracy said the road is not being built to current 2019 road standards with on-road bike facilities. Assistant DPW Director Baldwin said the city does not want to lose permitting for a project that separates traffic out of neighborhoods and provides development opportunities that are not available today. DPW Director Spencer said the city does have a future flexibility commitment from VTrans that as the neighborhood changes then the project can change. On-street parking can be added, lanes can be adjusted, curbs can be moved.

Councilor Mason said the city cannot change the design, increase the cost, or delay the project. Councilor Mason requested a breakdown of the \$2.5 million in costs borne by the city.

Councilor Shannon said the city had opportunity in 2006 to make changes to the roadway, but City Council or the Administration at the time had no interest in this. The changes that have been made and the ability to make changes going forward are appreciated.

MOTION by Councilor Mason, SECOND by Councilor Bushor, to authorize the DPW Director or designee to execute Amendment #7 of the Cooperative Agreement for the Champlain Parkway Project for final design, bidding, and construction by increasing the maximum limiting amount by \$31,820,000 and the local match obligation by \$636,400 subject to review and approval by the City Attorney.

DISCUSSION:

- Councilor Pine confirmed \$3.2 million is the local match total to complete the project including soil mitigation costs.
- Councilor Dieng said the city should strive for standards in the 21st Century, and asked about connecting the parkway to Battery Street to benefit the people in the North End. DPW Director Spencer said cost estimates have been developed and will be presented to City Council.



Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

- **Councilor Bushor commented Riverside Avenue took 20 years to complete. The reality is projects take a while to accomplish.**

VOTING: 9 ayes, 3 nays (Councilor Tracy, Councilor Freeman, Councilor Hanson); motion carried.

6.09 Champlain Parkway Design Contract Amendment #14 - DPW

MOTION by Councilor Mason, SECOND by Councilor Bushor, to authorize the DPW Director or designee to execute Contract Amendment #14 to the Clough Harbour & Associates contract for engineering design services for the Champlain Parkway Project which will increase the total contract amount by \$450,976.11 and the local match obligation by \$9,019.52 subject to review and approval by the City Attorney.

DISCUSSION:

- **Councilor Bushor asked for a brief update on the appeals. The consultant reported there are two remaining appeals, but the project holds valid permits for the two issues under appeal.**

VOTING: 9 ayes, 2 nays (Councilor Tracy, Councilor Freeman) [Councilor Hanson not present for vote]; motion carried.

6.10 Transitioning Bike Share to Shared Electric Mobility – DPW

DPW Director Spencer reported the proposed agreement allows the e-bike share program to move ahead. The e-scooter program must come back to City Council for additional authorization to proceed. The contract allows adding conditions for any e-scooter pilot programs.

DPW Public Information Manager Goulding reviewed key tenets and goals of the proposal. The contract term is one year with an option to renew. Bob Bill with Gotcha said the company is looking to expand the system into residential areas in Chittenden County to get people out of cars. There is a huge focus on safety and education on the use of the asset. Helmets are provided at no cost.

Councilor Bushor expressed concern about e-bikes on shared use paths and asked about training and safety requirements with e-scooters (Gotcha requires users to go through the safety app on their Smartphone before the e-bike or e-scooter can be unlocked). Councilor Bushor felt the community is not ready for e-scooters yet because the safety issues have not been resolved. Councilor Tracy echoed the concern about safety and head injuries with e-scooters. DPW Public Information Manager Goulding said there is education and outreach and free helmets are offered.

There was discussion of separating out e-scooters from the mix, further study and conversation on e-scooters, and Gotcha offering a livable wage to workers.





Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm, Contois Auditorium, City Hall 6/3/2019

MOTION by Councilor Tracy, SECOND by Councilor Bushor, to authorize the DPW Director to execute a one year contract with annual renewal options for two additional years with Gotcha, CATMA (as representatives of UVM and Champlain College), and municipal partners subject to approval by the City Attorney's Office to allow Gotcha to launch an e-bike program in Burlington including compliance with Burlington's livable wage ordinance and explore the possibility of a future e-scooter pilot program to be approved by City Council at a future date, and to authorize the DPW Director to work with the TEUC to define the scope and conditions of an e-scooter pilot program for future consideration by City Council.

DISCUSSION:

- Councilor Hanson said this is an exciting opportunity and a positive step forward on climate change. There will be more to come in moving the transportation system off fossil fuels.
- Councilor Dieng asked for data on use of e-bikes and expanding the fixed base location in the North End. Bob Bell said Gotcha had 9,000 trips in the first year with e-bikes and about 500 members. The numbers are expected to increase with expansion of the system. The North End is one of the target areas.
- Mayor Weinberger recalled e-bikes were part of the State of the City Address so it is exciting to be moving forward. Thanks are extended to all for the work.

VOTING: 11 ayes, one nay (Council President Wright); motion carried.

7.0 COMMITTEE REPORTS

No report.

8.0 CITY COUNCIL – GENERAL AFFAIRS

No report.

9.0 CITY COUNCIL PRESIDENT – COUNCIL UPDATES

No report.

10.0 MAYOR – GENERAL AFFAIRS

No report.

11.0 ADJOURNMENT

MOTION by Councilor Roof, SECOND by Councilor Bushor, to adjourn the meeting. VOTING: unanimous; motion carried.



**Regular City Council Meeting - Monday, June 3, 2019, 6:00 pm,
Contois Auditorium, City Hall
6/3/2019**

The City Council meeting was adjourned at 11:35 PM.

RScty: MERiordan