



Regular City Council Meeting - Monday, May 24, 2021, 7:00 pm

****VIRTUAL MEETING****

5/24/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

May 24, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Perri Freeman

Sarah E Carpenter

Zoraya Hightower

Jane Stromberg

Mark Barlow

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Rich Goodwin

Eileen Blackwood

Jordan Redell

Clare Wool

Tom Flanagan

Nathan Lavery



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Megan Moir

Chapin Spencer

Norm Baldwin

Jessica Lavalette

Marie Friedman

Gene Richards

Nic Longo

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt the agenda

The meeting was called to order by City Council President Tracy at 7:19 PM.

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

- **note presentation slides for agenda item 2.01 Communication: Superintendent Flanagan and BSD Chair Wool, re: update on Burlington High School (per Russ Elek);**
- **add to the consent agenda item 5.28 Communication: Richard H. Cate, Vice President for Finance and Administration, UVM, re: Proposed 7.5 % electric rate increase with the motion to "waive the reading, accept the communication and place it on file";**
- **add Councilors Hightower, Hanson and Paul as co-sponsors to agenda item 6.04 Resolution: Expanding Youth Representation On City Boards (Councilors Pine & Tracy)(per Councilor Tracy);**
- **note revised version of this agenda item (per City Attorney's Office);**
- **add Councilor Stromberg as a co-sponsor to this agenda item (per Councilor Stromberg);**
- **add to the agenda item 6.11 Presentation: Eileen Blackwood, City Attorney, re: Redistricting (per City Attorney Blackwood);**
- **remove from the consent agenda item 5.27 Resolution: Approving The Pledging Of The Credit Of The City in Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) and place it on the Deliberative Agenda as item 6.12 (per Councilor Freeman);**
- **remove from agenda item 6.10 Communication: Katherine Schad, CAO, re: Administration Response to Council Resolution re: Police Services at the Airport**

DISCUSSION:

- **Councilor Shannon asked if the public forum time certain could be delayed until 7:50, to allow for the School Board presentation. City Council President Tracy agreed that public forum could be delayed to allow for the School Board presentation.**





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VOTING: unanimous; motion carries.

2. UPDATE ON BURLINGTON HIGH SCHOOL

2.01 Communication: Superintendent Flanagan and BSD Chair Wool, re: Update on Burlington High School

Superintendent Flanagan provided an update on Burlington High School and Burlington Technical Center. He noted that the Burlington School District (BSD) had been engaged in a reenvisioning project when it found high levels of PCBs, a carcinogen, in Building F in August of 2020. After subsequent testing, it also discovered PCBs in Buildings A-E at higher levels than Vermont Dept. of Health screening recommendations. Due to this, BSD ultimately was not able to deliver the original building that was envisioned when the taxpayers voted to approve the \$70 million bond for reenvisioning. He noted that remediation would cost \$12 million but may not be able to bring PCB levels down below VDH screening levels. He said that the remediation and completing the reenvisioning project would result in an \$88 million project that doesn't include Burlington Technical Center nor meets the full scope of the original plan.

Superintendent Flanagan said that due to the above financial projections, BSD voted to end the project and are pivoting to a new project, and outlined the phases. He noted that Phase 1 of the new project include a high-level site search to identify options that can hold both BHS and BTC, and that Phase 2 would entail a preliminary due diligence assessment, including conceptual design of 2-3 candidate sites as well as a review of past community feedback. Phase 3 would involve the acquisition, design, and permitting of the priority site, and Phase 4 would include bidding, construction, and building occupancy. He said that the goal for these is to complete Phases 1-4 as soon as possible, given the 3.5-year lease for the Downtown BHS agreement, and not to move students again until the new building is completed.

Superintendent Flanagan spoke about funding opportunities for this project. He said that BSD will look for regional support for BTC, state and federal school construction aid, state and federal clean-up aid, and philanthropy. He said that they will also need to ask Burlingtonians to support a bond, which could entail a special vote to cover the remaining costs in November 2021. He said that they will know more about costs after a site assessment. He said that around \$4 million of bond money has been spent so far, and that they have borrowed \$20 million this year and still have \$46 million of bonding authority left.

Councilor Dieng expressed concern about pivoting to a new project quickly and suggested taking the full five years to complete this project. He asked if BSD has collaborated with South Burlington. Superintendent Flanagan said that South Burlington also needs to build a high school of their own, but that both high schools are quite large and merging them might not be feasible nor necessarily good. He agreed about being careful and intentional in this process.

Councilor Hightower asked how many preliminary sites are being considered. She also asked about the criteria for selection of sites. Superintendent Flanagan replied that they do not know exactly how many sites, but have identified 5 or 6 in the current phase but could identify more. He said they are looking for spaces with accessibility, both in terms of multi-modal transportation and accessibility within the school, they are looking for spaces with flexibility and connection to resources in the City, and spaces with access to learning.



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Councilor Stromberg said that combining the Burlington and South Burlington high schools may be detrimental to access. She asked about the possibility of a public survey or another opportunity to hear community voices and input in this process. Superintendent Flanagan said that a process for public input will be built into the plan.

Councilor Pine said that when putting the school together, the leaders and planners for the high school were trying to knit the New North End and the rest of the City together, and that location of the school serves the City in a geographic way and is also symbolic in its location. He said that the school should still be located at that site, even if the buildings need to be replaced. Superintendent Flanagan said that this is a helpful historic perspective.

Councilor Barlow said that when this project was looked at initially, one option was partial renovation, which would have been the most affordable while meeting the objectives of the project. He expressed concern about taxpayer affordability if the school needs to be rebuilt entirely. He said that the City should explore collaborating with the School District. He asked if all the buildings at the Institute Road campus are unusable, or whether some of them could be incorporated into a rebuild. He also asked if it is the intention to pay for the costs with increased borrowing and whether the district will need to bond for more than \$70 million. Superintendent Flanagan said that several spaces in A Building are still usable, but there are limits on the amount of time that can be spent in them, given current PCB levels. He said that BSD will need to go out to bond for more than the original \$70 million, since the costs as they stand will exceed the original bond amount. Councilor Barlow asked about the school district's portion of the City's debt limit and whether a bond over \$70 million would be pushing the upper threshold under the 2018 agreement. Executive Director Lavery replied that that if BSD anticipates borrowing more than the original \$70 million, that they will need to review and potentially revise the 2018 agreement.

Councilor Shannon said that a high school with multiple locations could be interesting, noting that many dually-enrolled students travel to the UVM campus for classes. She said that all options should be on the table, given the current crisis.

Mayor Weinberger thanked BSD for moving decisively to address the PCB issue and the steps taken to get an interim facility up and running. He agreed with the approach of a site selection assessment. He noted that a large amount of existing debt capacity would be assigned to the original BSD project and that City staff will conduct additional analyses to update that projection.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:50 PM.

COMMENTS:





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- Suzanne Sugar spoke about Ward 6's sidewalks and expressed thanks that the Board of Finance approved funding for 3 miles of sidewalk improvements.
- Gabrielle Stebbins spoke on behalf of the Burlington Electric Commission about the proposed BED rate increase. She said that they approached the increase with the goal of making it as equitable as possible and cut and deferred as many areas as possible to avoid large increase. She noted that BED's rates had previously not increased in 12 years, but that with the pandemic and losses seen, the rate increase is a necessity.
- Veronica Lindstrom spoke in support of the resolution on expanding eligibility for City boards for younger residents. She spoke about the importance of giving youth a voice to fight for issues that affect their future.
- Gary Scott spoke on behalf of the University of Vermont Medical Center, voicing concern about the proposed BED rate increase. He proposed a smaller rate increase, given that they have not been able to factor it into budget planning for this upcoming fiscal year and will need to seek relief elsewhere to offset this rate increase.
- Jeff Nick spoke as Chair of the Marketplace Commission, emphasizing the importance of law enforcement in the Marketplace District. He noted that they are currently dealing with public intoxication, urination, fighting, rampant graffiti, and shoplifting and expressed concern that the BDP's budget does not allow for prioritization of these issues.
- Kelly Devine expressed concern about the electric and water rate increases on behalf of residents and businesses and asked the Council to consider a postponement of increases.

Forum closed at 8:06 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Councilor Stromberg noted that Alaska has been reclassified as a warm summer continental climate (where it had previously been considered a subarctic climate).

5. CONSENT AGENDA

5.01 Motion to adopt the consent agenda and take the actions indicated

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

5.02 Communication: C/T Office, re: Accountability List - waive the reading, accept the communication and place it on file.

5.03 Communication: C/T Office, March 8, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.04 Communication: C/T Office, March 8, 2021 Board of Civil Authority Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.05 Communication: C/T Office, re: March 22, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.06 Communication: C/T Office, re: March 22, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading,



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accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.07 Communication: C/T Office, re: April 5, 2021 Organization Day Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.08 Communication: C/T Office, re: April 12, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.09 Communication: C/T Office, re: April 26, 2021 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.10 Communication: C/T Office, re: April 26, 2021 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file and adopt the minutes as received at the May 10, 2021 Regular City Council Meeting.

5.11 Communication: Kerin Durfee, Member, Police Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Kerin Durfee thanking her for her time served as a member of the Police Commission.

5.12 Communication: Olivia Pena, Member, Housing Board of Review, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Olivia Pena thanking her for her time served as a member of the Housing Board of Review.

5.13 Indoor Entertainment Permit Renewal (2021-2022): Swan Dojo, 19 Church Street - approve the 2021-2022 Indoor Entertainment Permit Renewal for Swan Dojo, 19 Church Street with all standard conditions.

5.14 Communication: Caleb Manna, Excavation Inspector, Burlington Public Works, re: Applications for Renewals of License Agreements for Encumbrances Outside of the Church Street Marketplace for the 2021-2022 Season - approve one-year renewal applications for encumbrances for the following entities, businesses, and or properties: Barrio Bakery, Bistro De Margo, Breakwater Condo Association, Catamount/Van Ness, Champlain College, Champlain Housing Trust, City Hardware, Crystal Cottage, Deli 126, Drink LLC, Green Mountain Transit, Gryphon, Hinsdale Properties, Kens Pizza, Kestrel Café, Knead LLC, Lucky's Next Door, Manhattan Pizza, Nick and Morrissey, Nunyun's, Overlake Park LLC, Pathways, Penny Cluse Café, Phoenix Books, Pizza Verita, Pomerleau Family LLC, Radio Bean, Restaurant POCO, Shanty on the Shore, Shoeless Konstruktion, University of Vermont, VT House Condo Assoc., Zabby's Stone Soup.

5.15 Special Event Outdoor Entertainment Permit Application (one day only): City of Burlington, Office of Racial Equity, Inclusion and Belonging, Saturday, June 19, 2021, Various Locations Around the City, Juneteenth Celebration, 10 am - 11 pm - approve the one day only special event outdoor entertainment permit application for the City of Burlington, Office of Racial Equity, Inclusion and Belonging, Saturday, June 19, 2021, Various Locations Around the City, Juneteenth Celebration, 10 am - 11 pm.

5.16 Special Event Outdoor Entertainment Permit Application (June - mid September): Burlington City Arts, City Hall Park, Event Series: various hours as listed - approve the special event outdoor entertainment permit application (June - mid September) for Burlington City Arts, City Hall Park, Event Series: various hours as listed.

5.17 Special Event Outdoor Entertainment Permit Application (specific set of dates, as listed: 10 sets total): Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building), 7 pm - 10 pm - approve the special event outdoor entertainment permit application (specific set of dates, as listed: 10 sets total): Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building), 7 pm - 10 pm.





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5.18 Umbrella Entertainment Permit Application (June 4th - June 13th, 2021): Burlington Discover Jazz Festival, Various Locations Around the City, Various Hours: 11 am - 11 pm - approve the umbrella entertainment permit application (June 4th - June 13th, 2021) for Burlington Discover Jazz Festival, Various Locations Around the City, Various Hours: 11 am - 11 pm.

5.19 Communication: HR Manager Danielle Cota and Chief Innovation Officer Brian Lowe, re: Creation of Early Learning Initiative Manager Position - approve and authorize the creation of a Regular Full-time, Exempt, Non-Union, Grade 19 position (Early Learning Initiative Manager), reporting to the Director of Economic Recovery.

5.20 Communication: Chief Innovation Officer Brian Lowe, re: Early Learning Initiative Contract Amendment with Let's Grow Kids - approve the Let's Grow Kids contract amendment described above as recommended and authorize the Chief Innovation Officer to execute any and all documents necessary to fulfill the contract, subject to final review by the City Attorney's Office.

5.21 Communication: Max Madalinski, Parks Project Coordinator, re: REVISED - Schifilliti Park Shared-Use Path Grant Agreement with VT Agency of Transportation - approve acceptance of the Transportation Alternatives Program grant, and authorize Sophie Sauvé, Parks Comprehensive Planner of Burlington Parks, Recreation and Waterfront, to execute the Grant Agreement with the Vermont Agency of Transportation, subject to review by the City Attorney's Office.

5.22 Communication: Martin Lee, PE, Water Resources Engineer, re: Authorization to Execute Engineering On-Call Main Agreement with Wright-Pierce - authorize the Director of Public Works to execute an on-call main contract with Wright-Pierce, with a maximum limiting amount of \$100,000.00, for engineering services related to wastewater treatment plant improvement work, subject to review and approval by the Chief Administrative Officer and City Attorney's Office.

5.23 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, re: Key Bank Lease Purchase Financing Agreement - authorize the General Manager of Burlington Electric Department to enter into a Tax-Exempt Lease/Purchase Financing Agreement with Key Government Finance, Inc. for an amount not to exceed eight hundred thousand dollars (\$800,000) for information technology investments, subject to final review of agreement terms by the City Attorney's Office.

5.24 Communication: Madeline Suender, Associate Public Works Engineer and Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization to Amend Project Budget and Construction Contract for Sidewalk Reconstruction Program - 1. To authorize the Director of Public Works to execute necessary amendments to the construction contract the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to increase the maximum limiting amount by \$932,000.00 to \$2,049,000, with an additional \$103,000.00 in contingency funds, totaling up to \$2,152,000, subject to the final review and approval by the Office of the City Attorney; and 2. To authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$1,135,000 in fund from the Department of Public Works unassigned fund (GL 110-00-000-000) to the existing Fiscal Year 2021 Sidewalk Reconstruction Program budget (GL 842-19-700-771), raising the account amount from \$1,117,000 to \$2,252,000, to pay the Fiscal Year 2021 Sidewalk Reconstruction Program project expenses.

5.25 FIO Documents – for information only.

5.26 Communication: Gary Scott, Vice President of Hospital Services, UVM Medical Center, re: Burlington Electric Department Rate Increase - waive the reading, accept the communication and place it on file.

5.27 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) ****NOW AGENDA ITEM 6.12****

5.28 Communication: Richard H. Cate, Vice President for Finance and Administration, re: Proposed 7.5% electric rate increase - waive the reading, accept the communication and place it on file.



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MOTION by Councilor Stromberg, SECOND by Councilor Hanson, to adopt the consent agenda as amended, taking the actions as indicated for items 5.01-5.28.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Indoor Entertainment Permit Application (2021-2022): Radical Bean LLP, d/b/a Chile Collective, 1127 North Avenue, Suite 20

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Indoor Entertainment Permit Application for Radical Bean LLP, d/b/a Chile Collective with all standard conditions.

VOTING: unanimous; motion carries.

6.02 Outdoor Entertainment Permit Application (2021-2022): Halvorson's, 16 Church Street

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Outdoor Entertainment Permit Application for Halvorson's, 16 Church Street, on the Church Street Marketplace, Saturdays: 2 pm - 6 pm with all standard conditions.

VOTING: unanimous; motion carries.

6.03 Outdoor Entertainment Permit Application (2021-2022): Pingala Cafe Holdings LLC, d/b/a Pingala Cafe & Eatery, 1 Mill Street, Suite 138

MOTION by Councilor Mason, SECOND by Councilor Hanson, to approve the 2021-2022 Outdoor Entertainment Permit Application for Pingala Cafe Holdings LLC, d/b/a Pingala Cafe & Eatery, 1 Mill Street, Suite 138 with all standard conditions.

VOTING: unanimous; motion carries.





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6.04 Resolution: Expanding Youth Representation On City Boards (Councilors Pine, Tracy)

MOTION by Councilor Pine, SECOND by Councilor Carpenter, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Pine said that this resolution's goal is to engage youth in governance and encourage them to participate on City boards and commissions. He said that barriers to involvement should be broken down and that the City benefits from the perspective of the youth.
- Councilor Dieng asked for a status update on the pilot. Councilor Pine said that the expansion of which boards and commissions younger people can serve on was an expansion of a previous pilot and that this would further expand it. Councilor Dieng said that he would like to have a report back on the status of the pilot prior to voting on this resolution.
- Councilor Paul spoke about the City & Lake Semester program. She also noted that one of her sons was on the Planning Commission as a high school student at BHS and that the experience was very positive. She said there is great value in having younger people serve on boards and commissions.

VOTING: unanimous; motion carries.

6.05 Communication: Mayor Miro Weinberger, re: Appointment of Director of the Community and Economic Development Office

MOTION by Councilor Hightower, SECOND by Councilor Hightower, to confirm the appointment of Brian Pine as Director of Community and Economic Development.

DISCUSSION:

- Councilor Hightower spoke about Councilor Pine's prior work in the community, both serving on the Council and serving in various other roles.
- Mayor Weinberger spoke about Councilor Pine's deep understanding of and commitment to the Burlington community. He also spoke of Councilor Pine's past experiences at CEDO itself.
- Councilor Pine said that the duty of local officials to elevate the voices of the most vulnerable in the community and seek solutions that will benefit all equitably. He thanked the constituents of Ward 3 for allowing him to serve them on the Council and give back to the community.
- Councilor Dieng thanked Interim Director Kinstedt for her work at CEDO and thanked the Mayor for demonstrating a willingness to collaborate with the Council to further the goals of the City. He asked Councilor Pine what he anticipates to be his greatest challenge entering his new role, as well as his vision for CEDO. Councilor Pine replied that the biggest challenge will be to take the inflection point of the past year and to make decisions around how to build back from the pandemic, rather than fall back on the status quo.



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VOTING: unanimous; motion carries (Councilor Pine abstained from voting).

Brian Pine is now the Director of the Community and Economic Development Office.

Councilor Pine tendered his resignation as Ward 3 City Councilor.

6.06 Communication: Megan Moir, Water Resources Division Director, Jessica Lavallette, Water Resources Customer Care and Finance Manager, Jenna Olson, Water Quality Program and Policy Manager, re: Approval of the 2021 Water Resources Division Rate Restructuring and Affordability Programs Proposal and Associated Chapter 26 and 31 Ordinance Change

Assistant Director Moir spoke about the final proposal for comprehensive rate restructuring in Burlington's first affordability program, which has been designed to protect access to water. They noted that sustainable funding is crucial to access to clean water. They spoke about the three objectives of this project, which include ensuring affordability, improving the department's financial health and sustainability, and ensuring that rates are recouping the cost of service in an equitable manner. They noted the public outreach they had conducted in the first year of the study as well as in April of 2021. In terms of rate structure changes, they are proposing to include fixed charges by meter size, customer class-based rates, irrigation rate and cooling/heating make-up rate, and private fire protection charges. These proposed changes are meant to be equitable to customers as well as ensure sustainability and predictable revenue for the department. They also spoke about proposed affordability options, including a lifeline rate tier that discounts the first defined number of cubic feet depending on unit size, a fixed-fee waiver that would waive the monthly water and wastewater charge for income-constrained residential customers, and flexible payment terms that add a budget billing option. Other assistance program options include infrastructure assistance, conservation assistance, and stormwater management assistance. They then showed the current and proposed rates. They said that the FY22 budget is built to ensure proper operation and sustainable stewardship of infrastructure, with targeted funding for customer assistance programs. They noted that without the proposed restructuring, all customers would have seen a 5.9% increase in rates across the board.

Councilor Shannon expressed concern about high-occupancy units and how they will pay for water. She said that the usage is related to occupancy and that large families could be severely penalized in this system. She asked how this is accounted for in this rate restructuring. Assistant Director Moir replied that the current affordability programs don't apply to the high-occupancy units which may be rental units, since they do not have a guarantee that any assistance provided to landlords will be passed on to tenants. They said that they will return to the Council in April of 2023 with more findings on how to structure affordability program for renters. They also noted that multi-family residential households were not included in the two-tier category. Mr. Fox added that high-volume users are better off in this restructured rate proposal than they would have been in the across-the-board 5.9% increase. Director Spencer added that high-volume users who are eligible for WRAP would see some financial assistance from the City. Councilor Shannon also asked about the incentives to replace laterals and asked about the costs associated with that. Assistant Director Moir replied that laterals could cost between \$5,000 and \$10,000 and that they are trying to conduct public education on replacing them. Councilor Shannon suggested focusing a larger sum of money on the areas where street work is being conducted, since that is usually when laterals are replaced. Assistant Director Moir said that the intent of this component of the program is to cover the cost of filming to monitor conditions of laterals for customers.



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MOTION by Councilor Hanson, SECOND by Councilor Freeman, to 1. "To approve and adopt the 2021 Water Resources Rate Restructuring and Affordability Program Proposal, conditional upon the adoption of the necessary amendments to be made to the Burlington Code of Ordinances." and; 2. "To suspend the rules and place the attached amendments to the Burlington Code of Ordinances Chapters 26 and 31 in all stages of passage."

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (11 ayes, 0 nays); motion carries.

6.07 Communication: Norman Baldwin, P.E., Assistant Director/City Engineer, re: Railyard Enterprise Project - Authorization to Execute Cooperative Agreement

MOTION by Councilor Hanson, SECOND by Councilor Dieng, to authorize the Director of Public Works to execute a Cooperative Agreement between the City of Burlington and the State of Vermont for the Railyard Enterprise Project

DISCUSSION:

- City Engineer Baldwin provided an overview of the cooperative agreement, which is intended to create a multi-modal link between Pine Street and Battery Street, and which will support economic development, improve livability for surrounding neighborhoods, enhance multi-modal connectivity between Pine and Battery Streets, and increase inter-modal connections to the Railyard. He noted that VTrans and the Federal Highway are supportive of this project and will commit funds beginning in July, starting at \$10 million with the potential to increase to a maximum of \$20 million. He said that they anticipate spending \$500,000 in the first year of the project, with a \$50,000 City share. He said that the cost-share is roughly 90% state (8.92%) and federal (81.08%) funding and 10% City match. He noted that this does not cover costs outside of participation costs. He said that they will begin accepting proposals for the project and hope to return to City Council in late summer to award the design contract.
- Director Baldwin noted that this is one out of four major transportation projects that VTrans and the City are working on in the South End of Burlington. He said that these projects integrate into the existing transportation system and make it more sustainable and dynamic. He noted that DPW is evaluating the potential timing and phasing of each of these projects, to minimize negative impacts to residents.
- Councilor Hanson asked about the timing of this project in comparison to the Champlain Parkway project, citing concerns about traffic impacts from the Champlain Parkway project and how this project could alleviate those. Director Spencer replied that DPW is seeking to move the Railyard Enterprise project as quickly as possible.
- Councilor Mason commended the DPW team for achieving such a generous state and federal contribution for this project.

VOTING: unanimous; motion carries.



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6.08 Communication: Darren Springer, General Manager, re: BED FY22 Rate Changes

MOTION by Councilor Paul, SECOND by Councilor Shannon, to authorize the General Manager of the Burlington Electric Department or his designee to file tariff amendments with the Vermont Public Utility Commission to increase Burlington Electric Department rates by 7.5% beginning in Fiscal Year 2022 as proposed.

DISCUSSION:

- **BED Manager Springer said that after 12 years with no rate increases, BED is proposing to increase rates for FY22, citing an increase in state transmission costs as well as detrimental impacts from the Covid-19 pandemic. He said that there will be a new loan assistance program for customers if they receive state fuel assistance (approximately 185% of federal poverty level). He said there will also be a low-income discount rate in FY2022. He emphasized that a rate increase is a last resort.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (10 ayes, 1 nay); motion carries.

6.09 Approval of Amendment to UVM Letter of Agreement

MOTION by Councilor Mason, SECOND by Councilor Paul, to approve and authorize the Mayor to enter into the Amendment to the UVM Letter of Agreement dated June 24, 2019.

VOTING: unanimous; motion carries.

6.10 Communication: Katherine Schad, CAO, re: Administration Response to Council Resolution re: Police Services at the Airport

No discussion at this time.

6.11 Presentation: Eileen Blackwood, City Attorney, re: Redistricting

City Attorney Blackwood provided an overview of redistricting in the City of Burlington. She said that the ten-year census determines the distribution of House of representative seats (apportionment), and that each state must adjust its voting districts to elect the number of seats allotted by creating or changing geographic subdivisions to have relatively equal sized populations (redistricting). She said that districts must be of as nearly equal population as is practicable, with a deviation of less than 10% in most cases. She said that redistricting must respect compactness, contiguity of territory, and cannot separate districts based purely on race, ethnicity, or religion. She said that Vermont-specific redistricting standards also look at patterns of geography, social interaction, trade, political ties, and common interests. She then reviewed Burlington's 2010 evaluation criteria and the redistricting process. She said that for 2020, the City should establish



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evaluation criteria, review census results and determine if redistricting is needed, review maps and apply evaluation criteria, and establish a timeline as soon as possible following census, to allow for the charter change process if needed.

Councilor Paul noted that census data is typically available in the April following the census, but that for the 2020 census, the data may not be available until the end of September. She said that she has been working on a redistricting resolution that would avoid the pitfalls of Burlington's 2010 redistricting process.

6.12 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) ****WAS CONSENT AGENDA ITEM 5.27****

MOTION by Councilor Paul, SECOND by Councilor Carpenter, to waive the reading and adopt the resolution.

DISCUSSION:

- **Aviation Director Richards said that this is a safety mechanism to ensure that any further disruptions due to Covid are mitigated or at least minimized.**
- **Councilor Hanson noted that last year's revenue anticipate note was repaid and asked how they were repaid even though revenues were low. Aviation Director Richards replied that they had been able to pay back the anticipation note with funding assistance they'd received as well as through budget cuts. He said that it would cost more to not have the funding and end up needing it in the future.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Shannon – aye, Councilor Stromberg – nay, City Council President Tracy – aye (8 ayes, 3 nays); motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Paul noted that the Public Safety Committee will meet at 5:30 on June 1st and will be discussing the CSL job description and other items.

Councilor Mason said that the Ordinance Committee is scheduled to meet on May 27th.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

No discussion at this time.



Regular City Council Meeting - Monday, May 24, 2021, 7:00 pm

****VIRTUAL MEETING****

5/24/2021

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger said that the City is in the home stretch of the pandemic and that the Governor announced that once 80% of the population is vaccinated, restrictions will be lifted. He said that the City has had several pop-up vaccination clinics and will work with the State to host several more over the next several weeks.

Mayor Weinberger said that the City is beginning to have in-person events again, and that baseball's opening day at Centennial Field will occur. He also noted that the Burlington Jazz Festival will begin on June 14th.

11. ADJOURNMENT

11.01 Motion to adjourn

MOTION by Councilor Dieng, SECOND by Councilor Hanson, to adjourn the meeting.

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 10:34 PM.

RScty: AACoonradt