



**Regular City Council Meeting - Monday, April 27, 2020, 6:00 pm,
Remote and Virtual Access: The Regular City Council Meeting will
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BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

April 27, 2020

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Eileen Blackwood

Jordan Redell

Katherine Schad

Richard Goodwin



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Nicolas Longo

Gene Richards

Martha Keenan

Chapin Spencer

Lori Olberg

Amy Bovee

1. CALL TO ORDER and AGENDA

The meeting was called to order by Council President Tracy at 6:11 PM and led the Council in the Pledge of Allegiance.

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

- **note written material for agenda item 2.01 (per COS Redell);**
- **add Councilor Carpenter as a co-sponsor to agenda item 5.02 Resolution: Amend Appendix B Rules and Regulations of the City Council to Add a Standing Climate Emergency Item to Every Agenda (Councilors Hanson, Paul, Hightower, Stromberg, Freeman)(per Councilor Hanson);**
- **remove from the consent agenda item 4.05 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Approval to Execute Master Lease and place it on the Deliberative Agenda as item 5.04 (per Councilor Hightower);**
- **note revised version of 5.02 Resolution: Amend Appendix B Rules and Regulations of the City Council to Add a Standing Climate Emergency Item to Every Agenda (Councilors Hanson, Paul, Hightower, Stromberg, Freeman)**

VOTING: unanimous; motion carries.

2. COMMUNICATION: MAYOR MIRO WEINBERGER AND CAO KATHERINE SCHAD: re: INITIAL FINANCIAL PLAN for FY20 and FY21 in RESPONSE to COVID-19

2.01 Presentation: Mayor Miro Weinberger and CAO Katherine Schad, re: Initial Financial Plan for FY20 and FY21 In Response to COVID-19 **materials to be sent under separate cover**



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Mayor Weinberger and Chief Administrative Officer Schad gave an overview of the initial Fiscal Year 2020-2021 financial plan in response to the COVID-19 pandemic. They noted an anticipated sharp decrease in revenue of \$5 million in FY20 and \$10 million in FY21, driven by the current closure of bars, hotels, and restaurants. They also noted a significant amount of delayed revenue due to postponed property tax revenues, for which tax anticipation notes have been approved for June payments. They framed the proposed strategic financial plan as being driven by principles including a spirit of shared sacrifice, a recognition that residents are not in a position to pay planned tax rate increases, an assurance that city employees be treated fairly, that budget changes should not hurt the most vulnerable of Burlington's population, that a steady unassigned fund balance be maintained, and that the City should seek to minimize further damage to the economy. They outlined strategies for addressing deficits, which included cutting expenses, replacing revenue, and borrowing funds.

Councilor Pine noted that he hopes for a balanced approach to deal with the loss of revenue, including debt restructuring, and Mayor Weinberger replied that borrowing will play a role in navigating through the crisis and is being explored as an option.

Councilor Paul brought up a municipal liquidity facility that was established in April through which the federal reserve would support lending to states and cities by buying up to \$500 billion in short term notes. Ms. Schad noted that the current approach for this proposed financial plan is less around short-term funding and more focused on longer-term strategies. Councilor Paul then expressed support for dedicating a percentage of the unassigned fund balance to help with revenue shortfalls.

Councilor Freeman noted her appreciation that austerity measures are not being considered the primary tools for coping with the City's COVID-19-related financial strain.

Councilor Dieng noted that the Mayor had characterized the presented proposal as a conservative scenario, and asked whether more optimistic or worst-case scenarios were also modeled. Mayor Weinberger replied that the current approach would be tailored in real time to react to the economy, which is currently in a state of flux, and noted the difficulty of modeling multiple scenarios simultaneously.

Councilor Carpenter noted that the City has three sources of revenue and does not have a methodology for controlling income tax, emphasizing the importance of working with the state and federal governments in tandem to raise revenue-building capacity.

Mayor Weinberger noted that the next steps include an executive session to determine whether the administration is on track with its financial plan to date and meeting with the public employee union leaders. He added that a more comprehensive property tax plan will be presented in mid-May.

2.02 Expected Executive Session



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MOTION by Councilor Pine, SECOND by Councilor Mason, that the City Council find the necessity to enter into executive session to discuss financial matters that may impact labor relations because premature disclosure of the City's position could put the City at a substantial disadvantage.

VOTING: unanimous; motion carries.

MOTION by Councilor Mason, SECOND by Councilor Shannon, that based on the finding, the City Council enter into executive session.

VOTING: unanimous; motion carries.

The City Council entered into executive session at 7:11 PM.

MOTION by Councilor Pine, SECOND by Councilor Dieng, to exit executive session.

VOTING: unanimous; motion carries.

3. PUBLIC FORUM

3.01 Verbal Comments

Public forum was opened at 7:38 PM.

COMMENTS:

- Martha Lang noted that she gave public comment at the Board of Finance meeting earlier, and that she believes she has sufficiently shared her position on matters.
- Charlie Messing supported the City's handling of the COVID-19 crisis, noting his interest in seeing how the City would reopen. He also expressed concern with the proliferating graffiti in town and suggested installing cameras at the most graffiti-prone spots. He finally stated that F-35 flights out of Burlington International Airport should be grounded and those resources devoted elsewhere to assist with the public health crisis at hand.
- Dale Tillitson spoke about the budget and pleaded for no cuts for the police and fire departments, citing the increased incidence of shootings in the City over the last two weeks.

Public forum was closed at 7:45 PM.

4. CONSENT AGENDA:



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4.01 Motion to amend/adopt consent agenda taking the following actions as indicated.

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

4.03 Communication: Burlington International Airport, Gene Richards, Director of Aviation, Nicolas Longo, Deputy Director of Aviation, Andrew Laderoute, Marketing Assistant, re: Authorization to Execute Lease with BETA Technologies, Inc. for the Use of Airport Properties Located at 1150 Airport Drive and 120 Valley Road, South Burlington - authorize Mayor Weinberger to execute a lease with Beta Technologies, Inc. for the use of properties located at 1150 Airport Drive and 120 Valley Road, South Burlington at the Burlington International Airport, on the terms provided in and substantially in conformance with the attached lease, subject to final review and approval by the City Attorney's Office.

4.04 Communication: Burlington International Airport, Gene Richards, Director of Aviation, Nicolas Longo, Deputy Director of Aviation, Andrew Laderoute, Marketing Assistant, re: Authorization to Execute Lease with General Services Administration for Use of Airport Terminal Building by the National Oceanic and Atmospheric Administration and National Weather Service - authorize Mayor Weinberger to execute the leasing of a portion of the City-Owned Terminal Building, located at 1200 Airport Drive South Burlington, at the Burlington International Airport to the General Services Administration on the terms provided in and substantially in conformance with the attached lease, subject to final review and approval by the City Attorney's Office.

4.05 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Approval to Execute Master Lease **now agenda item 5.04**

4.06 Communication: C/T Office, re: 2020-2021 City Council Standing Committees - waive the reading, accept the communication and place it on file.

4.07 Resolution: Extension of Zoning and Building Permit Deadlines Due to the COVID-19 Emergency (Councilors Mason, Carpenter, Pine) - waive the reading and adopt the resolution.

4.08 Resolution: Appointment of Dr. Christopher Tyler Vogt D.O. and Dr. Ernesto Cantu to the City of Burlington Board of Medical Examiners (Councilors Pine, Dieng) - waive the reading and adopt the resolution.

4.09 Resolution: Authorization to Enter into Agreement with Cigna to Administer the City Health Insurance Program (Board of Finance) - waive the reading and adopt the resolution.

MOTION by Councilor Pine, SECOND by Councilor Hanson, to adopt the Consent Agenda and take the actions indicated for items 4.01 through 4.09.



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VOTING: unanimous; motion carries.

5. DELIBERATIVE AGENDA:

5.01 Communication: Gene Richards, Director of Aviation, re: Request for Airport to Accept a Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant for \$8,701,115

Director of Aviation Richards gave an overview of the federal relief grant from the CARES Act, noting that it would total \$8.7 million and would be used for salaries, overhead, utilities, and some airport debt.

Councilor Hanson noted that he wants to find ways to be innovative at the airport, noting that this grant is being used to retain around 90% of airport staff but could potentially use some funds to explore innovative projects to help mitigate the negative ecological impact of air travel.

Councilor Paulino asked how this federal relief impacts the airport's asked-for revenue anticipation note discussed earlier in April. Deputy Director of Aviation Longo replied that the federal relief is meant to offset unrecoverable revenue, such as parking fees and landing fees, and that the revenue anticipation note was devoted to recoverable revenue, such as airline fees. Mr. Richards added that both pieces of financial relief (grant and revenue anticipation note) ensure that the airport has enough funding to run as an independent enterprise fund without needing to request additional funds from the City.

Councilor Freeman noted that the 90% reduction in flights has resulted in a reduction in pollution during the COVID-19 pandemic, and expressed concern about bailing out suddenly unprofitable industries such as air travel. She also expressed concern that air travel will significantly increase when the economy reopens and non-essential travel is permitted. She finally noted frustration that the CARES Act does not do enough to directly support workers.

MOTION by Councilor Paul, SECOND by Councilor Paulino, to authorize the Mayor to execute a Coronavirus Aid, Relief, and Economic Security Act grant with the Federal Aviation Administration for up to \$8,701,115, subject to the final review and approval by the City Attorney's Office.

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – nay, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.

5.02 Resolution: Amend Appendix B Rules and Regulations of the City Council to Add a Standing Climate Emergency Item to Every Agenda (Councilors Hanson, Paul, Hightower, Stromberg, Freeman)



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MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to waive the reading and adopt the resolution.

DISCUSSION:

- Councilor Hanson stated that the COVID-19 pandemic response has warranted significant behavior change at the individual level and significant coordination and action based on scientific findings to prioritize public health. He urged the City Council to respond similarly to the larger emergency at hand and to treat the climate crisis with a sense of urgency and coordination. To that end, a standing item related to the climate crisis has been proposed for each City Council meeting agenda. He noted that this would not obligate staff or the administration to prepare material for the item, but rather gives City Council members an opportunity to update and collaborate with each other on specific initiatives.
- Councilor Stromberg noted that the creation of a standing agenda item demonstrates the importance of combatting the climate crisis and additionally encourages local organizers to have a good dialogue with the Council.
- Councilor Pine commented that this is a way that the Council can reiterate climate change as a priority policy issue and so that the Council and City administration can coordinate on the areas within the issue that deserve focused attention.
- Councilor Shannon noted support for the opportunity to give updates on climate action at each meeting. She expressed concern that this agenda item could evolve into something more deliberative in nature rather than a standing update.
- Councilor Hightower expressed excitement for the opportunity to have bipartisan dialogue on the climate crisis.
- Councilor Hanson noted that this standing agenda item is not intended to replace presentations or other items on the deliberative agenda, but to supplement those and discuss items and updates that aren't appropriate as deliberative agenda items.
- Councilor Dieng suggested decreasing the frequency of this item to once per month, emphasizing the importance of having high-quality discussion of the climate crisis rather than more frequent, potentially less productive discussion.
- Councilor Shannon noted that City Council meeting agendas are set at the discretion of the City Council President, and asked Council President Tracy if he anticipated allowing debate during this agenda item. Council President Tracy responded that he would like to avoid debate during this item, and that Councilors should put items for debate forth to the deliberative agenda.

Voting: UNANIMOUS; motion carries.

5.03 Resolution: City Personnel Policy - Adoption of Section 12.7(e) Social Media Policy (Councilors Pine, Dieng, Freeman)

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

DISCUSSION:

- Councilor Dieng stated that the past issues with social media have prompted an updated and revised social



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media policy, with input from Human Resources Director Paluba, the Mayor's office, and department heads and union. He thanked the members of the Human Resources Committee for their extensive work on this policy, especially given that social media is constantly evolving.

- Ms. Paluba noted that the policy as presented was the result of an enormous amount of feedback and robust debate between Councilors on the Human Resources Committee and active participation from the employee unions and the Mayor's office.
- Councilor Hightower echoed Councilor Dieng's statement about social media as a dynamic landscape and suggested language in the policy around regular revisions, as well as more strongly worded statements in some sections.

MOTION TO AMEND by Councilor Hightower, **SECOND** by Councilor Pine, to amend the resolution at the end of line 13 to state "the HR Committee will review the policy and return to the council with an updated policy in no more than 12 months."

DISCUSSION OF AMENDMENT:

- Councilor Pine suggested language stating that the Human Resources Committee should review the policy and possibly recommend changes or updates, but not to assume that it will undergo changes or updates until deemed necessary after review.
- Councilor Stromberg agreed that the policy should contain a timeframe for when to review, and agreed that it could contain more specificity in terms of the types of social media outlined within the policy.

MOTION TO AMEND by Councilor Pine, **SECOND** by Councilor Mason, to add "as needed" after "an updated policy".

DISCUSSION OF AMENDMENT TO THE AMENDMENT:

- Councilor Hanson noted significant public interest around fake social media accounts and said he would like those to be explicitly prohibited, and added that he is not in support of the amendment to the amendment because it would not require changes to the policy upon review.
- Councilor Carpenter suggested soliciting changes to the policy from the Councilors in the next several months and bringing them to the floor at that juncture.
- Councilor Hanson said he was not comfortable with making amendments on the floor tonight, given the robust stakeholder engagement and collaboration that went into developing this initial policy. He suggested bringing proposed changes to the Human Resources Committee for their consideration.
- Councilor Shannon gave her support to making amendments through the committee process, since that bodies has the context of what went into crafting the original policy.

VOTING ON AMENDED AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.



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VOTING ON AMENDMENT (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (unanimous); motion carries.

VOTING ON RESOLUTION AS AMENDED: unanimous; motion carries.

5.04 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Approval to Execute Master Lease (was consent agenda item 4.05)

MOTION by Councilor Paul, SECOND by Councilor Pine to approve and authorize the execution of a contract with J.P. Morgan \$1,742,113 for a Master Lease Agreement, and to authorize Katherine Schad, Chief Administrative Officer, to execute the contract and any related documents needed to carry out the project, subject to City Attorney's Office review.

DISCUSSION:

- Councilor Hightower wanted to bring this item forward to review based on conversations around budget cuts in the City and would like to hear how the incorporation of \$1.7 million in vehicles fits into that. She also expressed disappointment at the lack of electric vehicles in the purchase orders associated with this contract.
- Councilor Dieng stated that this isn't the time for the City to buy or lease new vehicles, and that the City should think about a fleet that less reliant on fossil fuels.
- Capital Improvement Projects Manager Keenan noted that the projects associated with this contract were approved in August and December of 2019, and orders have already been placed for a number of the vehicles. She noted that it would be difficult to cancel orders or return ordered vehicles because they have been custom-made to the City's specifications. She also noted that each vehicle is reviewed and discussed with Burlington Electric Department to determine whether hybrid or electric models exist and can be ordered.
- Councilor Paulino noted that the vehicles associated with this contract are related to public safety and the parks departments, two very prominent and active departments during the COVID-19 pandemic, and urged the Council to support this resolution.
- Councilor Carpenter reiterated her suggestion that financing plans for projects should be approved at the time the project is approved, which would mitigate this type of discussion in future.
- Councilor Dieng asked whether it would be possible to postpone the vote on this resolution until the following City Council meeting. Ms. Keenan noted that the RFP for this contract is time-limited and has a deadline of April 30 to guarantee the current interest rates.

MOTION by Councilor Dieng, SECOND by Councilor Hanson, to postpone action on this item until the next City Council Meeting.

DISCUSSION:



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- Councilor Hanson asked whether deferring these payments would free up resources in a meaningful way, or whether it would result in renegotiation and potentially a worse financial arrangement.
- Councilor Shannon noted that the spending and purchase for the vehicles had already been approved, and this resolution would decide on the financial mechanism for making these payments that are due.
- Ms. Keenan that the Fleet Committee set up a funding strategy for the purchase of these vehicles and that it is not an added burden to the general fund.
- Councilor Dieng stated his intention to postpone the item was to give Ms. Keenan and Director of Public Works Spencer the opportunity to ask the manufacturers whether the orders can be delayed or cancelled.

MOTION by Councilor Paul, SECOND by Councilor Stromberg, to call the question (end debate and move to a vote).

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (11 ayes, 1 nay); motion carries.

Debate ceased. Councilor Dieng's motion to postpone was voted on as follows:

VOTING (by roll call): Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – nay, Councilor Mason – nay, Councilor Paul – nay, Councilor Paulino – nay, Councilor Pine – nay, Councilor Shannon – nay, Councilor Stromberg – nay, Council President Tracy – nay (2 ayes, 10 nay); motion fails.

DISCUSSION OF ORIGINAL MOTION:

- Councilor Shannon emphasized her support for the motion by noting that the current interest rate for these purchases is very low, and postponing may result in a higher interest rate and higher cost in future.

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – nay, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, Council President Tracy – aye (10 ayes, 2 nay); motion carries.

City Council President Tracy recessed the City Council and convened the Local Control Commission to order at 9:29 PM.
City Council President Tracy resumed the City Council meeting at 9:37 PM.



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6. COMMITTEE REPORTS

6.01 Verbal Reports –

Councilor Dieng asked when committees would start meeting this session. Council President Tracy provided updates during the president portion of the updates.

7. CITY COUNCIL – GENERAL AFFAIRS

7.01 Verbal Reports –

Councilor Dieng echoed the concern heard in public forum earlier about the increase in gun violence in Burlington, particularly in the Old North End, and asked Councilors to think about what can be done to help members of the community feel safe during this time.

Councilor Pine also addressed the issue of gun violence, noting that someone in his neighborhood was fatally shot in their home the night prior. He emphasized the need to work with legislature at the state level to address the root causes of gun violence in Burlington, such as poverty, mental health issues, and substance abuse.

8. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

8.01 Verbal Reports –

Council President Tracy noted that committee meetings will begin the week of May 4th, and that new councilors will have a committee orientation session this week (but all councilors are welcome to attend). He also noted that a municipal finance meeting is being put together for councilors in the second week of May.

9. MAYOR – GENERAL AFFAIRS

9.01 Verbal Reports –

Mayor Weinberger discussed the BETA lease item from the consent agenda, noting that it unlocks \$11 million in investments in the terminal by BETA, that it will increase the number of employees from 70 to 100, and that it represents a step forward in transitioning the airline industry to more renewable energy sources.

10. ADJOURNMENT

MOTION by Council President Tracy, SECOND by Council President Tracy, to re-enter into executive session at 9:46 PM.



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