



Regular City Council Meeting - Monday, April 11, 2022, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM 4/11/2022

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM/BUSHOR CONFERENCE ROOM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

April 11, 2022

MEMBERS PRESENT: Karen Paul

Joan Shannon

Jack Hanson

Perri Freeman

Ali Dieng

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ali House

Ben Traverse

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Sarah Montgomery



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Corey Mims

Chapin Spencer

Meagan Tuttle

Norman Baldwin

Kendra Sowers

Scott Gustin

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda

The meeting was called to order by City Council President Paul at 6:34 PM.

MOTION by Councilor Shannon, SECOND by Councilor Magee, to amend/adopt the agenda as follows:

- **remove from the consent agenda item 5.12 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase (per City Council President Paul);**
- **add to the agenda item 6.005 Resolution: Resolution In Support Of The Vermont House Of Representatives Adjusting Student Weights And Shortening Transition Period To Equitable Funding (Councilors Shannon, Traverse, Magee, Barlow, Carpenter, Paul) with the action to "waive the reading and adopt the resolution" (per Councilor Shannon).**

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

2. COMMUNICATION: DANIEL RICHARDSON, CITY ATTORNEY, RE: UPDATE ON BARGAINING (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.01 Communication: Daniel Richardson, City Attorney, re: Update on Bargaining (verbal)**expected executive session**
Start time: 6:30 pm.

City Attorney Richardson noted that this discussion is a continuation of the previous executive session pertaining to the collective bargaining negotiations, which have begun and are ongoing.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that the Council find that premature general public



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knowledge of information concerning the City's position and legal advice concerning such a position in regard to labor relations agreements with employees would clearly place the City at a substantial disadvantage when entering such negotiations.

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

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a labor relation agreement with employees matter, 1 VSA §313(a)(1)(B). Staff, CAO, City Attorney, outside Council.

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

The City Council entered into executive session at 6:47 PM.

The City Council exited executive session at 7:41 PM.

3.0 PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:45 PM.

COMMENTS:

Burlington residents (in person):

- Todd Lacroix expressed disappointment with the current administration and Council and the unwelcoming nature of Burlington.

Non-Burlington residents (in person):

- Eric Manley spoke about short-term rentals and inclusionary zoning. He said that though there is a housing crisis, picking on short-term rentals as scapegoats is not the answer. He said that the City could stand to lose up to \$1 million per year if it loses tourists due to lack of short-term rentals.

Forum closed at 7:54 PM.



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4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

City Council President Paul noted that this standing agenda item was added about two years ago, recognizing the climate emergency and the City's commitment to net zero energy. She asked for any climate emergency reports from Councilors or the administration.

Mayor Weinberger said that rising gas prices as a result of the war in Ukraine is causing Burlingtonians to think about electric vehicles as an attractive alternative. He said that Burlington charging stations will charge the equivalent of \$1.80 per gallon and \$0.80 per gallon during peak and off-peak charging times, respectively. He noted recent Town Hall-style meetings with two national experts on the climate emergency.

City Council President Paul noted that the Burlington Electric Department (BED) has requested to do an update on the net zero energy road map at the next City Council meeting.

5. CONSENT AGENDA

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: Zoe Kennedy, Member, Public Works Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Zoe Kennedy thanking her for her time served as a Member of the Public Works Commission.

5.04 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Contract - to 1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources as needed to a total of \$2,730,527.25 for the projected construction costs to complete the CY22 Street Reconstruction Program; and 2. To approve and recommend the City Council authorize the Director of Public Works, or his designee, to execute a construction contract and Change Order #1 with S.D. Ireland Brothers Corp. for the CY22 Street Reconstruction Program in the amount of \$2,482,297.50, with an additional \$248,229.75 in contingency funds, totaling up to \$2,730,527.25, subject to the final review and approval by the Office of the City Attorney.

5.05 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, re: Creation of three (3) new Clerk/Treasurer positions and moving one position from part-time to full-time - approve the:• Creation of the Retirement Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19, role in the Clerk/Treasurer Office; • Creation of the Grants Accountant, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 18, role in the Clerk/Treasurer Office; • Creation of the Operations Director, a Regular, Full-Time, Exempt, Non-Union, Grade 24, role in the Clerk/Treasurer Office; and • Change in status for the Accounting Assistant in the Clerk/Treasurer's Office from part-time to fulltime.

5.06 Communication: Richard Haesler, Projects & Policy Specialist, CEDO, re: FY 2021 City of Burlington Downtown TIF District Report (Revised) to the Vermont Economic Progress Council (VEPC) - waive the reading, accept the communication and place it on file.



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5.07 Communication: Phillip Peterson, EI, Public Works Transportation Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Fifth Amendment to the Agreement between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan - approve and authorize the Mayor to execute a Fifth Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially conforming with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

5.08 Communication: Phillip Peterson, EI, Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: University Place Street Reconstruction Project Construction Contracts and Project Budget - 1. To authorize the Director of Public Works to execute a construction contract and Change Order #1 with Don Weston Excavating, Inc. for the University Place Street Reconstruction Project; for a total contract amount of \$2,225,691.45, and to further authorize the Director of Public Works to utilize up to \$222,569.15 in additional contingency funds if needed, totaling \$2,448,260.60, subject to prior approval of the City Attorney's Office; 2. To authorize the Director of Public Works to execute a contract with John Turner Consulting Inc. for inspection services during construction for the University Place Street Reconstruction Project in the amount of \$107,260 and an additional \$10,726 in contingency funds (10%) if needed, totaling \$117,986, subject to the prior approval of the City Attorney's Office; and 3. To authorize the necessary amendments to the University Place Street Reconstruction Project Fiscal Year 2022 Budget by adjusting the accounts as described in the affiliated memorandum and attachments.

5.09 Communication: Burlington International Airport, Nicolas Longo, Acting Director of Aviation, re: Execution of Property Lease with Vermont Flight Academy (VFA) Located at 355 Valley Road - approve a property lease agreement at 355 Valley Road in South Burlington with Vermont Flight Academy, on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office.

5.10 Communication: Marie Friedman, Chief Financial Officer, Nic Longo, Acting Director of Aviation, re: Request for Approval of a \$253,000 Budget Neutral Amendment to the FY2022 Burlington International Airport Budget - approve a budget neutral amendment to the Fiscal Year 2022 Burlington International Airport budget in the amount of \$253,000 by increasing the accounts as described in the affiliated memorandum.

5.11 Communication: Steven A. Locke, Fire Chief, re: Records Management System Purchase - approve and authorize Chief Locke to purchase a new records management system from First Due at a first year subscription cost of \$28,000 and a subscription cost of the system for years two through five totaling \$141,803.11, as outlined in Chief Locke's memo dated, April 5, 2022, subject to the review and approval by the City Attorney's Office.

5.12 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase - **this item has been removed from the consent agenda**

5.13 Communication: Chapin Spencer, Director of Public Works, Norman J. Baldwin, P.E., City Engineer and Assistant Director of Public Works, re: Request City Council Endorsement and Support for a "Raise Grant" Application for the Redevelopment of Winooski River Bridge - authorize the City Council President to sign a Letter of Endorsement, substantially conforming with the attached draft, on behalf of the City Council in furtherance the City of Burlington, the City of Winooski, and the Vermont Agency of Transportation cooperatively submitting a "Raise Grant" application to the United State Department of Transportation for the Redevelopment of the Winooski River Bridge.

5.14 Communication: CT Office, re: City Council Standing Committees 2022-2023 - waive the reading, accept the communication and place it on file.

5.15 FIO Documents – for information only



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MOTION by Councilor Shannon, SECOND by Councilor Bergman, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.15.

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

6. DELIBERATIVE AGENDA

6.005 Resolution: Resolution In Support Of The Vermont House Of Representatives Adjusting Student Weights And Shortening Transition Period To Equitable Funding

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

DISCUSSION:

- Councilor Shannon said that the Council has addressed this issue several times in the past, beginning in 2019 when a professional study was conducted to examine the current student weights for educational funding throughout the state. She noted that the study found that Burlington is being underfunded with the current weights, and that it proposed new weights that were more equitable. She noted a task force that studied this issue during the summer, which then came back to the Council with new weights and a 5-year transition period to change the weights. She said that the resolution calls for a 3-year transition period rather than a 5-year transition period. She said that passing this resolution would send a message to Burlington's legislative representatives that it supports the approach passed by the Vermont State Senate through Senate Bill S.287.
- Kendra Sowers, a member of the Burlington School District School Board, said that districts have not been receiving their fair share of education funds for over 20 years. She said that the original weights were not mathematically-derived and have not been updated since they were originally assigned. She said that the State Senate passed S.287, which was informed by the study. She noted that the House proposal uses fixed-dollar grants rather than weights, and does not treat costs differently across the state. She said that the Burlington School Board supports the passage of S.287.
- Mayor Weinberger said that he has urged the legislature to take action to fix the weights to be consistent with the weight study, and that he is very supportive of this resolution.

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

6.01 Communication: Corey Mims, P.E., Senior Public Works Engineer, Norman Baldwin, P.E., Assistant Director/City Engineer, re: Champlain Parkway Project - Update and Schedule

Director Spencer provided a brief overview of the project. He noted that they have advanced the parkway project as part of a larger South End Construction Coordination Plan. He said that this has involved state and federal partners. He outlined the Construction Coordination Plan, noting two construction phases for the Champlain Parkway, the first from Home Avenue to Kilburn Street, which would occur in the next 2-3 years, and then a second construction phase to begin in 2025.



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He said that the I-189 interstate connection would be completed in 2027. He said that by using two construction contracts, the City has control of the plan. Director Spencer outlined the features of the Phase 1 construction project. He also noted that the federal and state funding come with expectations about completion, and that expenses would need to be repaid.

Senior Engineer Baldwin spoke about the procurement process for construction contract bids. He said that they outreached to as many contractors in the area as possible to make them aware of this bid. He noted 3 suppliers and 4 contractors that attended a mandatory bidders' conference. He noted that bid estimates were significantly higher than the engineer's estimate of the cost of the project (by around \$14 million). He said that this increase would have ramifications on the local match funding from the City. He said that the increase in the pricing factors in bids were driven by a surge in energy costs, supply chain issues, and competing interest with other projects. He said that due to the longer timeline for this project, bidders could be covering their risk by bidding higher than originally anticipated. He spoke briefly about the near-term timeline for the project, noting that they will be seeking authorization to award the construction contract at the Council's April 25th meeting.

Councilor Bergman expressed concern about the project's impact on the Maple Street neighborhood. Director Spencer replied that the public feedback during the City's environmental justice review led the City to figure out how to coordinate this project with other projects in the South End. He said that Phase 1 rebalances existing traffic, rather than bringing in additional traffic to the City. He said that they do not anticipate a significant increase in traffic in Phase 1. He said that once other projects in the South End are also completed, there should not be negative impacts to the King/Maple Street neighborhood.

Councilor Hanson expressed concerns about the projected costs of the project. He asked whether this bid could be reopened and rebid. Director Spencer said that there are likely not contractors that would bid on a second round of bidding that hadn't bid on the first. He noted that Burlington is complex for construction projects and that it has rigorous procurement requirements.

Councilor Hightower asked how the pricing is structured and whether there is the standard 10% contingency. Senior Engineer Baldwin replied that the pricing is based on different units depending on the construction elements. He said that contractors are obligated to hold the unit price for each of these elements for the duration of the project. He said that the contingency funding would be held by the City and funders and would only be used if necessary, and confirmed that it is 10% of the value of the contract.

Councilor Shannon also expressed concern about how this project would affect the King/Maple neighborhood. She asked about the feasibility and timing of installing traffic lights at those intersections, recognizing that King and Maple are not part of this first phase. Senior Engineer Baldwin replied that technical staff believes that it would benefit the neighborhood to have those traffic lights installed, but they will not do so in Phase 1, as the intersection is not in the Phase 1 project area.

Councilor Barlow asked about the overages and where the funding would come from. Senior Engineer Baldwin replied that the local match would come from the street capital and capital funds, and Director Spencer said that they anticipate having



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a concrete funding proposal to bring forward to the Council on April 25th.

Councilor Traverse commended the efforts to engage with various stakeholders and advocates for environmental justice and equity. He said that there are a number of traffic safety concerns with the current state of the South End, and expressed support for moving ahead with the project. He asked about whether Bridge Street is included in plans, given its current poor state. He also asked about the public parcel that contains Barge Canal and whether any work on that parcel can be done prior to completion of the Champlain Parkway project. Director Spencer replied that Bridge Street is part of Phase 1 of the construction plan. He also said that the best thing that can be done to free up stuck parcels in the South End is to complete the Champlain Parkway project.

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

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

6.02 Ordinance: Comprehensive Development Ordinance - Short Term Rentals ZA #22-08 (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

DISCUSSION:

- Councilor Carpenter said that much of this resolution is similar to prior resolutions on short-term rentals. She said that the amendment that was introduced at the last discussion of this topic would narrow short-term rentals to owner-occupied buildings and allow owners to short-term rent units on their property, and also that this draft ordinance includes a proposal to allow a non-owner occupant in a 1-to-4 unit building offer a unit for inclusionary zoning in return for a short-term rental. She said that this is not as broad as what was presented at the Planning Commission.
- Director Tuttle outlined how this is different than the current ordinance is in place. She said that short-term rentals have been regulated since 2016 as either bed and breakfasts or a more traditional hotel/motel use, that there are a number of permits that have been issued under the status quo system, and that there are a number of permits pending under the status quo. She said that this proposal differs in that currently, short-term rentals must be owner-occupied, and there is a limit to the number of bedrooms that can be used as short-term rentals. However, there is no limit in mixed-use districts of the City. She said that the City is seeing examples of more than one unit in a building being permitted as short-term rentals. She said that this proposal would limit each property to one unit for short-term rentals.
- Councilor Hightower said that the bed and breakfast enforcement isn't a good option for Burlington and strongly discouraged its use. She said that it doesn't give City Council the flexibility to amend it, whereas the



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proposal would give that flexibility.

- Councilor Shannon said that this change would mean that this is not appealable and that neighbors are not notified, as the previous bed and breakfast process would go through a conditional use approval. Division Manager Gustin replied that bed and breakfasts are conditional use in residential areas, but are permitted in mixed-use areas. Councilor Shannon said that she is concerned that while this proposal closes some loopholes, it opens others, and there will not be a net gain in housing availability. Director Tuttle noted that the flexibility that placing the ordinance in Chapter 18 would allow for an annual review of policy and that they would be able to make changes in future, should that be necessary.
- Councilor Carpenter said that a registration fee would be more feasible than a tax, which would require a charter change.
- Councilor Bergman expressed concern about the housing crisis in Burlington and said that he could not support the expansion of this ordinance into the non-owner-occupied units.
- Councilor Hanson said that the predominant intention of this ordinance when it was put forth at the 2019 Housing Summit was to limit the conversion of housing to short-term rentals, and that this ordinance as written does the opposite of that.
- Councilor House shared other Councilors' concerns about the availability of current housing stock.
- Councilor Traverse pointed out that this resolution would refer the ordinance to the Ordinance Committee, and that it could be further honed and refined through that process. He also said that the status quo is not working, so the Council clearly must continue to work on this issue.
- Councilor Hightower said that she does not support regulating short-term rentals using the status quo mechanisms.
- Councilor Hanson said that the status quo and the current proposal are not the only two options available, and that other proposals could be worked on that could do more to address the problem.
- Councilor Freeman said that they would support a less permissive version of this resolution.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor House – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (7 ayes, 4 nays, 1 absent [Councilor Dieng]); motion carries.

6.03 Ordinance: Chapter 18. Housing -- Short Term Rentals (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

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

6.04 Resolution: Retaining Fare Free Public Transportation And Avoiding Service Reductions (Councilors Hanson, Carpenter, Magee, Paul, Traverse, Barlow)





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

DISCUSSION:

- Councilor Hanson said that GMT is proposing to cut service and make fares no longer free, and that this decision was approved by their Board. He said that GMT has indicated their desire to avoid this, and that it is now being considered by the Vermont Senate. He said that this is both a climate emergency issue and a social justice/equity issue.
- Councilor Shannon spoke about a study conducted at the request of the legislature, noting the finding that fare free transit increases ridership, but it does not decrease the use of personal vehicles.
- Councilor Freeman said that this would shift transportation to be more of a public good and a utility.
- Councilor Hightower said that one way to support low-income populations with decarbonization is through fare free transportation, since most decarbonization is occurring in the upper classes (electric vehicles, solar panels on houses).
- Councilor Bergman noted the engagement between City Councilors and GMT about this issue, and advocated for continuing to build relationships with GMT and the State legislature.

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

6.05 Communication: City Attorney's Office, Thomas Musinski, Legal Administrative Assistant, re: Annual Report on Livable Wage Ordinance - FY22

City Attorney Richardson said that the City's Attorney's Office has taken over the Livable Wage Accountability Review. He said that the report covers the activities that have been conducted over the past year, noting that his office has received no complaints and has performed seven compliance checks and found no violations. He said that the designated accountability monitors visit work sites and perform spot checks and provide education on the livable wage requirements.

Councilor Hightower said that there are issues outlined by the Vermont Workers' Center in past reports, and it would be important to try and address those. City Attorney Richardson said that they will work to examine those issues and include findings in the report.

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

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

7. COMMITTEE REPORTS



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7.01 Verbal Reports

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will keep its same schedule, which is the fourth Tuesday of every month. He said that they plan to meet on the 26th at 5:00 PM. He said that they will focus on the topic of public transit.

Councilor Carpenter said that several Councilors discussed whether it would be helpful to have regular committee reports, and suggested that committee chairs draft a short paragraph to inform each other of their activities.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Hightower said that it would be helpful if committee chairs can upload committee reports to BoardDocs for each City Council meeting.

Councilor Barlow noted that there is a public forum on conceptual designs for the Burlington High School project tomorrow evening at the Downtown BHS location and over Zoom.

Councilor Dieng suggested that Councilors review the committee meeting minutes. He also noted that this is the month of Ramadan and wished those who are observing this holiday a happy Ramadan.

Councilor Traverse echoed Superintendent Flanagan's stance of solidarity with educators who are teaching vital programs at Burlington's schools, in light of attacks on educators around programming related to gender equity and inclusivity.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul suggested holding a Councilor retreat to discuss Council process, issues, etc. She also noted that there will be a work session on redistricting at the next City Council meeting.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger expressed support for the LGBTQIA+ community. He also noted the passing of Bill Truex, Jr. who founded Truex Collins, and was a visionary and advocate and champion for the creation of the Church Street Marketplace.



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11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:18 PM.

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REMOTE MEETING WITH CALL-IN

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2. COMMUNICATION: DANIEL RICHARDSON, CITY ATTORNEY, RE: UPDATE ON BARGAINING (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.01 Communication: Daniel Richardson, City Attorney, re: Update on Bargaining (verbal)**expected executive session**
Start time: 6:30 pm.

City Attorney Richardson noted that this discussion is a continuation of the previous executive session pertaining to the collective bargaining negotiations, which have begun and are ongoing.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that the Council find that premature general public knowledge of information concerning the City's position and legal advice concerning such a position in regard to labor relations agreements with employees would clearly place the City at a substantial disadvantage when entering such negotiations.

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

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a labor relation agreement with employees matter, 1 VSA §313(a)(1)(B). Staff, CAO, City Attorney, outside Council.

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3.01 Verbal Comments

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COMMENTS:

Burlington residents (in person):



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Non-Burlington residents (in person):

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5.03 Communication: Zoe Kennedy, Member, Public Works Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Zoe Kennedy thanking her for her time served as a Member of the Public Works Commission.

5.04 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Contract - to 1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources as needed to a total of \$2,730,527.25 for the projected construction costs to complete the CY22



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Street Reconstruction Program; and 2. To approve and recommend the City Council authorize the Director of Public Works, or his designee, to execute a construction contract and Change Order #1 with S.D. Ireland Brothers Corp. for the CY22 Street Reconstruction Program in the amount of \$2,482,297.50, with an additional \$248,229.75 in contingency funds, totaling up to \$2,730,527.25, subject to the final review and approval by the Office of the City Attorney.

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5.06 Communication: Richard Haesler, Projects & Policy Specialist, CEDO, re: FY 2021 City of Burlington Downtown TIF District Report (Revised) to the Vermont Economic Progress Council (VEPC) - waive the reading, accept the communication and place it on file.

5.07 Communication: Phillip Peterson, EI, Public Works Transportation Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Fifth Amendment to the Agreement between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan - approve and authorize the Mayor to execute a Fifth Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially conforming with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

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5.10 Communication: Marie Friedman, Chief Financial Officer, Nic Longo, Acting Director of Aviation, re: Request for Approval of a \$253,000 Budget Neutral Amendment to the FY2022 Burlington International Airport Budget - approve a budget neutral amendment to the Fiscal Year 2022 Burlington International Airport budget in the amount of \$253,000 by increasing the accounts as described in the affiliated memorandum.

5.11 Communication: Steven A. Locke, Fire Chief, re: Records Management System Purchase - approve and authorize Chief Locke to purchase a new records management system from First Due at a first year subscription cost of \$28,000 and a subscription cost of the system for years two through five totaling \$141,803.11, as outlined in Chief Locke's memo dated, April 5, 2022, subject to the review and approval by the City Attorney's Office.



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5.12 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase - **this item has been removed from the consent agenda**

5.13 Communication: Chapin Spencer, Director of Public Works, Norman J. Baldwin, P.E., City Engineer and Assistant Director of Public Works, re: Request City Council Endorsement and Support for a "Raise Grant" Application for the Redevelopment of Winooski River Bridge - authorize the City Council President to sign a Letter of Endorsement, substantially conforming with the attached draft, on behalf of the City Council in furtherance the City of Burlington, the City of Winooski, and the Vermont Agency of Transportation cooperatively submitting a "Raise Grant" application to the United State Department of Transportation for the Redevelopment of the Winooski River Bridge.

5.14 Communication: CT Office, re: City Council Standing Committees 2022-2023 - waive the reading, accept the communication and place it on file.

5.15 FIO Documents – for information only

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.15.

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

6. DELIBERATIVE AGENDA

6.005 Resolution: Resolution In Support Of The Vermont House Of Representatives Adjusting Student Weights And Shortening Transition Period To Equitable Funding

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

DISCUSSION:

- Councilor Shannon said that the Council has addressed this issue several times in the past, beginning in 2019 when a professional study was conducted to examine the current student weights for educational funding throughout the state. She noted that the study found that Burlington is being underfunded with the current weights, and that it proposed new weights that were more equitable. She noted a task force that studied this issue during the summer, which then came back to the Council with new weights and a 5-year transition period to change the weights. She said that the resolution calls for a 3-year transition period rather than a 5-year transition period. She said that passing this resolution would send a message to Burlington's legislative representatives that it supports the approach passed by the Vermont State Senate through Senate Bill S.287.
- Kendra Sowers, a member of the Burlington School District School Board, said that districts have not been receiving their fair share of education funds for over 20 years. She said that the original weights were not mathematically-derived and have not been updated since they were originally assigned. She said that the State Senate passed S.287, which was informed by the study. She noted that the House proposal uses fixed-dollar grants rather than weights, and does not treat costs differently across the state. She said that the Burlington School Board supports the passage of S.287.



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- **Mayor Weinberger said that he has urged the legislature to take action to fix the weights to be consistent with the weight study, and that he is very supportive of this resolution.**

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

6.01 Communication: Corey Mims, P.E., Senior Public Works Engineer, Norman Baldwin, P.E., Assistant Director/City Engineer, re: Champlain Parkway Project - Update and Schedule

Director Spencer provided a brief overview of the project. He noted that they have advanced the parkway project as part of a larger South End Construction Coordination Plan. He said that this has involved state and federal partners. He outlined the Construction Coordination Plan, noting two construction phases for the Champlain Parkway, the first from Home Avenue to Kilburn Street, which would occur in the next 2-3 years, and then a second construction phase to begin in 2025. He said that the I-189 interstate connection would be completed in 2027. He said that by using two construction contracts, the City has control of the plan. Director Spencer outlined the features of the Phase 1 construction project. He also noted that the federal and state funding come with expectations about completion, and that expenses would need to be repaid.

Senior Engineer Baldwin spoke about the procurement process for construction contract bids. He said that they outreached to as many contractors in the area as possible to make them aware of this bid. He noted 3 suppliers and 4 contractors that attended a mandatory bidders' conference. He noted that bid estimates were significantly higher than the engineer's estimate of the cost of the project (by around \$14 million). He said that this increase would have ramifications on the local match funding from the City. He said that the increase in the pricing factors in bids were driven by a surge in energy costs, supply chain issues, and competing interest with other projects. He said that due to the longer timeline for this project, bidders could be covering their risk by bidding higher than originally anticipated. He spoke briefly about the near-term timeline for the project, noting that they will be seeking authorization to award the construction contract at the Council's April 25th meeting.

Councilor Bergman expressed concern about the project's impact on the Maple Street neighborhood. Director Spencer replied that the public feedback during the City's environmental justice review led the City to figure out how to coordinate this project with other projects in the South End. He said that Phase 1 rebalances existing traffic, rather than bringing in additional traffic to the City. He said that they do not anticipate a significant increase in traffic in Phase 1. He said that once other projects in the South End are also completed, there should not be negative impacts to the King/Maple Street neighborhood.

Councilor Hanson expressed concerns about the projected costs of the project. He asked whether this bid could be reopened and rebid. Director Spencer said that there are likely not contractors that would bid on a second round of bidding that hadn't bid on the first. He noted that Burlington is complex for construction projects and that it has rigorous procurement requirements.

Councilor Hightower asked how the pricing is structured and whether there is the standard 10% contingency. Senior



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Engineer Baldwin replied that the pricing is based on different units depending on the construction elements. He said that contractors are obligated to hold the unit price for each of these elements for the duration of the project. He said that the contingency funding would be held by the City and funders and would only be used if necessary, and confirmed that it is 10% of the value of the contract.

Councilor Shannon also expressed concern about how this project would affect the King/Maple neighborhood. She asked about the feasibility and timing of installing traffic lights at those intersections, recognizing that King and Maple are not part of this first phase. Senior Engineer Baldwin replied that technical staff believes that it would benefit the neighborhood to have those traffic lights installed, but they will not do so in Phase 1, as the intersection is not in the Phase 1 project area.

Councilor Barlow asked about the overages and where the funding would come from. Senior Engineer Baldwin replied that the local match would come from the street capital and capital funds, and Director Spencer said that they anticipate having a concrete funding proposal to bring forward to the Council on April 25th.

Councilor Traverse commended the efforts to engage with various stakeholders and advocates for environmental justice and equity. He said that there are a number of traffic safety concerns with the current state of the South End, and expressed support for moving ahead with the project. He asked about whether Bridge Street is included in plans, given its current poor state. He also asked about the public parcel that contains Barge Canal and whether any work on that parcel can be done prior to completion of the Champlain Parkway project. Director Spencer replied that Bridge Street is part of Phase 1 of the construction plan. He also said that the best thing that can be done to free up stuck parcels in the South End is to complete the Champlain Parkway project.

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

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

6.02 Ordinance: Comprehensive Development Ordinance - Short Term Rentals ZA #22-08 (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

DISCUSSION:

- **Councilor Carpenter said that much of this resolution is similar to prior resolutions on short-term rentals. She**



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said that the amendment that was introduced at the last discussion of this topic would narrow short-term rentals to owner-occupied buildings and allow owners to short-term rent units on their property, and also that this draft ordinance includes a proposal to allow a non-owner occupant in a 1-to-4 unit building offer a unit for inclusionary zoning in return for a short-term rental. She said that this is not as broad as what was presented at the Planning Commission.

- Director Tuttle outlined how this is different than the current ordinance is in place. She said that short-term rentals have been regulated since 2016 as either bed and breakfasts or a more traditional hotel/motel use, that there are a number of permits that have been issued under the status quo system, and that there are a number of permits pending under the status quo. She said that this proposal differs in that currently, short-term rentals must be owner-occupied, and there is a limit to the number of bedrooms that can be used as short-term rentals. However, there is no limit in mixed-use districts of the City. She said that the City is seeing examples of more than one unit in a building being permitted as short-term rentals. She said that this proposal would limit each property to one unit for short-term rentals.
- Councilor Hightower said that the bed and breakfast enforcement isn't a good option for Burlington and strongly discouraged its use. She said that it doesn't give City Council the flexibility to amend it, whereas the proposal would give that flexibility.
- Councilor Shannon said that this change would mean that this is not appealable and that neighbors are not notified, as the previous bed and breakfast process would go through a conditional use approval. Division Manager Gustin replied that bed and breakfasts are conditional use in residential areas, but are permitted in mixed-use areas. Councilor Shannon said that she is concerned that while this proposal closes some loopholes, it opens others, and there will not be a net gain in housing availability. Director Tuttle noted that the flexibility that placing the ordinance in Chapter 18 would allow for an annual review of policy and that they would be able to make changes in future, should that be necessary.
- Councilor Carpenter said that a registration fee would be more feasible than a tax, which would require a charter change.
- Councilor Bergman expressed concern about the housing crisis in Burlington and said that he could not support the expansion of this ordinance into the non-owner-occupied units.
- Councilor Hanson said that the predominant intention of this ordinance when it was put forth at the 2019 Housing Summit was to limit the conversion of housing to short-term rentals, and that this ordinance as written does the opposite of that.
- Councilor House shared other Councilors' concerns about the availability of current housing stock.
- Councilor Traverse pointed out that this resolution would refer the ordinance to the Ordinance Committee, and that it could be further honed and refined through that process. He also said that the status quo is not working, so the Council clearly must continue to work on this issue.
- Councilor Hightower said that she does not support regulating short-term rentals using the status quo mechanisms.
- Councilor Hanson said that the status quo and the current proposal are not the only two options available, and that other proposals could be worked on that could do more to address the problem.
- Councilor Freeman said that they would support a less permissive version of this resolution.

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor House – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (7 ayes, 4 nays, 1 absent [Councilor Dieng]); motion carries.



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6.03 Ordinance: Chapter 18. Housing -- Short Term Rentals (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

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

6.04 Resolution: Retaining Fare Free Public Transportation And Avoiding Service Reductions (Councilors Hanson, Carpenter, Magee, Paul, Traverse, Barlow)

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

DISCUSSION:

- Councilor Hanson said that GMT is proposing to cut service and make fares no longer free, and that this decision was approved by their Board. He said that GMT has indicated their desire to avoid this, and that it is now being considered by the Vermont Senate. He said that this is both a climate emergency issue and a social justice/equity issue.
- Councilor Shannon spoke about a study conducted at the request of the legislature, noting the finding that fare free transit increases ridership, but it does not decrease the use of personal vehicles.
- Councilor Freeman said that this would shift transportation to be more of a public good and a utility.
- Councilor Hightower said that one way to support low-income populations with decarbonization is through fare free transportation, since most decarbonization is occurring in the upper classes (electric vehicles, solar panels on houses).
- Councilor Bergman noted the engagement between City Councilors and GMT about this issue, and advocated for continuing to build relationships with GMT and the State legislature.

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

6.05 Communication: City Attorney's Office, Thomas Musinski, Legal Administrative Assistant, re: Annual Report on Livable Wage Ordinance - FY22

City Attorney Richardson said that the City's Attorney's Office has taken over the Livable Wage Accountability Review. He said that the report covers the activities that have been conducted over the past year, noting that his office has received no complaints and has performed seven compliance checks and found no violations. He said that the designated accountability monitors visit work sites and perform spot checks and provide education on the livable wage requirements.

Councilor Hightower said that there are issues outlined by the Vermont Workers' Center in past reports, and it would be



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important to try and address those. City Attorney Richardson said that they will work to examine those issues and include findings in the report.

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

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

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will keep its same schedule, which is the fourth Tuesday of every month. He said that they plan to meet on the 26th at 5:00 PM. He said that they will focus on the topic of public transit.

Councilor Carpenter said that several Councilors discussed whether it would be helpful to have regular committee reports, and suggested that committee chairs draft a short paragraph to inform each other of their activities.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Hightower said that it would be helpful if committee chairs can upload committee reports to BoardDocs for each City Council meeting.

Councilor Barlow noted that there is a public forum on conceptual designs for the Burlington High School project tomorrow evening at the Downtown BHS location and over Zoom.

Councilor Dieng suggested that Councilors review the committee meeting minutes. He also noted that this is the month of Ramadan and wished those who are observing this holiday a happy Ramadan.

Councilor Traverse echoed Superintendent Flanagan's stance of solidarity with educators who are teaching vital programs at Burlington's schools, in light of attacks on educators around programming related to gender equity and inclusivity.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES



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9.01 Verbal Reports

City Council President Paul suggested holding a Councilor retreat to discuss Council process, issues, etc. She also noted that there will be a work session on redistricting at the next City Council meeting.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger expressed support for the LGBTQIA+ community. He also noted the passing of Bill Truex, Jr. who founded Truex Collins, and was a visionary and advocate and champion for the creation of the Church Street Marketplace.

11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:18 PM.

RScty: AACoonrad

BURLINGTON CITY COUNCIL

CITY HALL, CONTOIS AUDITORIUM/BUSHOR CONFERENCE ROOM *OR*

REMOTE MEETING WITH CALL-IN

BURLINGTON, VERMONT

MINUTES OF MEETING

April 11, 2022

DRAFT

MEMBERS PRESENT: Karen Paul

Joan Shannon



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Jack Hanson

Perri Freeman

Ali Dieng

Sarah E Carpenter

Zoraya Hightower

Mark Barlow

Joe Magee

Gene Bergman

Ali House

Ben Traverse

OTHERS PRESENT:

Miro Weinberger

Katherine Schad

Dan Richardson

Jordan Redell

Lori Olberg

Sarah Montgomery

Corey Mims

Chapin Spencer

Meagan Tuttle

Norman Baldwin

Kendra Sowers

Scott Gustin

1. CALL TO ORDER and AGENDA

1.01 Motion to amend/adopt agenda



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The meeting was called to order by City Council President Paul at 6:34 PM.

MOTION by Councilor Shannon, SECOND by Councilor Magee, to amend/adopt the agenda as follows:

- **remove from the consent agenda item 5.12 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase (per City Council President Paul);**
- **add to the agenda item 6.005 Resolution: Resolution In Support Of The Vermont House Of Representatives Adjusting Student Weights And Shortening Transition Period To Equitable Funding (Councilors Shannon, Traverse, Magee, Barlow, Carpenter, Paul) with the action to "waive the reading and adopt the resolution" (per Councilor Shannon).**

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

2. COMMUNICATION: DANIEL RICHARDSON, CITY ATTORNEY, RE: UPDATE ON BARGAINING (VERBAL)

****EXPECTED EXECUTIVE SESSION****

2.01 Communication: Daniel Richardson, City Attorney, re: Update on Bargaining (verbal)**expected executive session**
Start time: 6:30 pm.

City Attorney Richardson noted that this discussion is a continuation of the previous executive session pertaining to the collective bargaining negotiations, which have begun and are ongoing.

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that the Council find that premature general public knowledge of information concerning the City's position and legal advice concerning such a position in regard to labor relations agreements with employees would clearly place the City at a substantial disadvantage when entering such negotiations.

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

MOTION by Councilor Traverse, SECOND by Councilor Shannon, that based upon that finding, the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a labor relation agreement with employees matter, 1 VSA §313(a)(1)(B). Staff, CAO, City Attorney, outside Council.

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

The City Council entered into executive session at 6:47 PM.



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The City Council exited executive session at 7:41 PM.

3.0 PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:45 PM.

COMMENTS:

Burlington residents (in person):

- Todd Lacroix expressed disappointment with the current administration and Council and the unwelcoming nature of Burlington.

Non-Burlington residents (in person):

- Eric Manley spoke about short-term rentals and inclusionary zoning. He said that though there is a housing crisis, picking on short-term rentals as scapegoats is not the answer. He said that the City could stand to lose up to \$1 million per year if it loses tourists due to lack of short-term rentals.

Forum closed at 7:54 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

City Council President Paul noted that this standing agenda item was added about two years ago, recognizing the climate emergency and the City's commitment to net zero energy. She asked for any climate emergency reports from Councilors or the administration.

Mayor Weinberger said that rising gas prices as a result of the war in Ukraine is causing Burlingtonians to think about electric vehicles as an attractive alternative. He said that Burlington charging stations will charge the equivalent of \$1.80 per gallon and \$0.80 per gallon during peak and off-peak charging times, respectively. He noted recent Town Hall-style meetings with two national experts on the climate emergency.

City Council President Paul noted that the Burlington Electric Department (BED) has requested to do an update on the net zero energy road map at the next City Council meeting.



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5. CONSENT AGENDA

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: Zoe Kennedy, Member, Public Works Commission, re: Resignation - waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Zoe Kennedy thanking her for her time served as a Member of the Public Works Commission.

5.04 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Contract - to 1. To approve and recommend that the City Council authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds from the above-referenced funding sources as needed to a total of \$2,730,527.25 for the projected construction costs to complete the CY22 Street Reconstruction Program; and 2. To approve and recommend the City Council authorize the Director of Public Works, or his designee, to execute a construction contract and Change Order #1 with S.D. Ireland Brothers Corp. for the CY22 Street Reconstruction Program in the amount of \$2,482,297.50, with an additional \$248,229.75 in contingency funds, totaling up to \$2,730,527.25, subject to the final review and approval by the Office of the City Attorney.

5.05 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, re: Creation of three (3) new Clerk/Treasurer positions and moving one position from part-time to full-time - approve the:• Creation of the Retirement Administrator, a Regular, Full-Time, Exempt, Non-Union, Grade 19, role in the Clerk/Treasurer Office; • Creation of the Grants Accountant, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 18, role in the Clerk/Treasurer Office; • Creation of the Operations Director, a Regular, Full-Time, Exempt, Non-Union, Grade 24, role in the Clerk/Treasurer Office; and • Change in status for the Accounting Assistant in the Clerk/Treasurer's Office from part-time to fulltime.

5.06 Communication: Richard Haesler, Projects & Policy Specialist, CEDO, re: FY 2021 City of Burlington Downtown TIF District Report (Revised) to the Vermont Economic Progress Council (VEPC) - waive the reading, accept the communication and place it on file.

5.07 Communication: Phillip Peterson, EI, Public Works Transportation Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Fifth Amendment to the Agreement between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan - approve and authorize the Mayor to execute a Fifth Amendment to the 'Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan,' substantially conforming with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

5.08 Communication: Phillip Peterson, EI, Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: University Place Street Reconstruction Project Construction Contracts and Project Budget - 1. To authorize the Director of Public Works to execute a construction contract and Change Order #1 with Don Weston Excavating, Inc. for the University Place Street Reconstruction Project; for a total contract amount of \$2,225,691.45, and to further authorize the Director of Public Works to utilize up to \$222,569.15 in additional contingency funds if needed, totaling \$2,448,260.60, subject to prior approval of the City Attorney's Office; 2. To authorize the Director of Public Works to execute a contract with John Turner Consulting Inc. for inspection services during construction for the University Place Street Reconstruction Project in the amount of \$107,260 and an additional \$10,726 in contingency funds (10%) if needed, totaling \$117,986, subject to the prior approval of the City Attorney's Office; and 3. To authorize the necessary amendments to the University Place Street Reconstruction Project Fiscal Year 2022 Budget by adjusting the accounts as described in the affiliated memorandum and attachments.

5.09 Communication: Burlington International Airport, Nicolas Longo, Acting Director of Aviation, re: Execution of Property



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Lease with Vermont Flight Academy (VFA) Located at 355 Valley Road - approve a property lease agreement at 355 Valley Road in South Burlington with Vermont Flight Academy, on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office.

5.10 Communication: Marie Friedman, Chief Financial Officer, Nic Longo, Acting Director of Aviation, re: Request for Approval of a \$253,000 Budget Neutral Amendment to the FY2022 Burlington International Airport Budget - approve a budget neutral amendment to the Fiscal Year 2022 Burlington International Airport budget in the amount of \$253,000 by increasing the accounts as described in the affiliated memorandum.

5.11 Communication: Steven A. Locke, Fire Chief, re: Records Management System Purchase - approve and authorize Chief Locke to purchase a new records management system from First Due at a first year subscription cost of \$28,000 and a subscription cost of the system for years two through five totaling \$141,803.11, as outlined in Chief Locke's memo dated, April 5, 2022, subject to the review and approval by the City Attorney's Office.

5.12 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase - **this item has been removed from the consent agenda**

5.13 Communication: Chapin Spencer, Director of Public Works, Norman J. Baldwin, P.E., City Engineer and Assistant Director of Public Works, re: Request City Council Endorsement and Support for a "Raise Grant" Application for the Redevelopment of Winooski River Bridge - authorize the City Council President to sign a Letter of Endorsement, substantially conforming with the attached draft, on behalf of the City Council in furtherance the City of Burlington, the City of Winooski, and the Vermont Agency of Transportation cooperatively submitting a "Raise Grant" application to the United State Department of Transportation for the Redevelopment of the Winooski River Bridge.

5.14 Communication: CT Office, re: City Council Standing Committees 2022-2023 - waive the reading, accept the communication and place it on file.

5.15 FIO Documents – for information only

MOTION by Councilor Shannon, SECOND by Councilor Bergman, to amend/adopt the consent agenda and take the actions as indicated for items 5.01-5.15.

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

6. DELIBERATIVE AGENDA

6.005 Resolution: Resolution In Support Of The Vermont House Of Representatives Adjusting Student Weights And Shortening Transition Period To Equitable Funding

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

DISCUSSION:



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- **Councilor Shannon said that the Council has addressed this issue several times in the past, beginning in 2019 when a professional study was conducted to examine the current student weights for educational funding throughout the state. She noted that the study found that Burlington is being underfunded with the current weights, and that it proposed new weights that were more equitable. She noted a task force that studied this issue during the summer, which then came back to the Council with new weights and a 5-year transition period to change the weights. She said that the resolution calls for a 3-year transition period rather than a 5-year transition period. She said that passing this resolution would send a message to Burlington's legislative representatives that it supports the approach passed by the Vermont State Senate through Senate Bill S.287.**
- **Kendra Sowers, a member of the Burlington School District School Board, said that districts have not been receiving their fair share of education funds for over 20 years. She said that the original weights were not mathematically-derived and have not been updated since they were originally assigned. She said that the State Senate passed S.287, which was informed by the study. She noted that the House proposal uses fixed-dollar grants rather than weights, and does not treat costs differently across the state. She said that the Burlington School Board supports the passage of S.287.**
- **Mayor Weinberger said that he has urged the legislature to take action to fix the weights to be consistent with the weight study, and that he is very supportive of this resolution.**

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

6.01 Communication: Corey Mims, P.E., Senior Public Works Engineer, Norman Baldwin, P.E., Assistant Director/City Engineer, re: Champlain Parkway Project - Update and Schedule

Director Spencer provided a brief overview of the project. He noted that they have advanced the parkway project as part of a larger South End Construction Coordination Plan. He said that this has involved state and federal partners. He outlined the Construction Coordination Plan, noting two construction phases for the Champlain Parkway, the first from Home Avenue to Kilburn Street, which would occur in the next 2-3 years, and then a second construction phase to begin in 2025. He said that the I-189 interstate connection would be completed in 2027. He said that by using two construction contracts, the City has control of the plan. Director Spencer outlined the features of the Phase 1 construction project. He also noted that the federal and state funding come with expectations about completion, and that expenses would need to be repaid.

Senior Engineer Baldwin spoke about the procurement process for construction contract bids. He said that they outreached to as many contractors in the area as possible to make them aware of this bid. He noted 3 suppliers and 4 contractors that attended a mandatory bidders' conference. He noted that bid estimates were significantly higher than the engineer's estimate of the cost of the project (by around \$14 million). He said that this increase would have ramifications on the local match funding from the City. He said that the increase in the pricing factors in bids were driven by a surge in energy costs, supply chain issues, and competing interest with other projects. He said that due to the longer timeline for this project, bidders could be covering their risk by bidding higher than originally anticipated. He spoke briefly about the near-term timeline for the project, noting that they will be seeking authorization to award the construction contract at the Council's April 25th meeting.

Councilor Bergman expressed concern about the project's impact on the Maple Street neighborhood. Director Spencer replied that the public feedback during the City's environmental justice review led the City to figure out how to coordinate



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this project with other projects in the South End. He said that Phase 1 rebalances existing traffic, rather than bringing in additional traffic to the City. He said that they do not anticipate a significant increase in traffic in Phase 1. He said that once other projects in the South End are also completed, there should not be negative impacts to the King/Maple Street neighborhood.

Councilor Hanson expressed concerns about the projected costs of the project. He asked whether this bid could be reopened and rebid. Director Spencer said that there are likely not contractors that would bid on a second round of bidding that hadn't bid on the first. He noted that Burlington is complex for construction projects and that it has rigorous procurement requirements.

Councilor Hightower asked how the pricing is structured and whether there is the standard 10% contingency. Senior Engineer Baldwin replied that the pricing is based on different units depending on the construction elements. He said that contractors are obligated to hold the unit price for each of these elements for the duration of the project. He said that the contingency funding would be held by the City and funders and would only be used if necessary, and confirmed that it is 10% of the value of the contract.

Councilor Shannon also expressed concern about how this project would affect the King/Maple neighborhood. She asked about the feasibility and timing of installing traffic lights at those intersections, recognizing that King and Maple are not part of this first phase. Senior Engineer Baldwin replied that technical staff believes that it would benefit the neighborhood to have those traffic lights installed, but they will not do so in Phase 1, as the intersection is not in the Phase 1 project area.

Councilor Barlow asked about the overages and where the funding would come from. Senior Engineer Baldwin replied that the local match would come from the street capital and capital funds, and Director Spencer said that they anticipate having a concrete funding proposal to bring forward to the Council on April 25th.

Councilor Traverse commended the efforts to engage with various stakeholders and advocates for environmental justice and equity. He said that there are a number of traffic safety concerns with the current state of the South End, and expressed support for moving ahead with the project. He asked about whether Bridge Street is included in plans, given its current poor state. He also asked about the public parcel that contains Barge Canal and whether any work on that parcel can be done prior to completion of the Champlain Parkway project. Director Spencer replied that Bridge Street is part of Phase 1 of the construction plan. He also said that the best thing that can be done to free up stuck parcels in the South End is to complete the Champlain Parkway project.

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

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





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6.02 Ordinance: Comprehensive Development Ordinance - Short Term Rentals ZA #22-08 (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Traverse, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

DISCUSSION:

- Councilor Carpenter said that much of this resolution is similar to prior resolutions on short-term rentals. She said that the amendment that was introduced at the last discussion of this topic would narrow short-term rentals to owner-occupied buildings and allow owners to short-term rent units on their property, and also that this draft ordinance includes a proposal to allow a non-owner occupant in a 1-to-4 unit building offer a unit for inclusionary zoning in return for a short-term rental. She said that this is not as broad as what was presented at the Planning Commission.
- Director Tuttle outlined how this is different than the current ordinance is in place. She said that short-term rentals have been regulated since 2016 as either bed and breakfasts or a more traditional hotel/motel use, that there are a number of permits that have been issued under the status quo system, and that there are a number of permits pending under the status quo. She said that this proposal differs in that currently, short-term rentals must be owner-occupied, and there is a limit to the number of bedrooms that can be used as short-term rentals. However, there is no limit in mixed-use districts of the City. She said that the City is seeing examples of more than one unit in a building being permitted as short-term rentals. She said that this proposal would limit each property to one unit for short-term rentals.
- Councilor Hightower said that the bed and breakfast enforcement isn't a good option for Burlington and strongly discouraged its use. She said that it doesn't give City Council the flexibility to amend it, whereas the proposal would give that flexibility.
- Councilor Shannon said that this change would mean that this is not appealable and that neighbors are not notified, as the previous bed and breakfast process would go through a conditional use approval. Division Manager Gustin replied that bed and breakfasts are conditional use in residential areas, but are permitted in mixed-use areas. Councilor Shannon said that she is concerned that while this proposal closes some loopholes, it opens others, and there will not be a net gain in housing availability. Director Tuttle noted that the flexibility that placing the ordinance in Chapter 18 would allow for an annual review of policy and that they would be able to make changes in future, should that be necessary.
- Councilor Carpenter said that a registration fee would be more feasible than a tax, which would require a charter change.
- Councilor Bergman expressed concern about the housing crisis in Burlington and said that he could not support the expansion of this ordinance into the non-owner-occupied units.
- Councilor Hanson said that the predominant intention of this ordinance when it was put forth at the 2019 Housing Summit was to limit the conversion of housing to short-term rentals, and that this ordinance as written does the opposite of that.
- Councilor House shared other Councilors' concerns about the availability of current housing stock.
- Councilor Traverse pointed out that this resolution would refer the ordinance to the Ordinance Committee, and that it could be further honed and refined through that process. He also said that the status quo is not working, so the Council clearly must continue to work on this issue.



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- **Councilor Hightower said that she does not support regulating short-term rentals using the status quo mechanisms.**
- **Councilor Hanson said that the status quo and the current proposal are not the only two options available, and that other proposals could be worked on that could do more to address the problem.**
- **Councilor Freeman said that they would support a less permissive version of this resolution.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Freeman – aye, Councilor Hanson – nay, Councilor Hightower – aye, Councilor House – nay, Councilor Magee – aye, Councilor Shannon – nay, Councilor Traverse – aye, City Council President Paul – aye (7 ayes, 4 nays, 1 absent [Councilor Dieng]); motion carries.

6.03 Ordinance: Chapter 18. Housing -- Short Term Rentals (Councilor Carpenter)(1st reading)

MOTION by Councilor Carpenter, SECOND by Councilor Barlow, to waive the first reading and refer to Ordinance Committee with the request that the ordinance returns to the City Council by June 1, 2022.

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

6.04 Resolution: Retaining Fare Free Public Transportation And Avoiding Service Reductions (Councilors Hanson, Carpenter, Magee, Paul, Traverse, Barlow)

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

DISCUSSION:

- **Councilor Hanson said that GMT is proposing to cut service and make fares no longer free, and that this decision was approved by their Board. He said that GMT has indicated their desire to avoid this, and that it is now being considered by the Vermont Senate. He said that this is both a climate emergency issue and a social justice/equity issue.**
- **Councilor Shannon spoke about a study conducted at the request of the legislature, noting the finding that fare free transit increases ridership, but it does not decrease the use of personal vehicles.**
- **Councilor Freeman said that this would shift transportation to be more of a public good and a utility.**
- **Councilor Hightower said that one way to support low-income populations with decarbonization is through fare free transportation, since most decarbonization is occurring in the upper classes (electric vehicles, solar panels on houses).**
- **Councilor Bergman noted the engagement between City Councilors and GMT about this issue, and advocated for continuing to build relationships with GMT and the State legislature.**



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

6.05 Communication: City Attorney's Office, Thomas Musinski, Legal Administrative Assistant, re: Annual Report on Livable Wage Ordinance - FY22

City Attorney Richardson said that the City's Attorney's Office has taken over the Livable Wage Accountability Review. He said that the report covers the activities that have been conducted over the past year, noting that his office has received no complaints and has performed seven compliance checks and found no violations. He said that the designated accountability monitors visit work sites and perform spot checks and provide education on the livable wage requirements.

Councilor Hightower said that there are issues outlined by the Vermont Workers' Center in past reports, and it would be important to try and address those. City Attorney Richardson said that they will work to examine those issues and include findings in the report.

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

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

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Hanson said that the Transportation, Energy, and Utilities Committee will keep its same schedule, which is the fourth Tuesday of every month. He said that they plan to meet on the 26th at 5:00 PM. He said that they will focus on the topic of public transit.

Councilor Carpenter said that several Councilors discussed whether it would be helpful to have regular committee reports, and suggested that committee chairs draft a short paragraph to inform each other of their activities.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

Councilor Hightower said that it would be helpful if committee chairs can upload committee reports to BoardDocs for each City Council meeting.



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Councilor Barlow noted that there is a public forum on conceptual designs for the Burlington High School project tomorrow evening at the Downtown BHS location and over Zoom.

Councilor Dieng suggested that Councilors review the committee meeting minutes. He also noted that this is the month of Ramadan and wished those who are observing this holiday a happy Ramadan.

Councilor Traverse echoed Superintendent Flanagan's stance of solidarity with educators who are teaching vital programs at Burlington's schools, in light of attacks on educators around programming related to gender equity and inclusivity.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

City Council President Paul suggested holding a Councilor retreat to discuss Council process, issues, etc. She also noted that there will be a work session on redistricting at the next City Council meeting.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

Mayor Weinberger expressed support for the LGBTQIA+ community. He also noted the passing of Bill Truex, Jr. who founded Truex Collins, and was a visionary and advocate and champion for the creation of the Church Street Marketplace.

11. ADJOURNMENT

11.01 Motion to Adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned without objection at 10:18 PM.

RScty: AACoonrad