



Regular City Council Meeting - Monday, March 9, 2020, 6:00 pm, Contois Auditorium, City Hall 3/9/2020

BURLINGTON CITY COUNCIL

CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

March 9, 2020

MEMBERS PRESENT: Jack Hanson

Sharon Foley Bushor

Perri Freeman

Max Tracy

Adam Roof

Brian Pine

Kurt Wright

Franklin Paulino

Chip Mason

Joan Shannon (phone)

Karen Paul

Ali Dieng

OTHERS PRESENT: Miro Weinberger

Eileen Blackwood

Lori Olberg

Amy Bovee

Katherine Schad



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1. CALL TO ORDER and AGENDA

The meeting was called to order by Council President Wright at 6:09pm.

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

- **note power point presentation slides for agenda item 3.01 Presentation Regarding Net Zero Energy (per COS Redell);**
- **note revised version of draft lease for consent agenda item 5.08 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Miller Community Center Lease (per Assistant City Attorney St. James);**
- **add to the consent agenda item 5.15 Communication: Jennifer L. Morrison, Chief of Police, re: Police Department Budget - FY 20 Budget Amendment - Salary with the motion to "to approve an amendment to the Police Department budget decreasing GL account 5000_100 Salaries by \$95,193 and increasing GL accounts 6015 Computer Software by \$42,570, 6017 Computer Licensing by \$12,623, 6700_105 Special Training by \$30,000, and 9500_100 Capital Outlay-Construction by \$10,000";**
- **add Councilors Pine, Tracy and Hanson as co-sponsors to agenda item 6.03 Resolution: Adopting Amended Fair And Impartial Policing Policy (Councilor Freeman)(per Councilor Freeman);**
- **note proposed amendments for agenda item 6.04 Resolution: Winooski Avenue Transportation Study (TEUC) (per Councilor Shannon);**
- **note added written material for agenda item 6.08 Ordinance: Burlington Code of Ordinances - Housing Minimum Standards - Parking Plan Required (Councilors Bushor and Hanson)(1st reading)(per COS Redell)**

VOTING: unanimous; motion carries.

Council President Wright recessed the City Council meeting at 6:09 PM to convene a working session regarding a Water Resources Rate and Affordability Study, followed by the Local Control Commission and the Board of Civil Authority. The City Council meeting reconvened at 6:57 PM.

2. WORK SESSION: Regarding Water Resources Rate and Affordability Study **6:00 pm - 7:00 pm, Location: Conference Room 12

Meghan Moir, Jessica Lavalette, and Dave Fox were present for the discussion of this item.

Ms. Moir began the work session, outlining the charge from the City Council in April 2019 to the Department of Public



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Works' Water Division to evaluate alternative rate structures, revenue sources, and affordability frameworks for water, sewer, and fire protection in advance of future rate increases. She summarized findings and proposals, which were a result of an October 2019 public information session, data analysis, and looking at snapshots of water affordability.

Mr. Fox summarized findings from an affordability analysis conducted in Burlington, which showed that Burlington overall does not have affordability problems with water utilities, but that there are pockets of overburdened customers. Customers are currently charge per meter size, with no fixed fee for single-family homes and no differentiation between different types of customers (residential vs commercial, for example). Waste water charges include minimum charges by meter size and a volumetric component. He outlined cost drivers for providing water services, including ability to handle baseline capacity, extra capacity (during peak usage times) and fire protection capacity. He then outlined proposed rate and policy changes, as follows:

- Fixed charge by meter size, which improves revenue stability and predictability
- Removal of minimum allowance
- Lower volumetric rate for first 400 cubic feet of water for single-family residential homes
- Class-based rates for multi-family residences
- Irrigation rates for non-community garden initiatives
- Private fire protection charges
- Water Resource Assistance Program (WRAP), an affordability program for income-eligible customers to waive fixed charges on water and wastewater rates.

Mr. Fox then outlined proposed rate structure for water, wastewater, and fire protection, which includes fixed fees and volumetric rates.

Councilor Pine asked if efficiency charges could be added to rates to fund efficiency programs like low-flow faucets and toilets. Mr. Fox replied that this type of charge is not common in the water industry, but that it could be looked into. Councilor Pine also wanted to ensure that the proposed rate changes do not damage high-volume, low-income customers. Mr. Fox suggested reviewing the list of programs that would be eligible for WRAP services and to reach out if any are missing.

Councilor Hanson noted overall support with the policy changes as outlined, stressing the importance of incentivizing conservation as well as affordability.

3. PRESENTATION: Regarding Net Zero Energy **7:00 pm - 7:30 pm**

3.01 Presentation Regarding Net Zero Energy

Darren Springer, Chris Burns, and Martha Keenan were present for the discussion of this item.

Mr. Springer provided context for this presentation, noting it as a one of the next steps of a City Council resolution passed



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in the fall of 2019, in which a road map for Net Zero Energy was adopted and supported. He summarized the progress to date on implementing that road map and plan, outlining the four areas of action currently being pursued, including city buildings and facilities, fleet management, a net zero purchasing policy, and engaging city departments and commissions on raising awareness of net zero goals.

Ms. Keenan added that there are collaborative efforts in place with the Burlington Electric Department and VT Gas on making energy efficient recommendations for projects, and noted that a new fleet policy was created this year.

Mayor Weinberger noted that all city departments have been asked as part of the budget process to discuss and bring forth ideas for expanding public awareness of net zero energy goals.

Councilor Hanson noted his concern that there has been little time for the Council to engage and discuss this workplan. He asked how progress would be tracked over time for the milestones outlined in the roadmap. Ms. Keenan replied that fuel use and spending/savings is compared month-to-month and year-to-year, and that there are Key Performance Indicators (KPIs) in place for fueling depots and buildings/facilities. She added that BTV Stat is conducting an energy benchmarking exercise to show how overall energy use is being reduced in buildings, and BED typically conducts pre-and-post project analyses to determine whether actual results differed from projections.

Councilor Hanson asked when semi-annual progress updates will occur, and whether they will include high-level statistics. Mr. Springer recommended reviewing the performance measures report for more detailed information, and that this report will be presented on in the next several months. Mayor Weinberger added that BTV Stat has a dashboard that updates building statistics in real time.

Councilor Bushor concurred with the need to track progress, and suggested that a permanent agenda item for this could be included in future City Council meetings. She also asked whether more charging stations would be in place if electric vehicles are added to the city fleet. Mr. Springer replied that the amount of public charging stations will be doubled, and charging stations will be added for multi-family buildings around the community.

Councilor Tracy noted that vehicle miles traveled goals have not been met, and more people in Burlington are driving. He noted a resolution for multi-modal transportation up for consideration tonight. Mr. Springer noted that the roadmap includes a goal related to increased public transit ridership.

4. PUBLIC FORUM

4.01 Verbal Comments

Public forum was opened at 7:32 PM.

COMMENTS:



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- James Eldridge expressed concern about taking a significant number of parking spots away from residents along North Winooski Avenue, which will impact residents both on North Winooski Avenue and on side streets.
- Stu McGowan stated that removing parking on North Winooski Avenue will erase the growth seen in the Old North End neighborhood in the last several decades and will negatively impact the non-profits along the corridor. He also stated that the bike lanes may not be in use year-round, as many people do not cycle in the wintertime.
- Andrea Todd decried the polarizing nature of the current resolution, imploring City Council to seek a more holistic solution that can better facilitate public or mass transportation.
- Katelyn Pascucci spoke as a representative of Sangha Studio in the Old North End, stating that 65% of her customer base drives to the studio because they visit before or after work. She suggested that a parking garage may give more ease of parking in the neighborhood, even though it is a more expensive option.
- Alison Favor noted that the current resolution is a compromise based on numerous stakeholder and public engagement activities and cited it as a good first step forward.
- Charles Sizemore spoke as a resident and the owner of Taco Gordo in the Old North End, stating that though he is supportive of more bicycle-friendly initiatives in Burlington, the current resolution will not lead to an uptick in year-round cycling but will put more stress on residents as they jockey for increasingly scarce parking.
- Kim Anderson spoke as a representative of the Community Health Centers of Burlington, stating that the current resolution would create extreme accessibility issues for staff and patients at the health center, and does not acknowledge the broad spectrum of mental and physical health needs in the community.
- Kortnee Bush spoke as the owner of Butch + Babes, stating that many businessowners along the North Winooski Avenue corridor were not engaged for feedback or input on this project, or were never followed-up with if they did express concern. She stated that the study of the corridor should begin with stakeholder engagement.
- Eric Hoekstra stated that the North Winooski Avenue corridor is a fragile ecosystem with nonprofits, vulnerable residents, and new businesses, and that the existing utilization rate of on-street parking is 87%. He emphasized the need for a better engagement and mitigation plan.
- Lee Anderson spoke as a resident and business owner along the North Winooski Avenue corridor, stating that changing parking to eliminate parking spots will have a negative impact on businesses, residents, and side streets.
- Rigav Goya noted that removing parking would benefit a certain group of people and would be unfair to the families and communities that utilize the food shelf and community health center, as well as other social support services in the neighborhood. He stressed the importance of making decisions that benefit all populations, such as better public transportation.
- Michael Monte, representing Champlain Housing Trust, stated that a reduction of on-street with no corresponding increase in off-street parking will have negative impacts on businesses. He added that several non-profits have already moved off of the street due to current parking accessibility issues.
- Mark Sherman noted that parking issues need to be addressed before moving forward with bike lanes on North Winooski Avenue, stressing the importance of parking for customers who are visiting shops and restaurants.
- Allegra Williams spoke in support of bike lanes on North Winooski Avenue, stating that it will make it a safer area for cyclists.
- Jonathan Weber stated that the current resolution is a good plan, which will help make all of Winooski Avenue safer and more equitable for all users.
- Jacob Flanigan spoke about bike lanes on North Winooski Ave, stating that it's heartening to see so many people commenting on this issue in a public forum.
- Dana Kaplan represented Outright Vermont and stated that the resolution would have negative effects on the LGBTQ youth and families that utilize Outright Vermont, adding that scarcer parking would add barriers to finding social supports to an already-vulnerable population.
- Robert Bristow-Johnson spoke about an article on redistricting.
- Eric Maier spoke in favor of social justice, calling on the Council to put community first and protect the most



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vulnerable.

- Eric Brown-Brotz stated that the proposal for Winooski Avenue is a balanced approach and will increase safety and access in the corridor, including increased access to downtown. He agrees that a parking study is necessary to identify strategies to handle the loss of parking.
- Jason Van Driesch spoke in favor of bike lanes on North Winooski Ave, hoping that this will make the city more bikeable.
- Chris Adams expressed concern for the 30+ businesses on North Winooski Avenue, which rely on accessible parking and would be negatively impacted by the removal of parking for bike lanes.
- Graham Turk stated that the current resolution shows that Burlington is serious about providing residents with alternative methods of transportation and making good on its net-zero energy goals.
- Liam Griffin spoke in favor of the resolution, which would show support for cycling as a viable form of transportation in Burlington.
- Lauren-Glen Davitian noted her concern with the already-tight street parking situation on North Winooski Avenue and surrounding side streets. She asked whether there would be an opportunity for public input once the parking study and plan are completed.
- Jason Stoeffel spoke in support of the resolution, noting that it would make North Winooski Avenue equitable for all modes of transportation.
- Marcie Gallagher spoke in favor of the resolution, noting that Burlington's current public transit system is struggling due to a lack of ridership and more people using cars. She added that the resolution will help increase safety for cyclists.
- ??? stated that cars and car infrastructure dominate our global community and that anything to support non-motorized transportation is absolutely necessary.
- Brian Ruderman noted that decreasing the use of cars and other fossil-fuel-driven vehicles will need to be done piecemeal and incrementally, which this resolution would do.
- JF Carter Neubeiser spoke about bike lanes on North Winooski Ave.
- Andrew Pollack Brewster spoke in support of a safer biking experience in Burlington, noting that he cycles to work and to his child's school.
- Liz Curry spoke about bike lanes on North Winooski Ave, stating that any on-the-ground changes should not occur before a parking study and plan have been conducted and put into place.
- Natalie Brown stated that extraordinary levels of bold and controversial action are necessary to decrease the use of fueled transportation in the age of climate change, and further noted that this resolution would increase the safe space along the Winooski Avenue corridor for all forms of active transport.
- Rosi El Faro spoke as a representative of the migrant community, many of whom are not able to attend and give comment. She urged the City Council to adopt the changes to the Fair and Impartial Policing Policy (FIPP) so that migrants are able to live in peace and safety in the community.
- Asma Elhouni noted her disappointment that it has taken Burlington so long to pass these changes to the FIPP.
- Zully Palacios urged City Council to approve the changes to the FIPP and to follow the example set by other towns who have already done so.
- Jorge Rios supported passage of the resolution to amend the FIPP, stating that immigrants should have freedom of movement with fear of being deported.
- Olga Cruz spoke as a representative of the immigrant community, noting that she has had fear of calling an ambulance during a medical emergency because it could lead to a referral to the police and to Immigration and Customs Enforcement (ICE), and urging City Council to amend the FIPP.
- Betsy McGavis stated that because statewide FIPP contains too many loopholes, she supports these changes, which are a meaningful step to close these loopholes in Burlington.
- Dana Simpson stated that there has been concern about a loss of federal funding if these changes are adopted, but



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that the cost of protecting our immigrant neighbors is priceless.

- Ashley Smith spoke in support of the proposed amendments to the FIPP, calling on City Council to act swiftly to pass the resolution.
- Annie Lawson noted that she has been reaching out to the administration since August about this issue but has not had a response, and noted her support of the 8 City Council members who have are favorable to the proposed policy changes without amendments.
- Fareed M stated that policies should reflect more than just budgetary concern and operational convenience and that they should reflect our values as a community and urged the Council to support these changes.
- Brian Cina implored City Council to vote in favor of this resolution without amendment and close loopholes in Burlington's fair and impartial policing policy.
- Erica Victoria noted that the targeting of immigrants in the community has a lasting traumatic impact on children, their families, and the entire community.
- Scarlett Moore noted that the public will hold City Council accountable for its action or inaction on the passage of this resolution.
- Tadhg Christiana spoke about migrant justice, noting that voting for this resolution would demonstrate that City Council is upholding the community values that it purports to support.
- Alice London stated that cost should not factor into the decision to approve the amended FIPP, because human rights cannot be compromised and dollar figures cannot be put on a human life.
- Mary Olivia Rogami stated that she did not think the City Council was being respectful in this public forum.
- Jessie Gustavo stated that Burlingtonians must stand up for the most vulnerable in this community and that the resolution should be passed without delay or amendments.
- Megan ?? pointed out that this resolution could lead to a potential lack of access to Justice Assistance Grant (JAG) funding, but that this funding hasn't been used since 2017 and only represents 0.17% of the City's budget. She urged the Council to support this resolution.
- Jodie Woos stated that Burlington should lead by example, noting that smaller towns in Vermont have already passed similar resolutions to amend their FIPPs.
- Emily Reynolds noted that landlords can use ICE threats against tenants who are trying to organize for better living conditions, and that the tenant union supports this resolution, which was written by those most impacted by racist policing practices.
- Asma Athenia ceded her time to another member of the public who stated that she has been a victim of racial profiling, further noting that African Americans make up 1% of Vermont's population by 11% of the incarcerated population in Vermont.
- Ben B spoke in support of the resolution, imploring the City Council to be compassionating and stating that these changes to the FIPP are important and are on the side of the people.
- Darius Jordan spoke about migrant justice.
- Cacin Hudman noted that he works to clean up racist propaganda in the City with the BTV Cleanup Crew and stated that supporting this resolution would be to denounce white supremacy.
- Dylan Cullen noted that as a youth mental health worker, the current policy has many impacts on clients who have had direct interactions with police and immigration officials, and that this is not a complicated issue and therefore it should be voted on without amendment.
- Dan Quigley urged the City Council to pass this resolution without delay or amendments.
- Liz Cessler stated that the loopholes in the current policy allow officers to gather information on immigration status based on a subjective determination that the person has recently crossed an international border, adding that this is not the most cost-effective and important work that community safety resources could be doing.
- Julie Masuga spoke about migrant and climate justice, noting that migration will be necessary for survival and that Burlington needs to ensure that migrants leaving their homes due to climate change are welcome in this community.



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- Walter Kady stated that the financial and legal risks for closing these loopholes are low, and that the real risk is to the immigrants for whom these loopholes have a direct and negative impact. He urged the City Council to protect its residents and close the loopholes in the FIPP through this resolution.
- Brea Yatzick ceded her time.
- Sylvia Knight noted that the current loopholes increase the distrust of law enforcement bodies in this community, and that until the FIPP is amended there will not be trust between the public and the police.
- Maria Castine noted that this is not a revolutionary set of changes, and that Burlington's categorization of itself as a sanctuary city means nothing if it does not have the policies to support that.
- Kenneth Allen stated that arguments against passing this resolution rest on dubious legal and financial claims, and that this is a moral issue. He urged City Council to pass this resolution so that the community can keep its immigrant residents safe.
- Kenzie Hines stated that the proposed changes to the FIPP are a floor and not a ceiling, and that Burlington should follow the lead of other towns around the state that have already amended their FIPPs to close its loopholes.
- Ella Miguel urged the City Council to pass the resolution without amendments.
- Asa Skinder said City Council should follow Hartford, Norwich, and Winooski by passing this resolution without amendments and truly making Burlington a welcoming place.
- Mary Berdsa said that a sanctuary city should be welcoming and create a safe space for all of its citizens, not put families and people at risk.
- Garrett Donnelly urged City Council to pass the resolution without amendments or delay.
- Rodney Lowe spoke about his experiences as an immigrant being deported, but noted that as a white European, he cannot imagine the experiences of other immigrants who are not white. He urged City Council to pass the resolution without amendments or delay.
- Bernard Carver urged City Council to pass the resolution without amendment tonight.
- Max Van Cooper stated that this is a moral issue and will set the precedent that immigrants fleeing violence can come to Burlington and be safe.

Public forum was closed at 9:47 PM.

5. CONSENT AGENDA:

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

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

5.03 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Investment Performance Summary: FYTD 12/31/19 - waive the reading, accept the communication and place it on file.

5.04 Communication: C/T Office, re: January Sweep Report - waive the reading, accept the communication and place it on file.



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5.05 Communication: Solveig Overby, re: Soverby statement at 2/18 Council Meeting - Recommendation against City investment in Schurz - waive the reading, accept the communication and place it on file.

5.06 Communication: Cindi Wight, Director, Department of Parks, Recreation and Waterfront, re: Valet Bicycle Parking - Authorization to Award Contract - authorize the Director of Parks, Recreation and Waterfront to execute a five year contract for valet bicycle parking services with Local Motion, subject to City Attorney's office approval.

5.07 Communication: Rich Goodwin, Director of Financial Operations, re: Request for approval to sign agreement for Trash Removal Services - authorize the Chief Administrative Officer, Katherine Schad, to execute a 3-year agreement with Myers Container Services Corporation for trash and recycling services for up to \$175,000 annually, subject to change based on volume and also subject to review by the City Attorney's Office.

5.08 Communication: Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Miller Community Center Lease - approve a lease with the Sara Holbrook Community Center on the terms provided in and substantially in conformance with the attached lease, and to authorize Mayor Weinberger to execute the lease, subject to final approval by the City Attorney's Office.

5.09 Communication: Megan Moir, Martin Lee, and Ashley Walenty of the Department of Public Works Water Resources Division, re: Authorization to Award the Contract for Construction Oversight of Distribution and Collection System Improvements to DuBois & King, Inc. - to approve awarding the contract for Construction Oversight of Distribution and Collection System Improvements to DuBois & King, Inc. and to authorize Chapin Spencer, Director of the Department of Public Works, to execute a contract with DuBois & King with a maximum limiting amount of \$141,678 subject to final review and approval of the City Attorney's Office.

5.10 Communication: Jenna Olson, Water Policy & Programs Manager, re: Authorization to Extend Master Services Agreement with VHB Through FY22 - authorize Chapin Spencer, Director of the Department of Public Works, to execute an updated Master Agreement with Vanasse Hangen Brustlin, Inc. ("VHB"), which will run through Fiscal Year 2022 and increase the maximum limiting amount an additional \$261,562.00, for a total of \$472,220.00, subject to the final review and approval of the City Attorney's Office; to authorize Chapin Spencer, Director of the Department of Public Works, to execute a Work Assignment Agreement for Manhattan Outfall (WAA #4) with a maximum limiting amount of \$100,000 subject to the final review and approval of the City Attorney's Office and to authorize Chapin Spencer, Director of the Department of Public Works, to execute a new Work Assignment Agreement with a maximum limiting amount to \$173,406.97 for GSI-CSO Retrofits (WAA #5) subject to the final review and approval of the City Attorney's Office.

5.11 Communication; Jenna Olson, Water Policy & Programs Manager, re: Request for Approval for Department of Public Works' Water Resources to Execute a Multi-Year Contract for Janitorial Services with Cleantech Building Maintenance, Inc. - approve awarding the contract to Cleantech Building Maintenance, Inc., and authorize Chapin Spencer, Director of the



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Department of Public Works, to execute a contract with Cleantech Building Maintenance, Inc. in the amount of \$101,680 subject to the final review and approval of the City Attorney's Office;

5.12 FIO Documents - for information only.

5.13 Resolution: Creation Of Tiered Progression Program For Lineworkers - Burlington Electric Department (Board of Finance) - waive the reading and adopt the resolution.

5.14 Resolution: Elimination Of Maintenance Worker And Creation Of Event Manager/Development Specialist - Church Street Marketplace (Board of Finance) - waive the reading and adopt the resolution.

MOTION by Councilor Bushor, SECOND by Councilor Pine, to adopt the Consent Agenda and take the actions indicated for Items 5.01 through 5.14.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA:

6.01 Indoor Entertainment Permit Application (2019-2020): Riot Squad LLC, d/b/a Arts Riot, 400 Pine Street

MOTION by Councilor Roof, SECOND by Councilor Hanson, to approve the 2019-2020 Indoor Entertainment Permit Application for Riot Squad LLC d/b/a Arts Riot, 400 Pine Street with all standard conditions and the following special condition that all outstanding Arts Riot gross receipt payments be received by the Clerk/Treasurer's Office prior to the Arts Riot license being issued (The condition can be withdrawn prior to the meeting if the City Attorney's Office receives a draft settlement statement reflecting the City payout and communications from the attorneys for the buyer and the seller indicating that neither party will participate in a closing that does not include the payout to the City).

VOTING: unanimous; motion carries.

6.02 Outdoor Entertainment Permit Application (2019-2020): Riot Squad LLC, d/b/a Arts Riot, 400 Pine Street

MOTION by Councilor Roof, SECOND by Councilor Hanson, to approve the 2019-2020 Outdoor Entertainment Permit Application for Riot Squad LLC d/b/a Arts Riot, 400 Pine Street with all standard conditions and the following special condition that all outstanding Arts Riot gross receipt payments be received by the Clerk/Treasurer's Office prior to the Arts Riot license being issued (The condition can be withdrawn prior to the meeting if the City Attorney's Office receives a draft settlement statement reflecting the City payout and



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communications from the attorneys for the buyer and the seller indicating that neither party will participate in a closing that does not include the payout to the City).

VOTING: unanimous; motion carries.

6.03 Resolution: Adopting Amended Fair And Impartial Policing Policy (Councilor Freeman)

MOTION by Councilor Freeman, SECOND by Councilor Paulino, to waive the reading, adopt the resolution, and bring the resolution back to the floor for discussion.

DISCUSSION:

- Councilor Freeman thanked the community for speaking in the public forum. She outlined the loopholes that the changes to the FIPP policy would close, which include 1. Police departments' ability to report immigration status to ICE of victims of and witnesses to crime; 2. Police can ask about immigration status on suspicion of recent border crossings; 3. Police are allowed to share confidential information with ICE; 4. ICE agents have access to people in police custody. She also stated that the concerns about monetary impact of closing the loopholes do not affect her stance of supporting this resolution as written.
- Councilor Paulino framed the current resolution as a crime-prevention measure, as it could decrease crimes by marginalized populations.
- Councilor Hanson thanked members of the public who spoke during the public forum, and thanked other towns for taking the lead on passing this policy. He stated that Burlington must be a leader in protecting dignity and rights of migrants.
- Councilor Mason asked Police Chief Morrison and Deputy Police Chief Murad to provide their input on the resolution as brought forth.
- Police Chief Morrison stated that the policy change is a solution in search of a problem and added that the Burlington Police Department (BPD) has not had any incidents resembling the conditions that this policy will allegedly address, and that the testimony given tonight has not involved members of the BPD. She added that the current policy has been in place since 1997 and that it protects immigrant rights better than the state policy and remains compliant with federal law. She cautioned against taking action at a local level that place the police chief and others in violation of federal law, which could open the city up to potential liability exposure. She noted that while JAG funding is relatively small, adopting a policy that runs counter to federal law could also risk losing future Community Oriented Policing Services (COPS) grant funding from the federal government, of which Burlington currently sees \$625,000. She also warned that approval of this policy sets a precedent for City Council to unilaterally adopt without vetting policies written by special interest groups.
- Deputy Police Chief Murad discussed the loopholes that would be closed by the new proposed FIPP. He stated that officers in the BPD do not ask about immigration status unless necessary for investigation of an ongoing civil offense, nor are they reported to ICE. He added that officers are not permitted to make warrantless arrests, nor are they allowed to detain individuals for longer than necessary under both the current FIPP and Vermont state law, and that they cannot prolong detentions solely to investigate immigration status. He stressed that communication between police and the community is extremely important. He suggested that the Police Commission review the policy and make several small changes to close legal gaps cited by the City attorney's office.



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MOTION TO AMEND by Councilor Mason, **SECOND** by Councilor Shannon, to modify lines 21-23 to read “NOW, THEREFORE, BE IT RESOLVED that the City Council refers to the Police Commission for its consideration the proposed amended Fair and Impartial Policing Policy, with a report date back to City Council not later than May 8, 2020.”

DISCUSSION OF AMENDMENT:

- Councilor Mason stated that he would like to understand the consequences of adopting this policy, which isn't consistent with federal law. He added that the Council does not typically adopt controversial matters based on introduction and adoption in one sitting.
- Councilor Dieng asked what it means for Burlington to be a sanctuary city. City Attorney Blackwood replied that there is currently no legal definition of sanctuary city, adding that the term at the federal level is also undefined. Mayor Weinberger added that after the election of Trump as president, he asked the City Council to codify longstanding policies that prevent inquiries about immigration status by law enforcement and the provision of other municipal services.
- Councilor Dieng asked Chief Morrison and Deputy Chief Murad what they perceive as problems if this policy is adopted without amendment. Chief Morrison replied that there could be scenarios where the city government is in opposition to federal law, which could make it difficult to discipline officers for a policy violation, because they could appeal and open litigation against the city.
- Councilor Dieng asked Mayor Weinberger if he would veto this resolution if it passed. Mayor Weinberger replied that the issue is complex, that there is no precedent in terms of process, but that a strong moral argument has been made in favor of the resolution. He suggested that the City take 60 days to involve the Police Commission and deliberate about the policy.
- Councilor Tracy noted that the state's policy is a floor and not a ceiling, and that Burlington's proposed new FIPP would go beyond it. He also added that due diligence has already been conducted (or attempted) by reaching out to administration and the City attorney's office.
- Councilor Pine stated that the City should adopt cutting-edge best practice and advocate for other departments to do the same, and an amendment to postpone approving the new policy does not do that.
- Councilor Freeman noted that she reached out to the Mayor and City attorneys' offices from the beginning of this process and has been very proactive, but was met with a lack of responsiveness.
- Councilor Shannon noted the complexity of this policy, also noting that parts of the policy are currently with the Police Commission. She added that it makes sense to refer the entire policy to the Police Commission, which has the subject matter expertise to be able to strengthen this policy further.
- Councilor Paulino stated that he does not think the new policy as written would be unconstitutional, which has been cited as a concern by others.

VOTING ON AMENDMENT (by roll call): Councilor Bushor – nay, Councilor Hanson – nay, Councilor Dieng – nay, Councilor Paulino – nay, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – nay, Councilor Pine – nay, Councilor Roof – nay, Councilor Shannon – aye, Councilor Tracy – nay, Councilor Wright – aye (3 ayes, 9 nays);



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motion fails.

CONTINUED DISCUSSION OF ORIGINAL RESOLUTION:

- **Councilor Paul stated that she appreciates the time spent on the policy and outreach by the public, noting the need to support the most vulnerable in our community.**
- **Councilor Bushor stated that her decision to support this resolution has been difficult, but that every member of society has the right to be protected and safe, and this policy takes a step toward doing that.**

VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – aye, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Councilor Wright – nay (11 ayes, 1 nay); motion carries.

MOTION by Councilor Hanson, SECOND by Councilor Freeman, to suspend the rules at 10:33 PM to eliminate committee reports and agenda item 6.08 and to continue with deliberative agenda items through 6.07 and include 6.09. VOTING: unanimous; motion carried.

6.04 Resolution: Winooski Avenue Transportation Study (Transportation, Energy, Utilities Committee)

MOTION by Councilor Mason, SECOND by Councilor Hanson, to waive the reading, adopt the resolution, and bring the resolution back to the floor for discussion.

DISCUSSION:

- **Councilor Tracy provided an overview of the Winooski Avenue Transportation Study, which examined the Winooski Corridor from the Old North End neighborhood through the South End during an 18-month period and included engagement with an advisory committee comprised of neighborhood stakeholders, City Councilors, administration and the Chittenden County Regional Planning Commission. He stated that the study was conducted because the corridor is a main artery of traffic for the city and sees high crash rates, and recommendations developed by the advisory committee are meant to address safety concerns through building connectivity for all modes of transportation and additional safety infrastructure. He described the changes to each section of the Corridor. He emphasized the importance of putting the project in the context of the climate crisis and creating alternatives to fossil-fuel-driven transportation.**
- **Councilor Hanson noted strong support for the resolution, noted that those who commute by bicycle are disproportionately lower-income, and these changes would create a transportation system where there are more options for everyone. He also noted that fewer cars lead to fewer motor vehicle accidents and help cut down on fossil-fuel emissions, which could lead to fewer respiratory ailments. He further noted that free parking incentivizes more motor vehicle use.**

MOTION TO AMEND by Councilor Pine, SECOND by Councilor Mason, the resolution to include a process with a group of stakeholders, the Transportation, Energy, and Utilities Committee (TEUC), and the City Council president



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to draft a Parking Management Plan for the North Winooski Avenue Area for approval in December 2020.

DISCUSSION OF AMENDMENT:

- - Councilor Pine expressed confidence that the amendment can both enhance the safety of cycling and create vibrancy in Burlington while simultaneously enacting a policy to protect all users, including nonprofits, residents, businesses, and clients.
 - Councilor Bushor emphasized that those most impacted by resolutions of this nature are tenants, noting that when on-street parking is eliminated they are most negatively affected. She expressed support for the amendment because it strengthened the Parking Management Plan.
 - Councilor Mason expressed support of the amendment, saying that it would afford the opportunity for greater buy-in from the community.
 - Councilor Hanson noted that the concerns raised by the public tonight had already been raised and hashed out at the Project Advisory Committee (PAC) meetings, and that the PAC unanimously voted to approve the original resolution.

MOTION TO AMEND by Councilor Hanson, **SECOND** by Councilor Tracy, the amendment to restore line 36 of the original resolution, and to replace "February" with "December 2020" on line 66.

DISCUSSION OF AMENDMENT TO THE AMENDMENT:

- - - Councilor Tracy emphasized that this amendment would add stakeholder engagement and a better-defined scope of work to the project, but did not want to simply have further debate on whether the resolution would be implemented. He expressed concern that additional stakeholder and public engagement could lead to more acrimony.
 - Councilor Mason asked whether the language in Line 36 that was restored could be completed without removing the parking from that section of the Winooski Avenue Corridor. Councilor Pine replied that the parking study would need to be completed before parking is removed.
 - Councilor Dieng expressed disappointment in the proposed amendments, stating that the PAC did good work and unanimously agreed upon the approach in the original resolution.
 - Mayor Weinberger noted that the City anticipates that a complete repaving and restriping of the Winooski Avenue Corridor will occur in 2022, and that a parking study and any subsequent changes to parking and bicycle lanes must occur prior to that.

VOTING TO CHANGE DATE FROM FEBRUARY 2021 TO DECEMBER 2020 ON LINE 66: unanimous; motion carries.

VOTING TO RESTORE LINE 36 (by roll call): Councilor Bushor – nay, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – aye, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – nay, Councilor Roof – nay, Councilor Shannon – nay, Councilor Tracy – aye, Councilor Wright – nay (7 ayes, 5 nays); motion carries.



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VOTING ON AMENDED AMENDMENT (by roll call): Councilor Bushor – aye, Councilor Hanson – aye, Councilor Dieng – nay, Councilor Paulino – nay, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – aye, Councilor Wright – aye (9 ayes, 3 nays); motion carries.

FURTHER DISCUSSION OF RESOLUTION AS AMENDED:

- Councilor Bushor emphasized the importance of support small businesses in Burlington’s neighborhoods and ensuring that any changes proposed in this resolution do not negatively impact them. She also noted that Burlington has an aging community who face more difficulty in visiting each other if there is no parking. She further acknowledged the need for more public transportation.
- Councilor Tracy noted the deep-rootedness of car centrism in Burlington, and added that other cities that have enacted resolutions such as this have not seen the negative impacts to businesses that have been cited as concerns here.
- Councilor Roof asked if removal of parking and striping can occur before the parking study and Parking Management Plan are completed. Mayor Weinberger replied that the study and any corresponding mitigation plans will be completed before any parking is removed.
- Councilor Wright noted that the Marketplace Commission unanimously voted against this resolution, as many businesses have expressed concerns about negative impacts.

VOTING (by roll call): Councilor Bushor – nay, Councilor Hanson – aye, Councilor Dieng – aye, Councilor Paulino – nay, Councilor Freeman – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – nay, Councilor Roof – aye, Councilor Shannon – nay, Councilor Tracy – aye, Councilor Wright – nay (7 ayes, 5 nays); motion carries.

6.05 Public Hearing Regarding ZA-20-02 Accessory Uses and Structures

Public hearing opened at 12:48 AM.

No public comments were made at this time.

Public hearing closed at 12:49 AM.

6.06 Ordinance: Comprehensive Development Ordinance - Accessory Uses and Structures ZA #20-02 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Bushor, to waive the second reading and adopt the ordinance.
VOTING: unanimous; motion carries.



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6.07 Communication: Laura Wheelock, P.E., Senior Public Works Engineer and Olivia Darisse, P.E., Public Works Engineer, re: Shelburne Street Roundabout Compensation Hearing Continuation

Public hearing opened at 12:50 AM.

No public comments at this time.

Public hearing closed at 12:50 AM.

MOTION by Councilor Paul, SECOND by Councilor Mason, to close the Compensation Hearing and direct staff to prepare draft decision determining compensation for City Council consideration at its March 23, 2020 meeting.
VOTING: unanimous; motion carries.

6.08 Ordinance: Burlington Code of Ordinances - Housing Minimum Standards - Parking Plan Required (Councilors Bushor and Hanson)(1st reading)

Not discussed at this time.

6.09 Ordinance: Miscellaneous Provisions - Fletcher Free Library Rules of Conduct (Ordinance Committee)(2nd reading)

MOTION by Councilor Mason, SECOND by Councilor Dieng, to waive the second reading, adopt the ordinance, and bring the resolution back to the floor for discussion.

DISCUSSION:

- Councilor Mason described the proposal to amend the rules of conduct at the Fletcher Free Library, which were drafted with collaboration from the Library Commission and City attorney's office, and were designed to align severity of consequences with severity of behavior. It details four (4) classes of prohibited behavior (A, B, C, and D); fines are associated with A-C, and D can result in removal from the library for a day. The proposal permits issuance of non-trespass orders, which are subject to immediate appeal. He noted that there were concerns that the proposed changes would punish the homeless disproportionately.
- Councilor Bushor noted that this was a challenging undertaking and that there were concerns about targeting the homeless population and those without the means to work through an appeals process.
- Councilor Hanson noted that while he appreciated the work done on the changes to the rules of conduct, he expressed concern that the changes affect primarily the homeless, specifically a provision that prohibits bedrolls and sleeping bags in the library.

VOTING (by roll call): Councilor Bushor – aye, Councilor Hanson – nay, Councilor Dieng – aye, Councilor Paulino –



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aye, Councilor Freeman – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Pine – aye, Councilor Roof – aye, Councilor Shannon – aye, Councilor Tracy – nay, Councilor Wright – aye (9 ayes, 3 nays); motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports – no discussion at this time.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports – no discussion at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports – no discussion at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports – no discussion at this time.

11. ADJOURNMENT

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 12:55 AM.

RScty: AACoonrad