Regular City Council Meeting - Monday, February 8, 2021, 6:30 pm **VIRTUAL MEETING** 2/8/2021

BURLINGTON CITY COUNCIL

REMOTE MEETING WITH CALL-IN NUMBER

BURLINGTON, VERMONT

MINUTES OF MEETING

FEBRUARY 8, 2021

MEMBERS PRESENT: Karen Paul

Max Tracy

Chip Mason

Joan Shannon

Ali Dieng

Brian Pine

Jack Hanson

Franklin Paulino

Perri Freeman

Jane Stromberg

Sarah E Carpenter

Zoraya Hightower

OTHERS PRESENT: Miro Weinberger

Katherine Schad

Eileen Blackwood

Jordan Redell

Lori Olberg

Jeff Glassberg

Tim Sampson

Jen McDonald

Darren Springer

Michael Ahern

Kelly Keen

Kyle Dodson

Jon Murad

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Tracy at 7:24 PM.

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

- **note written materials for agenda item 2.01 Work session Regarding Update on CityPlace (per City Attorney Blackwood);**
- **note adjustments regarding agenda item 6.01 Outdoor Entertainment Permit Renewal (2021-2022): Arts Riot, 400 Pine Street (per Alan Newman);**
- **note written materials for agenda item 6.02 Presentation: Darren Springer, General Manager, BED, re: District Energy Update (per Darren Springer);**
- **note corrected version of agenda item 6.03 Resolution: Breaking Out The Costs Of Police Services At The Burlington International Airport And Studying How TSA Requirements Are Met In Other Airports (Councilors Paul, Pine, Dieng, Carpenter and Paulino)(per City Attorney Blackwood);**
- **note proposed amendments for agenda item 6.04 Resolution: Approval Of Public Safety Continuity Plan (Revised)(Board of Finance)(per Councilor Hightower);**
- **remove from the consent agenda item 5.21 Resolution: Authorization To Execute Contract For Operational And Functional Assessment Of Police Department (Public Safety Committee) and place it on the Deliberative Agenda as item 6.05 (per Councilor Shannon);**
- **remove from the consent agenda item 5.09 Communication: Jabulani Gamache, Police Commission, Chair, re: BPOA Statement and place it on the Deliberative Agenda as item 6.06 (per Councilor Hightower)**

VOTING: unanimous; motion carries.

2. WORK SESSION REGARDING UPDATE ON CITYPLACE (VERBAL)

2.01 Work session Regarding Update on CityPlace (verbal) **start time: 6:30 pm**

City Attorney Blackwood noted that this work session will be to update the City Council on proposed resolutions and documents as a result of mediation regarding the CityPlace litigation against Burlington Town Center.

Attorney Sampson noted that there has been an update to the development agreement that was entered into in 2017, and it maintains much of the integrity of the original development agreement. He said that the updates attempt to address the adjusted vision that the owners have for the project. He said that the existing agreement was premised on a plan that had already been approved by the DRB, and that it also anticipated the opportunity for Tax Increment Financing (TIF) associated with implementing the public improvements, which would have required the issuance of City debt after construction completion. He said that that timeline of events has been reordered and that for this updated plan, the issuance of debt would occur commensurate with the beginning of construction. He said that another key principle that was worked through was to ensure that there is clarity in the event that the project does not restart as envisioned or stops in the middle of the project or doesn't finish on time. He additionally noted that the third key component to the updates was to ensure protection against risk for the City and taxpayers.

He said that if City Council approves of it, the agreement would be signed and placed into escrow and conditions in the escrow agreement need to be met prior to the release of escrow. These conditions include conveyance of street parcels from the developer to the City, environmental analysis, development of the scope for public improvements, and development of a scope of work for a subset of the public improvements (the modified public improvements), which will be attached to a construction contract.

He provided a general timeline after escrow, saying that between this spring and next spring, the scope of the project will be developed and whether it qualifies for TIF financing will also be determined. He said that they are estimating that the scale of the project if fully developed would generate enough tax increment to support debt issuance of an estimated $10 million, which is less than the originally-anticipated agreement (which was an estimate of $21 million). He said that that reduction is the result of fewer years in which increment can be earned prior to the legislative window for TIF closing in 2035. He said that if conditions are met and the developer begins construction in 2022, the expected delivery dates are phased according to the project schedule. He said that the outside date for delivery for first phase is July of 2024, and the outside date for the second phase is July of 2025.

He spoke about consequences and impacts if the project is delayed. He said that if construction is delayed, TIF debt will not be issued in June and the City is not at risk. He said that the project has a few more months to begin construction without the TIF element, and if it does not start within that ensuing several month window, then the City has a new set of remedies that were not in the existing agreement. He said that in this event, the City would take control of the construction contract and compel the construction of the modified scope of the public streets at the cost of the developer. He said that if the project starts and is then delayed, the same provisions would apply. He finally said that if enough tax increment is not generated to service the debt that would be issued, the property and adjacent properties can be taxed at a higher rate to offset any gaps.

Mayor Weinberger said this settlement is a milestone in the CityPlace project and that it holds the developer accountable while also creating a path forward for the project. He said that this is an effort that has some historic significance and that this settlement ensures that the historic mistake of developing the blocks in question will be fixed. He noted that the City does not control the success of any private development project, but that this settlement agreement ensures that the public infrastructure created through the public improvement components of construction will be completed. He noted that the City has been entirely protected from the negative impacts of this development. He noted one exception to this, which is that the property taxes being paid by the project into the TIF district are $150,000 per year less than before the building was taken down, through a settlement between the developer and the City's tax assessor. He noted that voting down this revised agreement would mean that litigation would continue.

Councilor Stromberg asked for more details about the alternative to this plan and the timeline for it. Attorney McDonald replied that if this were to be voted down, the City would be back in litigation and would be in the period of limited discovery. She said that the goal of that would be a hearing on the City's motion for the preliminary injunction, and that it would take place in early spring.

Councilor Pine said it's important to remember that there won't be sufficient TIF funding to cover the upgrades that are planned for Cherry St and Bank St. He said that the project had envisioned the costs being covered initially. He asked what would need to be in place for those upgrades to be fully covered by TIF revenue. Mr. Sampson replied that the project was broken down into public improvements (extended segments of Pine St and St Paul St) and the additional public improvements (additional streetscape on sections of Cherry St and Bank St). He said that the additional improvements were seen as a second layer of public infrastructure work. He noted that the concept for being able to add additional public improvements is still in place, but that the difficulty is that with the scope of the project being reduced and the TIF window being shorter, there is less capacity to generate tax increment. He said that the expectation now is enough to cover the public improvements, but by the time we get to the additional public improvements there isn't enough tax increment to cover that. He said that the opportunity to expand the legislative window is an option, but that is in the hands of the state legislature. He said that this agreement is structured around existing legislation.

Councilor Pine asked about the timing for construction, specifically why it would commence 20 months after approval by City Council (on September 2022). Attorney Sampson replied that in order to qualify for TIF, construction needs to start by June 1, 2022. He said that September, 2022 is the absolute deadline that triggers the City's alternate paths forward if it misses its deadline to qualify for TIF. He said that there is the possibility that it could begin sooner.

Councilor Paulino asked about the definition of commencement, ongoing, and completion of construction. Mr. Sampson replied that those definitions are included in the agreement.

Councilor Dieng asked why altering the current existing agreement is better than starting from scratch. He also asked about the attorneys' involvement would be moving forward. Mr. Sampson replied that the development agreement that existed would have worked had the project not stopped. He said that his role is at the discretion of the City. Councilor

Dieng asked if the Council could hear from the developers on February 16th. City Council President Tracy said he would invite the developers to the meeting on the 16th.

Councilor Mason asked about the motion for preliminary injunction and whether it seeks declaratory action to move ahead with the public improvements. Attorney McDonald replied that the motion for preliminary injunction related to the compelling the conveyance and the construction related to the public improvements. She said that it was a preliminary step to the completion of the litigation, and the request is broader than what is included in that preliminary motion. Councilor Mason asked about the $150,000 deficit on taxes based on the assessed value, and that it was extended past one year. He asked when that would cease and for which years back payments will be made. Mr. Sampson replied that payments will need to be made as of April 1, 2019 going forward. He added that these payments will go into the TIF fund.

3. PUBLIC FORUM

3.01 Verbal Comments

Forum opened at 7:30 PM.

COMMENTS:

- Zoe Koeninger urged the Council to listen to the voices in the community and vote not to increase the number of officers on the police force. She noted criticism for the cap on sworn officers by former Council members, but pointed out that former Councilors had been unable to move the needle on police reform during their tenure. She said that the City needs to turn away from a police-based white-supremacist model for public safety.
- Linda Patterson spoke about Burton's 1,500 capacity event space, expressing concern that the proposed concert space does not address traffic and safety concerns. She said that the City is putting corporate interests over public safety with moving ahead on this project.
- Phoebe Paron spoke about several concerns with the police. She said that the cap should not be raised from 74 to 84. She expressed concern that loosening the requirements as set forth in the racial justice resolution from 2020.
- Danielle Shaw said that asking for additional officers is essentially asking the most vulnerable neighbors to sacrifice their literal safety for other residents' perceived safety.
- Steve Margolin spoke about the public naming and subsequent public harassment of members of the Police Commission by the Burlington Police Officers' Association. He said that it is impossible to have open discussions if there is fear about being attacked by the police for those discussions.
- Lilian Vinson said that she had previously been a victim of domestic abuse in a City with active police patrolling and did not feel safe despite that presence. She said that the City needs to stop using the threat of increased domestic violence as an excuse, and that it is fearmongering. She spoke in opposition to increasing the number of police officers on the force.
- Jess Laporte spoke about deep remorse, fear, and frustrations, about the ways the members of the Council and the Mayor have spoken about the use of force against a resident in January.
- Nell Carpenter spoke with concern about BPD's comments towards Police Commission members. She spoke about racial disparities in Burlington as compared to other cities of its size.
- Mark Hughes spoke about the Champlain Parkway and how it is going through the Blackest neighborhood in the state. He urged Councilors to review that project. He also spoke on behalf of the Racial Justice Alliance
- Ava Fusco spoke with concern about how the BPD criticized members of the Police Commission in a threatening manner, saying that she doesn't feel safe knowing that the police union has such a monopoly over the City.
- Hannah Brislin spoke with frustration about how subject matter experts around some of the racial equity discussions

have been gaslit and told that their expertise does not matter.

- ___ McDonald said that more work needs to be done around police accountability. She spoke about increasing the number of non-officer responders. She spoke in support of the public safety continuity plan, because it provides the first steps to getting these actual staff on board.
- Dana Keyes-Gibbons urged the City Council to uphold the racial justice resolution passed in June, and not increase the number of sworn police officers.
- Grace Ahmed spoke about the public safety continuity plan and the statement released by the Progressive caucus.
- Patrick Johnson spoke about public safety issues in the fire prevention world. He said that stopping fires after the fact is taxing and funding-dependent. He said that the country embarked on a public education campaign around fire prevention, which saved communities money. He said that unless funds can be reallocated from policing, the City won't be able to have a 21st century police force.
- Brynne Martin asked the Council to vote against raising the cap on the number of police officers, saying that more officers are more dangerous for the BIPOC community. She said that in order to feel safe, money needs to be invested into the community to help with homelessness, mental health, and drug addiction, not more police officers.
- Dave Farrington spoke about the CityPlace issue. He said that the proposal being presented provides answers to a lot of the questions and answers for both sides.
- Christopher-Aaron Felker spoke in support of the public safety continuity plan, saying that the City needs to move forward and take steps to reform the system.
- Julia Pupko spoke in opposition to raising the cap on BPD officers to 84 and spoke against the actions of the BPD and BPOA, saying that the BPD has used excessive force at high rates in 2020, especially against the BIPOC community. She said the BPD has failed to properly adhere to use-of-force policy and body camera requirements.
- Emma Chaffee spoke against increasing the cap on sworn officers.
- Oskar Flemer asked the Council not to increase the cap on officers in Burlington.

Forum at 8:16 PM.

4. CLIMATE EMERGENCY REPORTS

4.01 Climate Emergency Reports

Councilor Hanson noted that 2020 tied with 2016 as one of the hottest years on record, despite some of the cuts in carbon emissions due to COVID-19 lockdowns and the La Niña cooling effect.

5. CONSENT AGENDA

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

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

5.03 Communication: C/T Office, re: January 4, 2021, Regular City Council Meeting, Draft Minutes - waive the reading, accept the communication, place it on file and adopt the minutes at the February 16, 2021 Regular City Council Meeting.

5.04 Communication: C/T Office, re: January 19, 2021 Regular City Council Meeting, Draft Minutes - waive the reading, accept the communication, place it on file and adopt the minutes at the February 16, 2021 Regular City Council Meeting.

5.05 Communication: C/T Office, re: January 25, 2021 Regular City Council Meeting, Draft Minutes - waive the reading, accept the communication, place it on file and adopt the minutes at the February 16, 2021 Regular City Council Meeting.

5.06 Communication: C/T Office, re: January 25, 2021 Local Control Commission Meeting, Draft Minutes - waive the reading, accept the communication, place it on file and adopt the minutes at the February 16, 2021 Regular City Council Meeting.

5.07 Indoor and Outdoor Entertainment Permit Renewals (2021-2022): see attached list - approve the 2021-2022 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions.

5.08 Communication: Sharon Bushor, Ward 1 resident, re: Airport Commission Charter Change - waive the reading, accept the communication and place it on file.

5.09 Communication: Jabulani Gamache, Police Commission, Chair, re: BPOA Statement **now agenda item 6.06**

5.10 Communication: Caleb Manna, Excavation Inspector, DPW, re: 2021 VTRANS Highway Mileage Certificate Acceptance - accept the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2021 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works, to execute the certificate on behalf of City Council.

5.11 Communication: Chief Innovation Officer Brian Lowe, re: Creation of Health Equity and Engagement Manager position - approve and authorize the creation of a Regular Full-time, Exempt, Non-Union, Grade 21 Health Equity and Engagement Manager within the Innovation and Technology Department.

5.12 Communication: Steve Roy, Senior Water Resources Engineer and Mike Schramm, Water Resources Engineer, re: Request for Approval to Execute Contract for Fire Alarm System Upgrades at Water Treatment Plant & Main Wastewater Treatment Plant Administration Building - authorize the Director of Public Works to execute a contract with MEI Electrical Contractors for design/build services for the upgrade to the fire alarm systems at the Water Treatment Plant & Main Wastewater Treatment Plant Administration Building for up to $103,000, with an additional $25,000 in contingency, totaling $128,000, subject to final review and approval by the City Attorney's Office.

5.13 Communication: James Sherrard, Stormwater Program Coordinator, re: Authorization to execute a contract with Lake Champlain Sea Grant for the Development of a Residential Stormwater Management/Incentive/Education Program - authorize the Director of Public Works to execute a contract with Lake Champlain Sea Grant for an amount up to $184,700 for the Development of a Residential Stormwater Management Incentive / Education Program, subject to the prior review and approval of the City Attorney.

5.14 Communication: Luke McGowan, Director Community & Economic Development Office (CEDO) and Katie Kinstedt, Asst. Director Admin & Finance, CEDO, re: Coronavirus Emergency Supplemental Funding (CESF) Byrne Grant Acceptance - approve the acceptance of the Coronavirus Emergency Supplemental Funding (CESF) Byrne Grant, and authorize the Mayor or his designee to sign all necessary documents to affect same.

5.15 Communication: Brian Lowe, Chief Innovation Officer, re: Motion to Authorize Chief Innovation Officer to enter into a contract for email services - approve and authorize the Chief Innovation Officer to execute an agreement with Planet Technologies and Microsoft for email services for a total amount not to exceed $144,000 over three years, subject to final contract approval by the City Attorney's Office.

5.16 Communication: Richard Haesler, Projects & Policy Specialist, CEDO, re: FY2020 City of Burlington TIF district Reports to the Vermont Economic Progress Council (VEPC) - waive the reading, accept the communication and place it on file.

5.17 Communication: Chapin Spencer, Director Public Works, Martha Keenan, Capital & Asset Management Program Manager, Gustave Sexauer, Asset Management Coordinator, Megan Moir, Water Resources Division Director, Brian Lowe, Chief Innovation Officer and Cindi Wight, Director of Parks, Recreation and Waterfront, re: Asset Management Program -

CMMS Platform Contract, Amending Asset Management Consultant Contract, GIS Hosting Contract, and Amending Clean Water and Drinking Water State Revolving Fund Loans - 1. "To authorize the Director of Public Works to amend the Engineering Services Agreement with KCI Technologies, Inc. for the Computerized Maintenance Management System and Enterprise Asset Management Application Assessment, Procurement, & Implementation Guidance project for up to an additional $120,000 from $124,750 to a total cost not to exceed $244,750,subject to final review and approval by the Chief Administrative Officer and the City Attorney's Office." 2. "To authorize the Director of Public Works to sign a contract Agreement with a GIS hosting and management vendor for the hosting and management of the GIS system for the City of Burlington for a cost not to exceed
$75,420, subject to final review and approval by the Chief Administrative Officer and the City Attorney's Office." 3. "To adopt the attached resolution authorizing execution of a planning loan from the Vermont Clean Water State Revolving Fund for up to $275,847, subject to final review and approval by the City's bond counsel or the City Attorney's Office." 4. "To adopt the attached resolution authorizing execution of a planning loan from the Vermont Drinking Water State Revolving Fund for up to $245,835, subject to final review and approval by the City's bond counsel or the City Attorney's Office."

5.18 Resolution: Authorization for $245,835 Amended Planning Loan From Vermont Drinking Water State Revolving Fund for Asset Management Application Assessment, Procurement & Implementation (Board of Finance) - waive the reading and adopt the resolution.

5.19 Resolution: Authorization for $275,847 Amended Planning Loan from Vermont Clean Water State Revolving Fund for Asset Management Application Assessment, Procurement & Implementation (Board of Finance) - waive the reading and adopt the resolution.

5.20 Resolution: Authorization Re Reimbursement of Waterfront TIF District And Downtown TIF District Related Costs For FY2020 (Board of Finance) - waive the reading and adopt the resolution.

5.21 Resolution: Authorization To Execute Contract For Operational And Functional Assessment Of Police Department (Public Safety Committee) **now agenda item 6.05**

5.22 FIO Documents – for information only.

MOTION by Councilor Stromberg, SECOND by Councilor Carpenter, to amend/adopt the consent agenda, taking the actions as indicated for items 5.01-5.22.

VOTING: unanimous; motion carries.

6. DELIBERATIVE AGENDA

6.01 Outdoor Entertainment Permit Renewal (2021-2022): Arts Riot, 400 Pine Street

MOTION by Councilor Hanson, SECOND by Councilor Stromberg, to approve the 2021-2022 Outdoor Entertainment Permit Renewal for Arts Riot, 400 Pine Street with all standard conditions.

DISCUSSION:

- **Councilor Shannon said that this extends the hours from 9:00 to 11:00 PM, and has concern for noise levels**

for neighbors. She said that the new owner of ArtsRiot is looking to screen movies during the week, and wanted to make sure that this was captured in the permit. She also said that the owner has agreed to cut off the hours at 10:00 PM, and asked if the permit would allow that to occur. Administrator Olberg replied that when you recommend and determine what you would like for entertainment permits, this can be clearly defined.

MOTION TO AMEND by Councilor Shannon, SECOND by Councilor Stromberg, to amend the permit to read "as amended: Sunday - Thursday: 10 pm, extend only for movies; Friday/Saturday: outdoor movies until 11 pm."

DISCUSSION:

- **Allen Newman, the owner of ArtsRiot, confirmed that he is amenable to the amendments to the entertainment permit.**
- **Councilor Mason noted his recusal due to a professional conflict of interest.**

VOTING (on amendment): unanimous; motion carries.

VOTING on application as amended: unanimous; motion carries.

6.02 Presentation: Darren Springer, General Manager, BED, re: District Energy Update

BED Manager Springer said Phase II of the District Energy project has been completed, though it had been delayed significantly due to COVID-19. He said that they have a letter of intent from partners to advance to Phase III, which would cover the next 6 months in the work plan and then determine if they can take District Energy to construction. He said that the District Energy project began in 2018, after prior work with Corix Utilities. He said they conducted an analysis of whether the City could get more benefit per dollar by having the system focus on UVMMC and UVM buildings. He noted that Phase II work included route analysis and updating the economics of the project to get pricing from contractors. He noted that the McNeil Plant would be providing renewable steam to the UVMMC buildings. He walked through the concept: McNeil would generate steam, then provide it in a district energy pipe, after which Evergreen would own and operate the district energy system as a not for profit. He noted that no up-front funding is required from the City and that steam would be provided under cost-based rates. He said that the energy would then be delivered to UVMMC, which would be the hosts for the district energy system. He said that Vermont Gas would purchase the full output of energy from this model. He noted that BED would propose that different buildings/customers could buy into the district energy renewable credits as an innovative way to share the benefits and investment needed to bring this forward, with the entire community.

BED Manager Springer also noted that the cost of the project would go up but remains at around 60% that was assumed under the 2018 plan. He said that in Phase III, Evergreen would secure financing for the system and they will monitor for federal grant opportunities, and that Vermont Gas and BED would provide incentives to realize this system. He said that additional engineering work would need to be completed and that they are currently working to identify additional opportunities for this type of energy use with UVMMC. He said that they would pursue regulatory approvals necessary

from the State to ensure that there is support for this from the State level, identify the permits that would be needed, pursue an agreement with the McNeil joint owners, and would create supply agreements so that at the end of Phase III, all parties will have the opportunity to review and commit to an agreement to move forward with construction. He said that this project would reduce natural gas emissions by 11.5% in Burlington and is the single biggest step the City could take to reduce emissions in that sector.

Councilor Stromberg asked about the full timeline for Phase III, and asked if there is the potential for excess energy to be produced and or/purchased. Manager Springer replied that Phase III will last from between 3 and 6 months. He also said that in terms of the renewable energy credits, they would be offered to a variety of customers, such as the City and others, but if there was an unused quantity in a given year and went unused and unpaid for, the role for VGS is as a backstop to ensure that if those credits are not fully subscribed, then VGS is willing to essentially fund the purchase of those credits for the use of its own system.

Councilor Hanson asked why the emissions reductions would be 72% when compared to the 2018 plan. Manager Springer replied that the 2018 plan was intended to connect to UVMMC as well as downtown customers, which would have meant a larger system, but also a system that included around 33% natural gas in addition to renewable energy. He said that this current plan is all renewable energy and is focused on UVMMC.

Councilor Hanson asked if the hospital has enough thermal load to take the full waste heat from McNeil. Manager Springer replied that in terms of the mix of energy being delivered, a portion would be waste heat that otherwise would have been lost, and a portion would be additional steam, and that they could eventually supply that to buildings in close proximity to UVMMC. Mr. Ahern added that all of the waste heat that can be captured from McNeil could be captured and utilized by the hospital.

Councilor Freeman said that the previous agreement was for 30 years and then there was the possibility for renewal or local control. They asked if there was a similar potential for the contract with Evergreen for local control down the road. Mr. Ahern replied that want to create a structure where local stakeholders have control of the local advisory board to the district energy system, who would participate in budget and rate setting up front. Manager Springer added that could discuss the option of Burlington purchasing the system down the road, if there is interest.

Councilor Hightower asked about the expected construction impacts and any collaboration with the Department of Public Works. Mr. Ahern said that he has been working closely with DPW and that there would be some piping in the street and in the boulevard under the sidewalk. He said that their goal is to coordinate with DPW for any upcoming construction work, to potentially combine projects. He noted that they haven't formally submitted the design for approval, but have submitted drafts of it and getting guidance along the way, and have incorporated that feedback into the design. He said that Evergreen's goal is to break ground on that distribution construction next year and have a two season construction window.

Councilor Dieng asked if there are any future plans to phase out the McNeil plant. Manager Springer replied that the

McNeil facility is part of Burlington Electric Department, is 100% renewable energy, and is the largest energy producer in Vermont. He said that the McNeil plant is unique in that they employ foresters to ensure that sustainable harvest is occurring. He said that combustion plants are going to have lower efficiencies, but the benefit of District Energy would increase the efficiency of the facility and would ensure that the City is providing some emissions reduction benefit. Councilor Dieng asked about carbon dioxide emissions. Manager Springer said that the combustion would emit carbon dioxide, but that the sustainable harvest would sequester it.

Councilor Paul said that District Energy has been in the works for a very long time and thanked staff for their work on this.

Mayor Weinberger said that this effort has the full support of his administration and that this is the largest single step the City can take to meet its net zero energy goals.

Councilor Dieng asked about next steps. Mr. Ahern replied that some next steps would involve drafting proposed agreements between different parties, researching and setting up business structure to be able to facilitate procurement and delivery of the steam, and speaking to UVMMC about details around operational interface between the plant and the hospital, in addition to planning for the next phase, which would involve permitting, engineering, and construction.

6.03 Breaking Out The Costs Of Police Services At The Burlington International Airport And Studying How TSA Requirements Are Met In Other Airports (Councilors Paul, Pine, Dieng, Carpenter, Paulino)

MOTION by Councilor Paul, SECOND by Councilor Stromberg, to waive the reading and adopt the resolution with an amendment on Line 27 to add after the word "enforcement": "with a report back to the City Council at its second meeting in April."

DISCUSSION:

- **Councilor Paul noted that the police officers during their rotation at the airport are not involved in policing but are providing TSA-mandated police services. She said that several Councilors have raised concerns about the appropriateness of including those officers in the headcount, since they are not involved in patrol work. She noted that the current BPOA contract provides that all necessary police work at the airport is done by the Burlington Police Department. She said that their costs are paid for by the airport, which is an enterprise fund and not part of the general fund. She said that this resolution would create a new division in the police department so that the revenues and costs associated with the officers at the airport are separated. She noted that all airports are subject to the same TSA requirements regarding policing at checkpoints. She said the resolution would ask airport leadership to survey other airports of like size and report their findings to the Council, and would also ask the administration to report back on how law enforcement needs at the airport can be met without including them in the authorized headcount at BPD.**

VOTING (by roll call): Councilor Carpenter – aye, Councilor Dieng – aye, Councilor Freeman – aye, Councilor Hanson – aye, Councilor Hightower – aye, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – aye, City Council President Tracy – aye (12 ayes, 0 nays); motion carries.

6.04 Approval Of Public Safety Continuity Plan (Revised)(Board of Finance)

City Council President Tracy passed the gavel to Councilor Hanson. Councilor Hanson is now Acting City Council President Hanson.

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

DISCUSSION:

- **Councilor Mason requested a 15-minute recess to review proposed amendments.**

The City Council recessed at 9:14 PM. The City Council returned from recess at 9:30 PM.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Stromberg, to amend as stated in the "BPD Continuity Amendments Removing Cap Increase" document on BoardDocs.

DISCUSSION:

- **Councilor Hightower outlined the details of the amendment. She said that she hopes the Community Service Liaison and the Community Support Officer positions can be created, in order to address level 1 calls and some of the root causes of racism as noted in the racial justice resolution. She said that this change is to move towards the alternatives as passed in June of 2020. She said that the City should not be moving to increase the cap on sworn officers, but on funding alternatives.**
- **Mayor Weinberger said that the reduction in the number of officers does not in itself lead to savings.**
- **Councilor Tracy said this amendment transforms public safety and realizes the vision of police transformation within the City. He said that by building out the CSO and CSL positions, it will help to meet community needs. He said that there are record levels of harm against the BIPOC community but not an adequate oversight model nor meaningful accountability mechanisms to deal with those harms.**
- **Councilor Paulino pointed out that the CSO and CSL positions in the amendments would be a pilot program, not necessarily a permanent alternative. He said that constituents want viable solutions to the problem of police staffing gaps while waiting for the functional assessment of the police department is conducted.**
- **Councilor Pine spoke about the work of other communities who are grappling with similar police reform efforts for their municipalities. He cited an example in Eugene, Oregon, among others, and said that they are attempting to reduce the number of police officers and create a new civilian corps of service providers that are redefining their public safety approach. He noted low call volume during the hours of concern by the BPD that would have coverage cut.**

MOTION by Councilor Mason, SECOND by Councilor Stromberg, to suspend the rules and complete the deliberative agenda.

VOTING: unanimous; motion carries

DISCUSSION (CONT'D):

- **Councilor Mason noted that the plan that has been proposed is meant to be temporary until the assessment is completed.**
- **Councilor Carpenter said that the CSLs and CSOs are integral to beginning the process of police and public safety reform. She said that this resolution allows for an interim plan while the functional assessment is conducted.**
- **Councilor Hightower urged the Council to prioritize police transformation efforts and alternatives. She said that returning to the status quo is the easiest option, but that the City needs to hold itself accountable to complete the transformation work.**
- **Councilor Shannon asked about the job descriptions for the CSLs and asked if the Police Commission has approved them. Acting Police Chief Murad clarified that the Police Commissions saw the job descriptions but did not approve them. Councilor Shannon asked if the loss of officers and lack of full overnight coverage was speculative. Acting Chief Murad replied that no, it is certain, if decreases in staffing levels continue.**
- **Councilor Paul expressed support for the CSLs and CSOs and hoped that this is an opportunity for BPD to be creative and find solutions that are within the parameters given.**
- **Councilor Freeman agreed that the City should invest in community resources as the way to reduce violence. She said that this amendment is a good first step toward police transformation.**
- **Mayor Weinberger clarified that this amendment would block the administration's proposal to move the cap from 74 to 84 officers. He said that his administration's proposal represents a compromise. He pointed out several problems with the cap at 74 officers, saying that 74 sworn officers is the national average and should not be the cap for Burlington's sworn officers. He also said that Burlington has an airport which it needs to staff with sworn officers, and that the national average of 74 did not include officers posted at airports.**

VOTING (by roll call): Councilor Carpenter – nay, Councilor Dieng – aye, Councilor Freeman – aye, Acting City Council President Hanson – aye, Councilor Hightower – aye, Councilor Mason – nay, Councilor Paul – nay, Councilor Paulino – nay, Councilor Pine – aye, Councilor Shannon – nay, Councilor Stromberg – aye, Councilor Tracy – aye (7 ayes, 5 nays); motion carries.

MOTION TO AMEND by Councilor Hightower, SECOND by Councilor Stromberg, to strike what is currently line 74 - 85 (last two resolve clauses if amended) and replace it with:

"BE IT FURTHER RESOLVED that the City Council delegates approving the job description for a BPD-based community support liaison to the Public Safety Committee. The community support liaison will provide support for

individuals who have come into contact with police and are suffering from substance abuse disorder or a mental health crisis.

BE IT FURTHER RESOLVED that the City Council approves the creation of a reserve fund in the Police Transformation Fund out of the Burlington Police Department budget in the amount of $450,000, which shall be known as the Community Support Liaison Fund and is to be used to fund up to seven new community support liaison positions, in full or in part, in whatever departmental budget they may be placed, and shall continue from year to year until fully expended for that purpose. The Director of Police Transformation and the Public Safety Committee will develop job descriptions determining the roles, reporting, authority, and other aspects of the positions no later than March 15th 2020, which will come back to the Council for presentation and approval."

DISCUSSION OF AMENDMENT:

- **Councilor Hightower said that this amendment changes the amount set aside for CSLs from $150,000 to $450,000, and changes the number of maximum proposed CSLs from 2 to 7.**
- **Councilor Paul noted that the funding for the $450,000 is not currently within the FY2021 budget.**
- **Councilor Mason encouraged Councilor Hightower to take this issue up during the FY2022 budget creation.**

Acting City Council President Hanson ruled Councilor Hightower's amendment out of order and struck it.

MOTION TO AMEND by Councilor Paulino, SECOND by Councilor Shannon, to add a new resolved clause that states "Be it resolved that City Council implements an interim pilot plan over FY 2021 and FY2022 until another plan is adopted following the functional assessment of the department, in which the department will have an authorized cap of 79 sworn uniformed officers."

MOTION TO AMEND by Councilor Paulino, SECOND by Councilor Paul, to add, at the end of the amended resolution, "and up to 7 new Community Support Liaison positions."

VOTING ON AMENDMENT TO AMENDMENT: unanimous; motion carries.

CONT'D DISCUSSION ON AMENDMENT AS AMENDED:

- **Councilor Tracy said it will be important to conduct the assessment prior to changing the cap on sworn officers. He also said that there is a real issue with a lack of meaningful community oversight while the City has significant and glaring issues with public safety.**
- **Councilor Pine asked the Mayor for his view on this amended amendment. Mayor Weinberger said that the vision laid out in December had a larger complement of CSLs and CSOs, which is the direction that the administration would like to head in.**

VOTING ON AMENDMENT AS AMENDED (by roll call): Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Freeman – nay, Acting City Council President Hanson – nay, Councilor Hightower – nay, Councilor Mason – aye, Councilor Paul – aye, Councilor Paulino – aye, Councilor Pine – aye, Councilor Shannon – aye, Councilor Stromberg – nay, Councilor Tracy – nay (6 ayes, 6 nays); motion fails.

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

6.05 Resolution: Authorization To Execute Contract For Operational And Functional Assessment Of Police Department (Public Safety Committee) **was consent agenda item 5.21**

Acting City Council President Hanson returned the gavel to Councilor Tracy for discussion of this item, who resumed the role of City Council President.

MOTION by Councilor Hightower, SECOND by Councilor Paulino, to waive the reading and adopt the resolution.

DISCUSSION:

- **Councilor Hightower said that the City received 12 proposals for this RFP and chose CNA Corporation as an apparently successful bidder.**
- **Councilor Shannon said that the job descriptions were referred to the Public Safety Committee and expressed concern that this RFP process has taken a long time. Councilor Hightower said that the RFP for community engagement was prioritized over the RFP for this scope of work, and that there were some administrative hurdles during this process. Councilor Shannon expressed concern that the committee is not able to make decisions in a timely manner.**
- **Councilor Dieng asked about timeline and when the vendor would bring recommendations to the City Council. Councilor Hightower said the timeline depends on how long it takes the City Attorney's office and the contractor to execute an agreement.**

VOTING: unanimous; motion carries.

6.06 Communication: Jabulani Gamache, Police Commission, Chair, re: BPOA Statement **was consent agenda item 5.09**

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

DISCUSSION:

- **Councilor Pine said that this communication raised concerns for him, since it addresses the concerns about the Burlington Police Officers' Union calling out individual police commissioners who were carrying out their assigned roles. He said it is important to reiterate the concept of decorum in a democracy.**
- **Mayor Weinberger said that the BPOA statement has put scrutiny on the statements of the Police Commission, which can lead to harassment and other adverse actions. He said that BPOA was also within its legal rights to make its statement, and that democracy allows for disparate views to be aired in a public arena. He urged the BPOA to consider expressing their opinions differently in future. He also urged the Council to invite police officers into dialogue around policing in Burlington. He finally reassured commissioners that there is a zero-tolerance policy for hate speech in Burlington and will discourage and punish such actions when needed.**
- **Councilor Hanson emphasized the importance of the concerns that Chair Gamache has raised.**

VOTING: unanimous; motion carries.

7. COMMITTEE REPORTS

7.01 Verbal Reports

Councilor Dieng said that that the Racial Equity, Inclusion, and Belonging Committee will meet on February 17th.

Councilor Mason said that the Joint Ordinance/Planning Commission will be meeting virtually on February 9th at 6:30 to continue their discussion about short-term rentals.

Councilor Paul said that the January Park, Arts, and Culture Committee meeting from January has had to be postponed and she anticipates it being rescheduled soon.

8. CITY COUNCIL – GENERAL AFFAIRS

8.01 Verbal Reports

None at this time.

9. CITY COUNCIL PRESIDENT – COUNCIL UPDATES

9.01 Verbal Reports

None at this time.

10. MAYOR – GENERAL AFFAIRS

10.01 Verbal Reports

None at this time.

11. ADJOURNMENT

11.01 Motion to adjourn

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

VOTING: unanimous; motion carries.

The City Council meeting adjourned at 12:40 AM.

RScty: AACoonradt