BURLINGTON CITY COUNCIL
CITY HALL, CONTOIS AUDITORIUM *OR*
REMOTE MEETING WITH CALL-IN
BURLINGTON, VERMONT
MINUTES OF MEETING
January 16, 2024
DRAFT

MEMBERS PRESENT:	Karen Paul Joan Shannon Ali Dieng (via Zoom) Zoraya Hightower Sarah E Carpenter Mark Barlow Joe Magee Gene Bergman Ben Traverse Tim Doherty Melo Grant Hannah King
OTHERS PRESENT:	Miro Weinberger Katherine Schad Jared Pellerin Kim Sturtevant Samantha Sheehan Lori Olberg Nathan Lavery Tom Flanagan Clare Wool Brian Pine Chapin Spencer Laura Wheelock Josh Olund Steven Spear Mike LaCroix Bob Klinefelter Carolyn Cota

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1. CALL TO ORDER and AGENDA

The meeting was called to order by City Council President Paul at 5:33 PM.

MOTION by Councilor Doherty, SECOND by Councilor King, to amend/adopt the agenda as follows:

- **Add to the consent agenda item 7.22. Communication: Jake Twarog, re: Winooski Bridge Project – Pedestrian & Bike Safety.**

VOTING: unanimous; motion carries.

2. PRESENTATION: BURLINGTON SCHOOL DISTRICT, RE: BUDGET DEVELOPMENT UPDATE

2.1. Presentation: Burlington School District, re: Budget Development Update
Superintendent Flanagan and Director of Finance Lavery presented on this item.

Superintendent Flanagan began by speaking about budgetary assumptions. He noted that wages and benefits saw an increase of 5%, and that health insurance premiums are estimated to increase by 16.4%. He said that there was a $9.5 million increase in debt service due to bonding. He noted that ESSER funds are ending, which means that programs and positions funded by federal dollars can only be retained if the budget is increased to support them.

He then spoke about the equity budgeting model, noting that this will be the third year that BSD uses this approach. He said that the model is created with input from the community and centers around allocating resources to students who need them the most. He noted that the model provides a foundational level of support and additional funds for equity-focused investments unique to the school community, and it recognizes that staffing levels must be responsive to enrollment changes. He noted that the staffing model provides each school with core staffing, that non-personnel funds are allocated based on a per-student basis, and an Equity Allocation provides additional funding using a weighted student formula that allocates more funds for schools with greater need.

Superintendent Flanagan then spoke about the School Boards budget guidance for this year. He said that it was to recognize that staffing levels must be responsive to enrollment changes, that budget growth must be limited due to increases in wages, benefits, and pending BHS/BTC costs, that funding must meet strategic plan objectives, that the district must continue to offer robust programmatic offerings, that multi-year impacts of changes be considered, and that investments should be identified that serve the most vulnerable students.

Director Lavery then spoke about the impact of the bond for BHS/BTC. He said that the majority of the bonding has occurred, and that BSD has borrowed $130 million of the total $165 million that was authorized. He said that the biggest tax impact of the project is in FY25, with an 11% increase on taxes. He noted that if the remaining $35 million is borrowed, it will increase tax rates by an additional 2.8% (everything else held constant). He noted that remaining borrowing is likely to occur over two years, and will impact the FY26-27 budgets and taxes.

He spoke about Act 127 and the tax cap and how this interacts with BSD's budget development. He noted that Act 127, which changed the pupil weight methodology, also included a tax cap to help communities adjust spending over multiple years in response to new pupil counts. He said that the cap has a 5% cap on the increase in equalized tax rate (before the Common Level of Appraisal, or CLA) and a review by the Agency of Education if growth in spending per pupil exceeds 10%. He said that because the 5% cap is applied to equalized tax rates, it does not shield communities from tax rate increases resulting from CLA changes, and noted that due to CLA changes in Burlington, any budget scenario subject to the 5% cap will still increase tax rates by nearly 14%. He noted that the CLA decreased by 7.87%, which had the effect of driving tax rates up. He said that with the CLA at that level, BSD's budget proposal saw a 17% tax increase. He said that even with the 5% tax rate cap applied, the CLA still results in an increase of 13.67% in the tax rate. He said that this has been extremely disruptive across the region. He noted that BSD can only achieve a below 8% tax increase by making massive reductions in force (at least 12%).

Superintendent Flanagan then spoke about five scenarios that were developed to attempt to minimize the tax rate increase in the FY25 budget. He noted that he recommends Scenario 2, which responds to CLA pressures while allowing for necessary programmatic and operational investments. He spoke about the breakdown of increased spending within this scenario, noting that the majority of it is attributed to debt servicing of the bond. He noted that it minimizes impacts on staffing and includes modest programmatic investments to support the strategic plan and leadership development, and offsets those with reductions. This scenario would increase the tax rate by 13.97%. He noted that the tax rate increase without the bond would have been 3.97%, and the tax rate increase without CLA would have been 5%. Director Lavery noted that because the majority of the increase is due to the bond, Burlington should not see this kind of increase year after year. He noted that the FY23 audited fund balance was $2.4 million, which is being used to support the FY25 budget, and is currenting being used specifically to support costs associated with rent for temporary spaces for the school.

Director Lavery spoke about the property tax impact of Scenario #2. He said that using the example of a homestead valued at $370,000, the taxes would increase by $749, and that for a homestead valued at $500,000, the taxes would increase by $1,012. He also showed the income adjustment tax impact of Scenario #2, showing that income of $50,000 would have an increase of $134, and income of $120,000 would have an increase of $321.

Councilor Hightower asked why so much of the bond money has been drawn down already. Director Lavery replied that the City issued the bonds and received the money and it is now in the District's bank account. He said that they have not prepaid anything. He said that it is earning interest in the District's bank account. He said that they borrowed so much because the City issues bonds once per year and that they would need to draw down enough to pay back or reimburse for expenses that have already been incurred, as well as last through the entire year of project spending. He also noted that some of the project costs have been incurred earlier than anticipated. Councilor Hightower asked what public input is going into informing the scenarios for the budget. Superintendent Flanagan replied that they received the tax estimates from the State on January 2 and have had tight turnarounds to incorporate those into the budget. He noted that each school has an advisory group that has been giving input, and the district has a good sense from families about how to prioritize spending based on the input received at those groups.

Councilor Traverse asked for confirmation that there's one scenario that shows that in order to come below the cap and decrease the education tax from what was in Scenario #2, the district would need to cut up to 50 FTEs, and that even with that, there would be a tax increase of 8% due to the CLA and bonding. Superintendent Flanagan confirmed this. Councilor Traverse asked whether the district has mapped out what the core staffing model and ratios would look like if 50 FTEs were cut from the budget. Superintendent Flanagan replied that they have an idea of what that would look like, but it is very disruptive to the district, and he isn't recommending the scenarios related to these aggressive cuts. He said that it would also impact school choice models and overall staffing ratios, and would have a very destabilizing effect. Councilor Traverse asked about historic CLA trends as they relate to tax increases for the education fund. Director Lavery replied that there have been years where the CLA has decreased by 2-4%, but it hasn't had as big of an impact as it is having this year. Councilor Traverse asked whether the District had gotten any advance notice from the State about this significant impact, and Director Lavery replied that they typically do not receive advanced notice about this, but must wait until the Tax Department provides these numbers to all communities across the state. He noted that the City Assessor reviewed this and was not taken aback by the level of CLA decline, based on the current landscape in the real estate market. Councilor Traverse said that because this number is only coming to communities weeks before they need to finalize budget proposals to place on ballots for Town Meeting Day, this is one indicator of how the state's education funding model is deeply broken.

Councilor Barlow concurred with Councilor Traverse about the education funding model. He asked whether neighboring districts are having the same challenges with their budgets as Burlington. Superintendent Flanagan replied that yes, neighboring districts, and even districts that are further away, are experiencing similar challenges with their district budgets. Councilor Barlow asked whether the City has already triggered the threshold at which a Citywide reappraisal is necessary. Director Lavery replied that the law has changed and that reappraisals will happen more often, but the metric by which they are triggered is different.

Councilor Bergman agreed with the approach the District is taking by not making austerity cuts that would negatively impact staffing levels. He asked about rebounding enrollment trends. Superintendent Flanagan replied that he is optimistic that the K-5 and pre-K numbers are increasing. Councilor Bergman said that the relationship between income sensitivity and the $400,000 cap is now at a critical point, because people have no control over their home values and incomes aren't rising. He said that this is an issue that must be taken to the legislature. He said that BSD's presentations should include more illustrations to help the average homeowner understand some of these implications. He noted comments by the State Auditor about health care costs and alternative ways of trying to deal with them, and Director Lavery replied that the health insurance benefit is collectively bargained at the State level, which limits the levers through which Burlington itself can influence the rising costs of that plan.

Councilor Carpenter suggested that the City have a model or an interactive tool that homeowners could use to see what the effect on their tax bills would be. She also noted that after the last reappraisal, one of the lingering questions of the Ad Hoc Reappraisal Committee was how to match circuit breaker incomes to property values, and that the City should revisit that to build its own case about lifting that $400,000 cap. She also suggested several changes to the staffing model graphics to more accurately reflect them.

Councilor Shannon asked about the value of the per pupil weights under the new system compared to the old system. Director Lavery replied that the two are not directly comparable, but the new model is estimated to provide the City with $8 million more in spending before they would need to increase taxes than the old model would have.

Councilor Grant agreed that the education funding system is broken. She also emphasized the importance of personnel and staff as a driver of quality education.

Councilor Dieng said it is important to understand that the tax rate is going up while enrollment is going down and why that is happening. He noted that this presentation has been giving to the school boards and people have weighed in on it. He asked what the District has been hearing in terms of feedback thus far. Superintendent Flanagan said that at the school level, the schools are saying that this is a big increase and that the district and City should be doing everything it can to make sure that it helps the citizens of Burlington out over time, while maintaining robust programmatic support. He also said that the school district is continuing to advocate for PCB funding as well as construction aid, the latter of which is something that most other states have in place, which would help the district significantly. He also noted that the Monsanto lawsuit is still pending, and that the school district is working hard to bring additional funding into the system. Councilor Dieng asked whether classroom size is comparable between Burlington and surrounding districts. Superintendent Flanagan replied that Vermont and other New England states have lower pupil to teacher ratios than other parts of the country, and that Burlington is comparable with surrounding districts. Councilor Dieng asked what the backup plan will be if this budget proposal is rejected by the voters. Director Lavery replied that they have not yet developed a Plan B, and that their main focus is on communicating the drivers of the rate increase and emphasizing that part of it is being driven by a decision that was largely supported by the voters (the bond), and the other part is being driven by decisions that have no relation to school spending decisions. He said that the more people hear this, the more they will agree that this is a responsible budget proposal.

Chair Wool emphasized the fact that Burlington is the only school district in the State that has had to permanently close its high school in the last five years and that has had to absorb the cost and expenses of bonding for and building a new high school. She said that the district led the new weighting system through Act 127 and thanked the City Council for its work to help advocate that. She asked the citizens of Burlington to support this budget.

3. COMMUNICATION: MAYOR WEINBERGER, RE: REQUESTED AMENDMENTS TO LAND USE MOU WITH UVMMC; CITYPLACE ARDA 2.0 AMENDMENTS; AMENDMENTS TO DEVELOPMENT AGREEMENT WITH CAMBRIAN RISE **EXPECTED EXECUTIVE SESSION**

3.1. Communication: Mayor Weinberger, re: Requested Amendments to Land Use MOU with UVMMC; CityPlace ARDA 2.0 Amendments; Amendments to Development Agreement with Cambrian Rise **Expected Executive Session**
Mayor Weinberger began by noting that related to the UVMMC MOU, there is a document summarizing the current agreement and the areas that need to be updated (and this is public). He said that with respect to the other two projects, there are long-term agreements with the developers and that there are changes that need to be made to reflect updates. He said that he anticipates that changes to both of these agreements will come before the Council relatively soon. He said that no votes are anticipated for tonight's executive sessions.

MOTION by Councilor Doherty, SECOND by Councilor King, to find that premature general public knowledge of the City's stance on requested amendments to the development agreement with Cambrian Rise; amendments to the CityPlace ARDA 2.0; and amendments to the land use MOU with UVMMC, would clearly place the City at a substantial disadvantage because the City risks disclosing its negotiating stance prematurely.

VOTING: unanimous; motion carries.

MOTION by Councilor Doherty, SECOND by Councilor King, that based on the finding of substantial disadvantage, the City go into executive session to communicate with legal counsel and the City Administration under the provisions of 1 V.S.A Section 313(a)(1)(A) and (F), to include the Acting City Attorney, Chief Administrative Officer, outside consultant David G. White, DPW Senior Engineer, the CEDO Director, the Director of Planning, and outside legal Counsel Tim Sampson.

VOTING: unanimous; motion carries (Councilors Traverse and Doherty recused from the portion of executive session dealing with the UVMMC MOU).

4. PUBLIC FORUM: **TIME CERTAIN – 7:30 PM**

4.1 Verbal Comments

Forum opened at 7:39 PM.
COMMENTS:
Burlington residents (in person):

- Brandon Dayton spoke about the MOU that the City has with UVM. He said that he is disappointed that the City isn't discussing the low wages that UVM pays its staff and faculty in addition to talking about the housing in the agreement. He said that UVM's average salary is $39,000, and that someone making that would have to spend half of their income to be able to afford living in the City, and that UVM has also caused the housing crisis that has led to high housing costs. He suggested that the City work with labor unions to hold UVM accountable.

- John Mahoney spoke about the proposed MOU with UVM regarding hosing. He said that the proposed MOU shows no strength for the City, and asked why it doesn't suggest cutting the number of enrolled students while increasing housing. He said that the University does not care about the City but only about itself.
- Romeo van Hermann noted that there were many items last year that came up at City Council that did not pertain to the City, and hopes that the Council spends more of its time this year tackling issues that pertain directly to the City. He also wished everyone a happy new year.
- Marty Gilles expressed frustration with the Winooski Bridge proposal, because it does not have bike lanes, and said that the City should push back on VTrans to accommodate bike lanes on the bridge.
- Colin Larson spoke about the Winooski Bridge proposal, saying that the proposal would funnel more cars through Winooski and Burlington when it should be focusing less on cars and more on alternative modes of transportation, noting that this is the only pedestrian connection between Burlington and Winooski.
- Jack Tiano spoke about the Winooski Bridge proposal, saying that VTrans, which is leading the design of the project, has failed. He said that they have ignored valid public feedback, been biased toward 20th century approaches to rural and urban infrastructure, and the fundamental failure of climate action. He said that vehicle miles traveled will increase with this proposal rather than decrease.
- Todd Lacroix said that people fail to learn from history. He spoke about past leaders and how they have failed because they are narcistic psychopaths.
- Dan Castrigano spoke about his frustration with the design proposal for the Winooski Bridge project. He said that the bridge's design should be climate-forward and that it should help shift modes of transportation. He said that the bridge should be redesigned with an eye to decreasing vehicle miles traveled, not increasing them.
- Alyssa Chen spoke about negative experiences with going over the Winooski Bridge. She then spoke about the apartheid free ballot resolution. She noted that over 1,500 Burlingtonians have petitioned to have this item on the ballot, and asked the Council that the democratic process play out and allow the item to be placed on the ballot. She said that putting this on the ballot creates a public forum for discussion around the Israeli/Palestinian conflict to occur. She said that standing against apartheid is standing for peace.
- Jake Schumann said that he would like to remove his name from the petition regarding the apartheid-free ballot resolution. He said that the organizers behind this petition are being duplicitous and attempting to divide the left.
- Shawn McConnell spoke about being homeless in the community and being on a homeless voucher. He said that he is able-bodied and is able to work, and that there are no opportunities for him to do so. He also said that drug-users should be penalized for using in public, and should also be presented with treatment options and resources (and suggested including drug testing strips and treatment literature at needle exchange sites in the City).
- Shawn McConnell's wife, also homeless, spoke about their experience as a non-drug-using homeless couple and how there is a lack of resources for them as unhoused individuals who don't use drugs. She spoke about how drug use in City Hall Park is rampant and that Burlington must do more to clean up its parks and make them family-friendly again.

Burlington residents (via Zoom):

- Trisha O'Kane spoke in support of the charter change to strengthen the civilian control of municipal security forces. She spoke about how the Troubles in Ireland started due to distrust of the local police, saying that this has been improved in part due to reform in oversight of the police force.
- Sharon Bushor spoke about the School Board presentation, specifically about the decreases in enrollment. She noted that this decrease in enrollment was seen in certain sections of the City, saying that this is germane and potentially linked to the City's housing initiatives. She said that the City's housing initiative does not address increasing housing for families. She said that the City must work on ways to increase families in the City.

- Evan Gould spoke about the Winooski Bridge project proposal, noting that nowhere in public hearings did people suggest that the lanes need to be wider on that bridge, but that this is just what the current proposal plans to do. He said that they have asked VTrans to come back with another proposal that would prioritize multi-modal transportation, but that VTrans has done nothing. He noted that VTrans applied for a grant specifically targeted to multi-modal, multi-jurisdictional projects, but that this project is more of the status quo.
- Nolan Rogers spoke about the Winooski Bridge project, saying that pedestrian and cycling infrastructure should be increased and the vehicle lanes should be reduced. He said that the intersections around this bridge are some of the worst around Burlington. He said that the bridge should be two-lane vehicle lanes and increase the pedestrian and cycling infrastructure on the bridge.
- Quinn Bisby spoke about the Winooski Bridge project, saying that it is a massive investment for the City and that the project should be designed correctly and in accordance with the opinions and attitudes of Burlington's residents. He said that the Council should delay its decision to approve the proposed design and take the time to get this right. He said that cars should not be prioritized over pedestrian and biking options.

Non-Burlington residents (in person):
- Keren Sita spoke in all Vermonters, saying that what is happening is inhumane. She said that leaders should be ashamed of themselves for how they have treated and handled the homeless situation in the state. She also said that leaders should prioritize biking and healthy options.

Forum closed at 8:22 PM.

5. CLIMATE EMERGENCY REPORTS

5.1 Climate Emergency Reports
Mayor Weinberger spoke about legislative activity and support around developing a 100% renewable energy standard, and that Burlington Electric Department has been a key part of these discussions. He said that it is a framework that works well with Burlington's Net Zero Energy Plan. He also spoke about his participation at the Mayor's Innovation Project Conference in Washington, DC about Burlington's long-term climate leadership and its electrification plan.

6. PUBLIC HEALTH AND SAFETY EMERGENCY UPDATES

6.1 Public Health and Safety Emergency Updates
Councilor Magee noted that last week, the Vermont House of Representatives passed H. 72, which would authorize and pilot two overdose prevention centers in Burlington and southern Vermont. He said this type of evidence-based approach is greatly needed.

Mayor Weinberger spoke about other legislative activity in Montpelier, noting that the City is preparing to testify on various aspects of the opioid crisis, including the retail theft bill, which would respond to some of the challenges downtown and would allow multiple thefts to be aggregated to prevent recidivism. He also noted the potential creation of a vehicle theft statute. He then provided an update on the winter warming shelter at the VFW, which opened on December 15 and serves 35 people every night, and that it is operating without conflict from neighboring properties. He also noted that there is a plan from the Agency of Human Services to end the remaining motel program by April 1st, which is problematic, and that the City has proposed an alternative wind-down plan back to the State. He said that it urges the State to continue this plan to July 1st.

Councilor Grant said that the State Attorney's data is still around 3,000 cases, and that they are busy and backlogged. She reminded the public that they should reach out to the State Attorney to determine whether their case was logged. She encouraged the public to review the community safety public forums that were held on December 14th and 19th, and said that the City should make more effort to make the presentations and public questions available through the City. She said that she is planning another forum to be held mid-February and to focus on harm reduction and the work of the Fire Department. She noted that she was at Decker Towers this morning with Fire Department leadership to look at conditions in the stairwells. She noted that people were sleeping in the stairwells, there were needles, empty food containers, Narcan, feces, and cigarette butts littering the floors. She said that the City has failed the residents that live in this building and expressed sadness and disappointment at these conditions. She spoke about retail theft and how the Police Department is now discouraging filing online reports by businesses. She said that while this is an improvement, it is not appropriate to blame retail businesses for doing nothing. She said that some larger businesses are paying significant sums of money for their own private security.

7. CONSENT AGENDA

7.1 Motion to adopt the consent agenda (as amended) and take the actions indicated
7.2 Communication: C/T Office, re: Accountability List – waive the reading, accept the communication, and place it on file.
7.3 Tobacco License and Tobacco Substitute Endorsement Renewals (2024-2025); see attached list – approve the 2024-2025 Tobacco License and Tobacco Substitute Endorsement Renewals as listed.
7.4 Special Event Outdoor Entertainment Permit Application (one day only): Vermont Future Fest, 377 Pine Street, private parking lot, June 15, 2024, 11 am – 4 pm. – approve the one day only special event outdoor entertainment permit application for Vermont Future Fest, 377 Pine Street, private parking lot, June 15, 2024, 11 am – 4 pm.
7.5 FY23 Recycling Truck & Plow Truck Purchase Cost Increase – DPW - approve and authorize the Department of Public Works to spend an additional $16,189.00, for a total of $222,722.00, for the FY23 plow truck, and additional $21,242.00, for a total of $285,242.00 for the FY23 recycling truck purchase; and to further authorize the Director of the Department of Public Works to execute a purchase agreement and other associated documents necessary to effect such purchase with Allegiance Trucks for a total purchase price not to exceed $222,722.00 for the FY23 plow truck, and $285,242.00 for the FY23 recycling truck, subject to the review of the City Attorney's Office.
7.6 Conversion of BED Energy Assistance Program from a Pilot to a Permanent Rate – BED - approve BED seeking approval from the Vermont Public Utility Commission of the Energy Assistance Program tariff provided with this memo as a permanent BED tariff offering to its customers.
7.7 Position Elimination and Creation – BED/HR - approve the elimination of an Enterprise Data & Integration Specialist, a Regular, Full-Time, Exempt, Union, Grade A2, A4, and A6 (depending on tiered level) position and create a Cybersecurity Engineer, a Regular, Full-Time, Exempt, Union, Grade A4 and A6 (depending on tiered level) position within the Burlington Electric Department.
7.8 Communication: C/T Office, re: October 10, 2023 Regular City Council Meeting Minutes, Draft – waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.9 Communication: C/T Office, re: October 10, 2023 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.10 Communication: C/T Office, re: October 10, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.11 Communication: C/T Office, re: October 23, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.12 Communication: C/T Office, re: October 23, 2023 City Council With Mayor Presiding Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.13 Communication: C/T Office, re: November 6, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.

7.14 Communication: C/T Office, re: November 20, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.15 Communication: C/T Office, re: November 20, 2023 Local Cannabis Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.16 Communication: C/T Office, re: November 20, 2023 Local Control Commission Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.17 Communication: C/T Office, re: December 11, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.18 Communication: C/T Office, re: December 18, 2023 Regular City Council Meeting Minutes, Draft - waive the reading, accept the communication, place it on file, and adopt the minutes at the January 29, 2024 Regular City Council Meeting.
7.19 FIO Documents – for information only.
7.20 Resolution: Selection of Newspapers For Publication Of 2024 Election Warnings And Notices (Councilor Paul) – waive the reading and adopt the resolution.
7.21 BED Advanced Distribution Management System Project – BED - approve and authorize the General Manager of BED to execute with Survalent a Software License Agreement, an Implementation Services Agreement, and a Support & Maintenance Agreement to purchase and receive associated implementation, support, and maintenance services for an Advanced Distribution Management System at fixed, not-to-exceed prices, subject to review and approval of the City Attorney's Office and subject to appropriations for each relevant fiscal year.
7.22 Communication: Jake Twarog, re: Winooski River Bridge Project – Pedestrian & Bike Safety – waive the reading and place the communication on file.

MOTION by Councilor Magee, SECOND by Councilor Shannon, to adopt the consent agenda as amended and take the actions indicated for items 7.1-7.22.

VOTING: unanimous; motion carries.

8. DELIBERATIVE AGENDA

8.1 First Public Hearing on Proposed Charter Amendments for March 5, 2024 Annual City Meeting
City Council President Paul said that there are two amendments that require two public hearings prior to placement on the ballot on Town Meeting Day, and that the Council may amend the amendments further based on feedback from these public hearings.

Acting City Attorney Pellerin provided an overview of the proposed charter changes. He said that the first one was brought by the Administration and Burlington Electric Department to increase BED's revolving line of credit from $5 million to $10 million to provide for more working capital. He said that the second is around police oversight, which was developed by a Joint Committee formed by the Charter and Ordinance Committee.

City Council President Paul opened the public hearing.

Jake Schumann spoke about basing opinions on what's good for the community rather than personal opinions. He spoke about the charter change related to police oversight, saying that this is the bare minimum that the Council can do.

Lee Morrigan spoke about the charter change on police oversight, saying that they disagree with the statement that there has been a lack of public engagement. They said that there were 39 instances of public input over 15 meetings of the Joint Committee, saying that they were impressed by how intentional the Committee was in incorporating that feedback.

City Council President Paul closed the public hearing.

Councilor Shannon noted that the proposed amendments were referred to the Police Commission and that they were also referred to the Police Union, but that these activities occurred at the end of the process. She said that the Police Commission in a 4-1 vote were not supportive of moving these amendments forward at this time, though she acknowledged that there is much of great value in these changes. She said that she agrees with the Commission that more work is needed on it.

MOTION by Councilor Shannon, SECOND by Councilor Barlow, to refer the proposed charter change to the Police Commission for further consideration and a request that the Commission provide edits or a proposal that addresses comments made at the Commission to the City Council by June 3, 2024.
DISCUSSION:

- **Councilor Hightower asked how this would affect the placement of the item on the Town Meeting Day ballot, and City Council President Paul noted that it would be referred to the Police Commission and not placed on the ballot.**
- **Councilor Bergman said that there was consistent engagement between the Joint Charter/Ordinance Committees and the Police Commission. He said that this set of amendments is a bare minimum of what should be done, and is better than the status quo. He said that a referral is a move to kill this set of amendments. He said that the voters deserve to be able to decide on this. Councilor Shannon said that the intent of this referral is not to kill it.**
- **Councilor Hightower said that she is not supportive of referring this to the Police Commission.**
- **Councilor Grant said that there have been clear attempts to stop this from moving forward. She said that this would represent a broken promise, since it was promised that if the ballot item failed last year, a Joint Committee would be formed and a set of amendments would be put forth for voters in 2024 based on that work.**
- **Councilor Traverse said that the Joint Committee (which he and Councilor Bergman cochaired) met a number of times and received a significant amount of public feedback and input, and that he believes this set of amendments is very close, if not final, in terms of what the Council should be putting in front of the voters. He said that most of the feedback from the Police Commission were really questions around the edges of the amendments, rather than major questions. He said that the Council owes it to the voters to present them with an oversight ballot item, but also a ballot item that has the best chance of passing. He said that he will support this motion, acknowledging that it will push the timeline out, but also acknowledging that the legislature isn't able to take up this charter change until 2025 anyway, and that supporting this motion could tee up this charter amendment for November 2024 voting.**
- **Councilor Magee said that there is not a forgone conclusion that the legislature wouldn't take this set of amendments up this session and that the City owes it to the voters to put something before them for their consideration. He said that for the Council to not take the bare minimum action that it promised Burlingtonians last March is awful.**
- **Councilor Carpenter said that she wants to put this before the voters but she also wants to put before the voters a set of amendments that will pass and garner support from Burlingtonians. She said that postponing this would represent a broken promise on the timeline for a charter change related to police oversight, but she wants to develop something that is viable and that will pass.**

- **Councilor Grant said that there is no such thing as a perfect set of amendments and that this postponement represents a stalling tactic. She noted that the co-chairs of the Police Commission were involved from the beginning and knew what the timeline would be.**
- **Councilor Shannon pointed out, in response to accusations that this is a stalling tactic, that Councilors Grant, Hightower, and Magee voted not to put this item on the ballot as is, during one of the Council's meetings last December. She said that this set of amendments did not have strong support at this table, nor at the Police Commission nor the Police Union. She said that the Police Commission had concerns about how this would be implemented, which is why she is proposing to refer it to them.**
- **City Council President Paul noted that the June 3 date in this motion was picked carefully to align future decisions with the timeline for putting police oversight-related charter amendments on the November 2024 ballot.**
- **Councilor Magee said that his opposition to the resolution on December 11 was not to prevent it from being put on the ballot, and said it is disingenuous to suggest such.**
- **Councilor Dieng said that this is disheartening. He said that it is this Council's job to do the work, and that this work has been going on for a number of months. He said that this vote is killing the democracy in the City, and that the Council should put this in the hands of the voters now.**
- **Councilor Traverse clarified that Councilor Shannon's statement about voting at the December 11th meeting was a vote to warn the public hearing for today that is the first step in putting this on the ballot in March. He said that it was after that vote took place that the Police Commission met again (on December 26th), and that their feedback is relatively new information. He noted that there was significant turnover on the Police Commission in the last number of months, which coincided with the work being conducted by the Joint Ordinance/Charter Committee, which made it difficult to conduct some of the work related to crafting these amendments.**
- **Councilor Bergman said that he believes that the majority of the Police Union's issues with the amendments could have been resolved if they had been made in a public hearing, since then the amendments could have been further amended based on the public hearing. He said that the engagement that would allow the Council to move forward with this isn't happening, because the Police Commission is not at this public hearing. He expressed disappointment that there aren't public comments occurring tonight based on the concerns raised.**
- **Councilor Hightower said she was hopeful when this process started that there would be a compromise reached between the original language proposed in Question 7 and a more moderate police oversight proposal. However, the longer the process went on, the fewer voices who wanted change showed up, and she said that Burlington has a real problem with wearing down community members. She said that the hundreds of people who signed the petition to put a police oversight item on the ballot have stopped paying attention because they've given up on the City and City Council, which is extremely frustrated.**
- **Councilor Grant agreed, saying that this represents a wearing down of the community who do not have faith in their representation and their government. She expressed dismay at the negativity that was fed to the current Police Commission to imply that they didn't have the expertise to accomplish this, and said that maybe this is why they stopped paying attention to this.**

VOTING (by roll call): Councilor Barlow – aye, Councilor Bergman – nay, Councilor Carpenter – aye, Councilor Dieng – nay, Councilor Doherty – aye, Councilor Grant – nay, Councilor Hightower – nay, Councilor King – aye, Councilor Magee – nay, Councilor Shannon – aye, Councilor Traverse – aye, City Council President Paul – aye (7 ayes, 5 nays); motion passes.

City Council President Paul said that the second public hearing on charter changes will be on January 22, and that the only item being discussed at that time is around the BED bonding item.

8.2 ARPA Funding Dedicated to Housing and Homelessness – CEDO

MOTION by Councilor Carpenter, SECOND by Councilor Shannon, to approve and authorize the allocation and spending of $2,025,000 of City ARPA funds, by the Chief Administrative Officer, pursuant to the City's spending policies, to continue to address housing and homelessness throughout the City as outlined in the above memo and in the following way: 1. Increase the amount of ARPA funds allocated to address the acute homelessness crisis by $75,000 from $2,975,000 to $3,050,000; and 2. Dedicate $1,000,000 of ARPA funds to the Post Apartments project at 176 S. Winooski Avenue to aid in the creation of permanently affordable housing units; and 3. Dedicate $950,000 of ARPA funds to Champlain Housing Trust for use towards the creation of permanently affordable housing units in the next phase of their development at Cambrian Rise.
DISCUSSION:

- **Councilor Carpenter expressed support for using this funding in this way, but cautioned that ARPA funding will be sunsetting and that these initiatives will be more difficult to sustain. She said that the City must continue to work with the State to take more leadership on this issue, as the City needs more resources for this.**
- **Director Pine thanked the Council and the Administration for the use of this ARPA funding to tackle Burlington's massive problems with housing and homelessness. He said that the City has been able to significantly increase the Housing Trust Fund with the revenue from the short-term rental registry and fees, and thanked the City Council for this action. He agreed that they will need to seek alternative funding for these important initiatives once ARPA funding expires.**

VOTING: unanimous; motion carries (Councilors Magee and Doherty absent for vote).

8.3 Presentation Regarding Burlington-Winooski BF RAIZ (2)/Burlington STP 5000(29): Burlington Winooski Bridge – DPW
Director Spencer began by noting that this pertains to the Winooski River Bridge and adjacent intersection, and represents $60 million in investments to improve the safety and connectivity between Burlington and Winooski. He said that this project has engaged bike and pedestrian stakeholders from the beginning, but noted that the project isn't over with. He said that design work continues, and they are still working to further enhance mobility and safety of all modes.

Josh Olund, Project Manager for HNTB, the design consultant working with Burlington and Winooski on the bridge project, provided an overview of the project. He noted that the project pertains to both the bridge itself and the intersection adjacent to the bridge on the Burlington side of the Winooski River. He noted past efforts on this project, including a scoping phase in April 2017-May 2019 where each the bridge and intersection were evaluated separately. He said that this resulted in a bridge scoping report that was released in 2019, which recommended replacing the bridge, and focusing on bike and pedestrian accommodations. He said that the recommended replacement contemplates 4 lanes (similar to current bridge), with wider lanes and shoulders and separated multi-use paths with barriers for pedestrians and cyclists on both sides. He spoke about the intersection scoping report that was also release in 2019, which would take the three-lane intersection on the Burlington side of the bridge and convert it into a four-lane intersection. He also spoke about the bridge grant application that was put together in 2022, which obligates the project to improve safety, address bike and pedestrian accommodations, provide an appealing bridge, and complement the natural and cultural environment.

Steve Spear, Project Manager for HNTB, then spoke about current efforts around this project. He said that they are now at the point where they're combining the two projects into one cohesive project to ensure that there is a continuous corridor through this area. He said that currently, they're focused on selecting the alternative refinement, conducting preliminary design, traffic control, and the right-of-way process. He spoke about continued outreach and communication with stakeholders and the public. He spoke about targeted public outreach conducted to date. He acknowledged that some of the feedback they've received on the project to date is conflicting, and they are working to balance that and incorporate it into the project.

He spoke about alignments to the bridge for constructability and traffic control. He spoke about bridge phasing and presented several alternatives for bridge reconstruction. He said that the first would build the new bridge next to the existing bridge, transfer pedestrians and utilities to this bridge, and temporarily close the route for 4-6 weeks for demolition and sliding the new bridge together. He said that this bridge is trafficked very heavily and that they are looking at ways to minimize disruptions while allowing the time necessary for reconstruction. He said that part of this project looked at adjacent crossings of the river and how the closure of this bridge would affect them. He noted that the temporary detour (shortest vehicular route) would be utilizing I-89's bridge crossing into Winooski. He emphasized that all pedestrian routes would be maintained on site at all times.

He then spoke briefly about the right of way process, and then future efforts, which would include utility relocation, environmental permitting, and RFQ and RFP development for design-build contracts. He said that utility relocation activities currently include mapping out what utilities will require relocating during this project, developing relocation plans and construction sequencing, and developing utility agreements. He noted that municipal utility relocations care project reimbursable. He spoke about environmental permitting, which include determining permitting restriction commitments, and noted that because this bridge is listed on the National Historic Register, they are also having to work through the Historic process as defined in statute.

He spoke about the benefits of utilizing design-build contracting, which incorporates final design and construction into a single contract, and places increased responsibilities on the Contractor in an attempt to reduce risks and costs to the State. He said that this promotes innovation and improves design/construction efficiencies.

He then spoke about the project schedule. He said that they are currently working through the concept design phase, and that they anticipate working through commitments and clearances (environmental and right-of-way-related) in 2025, with solicitation of contractors in 2026, contracting in 2027, commencement of construction in 2028, and completion of construction in 2030.

He then spoke about project costs and funding. He noted that the project received a federal RAISE grant worth approximately $24.8 million, and that the total project costs are conceptually estimated to be approximately $60-80 million. He said that the intersection would be 100% federally-funded, and that the bridge would be funded 80% federally, with a 10% match from the State, and a 5% match from each Burlington and Winooski.

Councilor Barlow noted that many people advocated for a two-lane versus a four-lane bridge, and asked what it would mean for design if it included two rather than four lanes. Mr. Olund said that a two-lane alternative was examined during the scoping phase and that it was determined that there would be significant gridlocking and queuing if the lanes decreased to two. He said that I-89 can generally handle the volume, but it's the intersections coming off the intersection that would turn into gridlock were this bridge to decrease. He said that they do not recommend this decrease. Councilor Barlow also noted a number of comments advocating for separation of bicycle and pedestrian paths on the bridge, and asked why they are proposing a shared-use path. Mr. Olund replied that shared-use paths are a proven method of transporting people and cyclists in the same space, and that splitting that space up would increase obstructions, maintenance, and access, and that open spaces are safer. He said that they are examining potentially shrinking one lane of the shared-use path and increasing the other side (both are currently proposed at a 12-foot width).

Councilor Carpenter asked about the decision-making process, who makes the final decision, and how Burlington relates to that. Mr. Olund replied that there is a finance and maintenance agreement being developed between VTrans and the City and that the project managers want to be as transparent as possible. Director Spencer noted that the Council will need to review and approve the finance and maintenance agreement sometime in the next several months.

Councilor Hightower spoke about the importance of reducing engagement fatigue, and said that a good approach to soliciting public feedback is to be up front with the public about what aspects of the design of the project they are willing to change based on feedback versus the aspects of the project that they are not willing to change, regardless of public input. She asked what feedback they are willing to implement, based on what they have heard. Mr. Olund replied that the project has been defined, and that it will contain four lanes of vehicular traffic and two shared use paths. He said that there can be some give-and-take with regards to the width of each shared use path, and realigning the bridge for improved traffic during construction, and natural traffic calming, but the general definition of the project has been defined.

Councilor Bergman noted that he had had a number of requests related to bike and pedestrian safety around intersection crossings for inclusion the RFP, and asked City staff to point out where and how they were integrated into the process. Mr. Spear replied that they are in the early part of balancing these features into signal design, and that they are working on balancing shortening crosswalks and limiting vehicle speeds with the need to accommodate emergency access as well. Councilor Bergman said it will be important to understand how all of the traffic calming measures are being incorporated into this project. He said that a separated or projected bike lane over the Winooski Bridge is essential. He asked what it will take to have a protected bike lane over the bridge, whether the vehicle lanes have to be widened, and whether the bridge itself can't be widened further. Mr. Spear replied that they are looking to modify the shared use path widths on both sides, and that they are aligning with the Vermont standard widths for shoulder and lane width for vehicular traffic, which will help better accommodate emergency vehicles. Councilor Bergman cautioned that building wider lanes will encourage vehicles to drive more quickly, and that is something that isn't needed in the least (though he acknowledged the importance of better access for emergency vehicles on the bridge).

Councilor Doherty asked how long the bridge closure would be anticipated for during the construction phase of the project. Mr. Spear replied that they would be looking at a 4-6 week total closure, and are looking to minimize the closure time as much as possible. Councilor Doherty asked at what phase in the project the project engages with the potential environmental effects of doing construction in the river itself, speaking about the fragility of the ecosystem at that crossing. Mr. Spear replied that resource assessments are conducted at the outset of the project and that they work through the permitting processes through the life of the project. He said that the final environmental permits are the responsibility of the contractor but that the parameters to limit the footprint of the environmental impact will be defined in the RFP.

Councilor Traverse asked whether the project has received feedback from Green Mountain Transit or emergency services with respect to the current lane width. Mr. Olund replied that they have had very specific conversation with both of those groups and that that feedback is captured in meeting minutes. Councilor Traverse asked whether there are updated figures in traffic studies that the Council could review, and Mr. Olund replied that yes, they update that information. Councilor Traverse noted that this Council unanimously supported the recommendation from CCRPC in 2019 to have four lanes instead of two in the proposed project, and said that while he will respect that decision, he would like to see if there are any flexibilities to work on widening the pedestrian and bike infrastructure to be responsive to constituent concerns.

Councilor Grant spoke about her daily commute across this bridge into Essex and said that moving down to two lanes might not have the deleterious effect that is being projected, since drivers adjust to changes in ways that traffic studies may not show. She said that often, the backups at the rotary are present even with multiple lanes of traffic and that decreasing the number of lanes on the bridge may not worsen it. She spoke about some of the innovative things that Montreal has been doing to delineate their shared-use paths.

MOTION by Councilor Shannon, SECOND by Councilor Hightower, to suspend the rules and complete the remainder of the deliberative agenda and the Local Control Commission agenda.

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

Councilor Hightower asked how many how many of the improvements will be reduced or obliterated by the increased speed of people coming off the bridge. Mr. Spear replied that they can't predict future crash rates and that the intent is to simplify the route and reduce conflict points, which should reduce crashes. Councilor Hightower said that the intersection is so car-centric that she doesn't want to make that worse by increasing speeds. Director Spencer replied that he agreed and that this investment can't decrease safety.

9. COMMITTEE REPORTS
9.1. Verbal reports
None.

10. CITY COUNCIL – GENERAL AFFAIRS
10.1. Verbal reports
None.

11. CITY COUNCIL PRESIDENT – COUNCIL UPDATES
11.1. Verbal reports
None.

12. MAYOR – GENERAL AFFAIRS
12.1. Verbal reports
None.

13. ADJOURNMENT
13.1 Motion to Adjourn

MOTION by Councilor Doherty, SECOND by Councilor Shannon, to adjourn the meeting.

VOTING: unanimous; motion carries.

The meeting adjourned at 10:42 PM.

RScty: AACoonradt