



Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

5:45 pm, Contois Auditorium OR Remotely via ZOOM:

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Do not sign up in person and via Zoom - select one only

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	1. Agenda
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to amend/adopt agenda as follows: remove from the agenda item 8.10 Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance); remove from the consent agenda item 7.8. 2022 Annual Report on BPD data - Office of City Planning and place it on the deliberative agenda as item 8.11. (per Councilor Grant)

2. Presentation Regarding Burlington Telecom Update **5:45 pm - 6:15 pm**

Subject	2.1. Presentation: Michael Loucy, President and General Manager and Chris Dautel, Vice President of Strategic Planning and Corporate Development, Burlington Telecom, re: Burlington City Update
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	2. Presentation Regarding Burlington Telecom Update **5:45 pm - 6:15 pm**
Department	Other

Type	Information Presentation Communication
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3. Communication: Brian Monaghan, Jared Pellerin, Katherine Schad, re: Lakewood Estates Tax Appeal (verbal) **expected executive session **6:15 pm - 6:45 pm****

Subject	3.1. Communication: Brian Monaghan, Jared Pellerin, Katherine Schad, re: Lakewood Estates Tax Appeal (verbal) **expected executive session**
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	3. Communication: Brian Monaghan, Jared Pellerin, Katherine Schad, re: Lakewood Estates Tax Appeal (verbal) **expected executive session** **6:15 pm - 6:45 pm**
Department	Attorney's Office
Type	Action Procedural
Recommended Action	Motion 1: Move that the Council find that premature general public knowledge of legal advice and information concerning the details of pending litigation to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications, 1 VSA §313(a)(1)(F), in a pending civil litigation matter, 1 VSA §313(a)(1)(E).

4. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**

Subject	4.1. Verbal Comments
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	4. Public Forum: Time Certain: 6:45 pm **See above for signup instructions**
Department	Council and Board
Type	Action Information Procedural

5. In Re: Lakewood Estates Tax Appeal

Subject	5.1. Potential Action Regarding Settlement
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	5. In Re: Lakewood Estates Tax Appeal
Department	Clerk/Treasurer's Office
Type	Action

Recommended Action Move to approve and authorize the Mayor, in conjunction with the City Attorney's Office, to enter into a stipulated settlement agreement in a pending litigation matter captioned Lakewood Estate Beach Club, Inc. v. City of Burlington.

6. Climate Emergency Reports (5 - 10 mins.)

Subject **6.1. Climate emergency reports**

Meeting June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 6. Climate Emergency Reports (5 - 10 mins.)

Department Council and Board

Type Information

7. Consent Agenda

Subject **7.1. Motion to adopt the consent agenda and take the actions indicated**

Meeting June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Council and Board

Type Action (Consent)
Procedural

Recommended Action motion to adopt the consent agenda and take the actions indicated

Subject **7.2. Communication: C/T Office, re: Accountability List**

Meeting June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Clerk/Treasurer's Office

Type Action (Consent)
Communication
Information

Recommended Action waive the reading, accept the communication and place it on file

Subject **7.3. Communication: 195-201 Flynn Avenue 2019 Second MOU Extension - DPW**

Meeting June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category 7. Consent Agenda

Department Public Works Department

Type Action (Consent)

Recommended Action	1. Move to approve a three-month, term-only, no cost extension of the Second 2019 Chittenden Solid Waste District – City of Burlington Memorandum of Understanding through September 30, 2023, and authorize the Mayor to execute said agreement subject to the review and approval of the City Attorney’s Office; and 2. Move to request that the Ordinance Committee study the feasibility of an ordinance update to expand the use of the solid waste generation tax to include soil recycling as imposed through Burlington City Ordinance Chapter 14 and report back to the Council, to include a draft amendment to such ordinance if determined feasible, no later than September 2023.
Subject	7.4. Communication: FY24 Vehicle Purchase Recommendations - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	1. To approve and recommend the City Council approve the proposed FY’24 Fleet Purchasing List as detailed in Attachment F, and authorize purchase of the vehicles listed therein, for a total authorized expenditure in the amount of \$517,000.00; and, 2. To approve and recommend that the City Council authorize the Department of Public Works, to auction the FY’24 replaced vehicles/equipment through various online public auctions; or, to trade-in such vehicles/equipment to the vendor where replacement(s) are purchased; or, if such auction and/or trade-in is unsuccessful or not financially feasible, to arrange for such vehicles/equipment to be hauled away for scrap at the current market price.
Subject	7.5. CY22 Street Reconstruction Program Contract Amendment for Paving Work on Flynn Avenue - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve and authorize the Director of Public Works to execute an amendment to the Calendar Year 2022 Street Reconstruction Program contract with S.D. Ireland Brothers to effect a maximum limiting amount increase of \$93,990.97 to the previously authorized contract expenditure limit with S.D. Ireland of \$2,979,535.11, for a total authorized maximum contract expenditure of \$3,073,526.08, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer
Subject	7.6. FY24 Traffic Markings Contract Award Request - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department

Type	Action (Consent)
Recommended Action	to authorize the Director of Public Works to execute a contract with L&D for a maximum limiting amount of \$154,804.43 for pavement marking, subject to review and approval by the City Attorney's Office
Subject	7.7. Request for Authorization of a Budget Neutral Amendment to the FY2023 Patrick Leahy Burlington International Airport AIP-125 Project Budget in the Amount of \$1,050,000 - Airport
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Airport
Type	Action (Consent)
Recommended Action	to authorize a budget neutral amendment to the FY23 Patrick Leahy Burlington International Airport budget to increase Federal Grant Revenue by \$923,965 and Interfund Transfer Proceeds by \$126,035, and to increase Capital Expenditures by \$1,050,000, for a total increase of overall expenditures by \$1,050,000
Subject	7.8. 2022 Annual Report on BPD data - Office of City Planning **now agenda item 8.11.**
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Planning
Type	Action (Consent) Communication Information
Recommended Action	waive the reading, accept the communication and place it on file
Subject	7.9. FIO Document
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Information
Recommended Action	for information only
Subject	7.10. Resolution: Authorization To Apply To Downtown Sales Tax Reallocation Program Re CityPlace Project - 75 Cherry Street (Board of Finance)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM

Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.11. Resolution: Authorization To Apply To Downtown Sales Tax Reallocation Program Re The Post Apartments Project - 176 South Winooski Avenue (Board of Finance)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent) Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	7.12. Ordinance: Chapter 22, Parks--Section 23, Penalty (Parks, Recreation & Waterfront Department)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Parks, Recreation, & Waterfront
Type	Action (Consent)
Recommended Action	To waive the reading and place in all stages of passages and adopt the amendment to Chapter 22, section 23, of the Burlington Code of Ordinances, as outlined in the attached ordinance change form, subject to review by the City Attorney's office.
Subject	7.13. Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, August 20, 2023, 4 pm - 11 pm, in the adjacent/adjoining private parking lot
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for The Wallflower Collective, August 20, 2023, 4 pm - 11 pm, in the adjacent/adjoining private parking lot

Subject	7.14. Special Event Outdoor Entertainment Permit Application (one day only): The Wallflower Collective, September 24, 2023, 4 pm - 11 pm, in adjoining parking lot (private)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Clerk/Treasurer's Office
Type	Action (Consent)
Recommended Action	approve the one day only special event outdoor entertainment permit application for The Wallflower Collective, September 24, 2023, 4 pm - 11 pm, in adjoining parking lot (private)
Subject	7.15. Burlington Bike Share Encumbrance Application - Bird Rides Inc. - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Bird Rides Inc. requesting use of public right of way space for an electric bike fleet, and to authorize the Mayor to execute the attached Encumbrance Permit and License Agreement, subject to review by the City Attorney's Office
Subject	7.16. Birdseye Building Company - 288 Maple Street - Encumbrance Permit Application - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Birdseye Building Company requesting use of the public right-of-way for construction related parking as detailed in Attachment C, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office
Subject	7.17. 95 Saint Paul Street - Encumbrance Permit Application - Cafe Dim Sum - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department

Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Café Dim Sum at 95 Saint Paul Street requesting use of the sidewalk for an outdoor seating area and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office
Subject	7.18. Whiting-Turner Encumbrance Application - Burlington High School - DPW
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	7. Consent Agenda
Department	Public Works Department
Type	Action (Consent)
Recommended Action	to approve the Encumbrance Application for Whiting-Turner requesting to occupy a portion of the public right-of-way on North Avenue and Institute Road as detailed in Attachment C, and authorize the Mayor to enter into a license agreement with the Applicant for use of the right-of-way outlined in the Application, subject to review by the City Attorney's Office

8. Deliberative Agenda

Subject	8.1. Tobacco License Application (2023-2024): Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2023-2024 Tobacco License Application for Little Bodega, LLC, d/b/a Henry Street Deli, 11 Henry Street
Subject	8.2. Tobacco License Application and Tobacco Substitute Endorsement Application (2023-2024): RGS Nepali Market, 1563 North Avenue
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	approve the 2023-2024 Tobacco License Application and Tobacco Substitute Endorsement Application for RGS Nepali Market, 1563 North Avenue
Subject	8.3. 2023 Board and Commission Appointments - Slate - (10 mins.)

Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	to approve the Board and Commission 2023 Appointment Slate
Subject	8.4. Appointment: Green Mountain Board (Term Expires 06/30/26)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	
Subject	8.5. Appointment: Green Mountain Transit Board - alternate - (Term Expires 06/30/26)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office
Type	Action
Recommended Action	
Subject	8.6. City Place Public Improvements Construction Costs - DPW (15 mins.)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Public Works Department
Type	Action
Recommended Action	to accept and approve construction costs of the Public Improvements by S.D. Ireland Brothers, Inc.; and, authorize payment for such construction costs in an amount not greater than \$11,600,624, with an additional authorized contingency of \$1,903,299, for a total authorized expenditure for such construction costs not to exceed \$13,503,923, subject to necessary review and approval by the Chief Administrative Officer and in accordance with ARDA 2.0

Subject	8.7. Net Zero Energy Presentation - Electric (20 mins.)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Burlington Electric Department
Type	Information Presentation
Subject	8.8. Annual Commission Report - Burlington Electric Commission (15 mins.)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Burlington Electric Department
Type	Action Information Report
Recommended Action	waive the reading, accept the report and place it on file
Subject	8.9. Fire Leadership Pay Scale (FLPS) - Fire (10 mins.)
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Fire Department
Type	Action
Recommended Action	to approve and authorize the wage scale adjustments to the Fire Leadership Pay Scale for Burlington Fire Department Command staff, comprised of the positions of Battalion Chief and Deputy Chief, as further detailed in the above proposed tables; and allow future wage adjustments be consistent with BFFA annual COLA increases; and, further authorize back wages to be paid according to such revised Pay Scale, effective retroactively to January 1, 2023
Subject	8.10. Resolution: Annual Tax Assessments On The Property Grand List Of The City For The Fiscal Year Beginning July 1, 2023 And Ending June 30, 2024 (Mayor Weinberger; Board of Finance) **AGENDA ITEM REMOVED**
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Clerk/Treasurer's Office

Type	Action Resolution
Recommended Action	waive the reading and adopt the resolution
Subject	8.11. 2022 Annual Report on BPD data - Office of City Planning **was agenda item 7.8**
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	8. Deliberative Agenda
Department	Planning
Type	Action Information Communication
Recommended Action	waive the reading, accept the communication and place it on file

9. Committee Reports (up to 15 mins.)

Subject	9.1. Verbal reports
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	9. Committee Reports (up to 15 mins.)
Department	Council and Board
Type	Information

10. City Council - General Affairs (up to 15 mins.)

Subject	10.1. Verbal reports
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	10. City Council - General Affairs (up to 15 mins.)
Department	Council and Board
Type	Information

11. City Council President - Council Updates (up to 5 mins.)

Subject	11.1. Verbal Reports
Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	11. City Council President - Council Updates (up to 5 mins.)
Department	Clerk/Treasurer's Office
Type	Information

12. Mayor - General Affairs (up to 10 mins.)

Subject	12.1. Verbal reports
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Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	12. Mayor - General Affairs (up to 10 mins.)
Department	Council and Board
Type	Information

13. Adjournment

Subject	13.1. Motion to adjourn
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Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	13. Adjournment
Department	Council and Board
Type	Action Procedural
Recommended Action	Motion to adjourn

14. Informational and Non-Discrimination Statements

Subject	14.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
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Meeting	June 20, 2023 - Regular City Council Meeting - Tuesday, June 20, 2023, 5:45 PM, Contois Auditorium OR REMOTELY via ZOOM
Category	14. Informational and Non-Discrimination Statements
Department	Council and Board
Type	Information