



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

 [Click here to view the minutes for this meeting](#)

1. Agenda

1.01 Motion to amend/adopt agenda

Type: Action, Resolution

Recommended Action: motion to amend/adopt agenda as follows: add to the consent agenda item 4.12 Communication: Solveig Overby, re: Sale of Burlington Telecom: net neutrality, data privacy; Monica Horten book, "The Closing of the Net" with the motion to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 4.13 Communication: Solveig Overby, re: Authorship of "Summary of Proposals . rvi 11 24 17 pfd" with the motion to "waive the reading, accept the communication and place it on file"; add to the agenda item 5. 11 Resolution: Adoption Of The Official Flag Of The City Of Burlington, Vermont (Councilors Shannon, Paul)(per COS Lowe); this agenda item will be considered before public forum; note revised version of agenda item 5.09 Resolution: City Council Voting Process for Final Selection of A Burlington Telecom Buyer on November 27, 2017 (Revised)(City Council Voting Process Subcommittee: Councilors Knodell, Mason, Roof, Wright)(per City Attorney's Office per Councilor Roof)

2. Worksession to Answer Councilors' Questions on Burlington Telecom Bidders (oral)

2.01 Communication: Eileen Blackwood, City Attorney and Ralphine O'Rourke, Esq., Primmer, Piper and Terry Dorman, Dorman & Fawcett, re: Burlington Telecom Bids (oral)

Type: Communication, Information

3. Public Forum: time certain: 7:30 pm

3.01 Verbal Comments

Type: Information, Procedural

4. Consent Agenda

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

Type: Action (Consent), Procedural

Recommended Action: motion to amend/adopt consent agenda taking the following actions as indicated

4.02 Communication: C/T Office, re: Accountability List

Type: Action (Consent), Communication, Information

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

 Communication Accountability List 112717 cc
mtg LO.xlsx



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

4.03 Communication: David H. Millson, re: App-reduced Holiday

Type: Action (Consent), Communication

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

Communication David H Millson re
App-reduced Holiday.pdf

4.04 Communication: Stephanie Reid, Human Resources Manager, re: Recommendation - Step placement David Booska, Recycle Truck Driver

Type: Action (Consent), Communication

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

step placement David Booska November
2017.pdf

4.05 Communication: Danielle Cota, Interim Human Resources Manager, re: Recommendation - Step placement Laura Cheney, Executive Assistant to the Chief of Police

Type: Action (Consent), Communication

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

CC Step Placement - Laura Cheney.pdf

4.06 Communication: Martin Lee, PE, Water Resources Engineer and Greg Johnson, Stormwater & GIS Technician, re: Request for Approval to Execute Contracts for Cured In Place Lining for portions of Stormwater and Wastewater Collection Systems

Type: Action (Consent)

Recommended Action: 1. Motion #1 for City Council: To approve awarding the Sewer and Combined Sewer Pipes bid to Green Mountain Pipeline Services and authorize Chapin Spencer, DPW Director, to execute a contract with Green Mountain Pipeline Services in the amount of \$104,000, with an additional authorization to amend the contract and expend contingency funds in the amount up to \$20,000 if contingency funds are needed to complete the project, 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. 2. Motion #2 for City Council: To approve awarding the Separate Stormwater Pipes bid to Layne Inliner, LLC and authorize Chapin Spencer, DPW Director, to execute a contract with Layne Inliner, LLC in the amount of \$109,891, with an additional authorization to amend the contract and expend contingency funds in the amount up to \$40,000 if contingency funds are needed to complete the project, 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 .

1 - Sewer and Stormwater Bids BOF CC
Memo 11-15-17.doc

2 - Sewer and Stormwater Bid Forms.pdf

3 - BoF_CC_Checklist.pdf



November 27, 2017

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4.07 Communication: Noelle MacKay, CEDO Director; Rachel Jolly, Assistant Director, CJC, re: Revision of the Restorative Justice Liaison Job Description

Type: Action (Consent)

Recommended Action: to approve the reorganization and job description changes of a regular, part-time, non-union, non-exempt grade 15 Restorative Justice Liaison position, within CEDO effective November 27, 2017

 BoF 11.20.17 RJ Liasion CEDO.pdf

 BoF_CC_Checklist fillable CEDO.pdf

4.08 Communication: Laura Wheelock, P.E., Sr. Public Works Engineer, DPW, re: Wayfinding - FY18 Budget Amendment & Contract Contingency Allocation

Type: Action (Consent)

Recommended Action: 1. DPW respectfully requests the City Council approve the use of up to \$140,000 in Parking Facilities Fund (G/L 264) carry forward funds towards the Wayfinding project and associated budget amendment to allocate those funds. 2. DPW respectfully requests the City Council approve the allocation of carry forward funds be used as a contingency fund for the project and anticipated contract amendments with Architectural Graphics, Inc. to complete the work, and authorize Chapin Spencer, Director of Public Works to execute said contract amendments, with the contract amendments subject to prior review and approval by the Office of the City Attorney.

 1-Memo - FY18 Wayfinding Budget Amendment 112117.docx

 BoF_CC_Checklist 111317.pdf

4.09 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

 FIO Documents.pdf

4.10 Resolution: Authorization to Enter Into a New License Agreement with Investors Corporation of Vermont to Continue to Obstruct the Sidewalk and Green Belt on a Portion of The City's Right-of-way on College Street and Pine Street (ICV 94 College Street Renovations)(License Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 License Agreement for Encumbrance - ICV 94 College St. (Extend part of One Burlington Square Construction Project) 2017 #2.docx.pdf

 License Agreement for Encumbrance - ICV 94 College St. (Extend part of One Burlington Square Construction Project) 2017 #2.pdf

 License Agreement for Encumbrance - ICV 94 College St. (One Burlington Square) (Attachments).pdf



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

4.11 Resolution: Authorization for Burlington Electric Department Revenue Refunding Bonds (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Treasurer - Authorization for BED Revenue Refunding Bonds 2017 (Attachment).pdf

Treasurer - Authorization for BED Revenue Refunding Bonds 2017.pdf

4.12 Communication: Solveig Overby, re: Sale of Burlington Telecom: net neutrality, data privacy; Monica Horetn book, "The Closing of the Net"

Type: Action (Consent), Communication

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

Overby 11_25_2017_communication for posting to BoardDocs.pdf

4.13 Communication: Solveig Overby, re: Authorship of "Summary of Proposals . rvi 11 24 17.pdf"

Type: Action (Consent), Communication

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

Communication Solveig Overby re Authorship of Summary of Proposals 11-24-17 pdf .pdf

5. Deliberative Agenda

5.01 Public Hearings Regarding Proposed Amendments to the City of Burlington's Comprehensive Development Ordinance (CDO): ZA-17-10 Green Roof Lot Coverage; ZA-17-11 Emergency Shelters; ZA-17-14 Preschool Technical Amendments; ZA-17-15 Article 4 Development Bonuses and ZA-17-16 Replacement Mobile Homes

Type: Action, Public Hearing

ZA 17-10 11 14 15 and 16--11-6-17 CC PH Notice for 11-27-17 mtg.docx



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

5.02 Ordinance: Comprehensive Development Ordinance - Green Roofs & Lot Coverage ZA #17-10 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Explanatory memo to city council ZA.17.10 for 11.27.17PH.pdf

ZA-17-10_CH117rpt_Updated_forPH.pdf

Zoning Amendment - ZA #17-10 Green Roofs & Lot Coverage, Sec. 5.2.3(b)(9) & 13.1.2.docx.pdf

5.03 Ordinance: Comprehensive Development Ordinance - Emergency Shelters ZA #17-11 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Explanatory memo to city council ZA.17.11 for 11.27.17PH.pdf

ZA-17-11 for CC CDO Website.pdf

Zoning Amendment - ZA #17-11 Emergency Shelters (Attachment).docx.pdf

Zoning Amendment - ZA #17-11 Emergency Shelters, Sec. 5.4.4, 5.4.13, 8.1.8, 13.1.2, Definitions, App. A Use Table.docx.pdf

5.04 Ordinance: Comprehensive Development Ordinance - Preschool Technical Corrections ZA #17-14 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

(2) ZA-17-14_CH117rpt.pdf

Explanatory memo to city council ZA.17.14 for 11.27.17PH.pdf

Zoning Amendment - ZA #17-14 Preschool Technical Corrections, Table 8.1.1-1 and Appendix A.docx.pdf

5.05 Ordinance: Comprehensive Development Ordinance - Article 4 Development Bonuses ZA #17-15 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Zoning Amendment - ZA #17-15 Article 4 Development Bonuses, Sec. 4.4.2, 4.4.5.docx.pdf

Explanatory memo to city council ZA.17.15 for 11.27.17PH.pdf

ZA-17-15_CH117rpt_revised for Council.pdf



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

5.06 Ordinance: Comprehensive Development Ordinance - Replacement Mobile Home ZA #17-16 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

 Explanatory memo to city council ZA.17.16 for 11.27.17PH.pdf

 ZA-17-16_CH117rpt.pdf

 Zoning Amendment - ZA #17-16 Replacement Mobile Home, Sec. 5.4.12.docx.pdf

5.07 Public Hearing Regarding Roadway Acceptance Request: Staniford Farms Road

Type: Action, Public Hearing

 Road Acceptance--Public Hearing Notice for CC 11-27-17.docx

5.08 Resolution: Staniford Farms Conveyance to the City of Burlington

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 DPW - Street Acceptance—Staniford Farms Road (Planned Unit Development at 70 Appletree Point Lane).pdf

 CC_Stanford Farm Road DPW Recommendation for Acceptance 11_20_17.pdf

 PLAT-BA1 Signed 10.3.17.pdf

 PLAT-P1.Signed 10.3.17.pdf

 Quit Claim Deed from City 10.11.17.pdf

 Irrevocable Offer of Dedication with Deeds & Easements 11-21-17.pdf

5.09 Resolution: City Council Voting Process for Final Selection of A Burlington Telecom Buyer on November 27, 2017 (City Council Voting Process Subcommittee: Councilors Knodell, Mason, Roof, Wright)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****note revised version of this agenda item (per City Attorney's Office per Councilor Roof)****

 BT - City Council Voting Process for Final Selection of a Burlington Telecom Buyer on Nov 27, 2017.pdf

 BT - City Council Voting Process for Final Selection of a Burlington Telecom Buyer on Nov 27, 2017 (REVISED).pdf



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

5.10 Final Selection Of A Burlington Telecom Buyer

Type: Action

**Summary Comparison of Proposals added 9:20pm 11/22 per COS Lowe

***Summary Comparison of Proposals updated 10:30am 11/24 per COS Lowe and City Attorney

Note Summary of Proposals updated 11/28/17

Each City Councilor was requested to vote for two bidders, some only voted for one (Councilors Deane, Shannon, Tracy and Dieng). Vote was taken to advance top two bidders: KBTL received 7 votes (Councilors Hartnett, Bushor, Tracy, Moore, Wright, Dieng and City Council President Knodell); Ting/Tucows received 5 votes (Councilors Deane, Shannon, Mason, Paul and Roof); Schurz/ZRF received 8 votes (Councilors Hartnett, Bushor, Moore, Wright, Mason, Paul, Roof and City Council President Knodell). KBTL and Ting/Tucows advanced. Vote was taken to pick the top bidder: KBTL-Councilors Tracy and Dieng; Schurz/ZRF-Councilors Hartnett, Bushor, Moore, Wright, Mason, Paul, Roof and City Council President Knodell; 2 abstentions: Councilors Deane and Shannon. Schurz/ZRF was the finalist for the Burlington Telecom buyer.

(0) Changes Overview.docx

ZRF & Schurz - Burlington Telecom LOI Final
ZS signed.PDF

Summary of Proposals . rvi 11 24 17.pdf

Summary of Proposals updated 112817.pdf

(1) KBTL Offer.docx

(2) Business Plan.docx

(10) Pro-Forma and Financing 12M.xlsx

(10) Pro-Forma and Financing 18M Equity.xlsx

(10) Pro-Forma and Financing 18M Notes.xlsx

Burlington Proposal 11.19.2017.pdf

Tucows_Ting_LOI_final_Nov19.pdf

ZRF & Schurz - BT Growth Opportunity Final
1.pdf

5.11 Resolution: Adoption Of The Official Flag Of The City Of Burlington, Vermont (Councilors Shannon, Paul) **this agenda item will be considered before public forum**

Type: Action

Recommended Action: waive the reading and adopt the resolution

**Resolution added at 10:15am 11/22 per COS Lowe

****this agenda item will be considered before public forum****

Resolution - Adoption of a New Official City
Flag.pdf

6. Committee Reports

6.01 Verbal Reports

Type: Action, Information, Procedural



November 27, 2017

Regular City Council Meeting - Monday, November 27, 2017, 5:30 pm, Contois Auditorium, City Hall

7. City Council - General Affairs

7.01 Verbal Reports

Type: Information, Procedural

8. City Council President - Council Updates

8.01 Verbal Reports

Type: Information, Procedural

9. Mayor - General Affairs

9.01 Verbal Reports

Type: Information, Procedural

10. Adjournment

10.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

11. Informational Statement

11.01 Members of the public may speak when recognized by the City Council President, during Public Forum (time certain: 7:30 pm) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. This meeting will also air on Channel 17 two days after the meeting starting at 8:00 pm, repeating at 1:00 am, 7:00 am and 1:00 pm the following day. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142)

Type: Information