



November 13, 2018

Regular City Council Meeting - Tuesday, November 13, 2018, 5:45 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, Procedural

Recommended Action: motion to amend/adopt agenda as follows: note additional document for consent agenda item 5.05 Communication: Brian Pine, Ward 3 City Councilor, re: Request to use Council Initiative funds for Fair Market Rent Survey (per CAO Anderson per Councilor Pine); note amended action for consent agenda item 5.08. Communication: Martha Keenan, CIP Manager, DPW and Caleb Manna, Excavation Inspector, DPW, re: 85 South Prospect Street - Encumbrance Application - Permeable Brick Pavers in Greenbelt "to approve the Encumbrance Application of the University of Vermont for the installation of permeable brick pavers in the greenbelt adjacent to the Waterman Building at 85 South Prospect Street and to authorize the Mayor to execute a 20 year License Agreement with the University of Vermont for a one-time fee of \$2,025, subject to approval by the City Attorney" (per City Attorney Blackwood); add to the consent agenda item 5.19 Communication: Mayor Miro Weinberger, re: Including City Councilors in CommunityStat Meetings with the motion to "waive the reading, accept the communication and place it on file" (per COS Redell); note checklist, memo and revised version of agenda item 6.05 Resolution: Champlain Parkway - Termination of Easements (Councilor Shannon); note checklist, memo and revised version of agenda item 6.06 Resolution: Notice of Compensation Hearing for Champlain Parkway (Councilor Shannon); add Councilor Mason as the sponsor for agenda item 6.07 Resolution: Request That The Vermont League Of Cities And Towns (VLCT) Board Of Directors Consider Submitting An Amicus Curiae Brief In Doyle v. Burlington Police Department (per City Attorney Blackwood)

2. City Council Worksession re: City Council Rules and Regulations **5:45 pm - 6:30 pm**

2.01 City Council Worksession re: City Council Rules and Regulations **5:45 pm - 6:30 pm**

Type: Discussion, Information

 APPENDIX B Council Rules.draft
changes.10.11.2018.pdf

 MEMORANDUM to council re council rule
changes.10 11 2018.pdf

3. Communication: Eileen Blackwood, City Attorney, re: CityPlace Update (verbal) (expected executive session)**6:30 pm - 7:15 pm**

3.01 Communication: Eileen Blackwood, City Attorney, re: CityPlace Update (verbal)(expected executive session)**6:30 pm - 7:15 pm**

Type: Action, Discussion, Information

Recommended Action: go in executive sessioncome out of executive session

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

4.01 Verbal Comments

Type: Information, Procedural



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5. Consent Agenda

5.01 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 actions as indicated: note additional document for agenda item 5.05 Communication: Brian Pine, Ward 3 City Councilor, re: Request to use Council Initiative Funds for Fair Market Rent Survey; add to the agenda item 5.19 Communication: Mayor Miro Weinberger, re: Including City Councilors in CommunityStat Meetings with the motion to "waive the reading, accept the communication and place it on file." (per COS Redell); note amended action for agenda item 5.08 Communication: Martha Keenan, CIP Manager, DPW and Caleb Manna, Excavation Inspector, DPW, re: 85 South Prospect Street - Encumbrance Application - Permeable Brick Pavers in Greenbelt "to approve the Encumbrance Application of the University of Vermont for the installation of permeable brick pavers in the greenbelt adjacent to the Waterman Building at 85 South Prospect Street and to authorize the Mayor to execute a 20 year License Agreement with the University of Vermont for a one-time fee of \$2,025, subject to approval by the City Attorney (per City Attorney Blackwood)

5.02 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 111318 cc
mtg LO.xlsx

5.03 Communication: Brandon del Pozo, Chief of Police, re: Acceptance of 2017 Bulletproof Vest Partnership Grant for \$9,490.19

Type: Action (Consent)

Recommended Action: to accept the FY2017 Bulletproof Vest Partnership Grant for \$9,490.19 and to authorize the Chief of the Burlington Police Department to match the grant funds by purchasing bulletproof vests with previously appropriated FY2018 funds dedicated to such purchase

 2017 Bulletproof Vest Grant - BOF and CC
Memo.pdf

 BoF_CC_Checklist.fillable pdf - BVP 2017.pdf

5.04 Communication: Brandon del Pozo, Chief of Police, re: Acceptance of 2018 Bulletproof Vest Partnership Grant for \$6,178.80

Type: Action (Consent)

Recommended Action: to accept the FY2018 Bulletproof Vest Partnership Grant for \$6,178.80 and to authorize the Chief of the Burlington Police Department to match the grant funds--subject to appropriation--by setting aside dedicated funds in the FY2020 budget to purchase bulletproof vests in FY2020

 2018 Bulletproof Vest Grant - BOF and CC
Memo.pdf

 BoF_CC_Checklist.fillable pdf - BVP 2018.pdf



November 13, 2018

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5.05 Communication: Brian Pine, Ward 3 City Councilor, re: Request to use Council Initiative Funds for Fair Market Rent Survey

Type: Action (Consent)

Recommended Action: to approve providing \$5,000 in Council Initiative Funds to Burlington Housing Authority to support a survey of regional fair market rents

****note additional document posted on Friday, November 9, 2018, at 3:15 pm, LO****

 Rent survey.docx

 City of Burlington Housing Trust Fund (HTF) Capacity Grant Application.pdf

5.06 Communication: Martha Keenan, CPM, Capital Improvement Program Manager, DPW, re: Office Environments - contract

Type: Action (Consent)

Recommended Action: to approve and authorize the Director of the Department of Public Works to execute a contract with Office Environments for the replacement of employee workstations and meeting room furniture in the amount of \$175,000 with a contingency of 10% bringing the total to \$192,500, subject to the review and approval of the City Attorney

 BoF CC memo contract Office Environments 11-13-18.pdf

 BoF_CC_Checklist fillable pdf Office Environments 11-13-18.pdf

5.07 Communication: Darren Springer, General Manager and David MacDonnell, Director of Operations, BED, re: Shelburne Limestone Contract Tenth Amendment

Type: Action (Consent)

Recommended Action: to approve the tenth amendment to the May 5, 1983 Agreement between the Burlington Electric Department and Shelburne Limestone Corporation for operation of the Swanton rail yard and authorize the General Manager of the Burlington Electric Department to execute the tenth amendment which extends the agreement for an additional 3 year period and increases rates by a total of 3% during the extension term

 BoF_City Council_Checklist.fillable (NJL).pdf

 Tenth Amendment to Agreement 09-29-18.doc

 2018 BOF memo 11-02-18 Shelburne Limestone Contract (NJL -11.05.2018).docx



November 13, 2018

Regular City Council Meeting - Tuesday, November 13, 2018, 5:45 pm, Contois Auditorium, City Hall

5.08 Communication: Martha Keenan, CIP Manager, DPW and Caleb Manna, Excavation Inspector, DPW, re: 85 South Prospect Street - Encumbrance Application - Permeable Brick Pavers in Greenbelt

Type: Action (Consent)

Recommended Action: to approve the Encumbrance Application for University of Vermont for the installation of permeable brick pavers in the greenbelt adjacent to the Waterman Building at 85 South Prospect Street and authorize the Mayor to execute a License Agreement, in substantially the form attached and upon approval by the Office of the City Attorney, on behalf of the City of Burlington for a term commencing on the date of execution and terminating on April 30, 2038

**note amended action for this agenda item per City Attorney Blackwood, posted on Tuesday, November 13, 2018, at 3:44 pm, LO:

"to approve the Encumbrance Application of the University of Vermont for the installation of permeable brick pavers in the greenbelt adjacent to the Waterman Building at 85 South Prospect Street and to authorize the Mayor to execute a 20 year License Agreement with the University of Vermont for a one-time fee of \$2,025, subject to approval by the City Attorney"

BoF_CC_Checklist fillable pdf Memorandum
UVM pavers 11-13-18.pdf

MEMORANDUM UVM Waterman pavers
11-13-18 .pdf

UVM signed license agreement 85 South
Prospect.pdf

5.09 Communication: Steven Locke, Fire Chief, re: Regional Dispatch

Type: Action (Consent)

Recommended Action: To approve and authorize Chief Locke to spend up to \$40,477 on the consulting contract executed between IXP Corporation and the CCPSA. Monies shall come from the Fire Department general fund budget and no more than \$15,477 from the CAD Project reserve fund balance as described in the memo from Chief Locke dated October 30, 2018.

BoF_City Council_Checklist Regional
Dispatch.pdf

Memo to BoF funding for consulting work
Final.docx

5.10 Communication: Steven Locke, Fire Chief, re: Regional Dispatch Update

Type: Action (Consent), Communication, Information

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

Regional Dispatch Update to City Council
10.18.docx

5.11 Communication: Kerry Alley, GIS Professional, State of Vermont, Division of Policy, Planning and Intermodal Development - Mapping Section, re: 2018 Certificate of Highway Mileage

Type: Action (Consent)

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

Communication re 2018 Certificate of Highway
Mileage.pdf



November 13, 2018

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5.12 Communication: Samantha Tilton, Member, DRB, re: Resignation

Type: Action (Consent)

Recommended Action: waive the reading, accept the communication, place it on file and send a letter of appreciation to Samantha Tilton thanking her for her time served on the Development Review Board

Communication re DRB Resignation
Samantha Tilton.pdf

5.13 Communication: Stephanie Reid, Acting Human Resources Director, re: Recommendation - Step placement Tyler Bernatchy, Fleet Maintenance Technician, Department of Public Works

Type: Action (Consent), Communication

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

step placement Tyler Bernatchy September
2018 - CC.pdf

5.14 Communication: Stephanie Reid, Acting Human Resources Director, re: Recommendation - Step placement Kim Bleakley, Associate Public Works Coordinator, Department of Public Works

Type: Action (Consent), Communication

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

step placement Kim Bleakley September 2018
- CC.pdf

5.15 Communication: Stephanie Reid, Acting Human Resources Director, re: Recommendation - Step placement Weston Brisco, Fleet Maintenance Technician, Department of Public Works

Type: Action (Consent), Communication

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

step placement Weston Brisco October 2018 -
CC.pdf



November 13, 2018

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5.16 Communication: Chapin Spencer, Director of Public Works and Norm Baldwin, P.E., City Engineer, Assistant Director of Public Works, re: Authorization to Execute Master On-Call Agreements

Type: Action (Consent)

Recommended Action: 1. To authorize the Director of Public Works to execute Master On-Call Agreements in amounts not to exceed \$300,000.00 per agreement with Clough, Harbor & Associates, DuBois & King, Hoyle Tanner & Associates, Resource Systems Group, Stantec Consulting Services, and VHB., subject to the prior review and approval of the City Attorney. 2. To authorize the Director of Public Works or his designee to execute individual work assignment contracts which in total shall not exceed \$1,000,000 combined with these on-call consultants for amounts up to \$100,000 each, to complete the work identified in the Master On-Call Agreement, without the need to obtain further approval from the Board of Finance and City Council

Attachment A_List of Qualified Firms.pdf

Attachment B_On-call Process.pdf

Attachment C_Master On-Call Services Agreement.pdf

BOF-CC Memo Re On-Call Engineering REVISED 11-7-2018.pdf

BOF-CC_Checklist On-call Engineering.pdf

5.17 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

FIO Documents.pdf

5.18 Resolution: The Carryover Of Unexpended Wellness Funds (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

HR - Carryover of Unexpended Wellness Funds.pdf

BOFCC Wellness Funds Carryover 11 13 18.pdf

BOFCC Checklist Carryover of Wellness Funds 082718.pdf

5.19 Communication: Mayor Miro Weinberger, re: Including City Councilors in CommunityStat Meetings

Type: Action (Consent), Communication, Information

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

11-8-18 Councilors appointed to CommunityStat.pdf

6. Deliberative Agenda



November 13, 2018

Regular City Council Meeting - Tuesday, November 13, 2018, 5:45 pm, Contois Auditorium, City Hall

6.01 Public Hearings Re: Burlington Comprehensive Development Ordinances: ZA-18-05 Article 3 Amendments; ZA-18-06 Article 8 Bike Parking and ZA-19-01 Grocery in E-LM

Type: Action, Public Hearing

Recommended Action: open Public Hearingclose Public Hearing

ZA 18-05 6 and 19-01 CC PH Notice for 11-13-18 corrected.docx

6.02 Ordinance: Comprehensive Development Ordinance - Article 3 Amendments ZA #18-05 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

CH117 report_ZA-18-05 Article 3 Amendments_modified for ccoamendments.pdf

Zoning Amendment – ZA #18-05 Art. 3 Amendments, Secs. 3.2.5, 3.2.7 and 3.2.9.docx.pdf

Explanatory memo to city council ZA.18.05 for 11.13.18 PH.pdf

6.03 Ordinance: Comprehensive Development Ordinance - Bike Parking ZA #18-06 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

CH117 report_Bike Parking.pdf

Zoning Amendment - ZA #18-06 Bike Parking, Secs. 8.2.1, 8.2.2, 8.2.3, 8.2.5, 8.2.6, 8.2.7 and 8.2.8.docx.pdf

Explanatory memo to city council ZA.18.06 for 11.13.18 PH.pdf

6.04 Ordinance: Comprehensive Development Ordinance - Grocery Stores in E-LM ZA #19-01 (Planning Department, Planning Commission; Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

CH117 report_91-01 Grocery in ELM.pdf

Zoning Amendment – ZA #19-01 Grocery Stores in E-LM, App A, Use Table, All Zoning Districts, Footnote 28.docx.pdf

Explanatory memo to city council ZA.19.01 for 11.13.18 PH.pdf



November 13, 2018

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6.05 Resolution: Champlain Parkway - Termination of Easements (Board of Finance)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note checklist, memo and revised version of this agenda item, Councilor Shannon is the sponsor, posted on Board Docs on Tuesday, November 13, 2018, at 12:08 pm, LO

DPW – Champlain Parkway – Termination of Easements for 21 Morse Place, Rieley Properties, LLC (attachment).pdf

CC_Checklist Termination of Easement_Champlain Parkway.pdf

DPW – Champlain Parkway – Termination of Easements for 21 Morse Place, Rieley Properties, LLCREVISED.pdf

DPW – Champlain Parkway – Termination of Easements for 21 Morse Place, Rieley Properties, LLC.pdf

City Council Champlain Parkway -Termination of Easement.doc

6.06 Resolution: Notice Of Compensation Hearing For Champlain Parkway (Board of Finance)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note checklist, memo and revised version for this agenda item, Councilor Shannon is the sponsor, posted on Tuesday, November 13, 2018, at 12:10 pm, LO

DPW - Champlain Parkway - Notice of Compensation Hearing (Attachment).pdf

BoF_CC_Checklist Compensation Notice_Champlain Parkway.pdf

DPW - Champlain Parkway - Notice of Compensation HearingREVISED.pdf

DPW - Champlain Parkway - Notice of Compensation Hearing.pdf

City Council Champlain Parkway -Compensation Hearing Notice.doc

6.07 Resolution: Request That The Vermont League Of Cities And Towns (VLCT) Board Of Directors Consider Submitting An Amicus Curiae Brief In Doyle v. Burlington Police Department

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

add Councilor Mason as the sponsor for this agenda item per City Attorney Blackwood

Police - Request to VLCT to Submit Amicus Brief re Doyle v. BPD.pdf

VLCT Policy Regarding Filing Of Amicus Briefs.pdf

7. Committee Reports



November 13, 2018

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7.01 Verbal Reports

Type: Information, Procedural

8. City Council - General Affairs

8.01 Verbal Reports

Type: Information, Procedural

9. City Council President - Council Updates

9.01 Verbal Reports

Type: Information, Procedural

10. Mayor - General Affairs

10.01 Verbal Reports

Type: Information, Procedural

11. Adjournment

11.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

12. Informational Statement



November 13, 2018

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12.01 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 711 (Deaf/Hard of Hearing) 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)(Deaf/Hard of Hearing 711)

Type: Information