



October 05, 2020

Regular City Council Meeting - Monday, October 5, 2020, 6:00 pm. **VIRTUAL MEETING**

 [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 the agenda as follows: note City of Burlington - Downtown TIF District: Substantial Change Request Narrative for agenda item 3.01 and 6.04 (per CAO Schad); note "draft" grant of easement and maintenance agreement for consent agenda item 6.14 Resolution: Harbor Watch Condominium Owners Association, Inc. - Easement Agreement (Councilor Shannon)(per Assistant City Attorney St. James); add to the consent agenda item 6.19 Communication: Mary Ann Ficociello, re: fire Pits with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 6.20 Communication: Mr. and Mrs. Fisher, re: Skatepark with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 6.21 Communication: Selena M. Nickerson, re: fire pits with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 6.22 Communication: Amy M. Tree, re: backyard fire pits in our city with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 6.23 Communication: Kelly Devine, Director, BBA, re: Downtown Business Environment with the action to "waive the reading, accept the communication and place it on file" (per City Council President Tracy); note final version of agenda item 7.01 Presentation: Trends in Racial disparities in Burlington Traffic Stops (per City Council President Tracy per Dr. Stephanie Seguino); add Councilor Dieng as a co-sponsor for agenda item 7.05 Resolution: Allow Permits For Safe Operation Of Contained Outdoor Fires During COVID-19 Winter (Councilors Shannon, Paul, Mason, Carpenter)(per Councilor Dieng); note written materials for agenda item 7.06 Resolution: Extending COVID-19 Emergency Order: Limits On Gathering Size (Councilor Mason)(per City Attorney's Office and Mayor's Office); note sponsor and written materials for agenda item 7.07 Resolution: COVID-19 Emergency Order Regarding Use of Champlain Inn By ANEW Place (Councilor Shannon)(per City Attorney's Office and Grace Ciffo)

2. Open Meeting Law Work Session **6:00 pm - 7:30 pm**

2.01 Mike Donoghue and Lia Ernst, re: Open Meeting Law Work Session **6:00 pm - 7:30 pm**

Type: Communication, Discussion, Information

note written material for this agenda item per City Council President Tracy, posted on Tuesday, October 6, 2020, at 8:41 am, LO

 2020-10-05 rough guide to Vermont open meetings.pdf

3. Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request



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3.01 Public Hearing Regarding Burlington Downtown Tax Increment Financing District: Substantial Change Request

Type: Action, Information, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

note City of Burlington - Downtown TIF District: Substantial Change Request Narrative document (per CAO Schad), posted on Friday, October 2, 2020, at 2:30 pm LO

CC Public Hearing Notice re Downtown TIF District SubstantialChange Request 091720.doc

9 of 13 - 6P - Summary of Annual Debt - Burlington TIF Master Tables 10.1.2020.pdf

11 of 13 - 6R - Related Cost Summary - Burlington TIF Master Tables 10.1.2020.pdf

13 of 13 - 6BB - Debt Service - Burlington TIF Master Tables 10.1.2020.pdf

Attachment 2 - Downtown TIF approved public noitce information.pdf

City Substantial Change Request Letter to VEPC- Waterfront TIF District Reconciliation Plan.pdf

1 of 13 - Burlington TIF Master Table Changes Overview 10.1.2020.pdf

3 of 13 - 6J - Infrastructure Project Costs by Year - Burlington TIF Master Tables 10.1.2020.pdf

5 of 13 - 6L - Real Property Development -Burlington TIF Master Table 10.1.2020.pdf

7 of 13 -6N- Projected Total TIF Revenue - Burlington TIF Master Tables 10.1.2020.pdf

8 of 13 - 6O - All Revenue Sources by Year - Burlington TIF Master Tables 10.1.2020.pdf

10 of 13 - 6Q - Cash Flow - Burlington TIF Master Tables 10.1.2020.pdf

12 of 13 - 6AA - Annual TIF Revenues - Burlington TIF Master Tables 10.1.2020.pdf

Attachment 1 - Champlain College P & S - executed - 121316.pdf

Memo to CC on TIF DT Change.pdf

Downtown TIF District Substantial Change - Narrative Oct 2020 Final.pdf

2 of 13 - 6H - Infrastructure Project Costs -Burlington TIF Master Tables 10.1.2020.pdf

4 of 13 - 6K Infrastructure Nexus - Burlington TIF Master Tables 10.1.2020.pdf

6 of 13 - 6M- Real Property Incremental Value - Burlington TIF Master Tables 10.1.2020.pdf

4. Public Forum: time certain: 7:30 pm - 9:30 pm

4.01 Verbal Comments

Type: Action, Information, Procedural

5. Climate Emergency Reports



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5.01 Climate Emergency Reports

Type: Information, Presentation

note communication and powerpoint presentation re: Resolution on Decarbonization and Electrification of Buildings, posted on Monday, October 5, 2020, at 12:07 pm, LO

Building Electrification memo 10.1.2020.docx

Decarbonization and Electrification Policy
10.1.2020.pptx

6. Consent Agenda

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

Type: Action (Consent), Procedural

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

6.02 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 100520 cc
mtg LO FINAL.xlsx

6.03 Communication: Matthew Walters, Executive Director and Shareholder, The Archives Bar, re: Reconsideration of Regulations surrounding opening hours of Bars in Burlington

Type: Action (Consent), Communication

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

Burlington Council 30th Sept 2020.pdf



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6.04 Communication: Grace Ciffo, CEDO Assistant Director of Community Works, re: Substantial Change request to VEPC - Downtown Tax Increment Financing District

Type: Action (Consent), Communication

Recommended Action: to approve the City's substantial change request to VEPC for its Downtown TIF District and authorize City Council President Max Tracy and Chief Administrative Officer Katherine Schad to execute the attached formal request letter

note City of Burlington - Downtown TIF District: Substantial Change Request Narrative (per CAO Schad), posted on Friday, October 2, 2020, at 2:34 pm, LO

Memo to CC on TIF DT Change.pdf

9 of 13 - 6P - Summary of Annual Debt - Burlington TIF Master Tables 10.1.2020.pdf

11 of 13 - 6R - Related Cost Summary - Burlington TIF Master Tables 10.1.2020.pdf

13 of 13 - 6BB - Debt Service - Burlington TIF Master Tables 10.1.2020.pdf

Attachment 2 - Downtown TIF approved public notice information.pdf

Downtown TIF District Substantial Change - Narrative Oct 2020 Final.pdf

2 of 13 - 6H - Infrastructure Project Costs - Burlington TIF Master Tables 10.1.2020.pdf

4 of 13 - 6K - Infrastructure Nexus - Burlington TIF Master Tables 10.1.2020.pdf

6 of 13 - 6M- Real Property Incremental Value - Burlington TIF Master Tables 10.1.2020.pdf

8 of 13 - 6O - All Revenue Sources by Year - Burlington TIF Master Tables 10.1.2020.pdf

10 of 13 - 6Q - Cash Flow - Burlington TIF Master Tables 10.1.2020.pdf

12 of 13 - 6AA - Annual TIF Revenues - Burlington TIF Master Tables 10.1.2020.pdf

Attachment 1 - Champlain College P & S - executed - 121316.pdf

City Substantial Change Request Letter to VEPC- Waterfront TIF District Reconciliation Plan.pdf

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5 of 13 - 6L - Real Property Development - Burlington TIF Master Table 10.1.2020.pdf

7 of 13 - 6N- Projected Total TIF Revenue - Burlington TIF Master Tables 10.1.2020.pdf

6.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: Unsanctioned Skatepark - Champlain Parkway

Type: Action (Consent), Communication

Recommended Action: to deny the Encumbrance Application from the skateboard community group represented by Sam Watson and Blayne Patterson requesting continued use of an unsanctioned skate park located on the City right of way, and to direct the Department of Public Works to remove the structures placed in the City right of way, and to direct the public Safety Committee to address safety concerns in the area of the Champlain Valley Parkway between Home Ave and Queen City Parkway

Champlain Parkway skatepark packet FINAL.pdf



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6.06 Communication: Luke McGowan, CEDO Director and Rachel Jolly, Assistant Director, CJC, re: VT Center for Crime Victim Services "Victims of Crime Act (VOCA) grant (Grant#02160VOCA19-40096-8)

Type: Action (Consent), Communication

Recommended Action: to approve the acceptance of Grant #02160VOCA19-400968 in the amount of \$140,164 for FY21 and to authorize Director McGowan or his designee to sign the grant acceptance and any necessary related documents

Memo to BoF re VOCA grant_FY21.docx

BOF CC Checklist_for VOCA PJ_Sept 2020.docx

VOCA Grant_Agreement-SFY 2021.PJ.pdf

6.07 Communication: Luke McGowan, Director, CEDO and Rachel Jolly, Assistant Director, CJC, re: VT Center for Crime Victim Services "Victims of Crime Act (VOCA) grant (Grant#02160VOCA19-40096-8-SJ)

Type: Action (Consent), Communication

Recommended Action: to approve the acceptance of Grant #02160VOCA19-40096-8-SJ in the amount of \$34,106.45 for FY21 and to authorize Director McGowan or his designee to sign the grant acceptance and any necessary budget amendments and related documents

Memo re St Joes VOCA grantFY21_Sept 2020.docx

BOF CC Checklist_for VOCA SJ_Sept 2020.docx

VOCA Grant_Agreement-SFY 2021. St. Joseph's.pdf

6.08 Communication: Kate Komorowski, IE, Water Resources Engineer and Martin Lee, PE, Water Resources Engineer, re: 33 North Avenue Slope Repair and Stormwater Rehabilitation Project Authorization to Award as well as Authorization to Approve an Easement

Type: Action (Consent), Communication

Recommended Action: 1. ☐ To authorize the Director of the Department of Public Works to execute an amendment to the construction agreement with Engineers Construction Inc. to increase the maximum limiting amount to \$244,000 for stormwater infrastructure improvements in the right-of-way and upon private property at 33 North Ave, and to execute any necessary related change orders and amendments to the contract term, subject to the prior review and approval of the City Attorney. ☐ 2. ☐ To accept easements in substantial conformity with the attached easements affecting the 33 North Avenue parcel thereby allowing the Department of Public Works to both access and conduct necessary stormwater infrastructure improvements, subject to approval by the City Attorney's Office. ☐ 3. ☐ To authorize the Chief Administrative Officer, or their designee, to affect all necessary budget amendments and transfers of funds to and from the abovereferenced funding sources as needed to pay the above-referenced project expenses in FY21. ☐

1 - BOF CC Memo 9.2020 - 33 North Ave_Construction_PDF for BOFCC.pdf

EASEMENT DEED - 33 North Avenue_PDF for BOF CC.pdf

BOF CC Checklist_for 33 North Ave.pdf



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6.09 Communication: Kara Alnasrawi, Director, Church Street Marketplace, re: Church Street Marketplace Snow Removal - Authorization to Award Contract

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Church Street Marketplace to execute a three year contract with J. Labrecque, LLC for snowplowing services for a total of \$153,515, subject to final review and approval by the City Attorney's Office

 CSW Snow Removal_BoF CC Memo
(003).docx

 BOF CC Checklist_CSM.docx

6.10 Communication: Corey Mims, PE, Public Works Engineer and Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization to Award Contract for Queen City Park Road Reconstruction

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Department of Public Works to execute and amend a construction contract with Pike Industries, Inc. in the amount of \$369,147.25 with an additional \$50,000 in contingency funds for the Queen City Park Reconstruction for a total of \$419,147.25, subject to the final review and approval by the Office of the City Attorney

 BOF_CC 10.05.2020 -Queen City Park Road
Reconstruction.pdf

 BOF_CC Checklist_Queen City Park Road
Reconstruction.pdf

6.11 Communication: Darren Springer, General Manager, BED, David White, Director of Planning, Office of City Planning, Bill Ward, Director of Permitting and Inspections, Department of Permitting and Inspections, Jen Green, Director of Sustainability/Workforce Development and Chris Burns, Director of Energy Services, BED, re: Resolution on Decarbonization and Electrification of Buildings

Type: Action (Consent), Communication

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

 Building Electrification memo 10.1.2020.docx

 Decarbonization and Electrification Policy
10.1.2020.pptx

6.12 FIO Document

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Document.pdf



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6.13 Resolution: Authorization For Acceptance Of Streets--Franklin Square and Red Maple Lane (Transportation, Energy and Utilities Committee; Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

DPW - Authorization for Acceptance of Streets
-- Franklin Square and Red Maple Lane_v2 -
9.24.2020.pdf

BOF CC Checklist 9.30.20.pdf

Franklin Square DPW BOF & CC Memo
9.30.20.pdf

Signed CC Resolution Authorization for
Acceptance of Streets -- Franklin Square and Red
Maple Lane.pdf

6.14 Resolution: Harbor Watch Condominium Owners Association, Inc. - Easement Agreement (Councilor Shannon)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Parks - Harbor Watch Condominium Owners
Association, Inc. - EasementAgreement (Bike
Path Rehab Phase 3).pdf

20200929 CC Checklist HW Easement.docx

Signed CC Resolution Harbor Watch
Condominium Owners Association, Inc. -
Easement Agreement.pdf

20200929 CC MEMO HW Easement
Authorization -FINAL DRAFT.docx

Harbor Watch Planting Plan.pdf



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6.15 Resolution: Authorization For \$350,000 Planning Loan From Vermont Clean Water State Revolving Fund And Contract With Hoyle Tanner & Associates For \$300,000 For Planning Of Upgrade of Nine Pump Stations (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

DPW - Authorize \$350,000 Planning Loan from Vt. Clean Water State Revolving Fund & Contract with Hoyle Tanner, upgrade of nine pump stations v2_TPD_Edits 9.29.20.docx.pdf

1 - BOF CC Memo 10-5-20 Planning Prelim Engineering Remote WW PumpStations - Final.pdf

APPENDIX A- Procurement Summary.pdf

Signed CC Resolution Authorization for \$350,000 Planning Loan From Vermont Clean Water State Revolving Fund and Contract with Hoyle Tanner & Associates for \$300,000 for Planning of Upgrade of 9 Pump Stn.pdf

BOF Checklist-Preliminary Engineering Remote WW 9 PS Improvements -Final.docx

Appendix A - RFQ Remote WW Infrastructure Improvements.pdf

Appendix B - Scope of Work.pdf

6.16 Resolution: Authorization For Temporary Easement For The College Street Congregational Church To Create An Egress Connecting To Memorial Auditorium Parking Lot (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

DPW - Authorization for Temporary Easement for College Street Congregational Church to Create an Egress Connecting to Memorial Auditorium Parking Lot. _v1.pdf

3 - Easement - College Street Congregational Easement.pdf

5 -BOF CC Checklist College Street Congregational Easement.pdf

1 - Memo - College Street Congregational Easement.pdf

4 - Map - College Street Congregational Easement.pdf

Signed CC Resolution Authorization for Temporary Easement for The College Street Congregational Church to Create and Egress Connecting to Memorial Auditorium Parking Lot.pdf



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6.17 Resolution: Reclassifications And Staffing Updates - Department Of Public Works (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

HR - DPW - Reclassifications and Staffing Updates.pdf

BoF DPW Reclass Packet 10.5.2020.pdf

Signed CC Resolution Reclassifications and Staffing Updates - Department of Public Works.pdf

6.18 Resolution: Authorization For \$1,663,802 Loan From Vermont Clean Water State Revolving Fund and Construction Contract With SD Ireland For \$1,227,765 For The Upgrade Of The Flynn Avenue And Fletcher Place Pump Stations (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

DPW - Authorize \$1,663,802 Loan from Vt. Clean Water State Revolving Fund & Contract with SD Ireland, Flynn-Fletcher Pump Station-Step III v2_TPD_Edits - 9.29.2020.pdf

1 - BOF CC Memo 9.14.2020 Remote WW Infrastructure Improvements Flynn-Fletcher Construction and Revised Loan application - Final.pdf

BOF Checklist-Preliminary Engineering Remote WW Flynn-Fletcher Construction - Final.docx

Flynn Fletcher PS Bid Award Recommendation - 2020-09-03 with attachments.pdf

Signed CC Resolution Authorization for \$1,663,802 Loan from Vermont Clean Water State Revolving Fund and Construction Contract with SD Ireland for \$1,227,765 for the Upgrade of The Flynn Avenue and FP.pdf

6.19 Communication: Mary Ann Ficociello, re: Fire Pits

Type: Action (Consent), Communication

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

Communication Mary Ann Ficociello re Fire Pits.pdf

6.20 Communication: Mr. and Mrs. Fisher, re: Skatepark

Type: Action (Consent), Communication

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

Skatepark response city Monday council meeting.docx



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6.21 Communication: Selena M. Nickerson, re: fire pits

Type: Action (Consent), Communication

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

 Communication Selena M. Nickerson re fire pits.pdf

6.22 Communication: Amy M. Tree, re: backyard fire pits in our city

Type: Action (Consent), Communication

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

 Communication Amy M. Tree, re backyard fire pits in our city.pdf

6.23 Communication: Kelly Devine, Director, BBA, re: Downtown Business Environment

Type: Action (Consent), Communication

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

 Letter to Council Oct 5, 2020-2.pdf

7. Deliberative Agenda

7.01 Dr. Stephanie Seguino, re: Presentation: Trends in Racial disparities in Burlington Traffic Stops

Type: Information, Presentation

note final version of this agenda item per City Council President Tracy per Dr. Stephanie Seguino, posted on Monday, October 5, 2020, at 11:31 am, LO

 Burlington PD _City Council _final.pdf

 Seguino Brooks Autilio_Burlington_8.14.20.pdf

7.02 Communication: Mayor Weinberger, re: Update on Police Transformation Work (verbal)

Type: Communication, Information



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7.03 Communication: Jeffrey A. Padgett, MBA, Assistant Director for Parking and Traffic, re: Parking Services Integration Plan - Communication

Type: Action, Communication, Information

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

📎 Parking Services Integration Plan - Memo
2020 1005.PDF

📎 Parking Services Integration Plan 2020
0923.pdf

📎 BOF CC Checklist - Parking Services
Integration Plan.pdf

7.04 Ordinance: Burlington Code of Ordinances - Chapter 21, Offenses and Miscellaneous Provisions, Sec. 21 - 45A Trespass on City Property (Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

📎 B.C.O. - Offenses Misc. Provisions - Trespass
on City Property §21-45A CC 2nd Rd. Version
9-29-20.EMB.pdf

📎 Signed CC Ordinance Burlington Code of
Ordinances - Chapter 21, Offenses and
Miscellaneous Provisions, Sec. 21-45A Trespass
on City Property.pdf

7.05 Resolution: Allow Permits For Safe Operation Of Contained Outdoor Fires During COVID-19 Winter (Councilors Shannon, Paul, Mason, Carpenter)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

add Councilor Dieng as a co-sponsor for this agenda item per Councilor Dieng, Friday, October 2, 2020, at 2:35 pm, LO

📎 City Council – Fire Department - Allow Permits
for Safe Operation of Outdoor Fires during
COVID-19 Winter.pdf

7.06 Resolution: Extension Of The Emergency COVID Groups Size Requirements In Burlington (Councilor Mason)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note written materials for this agenda item per City Attorney's Office and Mayor's Office, posted on Friday, October 2, 2020, at 2:36 pm, LO

📎 Mayor - COVID-19 Extension of Emergency
Order Re Group Size vf (002) 10-02-20.pdf

📎 20200930 Memo on Group Size and Alcohol
Service Hours vf.pdf

📎 Signed CC Resolution COVID-19 Emergency
Order Limits On Gathering Size And Alcohol
Sales.pdf

📎 Signed CC Resolution Extending COVID-19
Emergency Order Limits On Gathering Size.pdf



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7.07 Resolution: COVID 19 Emergency Order Regarding Use of Champlain Inn By ANEW Place (Councillor Shannon)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note sponsor and written materials for this agenda item per City Attorney's Office and Grace Ciffo, posted on Friday, October 2, 2020, at 2:39 pm, LO

City Council - COVID-19 Emergency Order Regarding Use of Champlain Inn by ANEW Place 10-2-20.pdf

Memo to Council re emergency order Champlain Inn-ANEW Place 10-2-20.pdf

Signed CC Resolution COVID-19 Emergency Order Regarding Use Of Champlain Inn By ANEW Place.pdf

8. Committee Reports

8.01 Verbal Reports

Type: Information, Procedural

9. City Council - General Affairs

9.01 Verbal Reports

Type: Information, Procedural

10. City Council President - Council Updates

10.01 Verbal Reports

Type: Information, Procedural

11. Mayor - General Affairs

11.01 Verbal Reports

Type: Information, Procedural

12. Adjournment



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12.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

13. Informational and Non-Discrimination Statements

13.01 This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142). Persons with disabilities, who require assistance or special arrangements to participate are encouraged to contact 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. 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. 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.

Type: Information