



September 19, 2022

Regular City Council Meeting - Monday, September 19, 6:30 pm, Contois Auditorium OR REMOTELY via ZOOM

 [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: remove from the Deliberative Agenda item 7.04 Fiscal Year 2022 Consolidated Annual Performance & Evaluation Report (CAPER) Draft - CEDO and place it on the Consent Agenda as item 6.25 (per City Council President Paul)

2. Communication: Network Relocation Project (verbal) **6:30 pm - 7:00 pm: Expected Executive Session**

2.01 Communication: Scot Barker re: Network Relocation Project (verbal) **6:30 pm - 7:00 pm: Expected Executive Session**

Type: Action, Information, Procedural

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of information concerning contract negotiations regarding the relocation of the City's network assets would clearly place the City at a substantial disadvantage with such negotiations; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential updates on contract negotiations regarding the network relocation project pursuant to 1 VSA §313(a)(1)(A) and also to go into executive session for negotiating or securing of real estate lease options pursuant to 1 VSA §313(a)(2) and for the City's cybersecurity and public safety pursuant to 1 VSA §313(a)(5) and (10).

3. Worksession: Railyard Enterprise Project **7:00 pm - 7:30 pm**

3.01 Worksession: Railyard Enterprise Project **7:00 pm - 7:30 pm**

Type: Communication, Discussion, Information

 2022 09 19 REP City Council Presentation.pdf

 CC REP Preferred Alternative 091922_Final Memo.pdf

 CC Checklist Railyard Enterprise Project 091922.docx

4. Public Forum: Time Certain: 7:30 pm **See item for signup instructions**

4.01 Verbal Comments

Type: Action, Information, Procedural

To participate in Public Forum in person sign up at the meeting. To participate in Public Forum via ZOOM sign up here: <https://www.burlingtonvt.gov/citycouncil/publicforum> Do not sign up in person and via Zoom - select one only

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



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5.01 Climate Emergency Reports

Type: Information

6. Consent Agenda

6.01 Motion to adopt the consent agenda (as amended) 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: CT Office, re: Accountability List

Type: Action (Consent), Communication, Information

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

 Accountability List for 091922 updated 091422
LO.xlsx

6.03 Communication: Daniel Gaviria, re: Camping in Callahan Park

Type: Action (Consent), Communication

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

 Communication Daniel Gaviria re Camping in
Callahan Park.pdf

6.04 Communication: Craig Jarvis, re: Pine street traffic

Type: Action (Consent), Communication

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

 Communication Craig Jarvis re Pine street
traffic.pdf

6.05 Communication: Martha Gile, Member, BRV, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy and send a letter of appreciation to Martha Gile thanking her for her time served as a Member of the Board for Registration of Voters

 Communication Martha Gile, Member, BRV, re
Resignation.pdf



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6.06 VT Center for Crime Victim Services "Victims of Crime Act" (VOCA) grant (Grant #02160-VOCA21-4015508-2023) - CEDO/CJC

Type: Action (Consent)

Recommended Action: to approve the acceptance of Grant # :02160-VOCA21-4015508-2023 in the amount of \$140,164 for FY23 and to authorize CEDO Director Pine or his designee to sign the grant acceptance and any necessary related documents, after review and approval by the City Attorney's Office

Memo to BoF re VOCA PJ grant_FY23.docx

BOF CC Checklist_for VOCA PJ_Sept 2022.docx

Burlington CJC VOCA FY23 GRANT.pdf

6.07 Queen City Park Road (QCPR) Sidepath VTrans Grant Acceptance - DPW

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for the QCPR Sidepath project design and construction, obligating the City to commit a local match of \$165,600 and authorizing expenditure of the same, which is (20%) of the total project budget of \$993,600 in furtherance of accepting a reimbursable grant amount up to \$828,000, and further authorizing the acceptance of such grant and upfront expenditure of grant funds on the condition that such funds are reimbursed pursuant to the grant terms, subject to approval by the City Attorney's Office

Memo - BOF CC QCPR VTrans Commitment Letter.pdf

QCPR Grant Acceptance BOF CC Checklist.pdf

6.08 Birchcliff Parkway Raised Walks VTrans Grant Acceptance - DPW

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute the Project Commitments Form from the Vermont Agency of Transportation for the Birchcliff Parkway Raised Walks project construction, obligating the City to commit a local match of \$75,000 and authorizing expenditure of the same in furtherance of accepting a reimbursable grant amount up to \$75,000, and further authorizing the acceptance of such grant and upfront expenditure of grant funds on the condition that such funds are reimbursed pursuant to the grant terms, subject to approval by the City Attorney's Office

Memo - BOF CC Birchcliff VTrans Commitment Letter.pdf

Birchcliff Grant Acceptance BOF CC Checklist.pdf

6.09 Acceptance of VTrans Town Highway Class 2 Roadway Program Grant #p02053 for Pearl Street Road Surfacing - DPW

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to accept and execute the Town Highway Class 2 Roadway Program Grant #P02053 from the Vermont Agency of Transportation, in an amount up to \$200,000, and authorize the expenditure of a 20% Local Match, in an amount not to exceed \$40,000, subject to review and approval by the City Attorney's Office

1-Memo - DRAFT - BOF CC VTrans Grant Acceptance #P02053.pdf

Pearl Street VTrans Town Highway Grant Acceptance BOF CC Checklist.pdf



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6.10 Creation of a Wastewater Plant Operator Assistant Position - DPW Water Resources/HR

Type: Action (Consent)

Recommended Action: to approve the: ☐ Creation of one Wastewater Plant Assistant Operator position, a Regular, Full-time, Non-Exempt, AFSCME position in the Department of Public Works available at two tier levels depending on candidate qualifications and experience: Assistant Operator I, a Grade 15 position and Assistant Operator II, a Grade 16 position

 2022.09.19 WR Wastewater Plant Operator Assistant Position CreationFinal Memo.pdf

 2022.09.19 DPW Memo BOF CC Checklist.pdf

6.11 Creation of one new position - BPRW/HR

Type: Action (Consent)

Recommended Action: To approve the Creation of the Conservation Field Coordinator, a Regular, Full-Time, Non-Exempt, AFSCME, Grade 16 position in the Department of Parks Recreation and Waterfront

 2022.09.19 BPRW Final Memo.pdf

 2022.09.19 BPRW BOF CC Checklist.pdf

6.12 BED Franchise Fee MOU and Agreement - C/T/BED

Type: Action (Consent)

Recommended Action: to approve the Chief Administrative Officer to sign Memorandum of Understanding and Agreements regarding payment of Franchise Fees with the Burlington Electric Department (BED), subject to review and approval by the City Attorney's office

 BED Franchise Fee FY23 Memo to BOFCC FINAL.pdf

 BED Franchise Fee MOU_FY23.pdf

6.13 Parking Garage Security Contract Extension through FY23 - DPW/Division of Parking and Traffic

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute an amendment to the FY 21-FY22 contract with Green Mountain Concert Services for security services at the Marketplace Garage and Downtown Garage, extending the contract through July 1, 2023 for up to an additional \$160,000 in authorized expenditure, including \$10,000 in retro-approval, for a total authorized contract value not to exceed \$369,625.26, subject to review and approval by the City Attorney's Office and approval by the Chief Administrative Office for compliance with the City's procurement and expenditure policies

 FY23 Security Extension - 2022 0912.pdf

 BoF CC Checklist - 2022 0912 Security Extension.pdf



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6.14 SDI CY22 Sidewalk Contract Amendment - DPW

Type: Action (Consent)

Recommended Action: 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$1,100,000 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program. 2. To authorize the Director of Public Works to execute an amendment to the previously executed contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation in order to increase the maximum limiting amount to \$1,010,000, including an additional \$90,000 in contingency funds, totaling up to \$1,100,000 in authorized expenditure, subject to the final review and approval by the Office of the City Attorney.

BOFCC 9.19.22 CY22 Sidewalk BA Memo.pdf

Attachment 1 FY23 BA Sidewalk Contract.pdf

BOF CC Checklist_Sidewalk.pdf

6.15 Authorization to execute contract for management and operation of the Elmwood Emergency Shelter Community - CEDO

Type: Action (Consent)

Recommended Action: to approve and authorize the Director of the Community and Economic Development Office to execute a contract with Champlain Housing Trust for up to a maximum limiting amount of \$980,213, for the management and operation of the Elmwood Community Emergency Shelter for the period of September 19, 2022 - September 30, 2023, and subject to the final review and approval by the Office of the City Attorney

Memo - BoF CC Elmwood Emergency Shelter Community CHT Ops ContractFINAL.docx

BOF CC Checklist Elmwood Shelter Contract Approval09-19-2022.docx

SignedResolution 02 07 22.pdf

CEDO-CHT Contract Final 09-19-2022.docx

6.16 Authorization to accept Grants and Incentives for the Development of the Elmwood Emergency Shelter Community - CEDO

Type: Action (Consent)

Recommended Action: To approve and authorize the Director of the Community and Economic Development Office to:1. Execute the VLITE Grant Agreement and all documents necessary to accept \$50,000 of funding from Vermont Low Income Trust for Electricity, Inc. for the installation of solar at the Elmwood Emergency Shelter Community; and2. Execute all documents necessary to accept the \$75,000 of incentives from the Burlington Electric Department for energy efficiency enhancements at the Elmwood Emergency Shelter Community.

Memo - Elmwood Shelter Acceptance of grants.pdf

Attachments.pdf

BOF CC Checklist Elmwood Shelter Acceptance of Grants andIncentives.docx



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6.17 Proposed Budget Amendment for Fletcher Free Library Local Match toward National Endowment for the Humanities Infrastructure and Capacity Building Challenge Grants for Capital Projects - CT/Library

Type: Action (Consent)

Recommended Action: to approve \$737,301 from the FY23 Capital GO Bond Premiums as a local match for the NEH Challenge Grant and execution of a budget amendment as described above, and to authorize the City's CAO or their designee to execute such budget amendment



NEH_CulturalChallenge_FFL-Capital_localmatch_BOFCC.pdf



BoF CC Checklist_NEH.docx

6.18 Burlington High School Outdoor Classroom and Roof Garden @ the Downtown Garage - DPW/Division of Parking and Traffic

Type: Action (Consent)

Recommended Action: to approve and authorize the leasing of 11 current parking spaces as further identified in attached description on the top deck of the Downtown Garage-North to the Burlington School District for use by the Burlington High School to use as an outdoor learning space and Rooftop Garden, including certain lease improvements and installation necessary for safe operations in coordination with the Department of Public Works, for the duration of the 2022-2023, 2023-2024, 2024-2025 Burlington School District school year, contingent upon the decommissioning of said 11 parking spaces at the Downtown Garage North roof deck by the Public Works Commission; and, to authorize the Mayor to execute the lease and any related documents needed to carry out the lease agreement, subject to the review of the City Attorney's Office



BHS Rooftop Usage - Bof and CC - 2022 0919.pdf



BoF - CC Checklist - 2022 0919 - BHS Rooftop Garden.pdf

6.19 Work Assignment Agreement #8 with Utility Services Co., Inc. for Construction of Cell Antenna Coral for Redstone Tank and Related Budget Amendments - DPW Water Resources

Type: Action (Consent)

Recommended Action: 1. To approve executing a work assignment agreement for Construction of a Cell Antenna Corral on the Redstone Tank under the Master Services Agreement executed with Utility Services Co. in Org Set GL Account Account Name 460-19-400-000 . 7200_115 Water, Public Works, Water, Administration. Capital Leases - Equipment (170,692) 460-19-400-410 . 9500_100 Water, Public Works, Water, Production. Capital Outlay - Construction 170,692 Increase/ (Decrease) Org Set GL Account Account Name 460-19-400-000 . 7200_115 Water, Public Works, Water, Administration. Capital Leases - Equipment (390,700) 460-19-400-410 . 9500_100 Water, Public Works, Water, Production. Capital Outlay - Construction 390,700 Increase/ (Decrease) July 2019 for maintenance and capital rehabilitation work on the City's two elevated water storage tanks, and to authorize Chapin Spencer, Director of the Department of Public Works, to execute a work assignment agreement with Utility Services Co. Inc. for an amount not to exceed \$245,000 subject to the final review and approval of the City Attorney's Office. 2. To approve budget amendments that move \$170,692 of allowable expenses from line 460-19-400-000.7200_115 to line 460-19-400-410.9500_100 in FY22 and \$390,700 of allowable expenses from line 460-19-400-000.7200_115 to line 460-19-400-410.9500_100 in FY23 and to authorize Katherine Schad, Chief Administrative Officer to execute such budget amendments for FY22 and FY23.



BoF CC Memo 9.19.19 WAA #8 Construction of Cell Corral for Redstone Tank and Related BAs.pdf



BoF CC Checklist_Nov2019 - WAA8 Redstone Tank.docx



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6.20 CY22 Street Reconstruction Program Contract Amendment for Additional Water Resources Infrastructure work - DPW Water Resources

Type: Action (Consent)

Recommended Action: to authorize Chapin Spencer, the Director of Public Works, to execute an amendment to the previously executed contract with S.D. Ireland for an additional \$155,828.73 in base contract value and increasing the contingency by \$25,000, resulting in a total contract base value of \$2,710,424.79 and a total remaining contingency of \$200,931.19, for a total authorized contract expenditure in the amount of \$2,911,355.98, 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 Office

1 - BOF CC Memo 9-19-22 CY22 Street Reconstruction Contract Amendment_Final.pdf

BOF CC Checklist_CY22 Street Reconstruction Contract Amendment.docx

6.21 Mayor's Office Reclassification of Two Positions: Mayoral Communications and Projects Coordinator and Chief of Staff - Mayor's Office/HR

Type: Action (Consent)

Recommended Action: Motion to approve the reclassifications in the Mayor's Office for the Mayoral Communications and Projects Coordinator from a Regular, Full-time, Non-union, Exempt, Grade 18 position to the position of Communications Director, a Regular, Full-time, Non-union, Exempt, Grade 20 position and the Mayoral Chief of Staff from a Regular, Full-Time, Non-union, Exempt, Grade 22 position to a Regular, Full-Time, Nonunion, Exempt, Grade 25 position; and to authorize the City's Chief Administrative Officer to execute a budget amendment in the amount of \$18,737 dollars to the City's FY 23 budget in the following manner: ☐ Reduce Mayor's Office Salaries and Wages Seasonal/Temporary line item (101-02-000-5000_115) by \$2,500 ☐ Reduce Mayor's Office Overtime line item (101-02-000-5100) by \$1,500 ☐ Reduce Non-departmental Contingency line item (101-00-7850) by \$14,737 ☐ Increase Mayor's Office Full-time Regular Salaries line item (101-02-000-5000_100) by \$18,737

note written materials for this agenda per CAO Schad, posted on Friday, September 16, 2022, at 2:23 pm, LO

9-15-22 Mayor's Office Two Reclassifications Memo Final.pdf

Chief of Staff September 2022 Position Description.pdf

Communications Director September 2022 Position Description.pdf

6.22 Resolution: Authorization for Reimbursement from Public Improvement Bonds for Construction of New High School and Technical Center - CT

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - CT - Reimbursement of School Construction Bonds (FINAL).pdf

Memo re Reimbursement Resolution for School ConstructionBonds.docx

3_The Checklist_Reimbursement Resolution for School Construction Bonds+RG+KS_+JP.docx

Signed CC Resolution Authorization For Reimbursement From Public Improvement Bonds For Construction Of New High School And Technical Center.pdf



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6.23 Resolution: Authorization for Reimbursement from Public Improvement Bonds for City's Waterfront TIF District - CT

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - CT - Reimbursement for TIF Waterfront District (FINAL).pdf

3_The Checklist_Reimbursement Resolution for Waterfront TIF District+RG +KS +JP.docx

Memo re Reimbursement Resolution for WTF TIF District.docx

Signed CC Resolution Authorization For Reimbursement From Public Improvement Bonds For City's Waterfront TIF District.pdf

6.24 Resolution: Delegation Of Authority For Budget-Neutral Amendments Within City Departments' Individual Budgets - CT

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - Treasurer - Delegation of Authority for Budget-Neutral Amendments within City Depts Sept 2022 REVISED (FINAL).pdf

Signed CC Resolution Delegation of Authority For Budget-Neutral Amendments Within City Departments' Individual Budgets.pdf

BOF - CC Memo Budget Neutral Amendments REVISED.pdf

6.25 Fiscal Year 2022 Consolidated Annual Performance & Evaluation Report (CAPER) Draft - CEDO **WAS DELIBERATIVE AGENDA ITEM 7.04**

Type: Action (Consent), Communication, Information

Recommended Action: waive the reading and place the communication on file

2021 CAPER Draft 9.14.22.pdf

City Council Communication 2022 CAPER 9.19.22--final.pdf

7. Deliberative Agenda

7.01 Proclamation: Burlington Community Gardens Week

Type: Recognition

Proclamation re Burlington Community Gardens Week.pdf



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7.02 Communication: Mayor Miro Weinberger, re: Aviation Director Appointment

Type: Action

Recommended Action: confirm Nicolas Longo as the next Aviation Director of the Burlington International Airport

09-14-22-DirAviation-AppointmentMemo.pdf

7.03 Resolution: Reorganization - Update To Staffing Structure Of Office Of Business & Workforce Development And Department Of Church Street Marketplace - Business and Workforce Development Office/CSM/HR (20 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - CSM - BWD Reorg September 2022 (FINAL).pdf

BWD Reorg_supplemental presentation.pdf

Signed CC Resolution Reorganization - Update To Staffing Structure Of Office Of Business & Workforce Development And Department of CSM.pdf

BOF CC Checklist_BWD ReOrg.docx

BWD_September 2022 Re-org Memo_FINAL.pdf

7.04 Fiscal Year 2022 Consolidated Annual Performance & Evaluation Report (CAPER) Draft - CEDO (10 mins.) **NOW CONSENT AGENDA ITEM 6.25**

Type: Information

City Council Communication 2022 CAPER 9.19.22--final.pdf

2021 CAPER Draft 9.14.22.pdf

7.05 Indoor Entertainment Permit Application (2022-2023): J Brewskis LLC, 247 Main Street

Type: Action

Recommended Action: approve the 2022-2023 Indoor Entertainment Permit Application for J Brewskis LLC, 247 Main Street with the following conditions: all City Permits need to be closed out and with all standard conditions

Indoor EP Application J Brewskis LLC 247 Main Street.pdf

2022-2023 Entertainment Permit Conditions 042422 LO.doc

7.06 Outdoor Entertainment Permit Application (2022-2023): J Brewskis LLC, 247 Main Street

Type: Action

Recommended Action: approve the 2022-2023 Outdoor Entertainment Permit Application for J Brewskis LLC, 247 Main Street with the following conditions: all City Permits need to be closed out and with all standard conditions

Outdoor EP Application J Brewskis LLC 247 Main Street.pdf

2022-2023 Entertainment Permit Conditions 042422 LO.doc



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7.07 Police Recruitment and Hiring Coordinator - Police/HR (10 mins.)

Type: Action

Recommended Action: We request that the City Council approve hiring the Police Recruitment and Hiring Coordinator, a Regular, Full-time, Non-exempt, Non-Union, Grade 16 position.

note final platinum JD per CAO Schad for this agenda item, posted on Sunday, September 18, 2022, at 10:14 am, LO

Recruitment Coordinator memo Sept 19 2022.pdf

Police Recruitment Coordinator Sept 19 2022 Final Platinum.docx

Police Recruitment Coordinator Sept 19 2022 Final.pdf

7.08 Police Commission: Presentation of Annual Report, Jabulani Gamache, Commission Co-chair (15 mins.)

Type: Information

Burlington Police Commission FY22 Annual Report_final.pdf

8. Committee Reports (up to 15 mins.)

8.01 Verbal Reports

Type: Information, Procedural

8.02 Charter Change Committee Chair Bergman, re: Siting of Polling Places

Type: Action, Communication, Information

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

9-19-22 CC Memo.docx

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

9.01 Verbal Reports

Type: Information, Procedural

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

10.01 Verbal Reports

Type: Information, Procedural



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

11.01 Verbal Reports

Type: Information, Procedural

12. Adjournment

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 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.

Type: Information