



August 10, 2020

Regular City Council Meeting - Monday, August 10, 2020, 6:00 pm. There are several ways to tune in: 1. CCTV YouTube Channel or on Burlington Telecom Channel 317.

<https://www.youtube.com/channel/UCJkWMLSqRNKLoyUZQiNoAcQ> 2. Please click the link below to join

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1. Agenda

1.01 Motion to amend/adopt agenda

Type: Action, Procedural

Recommended Action: motion to amend/adopt the agenda as follows: add Champlain College to agenda item 7.02 (per City Council President Tracy per Councilor Paul); note revised version of agenda item 7.06 Resolution: Establishing A Task Force To Study A Proposal For Reparations And To Consider A City Apology For The Institution Of Slavery (Councilors Freeman, Hightower, Stromberg, Tracy, Hanson, Pine)(per Councilor Freeman); add to the agenda item 7.10 Outdoor Entertainment Permit Application (2020-2021): Nectar's, 188 Main Street

2. Communication: Mayor Weinberger, re: CityPlace Update **expected executive session** 6:00 pm

2.01 Communication: Mayor Weinberger, re: CityPlace Update **expected executive session**

Type: Action, Procedural

Recommended Action: go into executive session come out of executive session

3. Communication: City Attorney Blackwood, re Update on Meli v City Litigation **expected executive session**

3.01 Communication: City Attorney Blackwood, re: Update on Meli v City Litigation **expected executive session**

Type: Action, Procedural

Recommended Action: go into executive session come out of executive session

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

4.01 Verbal Comments

Type: Action, Information, Procedural

5. Climate Emergency Reports

5.01 Climate Emergency Reports

Type: Information



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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 081020 cc
mtg LO.xlsx

6.03 Communication: Mayor Miro Weinberger, re: City Hall Park construction update and tree issue

Type: Action (Consent), Communication

Recommended Action: to accept the communication and ratify the action proposed in it

 Communication Mayor Miro Weinberger re
City Hall Park construction update and tree
issue.pdf

6.04 Communication: Letter from Mayor Weinberger to UVM President Garimella regarding planning for safe return of students

Type: Action (Consent), Communication

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

 20200805 Letter to President
Garimella_final.pdf

6.05 Communication: Stephanie Lusk, re: Mask Resolution

Type: Action (Consent), Communication

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

 Communication Stephanie Lusk, re Mask
Resolution.docx



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6.06 Communication: Peter Clavelle and Thomas Tremblay, re: Transforming Police Services

Type: Action (Consent), Communication

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

Communication Peter Clavelle and Thomas Tremblay re Transforming Police Services.pdf

6.07 Communication: Elise Marks, re: Mandate

Type: Action (Consent), Communication

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

Communication Elise Marks re Mandate.pdf

6.08 Communication: Peter Newland, re: The Future of Policing in Burlington

Type: Action (Consent), Communication

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

Communication Peter Newland re The Future of Policing in Burlington.pdf

6.09 Communication: Veranda Smartwater, re: Public Health Emergency

Type: Action (Consent), Communication

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

Communication Veranda Smartwater re Public Health Emergency.pdf

6.10 Communication: Sharon Bushor, re: Comments regarding Minimum Parking Requirements ordinance

Type: Action (Consent), Communication

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

Communication Sharon Bushor re Comments regarding minimum Parking Requirements ordinance.pdf



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6.11 Amendment to Outdoor Entertainment Permit Application (2020-2021): American Flatbread - Burlington Hearth, 115 St. Paul Street

Type: Action (Consent)

Recommended Action: approve the amendment to the 2020-2021 Outdoor Entertainment Permit Application for American Flatbread - Burlington Hearth, 115 St. Paul Street, front of the building, everyday, one speaker, 11:30 am - 9:30 pm; note that the outdoor entertainment in the alley will remain as is: 11:30 am - 11:30 pm, every day

Amendment to Outdoor EP American Flatbread Burlington Hearth.pdf

6.12 Communication: Caleb Manna, Excavation Inspector, DPW, re: 131 Main Street - Construction Encumbrance - The Historic Vermont House

Type: Action (Consent), Communication

Recommended Action: to approve the encumbrance application from The Historic Vermont House for a 100' hydraulic lift and sidewalk closure on the East side of Saint Paul Street between Main and King Street to access the roof of 131 Main Street from the date of execution until January 1, 2021 and authorize the Mayor to execute a License Agreement subject to approval by the City Attorney's Office and substantially similar to the attached on behalf of the City of Burlington for a term commencing on the date of execution and terminating on January 1, 2021

First Amendment to LC 131 Main VT House.pdf

6.13 Communication: Chapin Spencer, Director Public Works, Lee Perry, Assistant Director - Fleet Maintenance Division and Martha Keenan, Capital & Asset Management Program Manager, re: Approval to Order and Finance 30 vehicles and equipment

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of Public Works to purchase 30 pieces of equipment for a total value of \$2,300,334 with lease financing determined by the Clerk/Treasurer's Office at a rate not to exceed 4% for terms of 5 or 10 years, subject to review and approval by the City Attorney

BOF - CC Memo FY21 Fleet Replacement.pdf

BOF CC Checklist_Aug 2020 FY21 Fleet.pdf



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6.14 Communication: Gene Richards, Director of Aviation, re: Request to Approve Acceptance of FAA Grant Installation of Outdoor Noise Monitoring Equipment and Operations & to Execute Associated Contracts for Design, Planning, Construction Services, and Purchasing of Equipment

Type: Action (Consent), Communication

Recommended Action: 1. ☐ To authorize the Director of Aviation to execute an Airport Improvement Program grant with the Federal Aviation Administration and accept up to \$386,032.00, plus \$57,904.80 contingency, for the for the Installation of Outdoor Noise Monitoring Equipment and Operations, subject to the final review and approval by the City Attorney's Office. ☐ 2. ☐ To approve a budget neutral amendment for \$443,937 to increase the Airport's grant fund listed budget accounts, as described in affiliated memorandum language. ☐ 3. ☐ To authorize the Director of Aviation to execute contracts totaling up to \$354,750.00, plus \$53,212.50 (15%) contingency, for work affiliated with the Outdoor Noise Monitoring Equipment and Operations, specifically, with Jones Payne Group, Inc. for the design, planning, and construction services, and possibly with Jones Payne or another vendor for the purchasing of noise monitoring equipment, subject to final review and approval by the City Attorney's Office. ☐

 1 - Check List - BOF CC Noise Monitoring.pdf

 1 - Memo
-20200810NoiseMonitoringBOF-CC.docx

6.15 Communication: Gene Richards, Director of Aviation, re: Request to Approve Acceptance of FAA Grant for Chamberlin School HVAC Upgrade & to Execute Contract for Related Engineering Services and Construction Oversight

Type: Action (Consent), Communication

Recommended Action: 1. ☐ To authorize the Director of Aviation to execute an Airport Improvement Program grant with the Federal Aviation Administration and accept up to \$3,499,916.00, plus a \$524,987.40 contingency, for the Chamberlin School HVAC Upgrade, subject to the final review and approval by the City Attorney's Office. ☐ 2. ☐ To authorize the Director of Aviation to execute a contract with the Jones Payne Group Inc., as part of the Chamberlin School HVAC Upgrade, for engineering design services in the amount of up to \$403,849.00, plus \$60,577.35 (15%) contingency, and for construction oversight in the amount of \$94,231.00, plus \$14,134.65 (15%) contingency, for a combined amount of up to \$498,080.00 in regular spending, plus \$74,712.00 (15%) contingency, subject to final review and approval by the City Attorney's Office. ☐

 2 - Check List - BOF CC Chamberlin
HVAC.pdf

 2 - Memo - 20200810Chamberlin HVAC
BOF-CC.docx

6.16 Communication: Sophie Sauve, Parks Comprehensive Planner, Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Burlington Greenway Rehabilitation: Maple Street-College Street Realignment

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the execution of a contract with Vanasse, Hangen & Brustlin, Inc., (VHB), for a price not to exceed \$139,810 for the Burlington Greenway Realignment Project, plus a project contingency of \$34,953 for a total of \$174,763 and to authorize Cindi Wight, Director of Parks and Recreation, to execute the amended contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office

 20200806 Bike Path Realignment BOF-CC
Memo_FINAL_rev2.docx

 20200803_BP Realignment Design
Checklist.docx



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6.17 Communication: Jon Adams-Kollitz, Parks Project Coordinator, Sophie Sauve, Parks Comprehensive Planner, Cindi Wight, Director, Department of Parks, Recreation & Waterfront, re: Phase 3a South Bike Path Rehabilitation Construction Contract

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the execution of a contract with Engineers Construction, Inc., for a price not to exceed \$630,826 for the Burlington Bike Path Rehabilitation Phase 3a South Construction Project, plus a project contingency of \$94,625, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office

20200803 BP 3a South Construction BOFCC
Memo - FINAL.docx

20200803_BP 3a South Construction
Checklist.docx

6.18 Communication: Steve Roy, Senior Water Resources Engineer and Mike Schramm, Water Resources Engineer, re: Request for Approval to Execute Contract for Boiler Replacement at Penny Lane Water Treatment Plant

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of Public Works to execute a contract with Hallam-ICS for design/build services for the replacement of the Penny Lane Water Treatment Plant boiler system for up to \$122,478, with an additional \$25,000 in contingency, subject to final review and approval by the City Attorney's Office

Water Treatment Plant Boiler Replacement
BOF_CC_Memo withAttachments - 8-5-20.pdf

BoF_CC_Checklist Water Plant Boiler -
8-5-20.pdf

6.19 Communication: Martha Keenan, Capital and Asset Program Manager, Department of Public Works, re: Disposal of Furniture - City Hall & 645 Pine Street

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the Department of Public Works to dispose of furniture valued at less than \$2,000 from various City facilities and currently stored in storage units and to donate such furniture to ReSource or a similar waste diversion entity on behalf of the City of Burlington

BoF_CC_Checklist furniture disposal
8-10-20.pdf

MEMORANDUM furniture disposal
8.10.2020.pdf



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6.20 Communication: Chapin Spencer, Director of Public Works and Norm Baldwin, P.E., City Engineer/Assistant Director of Public Works, re: Request Authorization to execute property rights acquisition agreement in support of re-establishing St. Paul Street Right of Way between Bank and Cherry Street

Type: Action (Consent), Communication

Recommended Action: to authorize the Mayor to enter into the attached Agreement to Convey Real Property and Grant Easements with Milot 150 Burlington Properties, LLC, subject to the prior review and approval of the City Attorney

CC Memo St.Paul Street Property Rights
8_2_20_4.pdf

Agreement to Convey Real Property and Grant
Easements - COB - Milot- 150 Bank St.
(00386057xA9531) (003).pdf

CC Checklist_St.Paul Property Rights Request
8_4_20.docx

6.21 Communication: Retirement Presentation by Hooker & Holcombe 2019 Actuary Report

Type: Action (Consent), Communication, Information

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

1_2019 Retirement Pension
Presentation_FINAL.pdf

1_2019 Valuation
Report_Burlington_FINAL.pdf

1_Checklist_ Presentation Actuarial
Report.docx

6.22 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: FY20-City Wide Purchasing Savings Results

Type: Action (Consent), Communication, Information

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

2_ Memo _Purchasing Savings
+jsj+KS+RG-FINAL.docx

2_Checklist_ Purchasing Savings-.docx

2_Graph_Purchasing Savings FY 18 -FY
20_FINAL.pdf



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6.23 Communication: Rich Goodwin, Director Financial Operations and Darlene Bayko, Banking and Cash Operations Manager, re: Investment Performance Summary: FYTD 06/30/20

Type: Action (Consent), Communication, Information

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

 3_Checklist_ Investment Performance Update.docx

 3_Graphs_Burlington_VT_Quarterly Investment Summary - db+rg_FINAL.xlsx

 3_Memo_ Investment-FY20 Q4 + jsj+KS+RG_FINAL.docx

6.24 Communication: CT Office, re: June 2020 Sweep Report

Type: Action (Consent), Communication, Information

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

 4_06302020_ Sweep Report.xlsx

 4_Checklist_ Investment Performance Update.docx

6.25 Communication: Rich Goodwin, Director Financial Operations, re: \$27MM General Obligations Notes - Financial results

Type: Action (Consent), Communication, Information

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

 5_Checklist_ Financial Results.docx

 5_Memo _General Obligation Notes - Financial Results +jsj+KS+RG+FINAL.docx

6.26 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Documents.pdf

6.27 Ordinance: Comprehensive Development Ordinance - Front Yard Parking ZA #20-07 (Planning Department, Planning Commission)(1st reading)

Type: Action (Consent), Ordinance - First Reading

Recommended Action: waive the reading, consider it a first reading and refer to the Ordinance Committee

 Zoning Amendment – ZA #20-07, Front Yard Parking, Secs. 8.1.12(c), 6.2.2(i) CC 1st read version 8-3-20.docx.pdf

 Front Yard Parking CC 1st Read 08102020.pdf



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6.28 Ordinance: Comprehensive Development Ordinance - Convalescent Home Lot Coverage & Parking ZA #20-08 (Planning Department, Planning Commission)(1st reading)

Type: Action (Consent), Ordinance - First Reading

Recommended Action: waive the reading, consider it a first reading and refer to the Ordinance Committee

 Zoning Amendment - ZA #20-08, Convalescent Home Lot Coverage & Parking, Sec. 4.4.2(d)(3)(B), Table 4.4.5-5, Table 8.1.8-1 CC 1st readversion 8-5-2.docx.pdf

 Birchwood convalescent homes lot coverage and parking CC 1st read08102020.pdf

6.29 Ordinance: Comprehensive Development Ordinance - 311 North Ave Rezone, parks lot coverage standards, WRM Height Exemption ZA #20-09 (Planning Department, Planning Commission)(1st reading)

Type: Action (Consent), Ordinance - First Reading

Recommended Action: waive the reading, consider it a first reading and refer to the Ordinance Committee

 Zoning Amendment – ZA #20-09 311 North Ave. Rezone, parks lot coverage standards, WRM Height Exemption, Sec. 4.4.5(d)(2), Map 4.3.1-1, 4.4.5-1, 4.4.5-2 and 4.4.6-1, Table 4.4.6-2.pdf

 Zoning Amendment – ZA #20-09 311 North Ave. Rezone, (Attachment - Maps).pdf

 ZA-20-09 Rezone 311 No Ave, Parks Lot Cover, WRM Height_CC 1stRead.pdf

6.30 Resolution: Appointment of Acting Ward Clerks For Wards Five And Six; Acting Inspectors Of Election For Wards Two, Four, Six, Seven And Eight (Councilor Tracy)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Clerk – City Council Appointment of Acting Ward Clerks (8-11-20 State Primary Election).pdf

 Signed CC Resolution Appointment Of Acting Ward Clerks For Wards Five And Six,; Acting Inspectors Of Election For Wards Two, Four, Six, Seven And Eight.pdf



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6.31 Resolution: Creation of Racial Equity Public Policy & Research Analyst Positions (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 HR - Creation of Racial Equity Public Policy Research AnalystPositions.pdf

 Updated 2020.08.10 REIB Resolution Final Packet for BOFCC.pdf

 Signed CC Resolution Creation of Racial Equity Public Policy & Research Analyst Positions.pdf

6.32 Resolution: Update To City's Emergency Paid Leave Policy (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 HR - Update to City's Emergency Paid Leave Policy re COVID-19 (8-06-20).pdf

 Emergency Leave Policy 08.10.2020 - Clean.docx

 Emergency Leave Policy 08.10.2020 -track changes.docx

 BoF CC Emerg Leave Policy Memo 08.06.2020.docx

 Signed CC Resolution Update To City's Emergency Paid Leave Policy.pdf

7. Deliberative Agenda

7.01 Indoor Entertainment Permit Application (2020-2021): Good Trouble, 71 South Union Street #4

Type: Action

Recommended Action: approve the 2020-2021 Outdoor Entertainment Permit Application for Good Trouble, 71 South Union Street #4 with the following conditions: complete record checks, contingent upon Fire Marshal approval with all standard conditions

 Good Trouble Indoor EP Application.pdf

7.02 Communication: Joe Speidel and Gail Champnois, re: UVM Update On Fall Reopening; Sandy Yusen, Director of Communications and External Relations and Katherine Birrow, Chief of Staff, re: Champlain College Update on Fall Reopening

Type: Communication, Information



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7.03 Ordinance: Comprehensive Development Ordinance - Minimum Parking Requirements ZA #20-04 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the reading and set for Public Hearing

Zoning Amendment – ZA #20-04 Minimum Parking 8.1.3, Map 8.1.3-1, 8.1.6, 8.1.8, Table 8.1.8-1, 8.1.9, 8.1.10, 8.1.11, Table 8.1.11-1, 8.1.12, 8.1.13, 8.1.14, 8.1.15, 8.1.16—2nd Read.pdf

ZA-20-04 Parking Memo_Council20200801Mtg.docx

AARP Public Comment -Parking Minimum.pdf

7.04 Public Hearing Regarding ZA-20-06 Bowling Alley in E-LM

Type: Action, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

Zoning Amendment - ZA #20-06 Bowling Alley in the E-LM, App A - UseTable (Public Hearing Notice for 8-10-20).pdf

7.05 Ordinance: Comprehensive Development Ordinance - Bowling Alley in E-LM ZA #20-06 (Office of City Planning, Planning Department)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Zoning Amendment - ZA #20-06 Bowling Alley in the E-LM, App A, UseTable, All Zoning Districts (CC 1st read version 7-7-20).docx.pdf

Signed CC Ordinance CDO - Bowling Alley in E-LM ZA #20-06.pdf



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7.06 Resolution: Establishing A Task Force To Study A Proposal For Reparations And To Consider A City Apology For The Institution Of Slavery (Councilors Freeman, Hightower, Stromberg, Tracy, Hanson, Pine)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****note revised version of this agenda item per Councilor Freeman, posted on Monday, August 10, 2020, at 4:55 pm, LO****

*****noter revised final version of this agenda item per Councilor Freeman, posted on Thursday, August 13, 2020, at 9:02 am, LO*****

 REPARATIONS TASK FORCE
RESOLUTIONrevisedfinalversion.docx

 REPARATIONS TASK FORCE RESOLUTION
-- revised version.docx

 REPARATIONS TASK FORCE
RESOLUTION.docx

 Signed CC Resolution Establishing A Task
Force To Study A Proposal For Reparations And
To Consider A City Apology For The Institution Of
Salvery revised version.pdf

7.07 Resolution: Referral To Charter Change Committee Of Charter Change To Authorize Ordinances On Just Cause Evictions (Community Development and Neighborhood Revitalization Committee)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 City Council - Referral to Charter Change
Committee of Charter Change to Authorize
Ordinances on Just Cause Evictions.pdf

 Signed CC Resolution Referral To Charter
Change Committee Of Charter Change To
Authorize Ordinances On Just Cause
Evictions.pdf

7.08 Communication: Mayor Miro Weinberger, re: Veto of Charter Change re: Ranked Choice Voting (RCV)

Type: Action, Communication

Recommended Action: Reconsider the resolution pursuant to charter section 46.

 8-6-20 Veto of RCV Charter Change.pdf



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7.09 Communication: Laura Wheelock P.E., Senior Public Works Engineer and Kimberlee Sturtevant, Assistant City Attorney, re: Authorization to Amend University Place UVM-City Agreement

Type: Action, Communication

Recommended Action: to authorize the Mayor to execute a Second Amendment to the ☐ Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City☐s Ten Year Capital Plan ,☐ substantially consistent with the draft submitted herewith

0 - Memo - Amend #2 UVM Agreement
8-10-2020.pdf

1b - Exhibit A - UVM-Capital improvements.pdf

2 - UVM agreement amendment 1 signed
2-28-20.pdf

Second Amendment to UVM_COB Agreement
regarding 10 year Capital Plan dated 8-6-2020.pdf

1a -UVM-COB Agreement regarding 10 year
Capital Plan dated 2-28-18.pdf

1c - Exhibit B - UVM-Capital improvements.pdf

BOF CC Checklist_UVM Agreement.pdf

7.10 Outdoor Entertainment Permit Application (2020-2021): Nectar's, 188 Main Street

Type: Action

Recommended Action: approve the 2020 - 2021 Outdoor Entertainment Permit Application for Nectar's, 188 Main Street with all standard conditions

Ya Dude LLC - dba Nectar's outdoor ent.
application.pdf

Nectar's Outdoor Entertainment Permit
Application RE_ Neighborhood Impact.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



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10.01 Verbal Reports

Type: Information, Procedural

11. Mayor - General Affairs

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 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