



July 18, 2022

Regular City Council Meeting - Monday, July 18, 2022, 6:00 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: add to the consent agenda item 5.24 Communication: Brad Wiltfong, re: Encourage Alternative Transport with Better infrastructure with the action to "waive the reading, accept the communication and place it on file"; add to the deliberative agenda item 6.045 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And BPOA (July 1, 2022 - June 30, 2025) with material to be posted (per Council President Paul); note proposed amendment for agenda item 6.05 Ordinance: CDO-Parking Minimum and Maximum Parking Requirements and Transportation Demand Management ZA #22-07 (Councilor Hanson; Ordinance Committee)(per City Attorney's Office per Councilor Traverse)

2. Communications re BETA Technologies Lease Agreement, BPOA Contract Ratification and Tax Increment Financing (TIF) Audit **expected executive sessions** 6:00 pm - 7:30 pm

2.01 Communication: Jeremy Farkas, Jeffry Glassberg, re: BETA Technologies Lease Agreement **expected executive session**

Type: Action, Information, Procedural

Recommended Action: Motion 1: Move that the Burlington City Council find that premature general public knowledge of legal advice and information concerning the details of pending lease negotiations with Beta Technologies, Inc. to which the City is a party or has a stated interest would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Burlington City Council go into executive session to receive confidential communications, 1 VSA §313(a)(1)(F), in a pending contract and lease agreement matter, 1 VSA §313(a)(1)(A).

2.02 Communication: John Maitland, Jared Pellerin, Kerin Durfee, Katherine Schad, re: BPOA Contract Ratification **expected executive session**

Type: Action, Information, Procedural

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of information concerning labor relations agreements with employees 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 labor relations agreements with employees, 1 VSA §313(a)(1)(B).

2.03 Communication: Stephen Ellis, Katherine Schad, (Richard Haesler and Martha Keenan), re: Tax Increment Financing (TIF) Audit **expected executive session**

Type: Action, Information, Procedural

Recommended Action: Motion 1: Move that the Burlington City Council find that premature general public knowledge of legal advice and information concerning the details of Tax Increment Financing (TIF) audit would clearly place the City at a substantial disadvantage; Motion 2: Based upon that finding, move that the Burlington City Council go into executive session to receive confidential attorney-client communications made for the purpose of providing professional legal services to the body 1 VSA §313(a)(1)(F).

3. Public Forum **See item for signup instructions**



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3.01 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

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

4.01 Climate Emergency Reports

Type: Information

5. Consent Agenda

5.01 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

5.02 Communication: CT Office, re: Accountability List as of June 23, 2022

Type: Action (Consent), Communication, Information

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

 Accountability Llist 071822 cc mtg LO.xlsx

5.03 Communication: C/T Office, re: May 23, 2022 Local Control Commission Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

 View Minutes from Local Control Commission Meeting - Monday, May 23, 2022, Contois Auditorium

5.04 Communication: C/T Office, re: May 23, 2022 Regular City Council Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

 View Minutes from Regular City Council Meeting - Monday, May 23, 2022, 6:00 pm, Contois Auditorium



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5.05 Communication: C/T Office, re: June 6, 2022 Regular City Council Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, June 6, 2022, 6:00 pm, Contois Auditorium

5.06 Communication: C/T Office, re: June 27, 2022 Local Control Commission Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, June 27, 2022, Contois Auditorium

5.07 Communication: C/T Office, re: June 27, 2022 City Council With Mayor Presiding Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

View Minutes from City Council With Mayor Presiding Meeting - Monday, June 27, 2022, Contois Auditorium

5.08 Communication: C/T Office, re: June 27, 2022 Regular City Council Meeting Minutes, Draft

Type: Action (Consent), Communication, Information, Minutes

Recommended Action: waive the reading, accept the communication, place it on file and adopt the minutes at the August 15, 2022 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, June 27, 2022, 5:30 pm, Contois Auditorium

5.09 Communication: Diana Carlisle, re: Subject: Correction to the Public Record

Type: Action (Consent), Communication

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

Communication Diana Carlisle re Subject
Correction to the Public Record.pdf



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5.10 Communication: Aaron Keech, Member, Winooski Valley Park District, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, advertise the vacancy (already did in Seven days), place it on file and send a letter of appreciation to Aaron Keech thanking him for his time served as a Member of the Winooski Valley Park District

Communication Aaron Keech Member
Winooski Park Valley District re Resignation.pdf

5.11 Communication: Samantha Dunn, CEDO Assistant Director, Community Works, re: Moran Frame Project Update

Type: Action (Consent), Communication

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

Memo, City Council, Moran Frame Project
Update 071122.pdf

5.12 Communication: Samantha Dunn, CEDO Assistant Director, Community Works, re: Request to Execute a License Agreement with iSun Barge Canal Solar, LLC

Type: Action (Consent), Communication

Recommended Action: to authorize Mayor Miro Weinberger to execute a license agreement between the City of Burlington (City) and iSun Barge Canal Solar, LLC, (iSun) to allow iSun to enter on real property owned by the City for the purpose of exploring the possibility of installing and operating a floating photovoltaic solar generating facility on the City's Barge Canal parcels located off of Pine Street

Memo and Motion - License Agreement btwn
City and iSun Barge Canal Solar LLC 071422.pdf

5.13 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Authorization to Make a Charitable Donation Fines for Food Program

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Department of Public Works to make an annual charitable donation to Feeding Chittenden in an amount equal to one-half of revenues received from delinquent parking ticket payments during the period from Thanksgiving through December 31 during 2022, 2023, 2024, 2025, and 2026, subject to review and approval by the Chief Administrative Officer

BOF CC Request Letter - Fines for Food 22-26
2022 0711 and 0718.pdf

Fines for Food presentation.pdf

BoF CC Checklist - Fines for Food 22-26 2022
0718.docx



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5.14 Communication: Danielle Cota, Human Resources Manager, Deryk Roach, Parks and Central Facilities Superintendent, Gary Rogers, Recreation Superintendent, BPRW, re: Creation of one new position, and re-classification of two positions

Type: Action (Consent), Communication

Recommended Action: to approve the Creation of the Project Coordinator position, a Limited Service, Full-time, Non-Union, Exempt, Grade 17 position; the Reclassification of one Custodian 1 position, Regular, Part-time, AFSCME, Non-Exempt, Grade 8 position to a Regular, Full-time, AFSCME, Non-Exempt, Grade 9 position; and the Reclassification and Retitling of the Athletic Program Coordinator position, a Regular, Full-time, Non-Union, Exempt, Grade 16 to the Athletic Manager, a Regular, Full-time, Non-Union, Exempt, Grade 18 position

 BPRW 07.18.2022 - Final Packet for CC.pdf

5.15 Communication: Chapin Spencer, Director Public Works, Lee Perry, Assistant Director - Fleet Maintenance Division, Ashley Parker, Capital Program Director, Department of Public Works, re: FY23 Vehicle Purchase Recommendations

Type: Action (Consent), Communication

Recommended Action: City Council: (7/18/2022)1. To approve and recommend that the City Council authorize the Director of the Department of Public Works to purchase eight (8) vehicles/equipment for Water Resources, the Traffic Division, and the Recycling Program, for a total value of up to \$962,500 with lease financing determined by the Clerk/ Treasurers Office and at a rate not to exceed five percent (5%) for terms of up to seven (7) years, subject to the review and approval by the City Attorney's Office.2. To approve and recommend that the City Council authorize the Director of the Department of Public Works to enter into a one-time cash purchase not to exceed \$500,000.00 for General Fund vehicles, and equipment, subject to the review and approval by the City Attorney's Office. 3. Recommend that the City Council, the Transportation, Energy, and Utilities Committee, the Department of Public Works, and the Chief Administrative Officer develop a long-term Fleet purchasing strategy that both ensures the operational sustainability of all existing City vehicles/equipment and brings the City closer to reaching its Net Zero 2030 goals.

 FY23 Fleet Replacement CC 7-18-2022.pdf

 BOF CC Checklist FY23 Fleet July 18, 2022.pdf

 FY23 Fleet Replacement Cost Chart Attachment A.pdf

5.16 Communication: Phillip Peterson, EI, Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, Department of Public Works, re: University Place Street Reconstruction Project Construction Contract and Budget Amendment

Type: Action (Consent), Communication

Recommended Action: 1. To authorize the Director of Public Works to execute a construction contract amendments with Don Weston Excavating, Inc. for the University Place Street Reconstruction Project, increasing the total contract amount from \$2,225,691.45 to \$2,417,352.27, and to further authorize the Director of Public Works to utilize up to \$230,908.33 in additional contingency funds if needed, totaling \$2,648,260.60, subject to prior approval of the City Attorney's Office.2. To authorize the necessary budget amendments to bring the total project budget to \$3,383,000.00 by adjusting the accounts as described in the affiliated memorandum and attachments.

 Weston Contract and Budget Amendment for University Place Street Reconstruction Project Memo.pdf

 U-Place CC Checklist 7.18.22.pdf



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5.17 Communication: Ashley Walenty, Water Resources Engineer, Jenna Olson, Water Policy & Program Manager, DPW- Water Resources Division, re: Authorization to execute a Construction Contract for the GSI/CSO - Old North End Retrofits

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of Public Works to execute a contract with ECI for \$434,963 with a \$65,244.45 contingency, totaling \$500,207.45 in authorized contract expenditure, for the construction of the Old North End Green Stormwater Infrastructure Combined Sewer Overflow Reduction Retrofits Project, subject to prior review and approval of the City Attorney's Office

1_BOF CC Memo GSI-CSO Grant ONE Retrofits Construction_Final.pdf

GSI-CSO - Old North End Construction Contract Award - BOF CC Checklist 7.18.2022.docx

5.18 Communication: Elizabeth Ross, Planner, DPW, Rob Goulding, Public Information Manager, DPW, re: Lease of Pump House Shed for Recreational Item Storage

Type: Action (Consent), Communication

Recommended Action: to authorize a property lease of the pump house shed located at 234 Penny Lane for commercial recreational item storage with North Star Sports and The Ski Rack Inc., on the terms provided in and substantially in conformance with the attached lease, and to authorize the Mayor of Burlington to execute the lease, subject to final review and approval by the City Attorney's Office

note lease agreement for this agenda item per Assistant City Attorney Devlin posted on Monday, July 18, 2022, at 4:08 pm, LO

BOFCC 7.18.22 Waterfront Pumphouse Shed Lease FINAL.docx

BOF CC Checklist_WaterfrontShedRentalFINAL.docx

North Star-SkiRack rental proposal 6-7-22.pdf

Lease of Pump House Shed for Recreational Item Storage.pdf

5.19 Communication: Brian Pine, CEDO Director; Rachel Jolly, Assistant Director, CJC, re: Department of Corrections Grant: "Safer Communities" (Grant #03520-1542)

Type: Action (Consent), Communication

Recommended Action: move to 1) authorize Director Pine to accept and execute an amendment to State Grant #03520-1542 in the amount of \$321,000 for FY23, and 2) authorize the CAO to effectuate any budget amendments necessary to reflect the changes to the FY23 budget associated with the grant

Memo to BoF re Safer grant FY23.docx

DOC_CJC_FY23 Contract_unsigned.pdf

BOF CC Checklist_Safer Approval FY23_July 2022.docx



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5.20 Communication: Jeffrey A. Padgett, Division Director for Parking and Traffic, re: Parking Management Software

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Department of Public Works to execute a contract with ECD Corporation to provide AIMS Parking Management Software for \$67,780.25 per calendar year for 3 years, with two optional 1-year extensions at \$67,780.25 per year for a total authorized project expenditure amount of \$338,901.25 subject to City Council appropriation and review and approval by the City Attorney's Office

 BOF CC Request Letter - Parking Management Software 2022 0718.pdf

 BoF CC Checklist -Parking Management Software 2022 0718.docx

5.21 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Documents.pdf

5.22 Resolution: Appointment of Acting Inspectors of Election for Wards Two, Five and Seven (Councilor Paul)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Resolution - Clerk - Appointment of Acting Inspectors of Elections 080922 (FINAL).pdf

 Signed CC Resolution Appointment Of Acting Inspectors of Election For Wards Two, Five, And Seven For The Augsut 9, 2022 State Primary Election.pdf

5.23 Resolution: Conclusion of Integration of Parking Enforcement into the Parking and Traffic Division, Department of Public Works Phase1c - Step 2 - Reclassify, Retitle, Redefine, and Positions in Parking Services (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Resolution - DPW - Parking and Traffic Re-Org Final Step (FINAL).pdf

 Parking and Traffic Re-org - Phase1c Step2.pdf

 Z - BoF CC Checklist - 2022 0718 Phase 1c - Step 2 Reorg.docx

 Signed CC Resolution Conclusion of Integration of Parking Enforcemetn into the Parking and Traffic Division, Department of Public Works Phase 1c - Step 2 - Reclassify, Retitle, Redefine,.pdf



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5.24 Communication: Brad Wiltfong, re: Encourage Alternative Transport with Better Infrastructure

Type: Action (Consent), Communication

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

Communication Brad Wiltfong re Encourage Alternative Transport with Better Infrastructure.pdf

6. Deliberative Agenda

6.01 Communication: Burlington International Airport, Nic Longo, Acting Director of Aviation, re: Request to Execute a Ground Lease Agreement with Beta Technologies, Inc. (BETA) at the Burlington International Airport (15 mins.)

Type: Action, Communication

Recommended Action: 1. ☐ To authorize the leasing of certain identified space at the Burlington International Airport to Beta Technologies, Inc., and to authorize the Mayor of Burlington to execute the ground lease agreement; And to authorize an amendment to a lease with the Greater Burlington Industrial Corporation, subject to final review and approval by the City Attorney's Office. ☐ 2. ☐ To authorize an amendment to the Lease dated September 24, 1979 made with Greater Burlington Industrial Corporation to confirm that such lease does not pertain to or encumber those portions of Burlington International Airport being leased to Beta Technologies, Inc., and to authorize the Mayor of Burlington to execute the lease amendment subject to final review and approval by the City Attorney's Office.

slides posted on Wednesday, July 20, 2022, at 3:22 pm, LO

1 - Memo from BTV to BOF and CC - Beta.GroundLease.7.18.22 (00477552-2xA9531).pdf

A2 - Memorandum of Ground Lease, BTV and BETA.pdf

C1 - Amendment to Lease - BTV Airport - GBIC (00476171xA9531).pdf

C2 - ExtractPage1.pdf

0 - BETA S40 Lease Presentation - BOF & CC.pdf

A1 - Ground Lease BTV Airport - Beta Technologies Agreement.pdf

B1 - Ground Lease BTV Airport - Beta Technologies Parcel Diagram.pdf

C1_1-Amendment Map.pdf

1 - Checklist - BETA LEASE.docx



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6.02 Resolution: The Overdose Crisis And Advocating For Harm Reduction And Establishing An Overdose Prevention Site In Burlington (Councilors Magee, Paul, Hanson, Carpenter, Bergman, Hightower, House, Traverse (25 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - Councilor Magee - The Overdose Crisis and Advocating for Harm Reduction and the Establishment of an Overdose Prevention Site in Burlington (FINAL).pdf

Signed CC Resolution The Overdose Crisis And Advocating For Harm Reduction And Establishing An Overdose Prevention Site In Burlington.pdf

6.03 Communication: Corey Mims, PE, Senior Public Works Engineer, Norman Baldwin, PE Assistant Director of Public Works/City Engineer, re: D&K Amendment #5 - MPM Services Champlain Parkway Project (15 mins.)

Type: Action, Communication

Recommended Action: to authorize the Director of Public Works, or their designee, to execute a Fifth Amendment to the contract with Dubois & King, Inc regarding Champlain Parkway Municipal Project Management Services to increase the Maximum Limiting Amount by \$228,000.00 to \$425,485.00 for continued municipal project managing services through the completion of Initial Construction

CC Memo Champlain Parkway Projectd - DK Amendment 5 07082022.pdf

CC Checklist_D&K Amendment 5.pdf

6.04 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And AFSCME (July 1, 2022 - June 30, 2026) (Board of Finance) (10 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - AFSCME - Ratification of Tentative Collective Bargaining Agreement 7-1-22 to 6-30-26 (FINAL).pdf

Signed Cc Resolution Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City of Burlington And AFSCME (July 1, 2022 - June 30, 2026).pdf



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6.05 CDO ☐ PARKING Minimum and Maximum Parking Requirements and Transportation Demand Management ZA# 22-07 (Councilor Hanson) Ordinance Committee) (3rd reading) (20 mins.)

Type: Action

Recommended Action: waive the third reading and warn the ordinance with technical corrections recommended by the Planning Commission for public hearing

note proposed amendment per City Attorney's Office per Councilor Traverse, posted on Monday, July 18, 2022, at 2:39 pm, LO

Ordinance- Councilor Hanson - ZA 22-07 - CDO Article 4 and 8 re Min. and Max. Parking 7-18-22 PC recommendations.pdf

ZA-22-07 Min and Max Parking and TDM for CC_3rd Read.pdf

Ordinance - Councilor Hanson - ZA 22-07 - CDO Article 4 and 8 re Min. and Max. Parking CC 7-18-22 (FINAL).pdf

PC Letter to CC RE ZA-22-07 Parking & TDM.pdf

6.06 Ordinance: ELECTRICITY - Permitting, Fees and Reporting Structure (Department of Permitting & Inspections, Ordinance Committee)(2nd reading) (10 mins.)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading, approve the ordinance as amended

note written communication per City Attorney's Office from Bill Ward, posted on Friday, July 15, 2022, at 11:21 am, LO

Ordinance - BCO Ch. 12 Electricity Amendment - Sec 12-22 - CC 7.18.22 (FINAL).pdf

Signed CC Ordinance ELECTRICITY-Permittin, Fees and Reporting Structure.pdf

Memo WW Chapter 12 changes May 29 2022-2.docx

6.07 Communication: Darren Springer, General Manager, Chris Burns, Director of Energy Services, Jen Green, Director of Sustainability and Workforce Development, Bill Ward, Director of Permitting & Inspections, Patricia Wehman, Housing Division Manager, re: Initial Progress Report on Thermal Charter Change Work/City Council Resolution Relating to Decarbonizing All Buildings in Burlington by 2030 (25 mins.)

Type: Action (Consent), Communication, Information, Report

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

July 18th Charter Change Report DRAFT 7.18.22 FINAL .docx

5.9.22 CC resolution.pdf

6.08 Presentation Regarding School and Leadership, re: BHS/BTC 2025 Project Update (25 mins.)

Type: Information, Presentation

BHS_ BTC 2025 City Council Update 7.18.22.pdf



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6.09 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And FOP BPOA #021 (July 1, 2022 - June 30, 2025 (Board of Finance) ****AGENDA ITEM 6.045****

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - FOP BPOA Ratification Final
7.18.22.pdf

7. Committee Reports (up to 15 mins.)

7.01 Verbal Reports

Type: Information, Procedural

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

8.01 Verbal Reports

Type: Information, Procedural

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

9.01 Verbal Reports

Type: Information, Procedural

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

10.01 Verbal Reports

Type: Information, Procedural

11. Adjournment

11.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn



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12. Informational and Non-Discrimination Statements

12.01 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