



July 12, 2021

Regular City Council Meeting - Monday, July 12, 2021, 6:30 pm **In-Person in Contois Auditorium, 2nd Floor, City Hall **

 [Click here to view the minutes for this meeting](#)

1. Agenda

1.01 Motion to amend/adopt agenda

Type: Action, Procedural

Recommended Action: motion to amend/adopt agenda as follows: note written materials for agenda item 2.01 Work Session Regarding Short Term Rentals (per Meagan Tuttle); note presentation slides for this agenda item (per Meagan Tuttle); note ordinance language for this agenda item (per Assistant City Attorney Sturtevant); add to the consent agenda item 5.26 Communication: C/T Office, re: Openings Burlington City Commissions/Boards with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 5.27 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: November 9, 2021 Special City Election Calendar with the motion to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 5.28 Communication: Nathan Edwards, re: Complaint with the motion to "waive the reading, accept the communication and place it on file"; note approved BPD permit for agenda item 6.03 (per BPD); note final version of agenda item 6.07 Resolution: Divestment From Weapons Manufacturers (Councilor Stromberg)(per Councilor Stromberg)

1.02 Motion to further amend agenda with the addition of agenda item 6.09 Resolution: Burlington Parks Arts And Culture Committee To Create A Dog Task Force (Parks, Arts and Culture Committee)

Type: Action

2. Work Session Regarding Short Term Rentals **6:30 pm - 7:30 pm**

2.01 Work Session Regarding Short Term Rentals **6:30 pm - 7:30 pm**

Type: Discussion, Information

note written material for this agenda item per Meagan Tuttle, posted on Friday, July 9, 2021, at 2:17 pm, LO

note presentation slides for this agenda item per Meagan Tuttle, posted on Friday, July 9, 2021, at 3:47 pm, LO

****note ordinance language for this agenda item per Assistant City Attorney Sturtevant, posted on Friday, July 9, 2021, at 4:06 pm, LO****

 ZA-20-05 STR Memo for Council WS 07122021.pdf

 Art14planBTVDowntownCode_for ZA-20-05_updated 2.9.2021.pdf

 ZA 20-05 for CC 7-12-21 Meeting.pdf

 STR Presentation for Council 07122021.pdf

 Ch. 18 Short Term Rentals Ordinance Draft for 7-12-21 Meeting.pdf

 ZA-20-05 Appendix A for 7.12.21 Meeting.pdf

3. Public Forum: time certain: 7:30 pm - 9:30 pm **In-person sign up to speak in Contois Auditorium**

3.01 Verbal Comments

Type: Action, Information, Procedural



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4. Climate Emergency Reports

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 (as amended) and take the actions indicated

5.02 Communication: C/T Office, re: Accountability List

Type: Action (Consent), Communication, Information

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

 Communication Accountability List 071221 cc
mtg LO.xlsx

5.03 Communication: CAO Schad, re: Burlington's Livable Wage Ordinance

Type: Action (Consent), Communication, Information

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

 Livable Wage Notice for FY22.pdf

 Livable Wage Ordinance FY22 Poster
Final.pdf

5.04 Communication: Cora Smith, Ward 8 Inspector of Elections, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file and send a letter of appreciation to Cora Smith thanking her for her time served as a Ward 8 Inspector of Elections

 Communication Cora Smith, Ward 8 Inspector
of Elections, re Resignation.pdf

5.05 Communication: Peter Deng, Member, Board of Tax Appeals, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy (7 Days 7/14 edition) and send a letter of appreciation thanking Peter Deng for his time served as a Member of the Board of Tax Appeals

 Communication Peter Deng, Board of Tax
Appeals Member, re Resignation.docx



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5.06 Communication: Victoria Hellwig, Member, Conservation Board, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, advertise the vacancy (7 Days 7/14 edition) and send a letter of appreciation to Victoria Hellwig thanking her for her time served as a Member of the Conservation Board

Communication Victoria Hellwig Member Conservation Board re Resignation.pdf

5.07 Communication: Patricia Dumas, re: Battery Street

Type: Action (Consent), Communication

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

Communication Patricia Dumas re Battery Street.pdf

5.08 Communication: C/T Office, re: May 10, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, May 10, 2021, 7:00 pm **VIRTUAL MEETING**

5.09 Communication: C/T Office, re: May 17, 2021 Special 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 9, 2021 Regular City Council Meeting

View Minutes from Special City Council Meeting - Monday, May 17, 2021, 5:30 pm **VIRTUAL MEETING**

5.10 Communication: C/T Office, re: May 24, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, May 24, 2021, 7:00 pm **VIRTUAL MEETING**



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5.11 Communication: C/T Office, re: May 24, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, May 24, 2021 **VIRTUAL MEETING**

5.12 Communication: C/T Office, re: June 7, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, June 7, 2021, 7:00 pm **VIRTUAL MEETING**

5.13 Communication: C/T Office, re: June 14, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from City Council With Mayor Presiding Meeting, Monday, June 14, 2021, **VIRTUAL MEETING**

5.14 Communication: C/T Office, re: June 14, 2021 Board of Civil Authority 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 9, 2021 Regular City Council Meeting

View Minutes from Board of Civil Authority Meeting, Monday, June 14, 2021, **VIRTUAL MEETING**

5.15 Communication: C/T Office, re: June 14, 2021 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 9, 2021 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, June 14, 2021 **VIRTUAL MEETING**



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5.16 Communication: C/T Office, re: June 14, 2021 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 9, 2021 Regular City Council Meeting

 View Minutes from Regular City Council Meeting - Monday, June 14, 2021, 6:30 pm **VIRTUAL MEETING**

5.17 Communication: C/T Office, re: June 28, 2021 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 9, 2021 Regular City Council Meeting

 View Minutes from Regular City Council Meeting - Monday, June 28, 2021, 7:00 pm **VIRTUAL MEETING OR In-Person at Bushor Conference Room, Room 102, 1st Floor, City Hall **

5.18 Communication: C/T Office, re: June 28, 2021 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 9, 2021 Regular City Council Meeting

 View Minutes from Local Control Commission Meeting - Monday, June 28, 2021 **VIRTUAL MEETING OR In-Person at Bushor Conference Room, Room 102, 1st Floor, City Hall **

5.19 Communication: James Sherrard, Stormwater Program Coordinator, re: Authorization to execute a construction contract and annual software licensing agreements for a Continuous Monitoring Adaptive Control (CMAC) Valve System with OptiRTC, Inc.

Type: Action (Consent), Communication

Recommended Action: 1. To authorize Chapin Spencer, the Director of Public Works, to execute a construction contract with OptiRTC, Inc. for the installation of a valve at Englesby Brook Pond, in an amount up to \$98,000, subject to the prior review and approval of the City Attorney's Office. 2. To authorize Chapin Spencer, the Director of Public Works, to execute a software licensing agreement with OptiRTC, Inc. to support the installation and operation of the valve at Englesby Brook Pond for up to five years, in an amount up to a total of \$66,000 over five years, at \$13,200 per year, subject to the prior review and approval of the City Attorney's Office.

 BOF-CC Memo_Opti Contract Execution_7.7.2021.pdf

 BOF CC Checklist_Opti Contract Execution_7.7.2021.pdf



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5.20 Communication: Megan Moir and Ashley Walenty, DPW - Water Resources, re: Construction Engineering Amendment for the Flynn-Fletcher Pump Station Improvements Project

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Department of Public Works to execute an amendment to the Engineering Service Agreement with Hoyle, Tanner & Associates, Inc. for additional design work on the Fletcher Place pump station, increasing the maximum limiting amount by \$13,633 to a new total of \$178,483, subject to the final review and approval of the City Attorney's Office

1 - BOF CC Memo 7.12.2021 Flynn-Fletcher PS ConstructionEngineering Amendment.pdf

2 - Attachment A HTA Level of Effort - 2021-06-21.pdf

3 - BOF CC Checklist - Flynn-Fletcher PS Construction EngineeringAmendment.pdf

5.21 Communication: Ashley Walenty, PE, DPW - Water Resources, re: Authorization to Amend the Main Services Agreement with VHB for Stormwater Engineering Services to \$500,000

Type: Action (Consent), Communication

Recommended Action: 1. To approve and authorize the Director of Public Works to execute a second amendment to the Main Services Agreement with Vanasse Hangen Brustlin, Inc. (VHB) to increase the maximum limiting amount by \$127,780 to a new total of \$500,000, subject to the final review and approval of the City Attorney's Office .2. To approve and authorize the Director of Public Works to execute and amend individual Work Assignment Contracts , which in total shall not exceed the maximum limiting amount established in the Main On-Call Agreement, to complete work authorized by Main On-Call Agreement, subject to prior review and approval by the Chief Administrative Officer and the City Attorney's Office .

1 - BOF CC Memo VHB MSA Amendment - related to RE Services SouthEnd_FINAL.pdf

2 - BOF CC Checklist - VHB MSA Amendment - related to RE ServicesSouth End.pdf

5.22 Communication: Megan Moir, Division Director of Water Resources, re: Renewal of Main On-Call Contract for Financial Advisor Services with Raftelis Financial Consultants

Type: Action (Consent), Communication

Recommended Action: 1. To authorize the Director of Public Works to renew the Master On-Call Agreement with Raftelis Financial Consultants for on-call financial consulting services for the Water Division , for an additional two-year term, with a maximum limiting amount of \$150,000 per fiscal year during the additional term, for a new total of \$300,000 overall, subject to prior review and approval by the City Attorney's Office .2. To approve and authorize the Director of Public Works to execute individual Work AssignmentContracts, which in total shall not exceed the maximum limiting amount established in the Master On-Call Agreement, to complete work identified in the renewal of the Master On-Call Agreement, subject to prior review and approval by the Chief Administrative Officer and the City Attorney's Office .

7-12-21_BOF CC Memo_Renew Main Agreement_Raftelis.pdf

BOF CC Checklist_7-12-21_WR Renew RFC Main On Call Agreement.docx

5.23 Communication: Fleet Committee -- Chapin Spencer, Martha Keenan, Lee Perry, Katherine Schad, Dave Hammond, Cindi Wight, Deryk Roach, re: FY22 Fleet Replacement Schedule

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of the Department of of Public Works , to purchase 35 pieces of equipment, for atotal value of \$2,620,314, with lease financing determined by the Clerk/Treasurer's Office at a rate not toexceed 4%, for terms of 5 or 7 years, subject to review and approval by the City Attorney's Office

BOF CC Checklist FY22 Fleet July 6, 2021.pdf

BOF-CC Memo FY22 Fleet Replacement Final 7-7-2021.pdf



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5.24 Communication: Martha Keenan, Capital & Special Projects Director, Clerk/Treasurer's Office, re: Fiscal Year 2022 Equipment Master Lease approval

Type: Action (Consent), Communication

Recommended Action: to approve and authorize Katherine Schad, Chief Administrative Officer, or designee to execute a Tax-Exempt Lease Purchase with Key Government Finance for the amount of \$3,089,590 with an annual payment of \$509,603 to be paid out of the General Fund Capital Budget, Water Resources, and Traffic Budgets within the approved Fiscal Year 2022 Budgets subject to review by the City Attorney's Office

BoF-CC memo FY2022 Master Lease_Final
Memo +JSJ + SS.pdf

07122021_CheckList Equipment Master
Leases Approval.docx

5.25 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

FIO Documents.pdf

5.26 Communication: C/T Office, re: Openings Burlington City Commissions/Boards updated 07/12/21

Type: Action (Consent), Communication, Information

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

openingsfor7days July 12, 2021 appointed
August 9 2021 LO.doc

5.27 Communication: Katherine Schad, Chief Administrative Officer and Amy Bovee, Assistant City Clerk, re: November 9, 2021 Special City Election Calendar

Type: Action (Consent), Communication, Information

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

November 9 2021 Charter Change Deadline
Memo.pdf

2021 Special Election Calendar based on
11092021 Election Date w. Charter Change
Petition.xlsx

5.28 Communication: Nathan Edwards, re: Complaint

Type: Action (Consent), Communication

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

Communication Nathan Edwards re
Complaint.docx

6. Deliberative Agenda



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6.01 Extension of Indoor Entertainment Hours (2021-2022): The Wallflower Collective, 71 South Union Street #4

Type: Action

 Extension of Hours for Indoor EP and current hours Wallflower Collective.pdf

6.02 Extension of Outdoor Entertainment Permit Hours (2021-2022): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

Type: Action

 Expansion of Outdoor EP Hours Orlandos Bar and Lounge.pdf

 Current Outdoor EP Orlandos Bar and Lounge.pdf

6.03 Special Event Outdoor Entertainment Permit Application (one day only): Commonwealth Financial Group, South Champlain Street-between Main and King, August 27, 2021, 5 pm - 9 pm, Live DJ/Amplified Music, Celebration for Business Owners and Residents

Type: Action

Recommended Action: approve the one day only special event outdoor entertainment permit application for Commonwealth Financial Group, South Champlain Street-between Main and King, August 27, 2021, 5 pm - 9 pm, Live DJ/Amplified Music, Celebration for Business Owners and Residents

note approved permit per BPD for this agenda item, posted on Monday, July 12, 2021, at 10:48 am, LO

 Special Event Outdoor EP Application Commonwealth Financial Group August 27 2021 5 pm - 9 pm Celebration.pdf

 Communication BPD re Block Party - Community Outreach sponsored by Commonwealth Financial Group, Friday, August 27, 2021, 5 pm - 9 pm.pdf

6.04 Communication: Megan Moir, Water Resources Division Director, re: Approval of Water Resources Assistance Program Policies for Water Resources Rebates and the Temporary Waiver of Water and Wastewater Fixed Meter Charge for Low-Income and Senior, and Non-Profit Affordable and Senior Housing Customers

Type: Action, Communication

Recommended Action: to approve the attached two policies to facilitate the Water Resources Assistance Program : 1) Policy for Temporary Waiver of Water and Wastewater Fixed Meter Charge for Low-Income and Senior, and Non-Profit Affordable and Senior Housing Customers; and 2) Water Resources Rebate Policy

 7-12-21_BOF CC_Bill Discount and Rebate Program Policy Approval Packet.pdf

 BOF CC Checklist_7-12-21_WR Bill Discount & Rebate Program Policies.docx



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6.05 Communication: Chapin Spencer, Director and Lee Perry, Division Director DPW Maintenance, re: Consolidated Collection Study Update and Next Steps

Type: Action, Communication, Information

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

note presentation slides for this agenda item per Lee Perry, posted on Monday, July 12, 2021, at 6:42 pm, LO

City Council Consolidated Collection Memo
7-7-21 with appendices.pdf

BOF CC Checklist 7-12-21 Consolidated
Collection.pdf

CC Consolidated Collection Presentation
7-8-21.pptx

6.06 Resolution: Review Of Sex Worker Charter Section & Ordinances (Councilor Freeman)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Review of Sex Worker Charter Section
Ordinance Resolution 7.8.21.pdf

Signed CC Resolution Review Of Sex Worker
Charter Section And Ordinances.pdf

6.07 Resolution: Divestment From Weapons Manufacturers (Councilor Stromberg)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note final version of this agenda item per Councilor Stromberg, posted on Monday, July 12, 2021, at 2:50 pm, LO

RESOLUTION DIVESTMENT FROM
WEAPONS MANUFACTURERS Final.pdf

RESOLUTION DIVESTMENT FROM
WEAPONS MANUFACTURERS.pdf

Signed CC Resolution Divestment From
Weapons Manufacturers.pdf

6.08 Resolution: Bikeways, Parking, And Intersection Safety Scoping Study Re: Colchester Avenue And Colchester Avenue/East Avenue Intersection (Transportation, Energy and Utilities Committee)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

DPW
-ColchesterAve-EastAvenueIntersectionBikeSafetyScoping_Resolution.pdf

CC Checklist_ColchesterEastAveScoping.pdf

CCMemo_ColchesterAve-EastAve_July2021.pdf

Signed CC Resolution Bikeways, Parking, And
Intersection Safety Scoping Study Re Colchester
Avenue And Colchester Avenue East Avenue
Intersection.pdf



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6.09 Resolution: Burlington Parks Arts And Culture Committee To Create A Dog Task Force (Parks, Arts and Culture Committee)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

RESOLUTION Parks Arts and Culture Committee To Create A Dog Task Force.pdf

Signed CC Resolution Burlington Parks Arts And Culture Committee To Create A Dog Task Force.pdf

7. Committee Reports

7.01 Verbal Reports

Type: Information, Procedural

8. City Council - General Affairs

8.01 Verbal Reports

Type: Information, Procedural

9. City Council President - Council Updates

9.01 Verbal Reports

Type: Information, Procedural

10. Mayor - General Affairs

10.01 Verbal Reports

Type: Information, Procedural

11. Communication: HR Director Durfee and Acting City Attorney St. James, re: Personnel Matter (verbal)**expected executive session**



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11.01 Communication: HR Director Durfee and Acting City Attorney St. James, re: Personnel Matter (verbal)**expected executive session**

Type: Action, Communication

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of information related to a personnel matter would put the City at a substantial disadvantage; Motion 2: Based on that finding, move that the Council go into executive session to consider confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(F) and relating to a personnel matter pursuant to 1 VSA §313(a)(4). Individuals to be invited into ES in addition to the Council and Mayor: Mayor's office staff, Acting City Attorney, CAO, HR Director

12. Communication: Mayor Miro Weinberger, re: Update on CityPlace/Redstone Mediation (verbal)**expected executive session**

12.01 Communication: Mayor Miro Weinberger, re: Update on CityPlace/Redstone Mediation (verbal)**expected executive session**

Type: Action, Communication

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of information related to the recent confidential mediation session, the City's strategy and legal advice related to the pending litigation with BTC Mall Associates and 100 Bank LLC. would put the City at a substantial disadvantage; Motion 2: Based on that finding, move that the Council go into executive session to consider pending litigation and confidential attorney-client communications pursuant to 1 VSA §313(a)(1)(E) and (F). Individuals to be invited into ES in addition to the Council and Mayor: Mayor's office staff, City Attorneys, CAO, Jeffrey Glassberg, Downs Rachlin Martin attorneys (Jennifer McDonald and Tim Sampson).

13. Adjournment

13.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

14. Informational and Non-Discrimination Statements

14.01 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