



July 10, 2017

Regular City Council Meeting - Monday, July 10, 2017, 7:15 pm, Contois Auditorium, 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 correct action for consent agenda item 5.04 Communication: Noelle MacKay, CEDO Director, re: ECHO Updated Project Schedule to "waive the reading, accept the communication and place it on file;" amend the action for consent agenda item 5.10 Communication: Subcommittee on Eviction Crisis Plans & Protocols Report & Recommendation - June 12, 2017 to "waive the reading, accept the communication, place it on file and refer to the Board of Finance for consideration (per Councilor Bushor); note updated resolution for consent agenda item 5.14 Resolution: Reorganization - Update to Staffing Structure of Burlington City Arts (Board of Finance); note updated packet and revised version of the resolution for consent agenda item 5.19 Resolution: Reorganization of The Wastewater Division - Department of Public Works (Board of Finance); add to the consent agenda item 5.21 Communication: Martha Keenan and Patrick Mulligan, DPW, re: Phase II Contract Pro-Tech Security and Fire - video system upgrade with the action "1.To approve and authorize the execution of a contract with Pro-Tech Security and Fire in the amount not to exceed \$397,942.82 and authorize Chapin Spencer, Director of Public Works, or his designee, to execute a Phase II contract with Pro-Tech Security and Fire and any contract amendments up to the contingency limit, subject to the review and approval of the City Attorney; and 2. To further approve and authorize the establishment of a contingency account, and, if needed the expenditure of funds from such account, in the amount up to \$39,794.23, if needed for the successful completion of the project; 3. To approve the amendment of the Traffic Budget to include \$287,737.05 of the Traffic Fund as a carry forward and add the expenditures noted in the budget submitted above in order to fund Phase II; add to the consent agenda item 5.22 Communication: Vermont Department of Taxes, re: Notice of Education Tax Rates for Fiscal Year 2018 with the action to "waive the reading, accept the communication and place it on file; add to the consent agenda item 5.23 Communication: Jeff Ladner, re: Against further continuation of the pilot project with the action to "waive the reading, accept the communication and place it on file" add to the consent agenda item 5.24 Communication: CCRPC, re: Public Hearing Notice to consider the proposed FY18-21 Transportation Improvement Program (TIP) for adoption with the action to "waive the reading, accept the communication and place it on file"; note correct attachment for agenda item 6.03 Resolution: Allocation Method and Standards for Common Area Fee Formula and Establishment of Common Area Fees for The Church Street Marketplace for Fiscal Year 2018 (Councilors Knodell & Roof); add Councilors Mason, Shannon, Deane and Moore as co-sponsors to agenda item 6.04 Resolution: North Avenue Pilot Recommendations (Councilor Tracy)(per Councilor Tracy); note proposed amendment for agenda item 6.04 Resolution: North Avenue Pilot Recommendations (Councilor Tracy)(per Councilor Wright); note powerpoint presentation for agenda item 6.04 Resolution: North Avenue Pilot Recommendations; note addition to agenda item 11.01 BTC executive session to come out of executive session and consider the following motion: to authorize the City Attorney's Office to enter into a stipulated judgment in the pending 75 Cherry Street permit appeal (Devonwood Investors, LLC, 75 Cherry Street, Superior Court Environmental Division Docket No. 39-4-17 Vtec) that would modify the DRB permit to include up to 200 additional underground parking spaces and an additional entrance onto Pine Street, subject to approval of the plans by DPW and P&Z staff, and with the DRB to be informed of the details at its July 18 meeting (per City Attorney Blackwood)

2. Swearing In of Newly Elected Ward Seven City Councilor Ali Dieng

2.01 Swearing In Of Newly Elected Ward Seven City Councilor Ali Dieng

Type: Action, Procedural

3. Annual Reports to the City Council



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3.01 Report: Chittenden County Regional Planning Commission

Type: Information, Report

Report CCRPC.pdf

3.02 Report: Planning Commission

Type: Information, Report

Report Planning Commission.pdf

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

4.01 Verbal Comments

Type: Information, Procedural

5. Consent Agenda

5.01 Motion to amend/adopt consent agenda taking the following actions as indicated

Type: Action (Consent), Procedural

Recommended Action: motion to amend/adopt consent agenda taking the following actions as indicated: note correct action for agenda item 5.04 Communication: Noelle MacKay, CEDO Director, re: ECHO Updated Project Schedule to "waive the reading, accept the communication and place it on file;" amend action for agenda item 5.10 (per Councilor Bushor); note correct attachment for agenda item 5.17; note revised version of agenda item 5.14; note updated packet and revised version of the resolution for agenda item 5.19; add to the consent agenda item 5.21 Communication: Martha Keenan and Patrick Mulligan, DPW, re: Phase II Contract Pro-Tech Security and Fire - video system upgrade with the action to "1. To approve and authorize the execution of a contract with Pro-Tech Security and Fire in the amount not to exceed \$397,942.82 and authorize Chapin Spencer, Director of Public Works, or his designee, to execute a Phase II contract with Pro-Tech Security and Fire and any contract amendments up to the contingency limit, subject to the review and approval of the City Attorney; and 2. To further approve and authorize the establishment of a contingency account, and, if needed the expenditure of funds from such account, in the amount up to \$39,794.23, if needed for the successful completion of the project; 3. To approve the amendment of the Traffic Budget to include \$287,737.05 of the Traffic Fund as a carry forward and add the expenditures noted in the budget submitted above in order to fund Phase II; add to the consent agenda item 5.22 Communication: Vermont Department of Taxes, re: Notice of Education Tax Rates for Fiscal Year 2018 with the action "to waive the reading, accept the communication and place it on file"; add to the consent agenda item 5.24 Communication: Jeff Ladner, re: Against further continuation of the pilot project with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 5.24 Communication: CCRPC, re: Public Hearing to consider the proposed FY18-21 Transportation Improvement Program (TIP) for adoption with the action to "waive the reading, accept the communication and place it on file"

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 071017 cc
mtg LO.xlsx



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5.03 Communication: Chapin Spencer, DPW Director and Patrick Mulligan, DPW Assistant Director - Parking & Traffic, re: Downtown Parking & Transportation Agreement - Approval of FY'18 Workplan & Deliverables

Type: Action (Consent)

Recommended Action: to approve the FY'18 Workplan & Deliverables for the Parking and Transportation Agreement between the City of Burlington and the Burlington Business Association and authorize reimbursement of BBA for eligible activities consistent with the Workplan and Deliverables (Exhibit D) up to \$249,671 between July 1, 2017 and June 30, 2018

BOF Council Memo on FY18 Workplan
Final.pdf

Checklist for FY'18 Workplan v7-5-17.pdf

Complete Council BBA City Agreement Packet
1-23-17.pdf

Exhibit D - FY'18 Workplan to BBA City
Agreement Final.pdf

5.04 Communication: Noelle MacKay, CEDO Director, re: ECHO Updated Project Schedule

Type: Action (Consent), Communication, Information

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

****correct motion:** "to waive the reading, accept the communication and place it on file"

City Council Communication from CEDO.
ECHO updated project shedule.docx

ECHO Memo for CC_Checklist.pdf

June 2017 Updated project schedule
compared to original.pdf

5.05 Communication: Marcy Esbjerg, Assistant Director for Community, Housing and Opportunity Programs, re: Continuum of Care Planning Grant Contract VT0066L1T011600

Type: Action (Consent)

Recommended Action: to approve and authorize Noelle MacKay, CEDO Director to execute the U.S. Department of Housing and Urban Development Continuum of Care Agreement and all documents necessary to accept the funding of \$30,213 from HUD

BOF.CC Memo CoC Planning Grant 7.17.doc

CoC 6.17 BoF_CC_Checklist fillable pdf.pdf

HUD Contract.pdf

5.06 Communication: Amy J. Bovee, Presiding Officer -- June 27, 2017 Special City Election, re: Declaration of Elected Candidate Ward 7 Special City Election - June 27, 2017

Type: Action (Consent), Communication, Information

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

Declaration of Elected Candidates -
Signed.pdf



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5.07 Communication: Mary Ellen Hemingway, re: Spot on the Dock

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file and send a copy to the Parks and Recreation Commission for review

Communication Mary Ellen Hemingway re Spot on the Dock.pdf

5.08 Communication: C/T Office, re: Sweep Accounts & Other Bank Accounts (unaudited)

Type: Action (Consent), Communication, Information

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

Copy of 05312017_ Sweep Report For BOF_V2.xlsx

5.09 Communication: C/T Office, re: General Fund Revenue Unaudited - May 2017 Financial

Type: Action (Consent), Communication, Information

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

Copy of May Financial run 6-22-17.xlsx

5.10 Communication: Subcommittee on Eviction Crisis Plans & Protocols Report & Recommendation - June 12, 2017

Type: Action (Consent), Communication, Information

Recommended Action: waive the reading, accept the communication and place it on file, refer to the Board of Finance for consideration

****amended motion:** to waive the reading, accept the communication, place it on file and refer to the Board of Finance for consideration (per Councilor Bushor)

City Council - Report & Recommendation from Subcommittee on Eviction Crisis Plans & Protocols.pdf

5.11 Report: Design Advisory Board

Type: Action (Consent), Report

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

Report Design Advisory Board.pdf



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5.12 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

 FIO Documents.pdf

5.13 Resolution: Reclassification and Title Change - Waterfront Manager Position Burlington Parks and Recreation Department (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Full packet_ Reclassification of Waterfront Manager to BoF and CC July 2017.pdf

 HR - Parks - Reclassification & Title Change of Waterfront Manager Position.pdf

5.14 Resolution: Reorganization - Update to Staffing Structure of Burlington City Arts (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****note revised version for this agenda item**

 BOFCC Checklist for Reorg BCA 06 27 17.pdf

 BOFCC Packet Reorg BCA 07 10 17.pdf

 HR - City Arts - Reorganization - Update to Staffing Structure.pdf

 HR - City Arts - Reorganization - Update to Staffing Structure (REVISED).pdf

5.15 Resolution: Implementation of Market Factor Adjustment and Change in Reporting Structure for Technology Support Specialist - Innovation and Technology (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 HR - IT - Technology Support Specialist - Market Factor Adjustment & Change in Reporting Structure.pdf

 BOFCC Checklist IT Changes 071017.pdf

 BOFCC Packet IT Changes 07 10 17.pdf



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5.16 Resolution: Authorization to Submit 2017 Burlington One-Year Action Plan (Community Development & Neighborhood Revitalization Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 2017 Action Plan BoF_CC_Checklist fillable.pdf.pdf

 Draft Action Plan City Council 7.10.17.pdf

 2017 Communication for Council Action Plan Approval 7.10.17.pdf

 Updated 2013 Citizen Participation Plan 6.2017.doc

5.17 Resolution: Authorization to Execute Quitclaim Deed for 104 Pleasant Avenue (Councilors Hartnett & Wright)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****note correct attachment for this agenda item**

 Clerk – Quit Claim Deed for 104 Pleasant Ave. (former glebe land) (Attachment).pdf

 Quit Claim Deed (revised) (00272918xD8B99).pdf

 Clerk – Quit Claim Deed for 104 Pleasant Ave. (former glebe land).pdf

5.18 Resolution: Authorization to Execute Quitclaim Deed for Lease Land at 56 West Road (Councilors Hartnett & Wright)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Clerk – Quit Claim Deed for 56 West Road (former glebe land) (Attachment).pdf

 Clerk – Quit Claim Deed for 56 West Road (former glebe land).pdf

5.19 Resolution: Reorganization of The Wastewater Division - Department of Public Works (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****note updated packet for this agenda item, note revised version of this agenda item**

 Full packet_DPW Wastewater Re-Org to BoF and CC.pdf

 Full packet_DPW Wastewater Re-Org to BoF and CC_revised.pdf

 HR - DPW - Reorganization of the Wastewater Division.pdf

 HR - DPW - Reorganization of the Wastewater Division (REVISED).pdf



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5.20 Resolution: Approval of Burlington Electric Department's 2016 Integrated Resource Plan (Councilor Knodell)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

2016IRP.PDF

BOF-CC 2016 IRP-FINAL2.pdf

BOF-CC Checklist IRP.pdf

BED - Approval of Electric Department's 2016 Integrated Resource Plan.pdf

5.21 Communication: Martha Keenan, and Patrick Mulligan, DPW, re: Phase II Contract Pro-Tech Security and Fire - video system upgrade

Type: Action (Consent)

Recommended Action: 1. To approve and authorize the execution of a contract with Pro-Tech Security and Fire in the amount not to exceed \$397,942.82 and authorize Chapin Spencer, Director of Public Works, or his designee, to execute a Phase II contract with Pro-Tech Security and Fire and any contract amendments up to the contingency limit, subject to the review and approval of the City Attorney; and 2. To further approve and authorize the establishment of a contingency account, and, if needed the expenditure of funds from such account, in the amount up to \$39,794.23, if needed for the successful completion of the project; 3. To approve the amendment of the Traffic Budget to include \$287,737.05 of the Traffic Fund as a carry forward and add the expenditures noted in the budget submitted above in order to fund Phase II.

Pro-Tech memo garages 7-10-17097944.pdf

5.22 Communication: Vermont Department of Taxes, re: Notice of Education Tax Rates for Fiscal Year 2018

Type: Action (Consent), Communication, Information

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

Communication Vermont Department of Taxes re Notice of Education Tax Rates for Fiscal Year 2018.pdf

5.23 Communication: Jeff Ladner, re: Against further continuation of the pilot project

Type: Action (Consent), Communication

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

Communication Jeff Ladner re Against Further Continuation of the pilot project.pdf

5.24 Communication: CCRPC, re: Public Hearing to consider the proposed FY18-21 Transportation Improvement Program (TIP) for adoption

Type: Action (Consent), Communication, Information

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

Communication CCRPC re Public Hearing Notice re Proposed FY18-21 TIP for adoption.pdf



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6. Deliberative Agenda

6.01 Communication: Mayor Miro Weinberger, re: Appointment of Assistant City Attorney

Type: Action, Information

Recommended Action: confirm the appointment of Anthea Dexter-Cooper as the City's newest Assistant City Attorney

 7-6-2017 Assistant City Attorney Appointment Memo.pdf

 Anthea Dexter-Cooper Resume and App.pdf

6.02 Public Hearing Regarding Allocation Method and Standards for Common Area Fee Formula and Establishment of Common Area Fees for The Church Street Marketplace for Fiscal Year 2018

Type: Action, Public Hearing

 Cover Memo BOF re FY 18 CSM Common Area Fees final.docx

 Notice of Public Hearing, FY 18 Common Area Fee.docx

6.03 Resolution: Allocation Method and Standards for Common Area Fee Formula and Establishment of Common Area Fees for The Church Street Marketplace for Fiscal Year 2018 (Councilors Knodell & Roof)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****note correct attachment for this agenda item**

 Church St. Marketplace--Allocation Method & Standards for Common Area Fees (Attachment A).xlsx

 Checklist Creation 07 10 17.pdf

 Cover Memo BOF re FY 18 CSM Common Area Fees final.docx

 Notice of Public Hearing, FY 18 Common Area Fee.docx

 Church St. Marketplace— Allocation Method & Standards for Common Area Fee Formula & Establishment of Fees.pdf

 Common Area Fees FY 18 as of 07 10 17.pdf



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6.04 Resolution: North Avenue Pilot Recommendations (Councilor Tracy)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****add Councilors Shannon, Deane and Moore as co-sponsors (per Councilor Tracy); add Councilor Mason as a co-sponsor (per Councilor Tracy)**

****note proposed amendment for this agenda item (per Councilor Wright)**

****note powerpoint presentation for this agenda item**

NorthAvePilotMemoPacket-20170706.pdf

DPW - North Ave Pilot Recommendations.pdf

DPW - North Ave Pilot Recommendations.KW
proposed amendment.docx

NorthAve-Council20170710v3.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



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11. Communication: Mayor Miro Weinberger, re: Burlington Town Center: Litigation Settlement and Development Agreement Negotiations (oral)(expected executive session)

11.01 Communication: Mayor Miro Weinberger, re: Burlington Town Center: Litigation Settlement and Development Agreement Negotiations (oral)(expected executive session)

Type: Action, Procedural

Recommended Action: go into executive session go out of executive session and consider the proposed motion

****note to come out of executive session and consider the following motion:** to authorize the City Attorney's Office to enter into a stipulated judgment in the pending 75 Cherry Street permit appeal (Devonwood Investors, LLC, 75 Cherry Street, Superior Court—Environmental Division Docket No. 39-4-17 Vtec) that would modify the DRB permit to include up to 200 additional underground parking spaces and an additional entrance onto Pine Street, subject to approval of the plans by DPW and P&Z staff, and with the DRB to be informed of the details at its July 18 meeting (per City Attorney Blackwood)

12. Adjournment

12.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

13. Informational Statement

13.01 Members of the public may speak when recognized by the City Council President, during Public Forum (time certain: 7:30 pm) or during a Public Hearing. This agenda is available in alternative formats upon request. Persons with disabilities, who require assistance or special arrangements to participate in programs and activities of the Clerk/Treasurer's Office, are encouraged to contact us at 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will air live on the night of the meeting on Burlington Telecom, Channel 317. 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. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142)

Type: Information