



May 24, 2021

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

 [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 presentation slides for agenda item 2.01

Communication: Superintendent Flanagan and BSD Chair Wool, re: update on Burlington High School (per Russ Elek); add to the consent agenda item 5.28 Communication: Richard H. Cate, Vice President for Finance and Administration, UVM, re: Proposed 7.5 % electric rate increase with the motion to "waive the reading, accept the communication and place it on file"; add Councilors Hightower, Hanson and Paul as co-sponsors to agenda item 6.04 Resolution: Expanding Youth Representation On City Boards (Councilors Pine & Tracy)(per Councilor Tracy); note revised version of this agenda item (per City Attorney's Office); add Councilor Stromberg as a co-sponsor to this agenda item (per Councilor Stromberg); add to the agenda item 6. 11 Presentation: Eileen Blackwood, City Attorney, re: Redistricting (per City Attorney Blackwood); remove from the consent agenda item 5.27 Resolution: Approving The Pledging Of The Credit Of The City in Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) and place it on the Deliberative Agenda as item 6.12 (per Councilor Freeman); remove from agenda item 6.10 Communication: Katherine Schad, CAO, re: Administration Response to Council Resolution re: Police Services at the Airport

2. Update on Burlington High School

2.01 Communication: Superintendent Flanagan and BSD Chair Wool, re: Update on Burlington High School

Type: Communication, Information

note presentation slides for this agenda item per Russ Elek, posted on Friday, May 21, 2021, at 3:13 pm, LO

 210524 BHS_BTC Update for City Council .pdf

3. Public Forum: time certain: 7:30 pm - 9:30 pm

3.01 Verbal Comments

Type: Action, Information, Procedural

4. Climate Emergency Reports

4.01 Climate Emergency Reports

Type: Information

5. Consent Agenda



May 24, 2021

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

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: 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 052421 cc
mtg LO.xlsx

5.03 Communication: C/T Office, March 8, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, March 8, 2021, 7:00 pm **VIRTUAL MEETING**

5.04 Communication: C/T Office, March 8, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Board of Civil Authority Meeting, Monday, March 8, 2021 **VIRTUAL MEETING**

5.05 Communication: C/T Office, re: March 22, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, March 22, 2021, 7:00 pm **VIRTUAL MEETING**

5.06 Communication: C/T Office, re: March 22, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, March 22, 2021 **VIRTUAL MEETING**



May 24, 2021

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

5.07 Communication: C/T Office, re: April 5, 2021 Organization Day 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from City Council - Organization Day - Monday, April 5, 2021, 7:00 pm **VIRTUAL MEETING**

5.08 Communication: C/T Office, re: April 12, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, April 12, 2021, 7:00 pm **VIRTUAL MEETING**

5.09 Communication: C/T Office, re: April 26, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Regular City Council Meeting - Monday, April 26, 2021, 7:00 pm **VIRTUAL MEETING**

5.10 Communication: C/T Office, re: April 26, 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 as received at the May 10, 2021 Regular City Council Meeting

View Minutes from Local Control Commission Meeting - Monday, April 26, 2021 **VIRTUAL MEETING**

5.11 Communication: Kerin Durfee, Member, Police Commission, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Kerin Durfee thanking her for her time served as a member of the Police Commission

Communication Kerin Durfee Member Police Commission re Resignation.pdf



May 24, 2021

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

5.12 Communication: Olivia Pena, Member, Housing Board of Review, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Olivia Pena thanking her for her time served as a member of the Housing Board of Review

 Communication Olivia Pena Member, Housing Board of Review re Resignation.pdf

5.13 Indoor Entertainment Permit Renewal (2021-2022): Swan Dojo, 19 Church Street

Type: Action (Consent)

Recommended Action: approve the 2021-2022 Indoor Entertainment Permit Renewal for Swan Dojo, 19 Church Street with all standard conditions

5.14 Communication: Caleb Manna, Excavation Inspector, Burlington Public Works, re: Applications for Renewals of License Agreements for Encumbrances Outside of the Church Street Marketplace for the 2021-2022 Season

Type: Action (Consent), Communication, Information

Recommended Action: to approve one-year renewal applications for encumbrances for the following entities, businesses, and or properties: Barrio Bakery, Bistro De Margo, Breakwater Condo Association, Catamount/Van Ness, Champlain College, Champlain Housing Trust, City Hardware, Crystal Cottage, Deli 126, Drink LLC, Green Mountain Transit, Gryphon, Hinsdale Properties, Kens Pizza, Kestrel Caf , Knead LLC, Lucky sNext Door, Manhattan Pizza, Nick and Morrissey, Nunyun s, Overlake Park LLC, Pathways, Penny CluseCaf , Phoenix Books, Pizza Verita, Pomerleau Family LLC, Radio Bean, Restaurant POCO, Shanty onthe Shore, Shoeless Konstruction, University of Vermont, VT House Condo Assoc., Zabby s Stone Soup

 Encumbrance Renewals 2021 MEMO.pdf

5.15 Special Event Outdoor Entertainment Permit Application (one day only): City of Burlington, Office of Racial Equity, Inclusion and Belonging, Saturday, June 19, 2021, Various Locations Around the City, Juneteenth Celebration, 10 am - 11 pm

Type: Action (Consent)

Recommended Action: approve the one day only special event outdoor entertainment permit application for the City of Burlington, Office of Racial Equity, Inclusion and Belonging, Saturday, June 19, 2021, Various Locations Around the City, Juneteenth Celebration, 10 am - 11 pm

 Special Event Outdoor EP Application REIB June 19, 2021, 10 am - 11 pm, Juneteenth Celebration.pdf

5.16 Special Event Outdoor Entertainment Permit Application (June - mid September): Burlington City Arts, City Hall Park, Event Series: various hours as listed

Type: Action (Consent)

Recommended Action: approve the special event outdoor entertainment permit application (June - mid September) for Burlington City Arts, City Hall Park, Event Series: various hours as listed

 Special Event Outdoor EP Application BCA Event Series, City Hall, Various Times, June to mid-September.pdf



May 24, 2021

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

5.17 Special Event Outdoor Entertainment Permit Application (specific set of dates, as listed: 10 sets total): Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building), 7 pm - 10 pm

Type: Action (Consent)

Recommended Action: approve the special event outdoor entertainment permit application (specific set of dates, as listed: 10 sets total): Higher Ground Presents, BCA Center - 405 Pine Street (in back parking lot of building), 7 pm - 10 pm

Special Event Outdoor EP Applications for Higher Ground Presents, Specific Dates, 7 pm - 10 pm (10 total).pdf

5.18 Umbrella Entertainment Permit Application (June 4th - June 13th, 2021): Burlington Discover Jazz Festival, Various Locations Around the City, Various Hours: 11 am - 11 pm

Type: Action (Consent)

Recommended Action: approve the umbrella entertainment permit application (June 4th - June 13th, 2021) for Burlington Discover Jazz Festival, Various Locations Around the City, Various Hours: 11 am - 11 pm

Umbrella Entertainment Permit Application discover Jazz Fest, June 4th - June 13th, 2021, Various Locations Around the City, 11 am - 11 pm.pdf

5.19 Communication: HR Manager Danielle Cota and Chief Innovation Officer Brian Lowe, re: Creation of Early Learning Initiative Manager Position

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the creation of a Regular Full-time, Exempt, Non-Union, Grade 19 position (Early Learning Initiative Manager), reporting to the Director of Economic Recovery

ELI Final Packet.pdf

5.20 Communication: Chief Innovation Officer Brian Lowe, re: Early Learning Initiative Contract Amendment with Let's Grow Kids

Type: Action (Consent), Communication

Recommended Action: to approve the Let's Grow Kids contract amendment described above as recommended and authorize the Chief Innovation Officer to execute any and all documents necessary to fulfill the contract, subject to final review by the City Attorney's Office

Let's Grow Kids - ELI Contract Amendment Memo for Council (Final).pdf

BoF-CC Checklist (LGK).pdf

Attachment A Initial Draft Scope of Work July 2021.pdf

Sixth Contract Amendment LGK (Final).pdf



May 24, 2021

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

5.21 Communication: Max Madalinski, Parks Project Coordinator, re: REVISED - Schifilliti Park Shared-Use Path Grant Agreement with VT Agency of Transportation

Type: Action (Consent), Communication

Recommended Action: to approve acceptance of the Transportation Alternatives Program grant, and authorize Sophie Sauvage, Parks Comprehensive Planner of Burlington Parks, Recreation and Waterfront, to execute the Grant Agreement with the Vermont Agency of Transportation, subject to review by the City Attorney's Office

20210519 BOFCC Memo - Schifilliti Pathway Agreement (002)+jsj.docx

AttachmentB-Schifilliti Park Path - area map photos.pdf

CA0629_Burlington_TAP_TA20(11)_BurlingtonCityof_SIGNATURENEEDED.pdf

20201216 Capital Committee Meeting Notes.pdf

AttachmentE-PathDrawingsEstimate.pdf

Schifilliti Pathway - BOFCC Checklist.docx

5.22 Communication: Martin Lee, PE, Water Resources Engineer, re: Authorization to Execute Engineering On-Call Main Agreement with Wright-Pierce

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of Public Works to execute an on-call main contract with Wright-Pierce, with a maximum limiting amount of \$100,000.00, for engineering services related to wastewater treatment plant improvement work, subject to review and approval by the Chief Administrative Officer and City Attorney's Office

1 - BOF CC Memo 5-24-2021 - Wright Pierce On Call Services.pdf

BOF CC Checklist 5-24-2021 - Wright Pierce On Call Services.docx

5.23 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, re: Key Bank Lease Purchase Financing Agreement

Type: Action (Consent), Communication

Recommended Action: to authorize the General Manager of Burlington Electric Department to enter into a Tax-Exempt Lease/Purchase Financing Agreement with Key Government Finance, Inc. for an amount not to exceed eight hundred thousand dollars (\$800,000) for information technology investments, subject to final review of agreement terms by the City Attorney's Office

BoF-CC Key Bank Capital Lease Financing Memo 5-19-21.docx

BOF CC Checklist IT Forward Financing 5.24.21.docx

BED KGF Termsheet - May 10, 2021.pdf



May 24, 2021

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

5.24 Communication: Madeline Suender, Associate Public Works Engineer and Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization to Amend Project Budget and Construction Contract for Sidewalk Reconstruction Program

Type: Action (Consent), Communication

Recommended Action: 1. To authorize the Director of Public Works to execute necessary amendments to the construction contract the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to increase the maximum limiting amount by \$932,000.00 to \$2,049,000, with an additional \$103,000.00 in contingency funds, totaling up to \$2,152,000, subject to the final review and approval by the Office of the City Attorney .2. To authorize the Chief Administrative Officer, or their designee, to affect the necessary budget amendment and transfer of \$1,135,000 in fund from the Department of Public Works unassigned fund (GL 110-00-000-000) to the existing Fiscal Year 2021 Sidewalk Reconstruction Program budget (GL 842-19-700-771), raising the account amount from \$1,117,000 to \$2,252,000, to pay the Fiscal Year 2021 Sidewalk Reconstruction Program project expenses.

 BOFCC 5.24.21 CY21 Sidewalk - Budget and Contract Amendment.pdf

 BOF CC Checklist_Sidewalk.docx

5.25 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Documents.pdf

5.26 Communication: Gary Scott, Vice President of Hospital Services, UVM Medical Center, re: Burlington Electric Department Rate Increase

Type: Action (Consent), Communication

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

 Memo to Burlington City Council - UVM Medical Center 5.20.21.pdf

5.27 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) **NOW AGENDA ITEM 6.12**

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Resolution - \$11,100,000 Airport Revenue Anticipation Note.pdf

 05242021_Airport RAN Memo to BOFCC.pdf

5.28 Communication: Richard H. Cate, Vice President for Finance and Administration, re: Proposed 7.5% electric rate increase

Type: Action (Consent), Communication

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

 BED Rate Letter 05182021.pdf



May 24, 2021

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

6. Deliberative Agenda

6.01 Indoor Entertainment Permit Application (2021-2022): Radical Bean LLP, d/b/a Chile Collective, 1127 North Avenue, Suite 20

Type: Action

Recommended Action: approve the 2021-2022 Indoor Entertainment Permit Application for Radical Bean LLP, d/b/a Chile Collective with all standard conditions

Indoor EP Application Chile Collective.pdf

6.02 Outdoor Entertainment Permit Application (2021-2022): Halvorson's, 16 Church Street

Type: Action

Recommended Action: approve the 2021-2022 Outdoor Entertainment Permit Application for Halvorson's, 16 Church Street, on the Church Street Marketplace, Saturdays: 2 pm - 6 pm with all standard conditions

Outdoor EP Application Halvorson's,
Saturdays, 2 pm - 6 pm, on Church Street
Marketplace.pdf

6.03 Outdoor Entertainment Permit Application (2021-2022): Pingala Cafe Holdings LLC, d/b/a Pingala Cafe & Eatery, 1 Mill Street, Suite 138

Type: Action

Recommended Action: approve the 2021-2022 Outdoor Entertainment Permit Application for Pingala Cafe Holdings LLC, d/b/a Pingala Cafe & Eatery, 1 Mill Street, Suite 138 with all standard conditions

Outdoor EP Application Pingala Cafe &
Eatery.pdf

Entertainment Permit Application
2021-2022.pdf

6.04 Resolution: Expanding Youth Representation On City Boards (Councilors Pine, Tracy)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

add Councilors Hightower and Hanson as co-sponsors of this agenda item per Councilor Tracy, posted on Friday, May 21, 2021, at 1:38 pm, LO

add Councilor Paul as a co-sponsor of this agenda item per Councilor Tracy, posted on Friday, May 21, 2021, at 4:11 pm, LO

****note revised version of this agenda item per City Attorney's Office, posted on Monday, May 24, 2021, at 2:00 pm, LO****

*****add Councilor Stromberg as a co-sponsor of this agenda item, posted on Monday, May 24, 2021, at 4:05 pm, LO*****

Resolution - EXPANDING YOUTH
REPRESENTATION ON CITY BOARDS -
Revised.pdf

Resolution - EXPANDING YOUTH
REPRESENTATION ON CITY BOARDS.docx.pdf

Signed CC Resolution Expanding Youth
Representation On City Boards - Revised.pdf



May 24, 2021

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

6.05 Communication: Mayor Miro Weinberger, re: Appointment of Director of the Community and Economic Development Office

Type: Action

Recommended Action: confirm the appointment of Brian Pine as the Director of Community and Economic Development

Brian Pine resume.pdf

5-20-21 CEDO Director Appointment.pdf

6.06 Communication: Megan Moir, Water Resources Division Director, Jessica Lavallette, Water Resources Customer Care and Finance Manager, Jenna Olson, Water Quality Program and Policy Manager, re: Approval of the 2021 Water Resources Division Rate Restructuring and Affordability Programs Proposal and Associated Chapter 26 and 31 Ordinance Change

Type: Action, Information

Recommended Action: 1. ☐ To approve and adopt the 2021 Water Resources Rate Restructuring and Affordability Program Proposal, conditional upon the adoption of the necessary amendments to be made to the Burlington Code of Ordinances. 2. ☐ To suspend the rules and place the attached amendments to the Burlington Code of Ordinances Chapters 26 and 31 in all stages of passage."

5-24-21 Water Rate and Affordability Proposal Memo_FINAL.pdf

BOF CC Checklist_5-24-2021 Water Rate and Affordability Proposal.docx

Signed CC Ordinance Burlington Code of Ordinances--Chapter 31 Water--Chapter 26 wastewater, Stormwater, And Pollution Control--Amendments Re Rate Structure & Billing.pdf

6.07 Communication: Norman Baldwin, P.E., Assistant Director/City Engineer, re: Railyard Enterprise Project - Authorization to Execute Cooperative Agreement

Type: Action, Communication

Recommended Action: to authorize the Director of Public Works to execute a Cooperative Agreement between the City of Burlington and the State of Vermont for the Railyard Enterprise Project

BOF.CC Cover Memo REP Cooperative Agreement 05.17.21.docx

BOF CC Checklist-Railyard Enterprise Project Cooperative Agreement 5.20.21.docx

CA0645_BurlingtonCityof.pdf

6.08 Communication: Darren Springer, General Manager, re: BED FY22 Rate Changes

Type: Action, Communication

Recommended Action: to authorize the General Manager of the Burlington Electric Department or his designee to file tariff amendments with the Vermont Public Utility Commission to increase Burlington Electric Department rates by 7.5% beginning in Fiscal Year 2022 as proposed

BED Rate Change Memo 5.24.21 FINAL.docx

BOF CC Checklist Rate Changes 5.24.21.docx

FY22 BED budget rate case-final.pptx



May 24, 2021

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

6.09 Approval of Amendment to UVM Letter of Agreement

Type: Action, Communication

Recommended Action: to approve and authorize the Mayor to enter into the Amendment to the UVM Letter of Agreement dated June 24, 2019

doc059256.pdf

final agreement.pdf

6.10 **AGENDA ITEM REMOVED**Communication: Katherine Schad, CAO, re: Administration Response to Council Resolution re: Police Services at the Airport

Type: Action, Communication

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

CAO memo re Airport police services.pdf

MEMORANDUM Law Enforcement Report_
Final W Attachments.pdf

6.11 Presentation: Eileen Blackwood, City Attorney, re: Redistricting

Type: Information, Presentation

note presentation slides for this agenda item per City Attorney Blackwood, posted on Tuesday, May 25, 2021, at 7:54 am, LO

Redistricting.pptx

6.12 Resolution: Approving The Pledging Of The Credit Of The City In Anticipation Of The Receipt Of Revenue From The Airport Department (Board of Finance) **WAS CONSENT AGENDA ITEM 5.27**

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - \$11,100,000 Airport Revenue
Anticipation Note.pdf

05242021_Airport RAN Memo to BOFCC.pdf

Signed CC Resolution Approving The Pledging
Of The Credit Of The City In Anticipation Of The
Receipt Of Revenue From The Airport
Department.pdf

7. Committee Reports

7.01 Verbal Reports

Type: Information, Procedural

8. City Council - General Affairs



May 24, 2021

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

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. Adjournment

11.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

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