



April 26, 2021

Regular City Council Meeting - Monday, April 26, 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 updated, revised version of consent agenda item 4.15 Emergency Work and Paid Leave Policy (per CAO Schad); note updated version for agenda item 5.06 Resolution: Creation Of The Burlington Aging Council (Councilors Pine, Carpenter) and add Councilor Hightower as a co-sponsor (per Councilor Pine); remove from the agenda items 5.07 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng) and 5.08 Resolution: Public Financing Of Local Elections (Councilor Stromberg)(per City Council President Tracy per Councilor Stromberg); note slides for agenda item 6.01 Update on Police Transformation Joint Committee - Councilor Hightower (per Councilor Hightower)

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

2.01 Verbal Comments

Type: Action, Information, Procedural

3. Climate Emergency Reports

3.01 Climate Emergency Reports

Type: Information

4. Consent Agenda

4.01 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

4.02 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 042621 cc
mtg LO.xlsx



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4.03 Communication: Susan Molzon, PE Senior Public Works Engineer, Olivia Darisse, PE Public Works Engineer and Phillip Peterson, EI, Associate Public Works Engineer, re: North Ave Raised Intersection Project - Authorization to Award Construction Contract

Type: Action (Consent), Communication

Recommended Action: to authorize the Director of Public Works to execute a contract with Don Weston Excavating, Inc. for \$197,044.00 to complete the North Avenue Raised Intersection Project, and to further authorize the use of an additional \$23,682.00 in contingency funds (12%), for a total of \$220,726.00, all of which is included in the amended project budget and FY21 budget, subject to review and approval of the City Attorney's Office

01 DPW Memo North Ave Raised Intersection
Construction_Contract_Final.pdf

Bid Tabulation, Analysis, and
Recommendation of Award.pdf

Checklist North Avenue Raised
Intersection.pdf

Project Budget.pdf

4.04 Communication: Cindi Wight, Director, Department of Parks, Recreation and Waterfront, re: Lease of Concession Space at Waterfront Park for 2021 Season

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the execution of a lease agreement with Sense of Humor, LLC, to perform food and beverage sales at Waterfront Park for the 2021 season, and to authorize Mayor Miro Weinberger, to execute the lease and any related documents, subject to the review of the City Attorney's Office

BOFCC Memo - Lease of Waterfront
Park_Final.pdf

Waterfront Park Ice Cream Bob Lease
Summer 2021_Final.pdf

BOF CC Checklist_Waterfront Park
Concessions.docx

4.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 317 Riverside Avenue - Bluebird Barbecue

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 317 Riverside Avenue requesting use of curbing, sidewalk, and planter boxes

FINAL Bluebird BBQ ENC Application
Packet.pdf



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4.06 Communication: Phillip Peterson, E.I., Associate Public Works Engineer and Laura Wheelock, P.E., Senior Public Works Engineer, re: Authorization to Amend University Place UVM-City Agreement and Execute Non-Binding Memorandum of Understanding Regarding Boundary Line Adjustments Between UVM and the City

Type: Action (Consent), Communication

Recommended Action: 1. ☐ To authorize the Mayor to execute a Fourth Amendment to the ☐ Agreement Between the University of Vermont and The City of Burlington Regarding Participation In The City's Ten Year Capital Plan, ☐ substantially conforming with the draft submitted herewith, subject to final review and approval by the City Attorney's Office. ☐ 2. ☐ To authorize the Mayor to execute a non-binding Memorandum of Understanding between the University of Vermont and The City of Burlington concerning the desired adjustment to property lines adjacent to the Colchester Avenue and Prospect Street intersection, substantially consistent with the draft submitted herewith, subject to final review and approval by the City Attorney's Office.

1 - Memo - Amend 4 UVM Agreement for University Place and MOU.pdf

2 - Fourth Amendment to UVM_COB Agreement regarding 10 year Capital Plan.pdf

3 - UVM Memorandum of Understanding.pdf

4.07 Communication: Rich Goodwin, DFO, re: Approval of Contract with CLA for Grants Management & Fixed Asset Management

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the Chief Administrative Officer, Katherine Schad, to enter into an agreement for accounting services between the City of Burlington and Clifton, Larson, Allen not to exceed \$100,000 between March 1, 2021 and March 30, 2022, subject to review by the City Attorney's Office

1__CLA_MEMO__final.docx

03162021_FY21 Accounting Services - Engagement letter_REVISED.pdf

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

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the execution of a contract with EIV Technical Services for a price not to exceed \$111,420 for the Burlington Bike Path Rehabilitation Phase 3B South Construction Project, plus a project contingency of \$16,713, and to authorize Cindi Wight, Director of Parks and Recreation, to execute the contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office

20210421 BP 3b South Construction RE BOFCC Memo - FINAL.docx

20210421 BOF CC Checklist_Burlington Bike Path Rehabilitation Phase 3B South RE Services.docx



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

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the execution of a contract with Vanasse , Hangen & Brustlin, Inc., (VHB), for a price not to exceed \$50,760 for the Burlington Greenway Realignment Project, plus a project contingency of \$12,690 for a total of \$63,450 and to authorize Cindi Wight, Director of Parks and Recreation, to execute the amended contract and any related documents needed to carry out the project, subject to the review of the City Attorney's Office

21210421 Bike Path Realignment BOF-CC
Memo_FINAL.docx

20210421_BP Realignment Design
Checklist.docx

4.10 Communication: C/T Office, re: City Council Standing Committees 2021-2022

Type: Action (Consent), Communication, Information

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

2021-2022 City Council Standing Committees
updated041621LO.doc

4.11 Communication: C/T Office, re: Openings Boards and Commissions

Type: Action (Consent), Communication, Information

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

openingsfor7days May 2021 appointed June
2021 updated 041921 added BOH vacancy
LO.doc

4.12 Communication: Ian McHale, Member, Board of Health, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy in Seven days (already did) and send a letter of appreciation to Ian McHale thanking him for his time served as a Member of the Board of Health

Communication Ian McHale, Board of Health
Member, re Resignation.pdf

4.13 Communication: State of Vermont, Agency of Natural Resources, department of Environmental Conservation, re: Certificate of Approval for Location of a Salvage Yard

Type: Action (Consent), Communication

Recommended Action: approve application for certificate of approval for location of a salvage yard for Queen City Iron & Metal for a period of five years

Communicaion State of Vermont, Agency of
Natural Resources, Departmetn of Environmental
Conservation, re Certificat eof Approval for
Location of a Salvage Yard.pdf



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4.14 Indoor and Outdoor Entertainment Renewals (2021-2022): see attached list

Type: Action (Consent)

Recommended Action: approve the 2021-2022 Indoor and Outdoor Entertainment Renewals as listed with all standard conditions

 Indoor and Outdoor EP Renewals.docx

4.15 Emergency Work and Paid Leave Policy

Type: Action (Consent), Information

Recommended Action: to approve amendments to the Emergency Leave policy as attached

note updated, revised version of this agenda item per CAO Schad, posted on Friday, April 23, 2021, at 1:25 pm, LO

 Emergency Leave Policy 08.10.2020 - 04 26
2021 update FINAL GOLDEN.pdf

 Emergency Leave Policy 08.10.2020 - 04 26
2021 update FINAL.pdf

4.16 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Documents.pdf

4.17 B.C.O. - OFFENSES and MISCELLANEOUS PROVISIONS -- Express prohibitions Sec. 21-14 Leaf blowers (Amendment)(Councilor Paul)

Type: Action (Consent)

Recommended Action: waive the reading, suspend the rules and place in all stages of passage with a recommendation to adopt

 B.C.O. - Offenses and Miscellaneous
Provisions -- Express prohibitions Leaf Blowers
Sec. 21-14 (Amendment).final.pdf

 Signed CC Ordinance B.C.O. Offenses and
Miscellaneous Provisions - Express prohibitions
Sec. 21-14 Leaf blowers (Amendment).pdf

4.18 Resolution: Approving Obtaining Standby Letter(s) Of Credit For The City's Worker's Compensation Program (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Treasurer - Workers Compensation Standby
Letter of Credit April 2021 (002).pdf

 04262021_Memo Standby Letter of Credit For
Workers Compensation April 2021.DOCX

 Signed CC Resolution Approving Obtaining
Standby Letter (s) Of Credit For The City's
Workers' Compensation Program.pdf



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4.19 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Dieng, Mason, Paul, Pine)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Fire – Adoption of Local Emergency Management Plan (LEMP).pdf

Memo to support LEOP Final.docx

BoF_City Council_Checklist Adoption of LEMP.pdf

Signed CC Resolution Adoption of Updated Local Emergency Management Plan.pdf

4.20 Resolution: Authorize The Amended Grant Of Easements To The Vermont Housing And Conservation Board And Preservation Trust Of Vermont For The City's 311 North Avenue Property (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Parks – Amended Grant of Easements to VT Housing Conservation Board and Preservation Trust of VT re 311 North Avenue_Final.pdf

14215-CONSERV-EASE-PLAT (7-31-19) SIGNED.pdf

Signed 2019 resolution_easements.pdf

Amended Easement VHCB 2021.pdf

311 North Ave amended easement memo_Final.pdf

BOF CC Checklist_311 North Ave.docx

Amended Easement PVT and VHCB 2021.pdf

Signed CC Resolution Authorize The Amended Grant Of Easements To The Vermont Housing And Conservation Board And Preservation Trust Of Vermont For The City's 311 North Avenue Property.pdf

4.21 Resolution: Reorganization Update To Staffing Structure, Reclassifications, Retitling, Creation And elimination Of Positions, For Phase 1B Step 1 Of Administrative Integration Of The Parking Services Integration Plan - Department Of Public Works (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

HR - DPW - Reorganization Update to Staffing Structure Phase 1B Step 1 Administrative Integration Parking Services ReOrg_DPW_ParkingTraffic_v1 - 04.19.2021 (002).pdf

Signed CC Resolution Reorganization Update To Staffing Structure, Reclassifications, Retitling, Creation And Elimination Of Positions, For Phase 1B Step 1 - DPW.pdf

Z - Parking and Traffic - Phase 1b Reorg Package - 2021 0426 - UPDATED.pdf



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5. Deliberative Agenda

5.01 Indoor Entertainment Permit Application (2021-2022): M Dunn's Tavern, d/b/a T. Rugg's Tavern, 149 Elmwood Avenue

Type: Action

Recommended Action: approve the 2021-2022 Indoor Entertainment Permit Application for M Dunn's Tavern, d/b/a T. Rugg's Tavern, 149 Elmwood Avenue with all standard conditions

 Indoor EP Application M Dunn's Tavern dba T. Rugg's Tavern, 149 Elmwood Avenue.pdf

5.02 Outdoor Entertainment Permit Application (2021-2022): Huskies Kapital LLC, d/b/a Vermont Lake Monsters, Centennial Field

Type: Action

Recommended Action: approve the 2021-2022 Outdoor Entertainment Permit Application for Huskies Kapital LLC, d/b/a Vermont Lake Monsters with all standard conditions

 Outdoor EP Application Huskies Kapital LLC dbba Vermont Lake Monsters, Centennial Field.pdf

5.03 Communication: Mayor Miro Weinberger, re: Appointment of Director of City Human Resources Department

Type: Action

Recommended Action: approve the appointment of Kerin Durfee as the City's Director of Human Resources Department

Materials posted 9:11am, 4/26/21 - AB

 Kerin Durfee Resume 2021.pdf

 4-26-21 HR Director Appointment Memo - Kerin Durfee FINAL.doc

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

Type: Action

Recommended Action: approve the appointment of Jared Pellerin as the City's newest Assistant City Attorney

 4-18-21 Assistant City Attorney Appointment Memo.pdf

 Pellerin, Jared Resume .pdf

5.05 Communication: Kara Alnasrawi, Director Business Support, re: Graffiti Clean-up initiative

Type: Action, Communication, Information

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

 Graffiti Communication April 2021.pdf



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5.06 Resolution: Creation Of The Burlington Aging Council (Councilors Pine, Carpenter)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

****note updated version of this agenda item and the addition of Councilor Hightower as a co-sponsor, per COS Redell and Councilor Pine, posted on Monday, April 26, 2021, at 5:00 pm, LO****

 Creation Of The Burlington Aging Council
Updated Version.pdf

 City Council - Creation of the Burlington Aging
Council.FINAL.Pine and EMB changes combined.
corrected.pdf

 Signed CC Resolution Creation Of The
Burlington Aging Council.pdf

5.07 Resolution: City Councilor Compensation (Councilors Hanson, Stromberg, Dieng) ****AGENDA ITEM REMOVED****

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 City Council - City Councilor Compensation
(005).pdf

5.08 Resolution: Public Financing Of Local Elections (Councilor Stromberg) ****AGENDA ITEM REMOVED****

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 Clerk - Public Financing of Local Elections -
Refer to Charter Change Committee Res on
template (003).pdf

5.09 Public Hearing: Community Development Block Grant and HOME Proposed Allocations For the 2021 and 2020 Action Plans for Housing & Community Development

Type: Action, Communication, Information, Presentation, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

 Update to CC on 2020 and 2021 Action
Plans.pptx

 CEDO CC Public Hearing Memo_2021 & 2020
Action Plans_4.26.21.pdf

 Draft 2020 Action Plan_Substantial
Amendment 9 April 2021.pdf

 Draft 2021 Action Plan 9 April 2021.pdf

 Seven Days legal notice_tear sheet 4.14.pdf



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5.10 Public Hearing Regarding ZA-21-03 R-L Boundary at 925 North Avenue; ZA-21-05 Parking Garage Illumination Standard and ZA-21-06 Shoreline Property Setbacks & Buffer Zone

Type: Action, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

ZA 21-03, 5 & 6 CC PH Notice for 4-26-21.docx

5.11 Comprehensive Development Ordinance - ZA#21-03 R-L Boundary at 925 North Avenue (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Zoning Amendment - ZA #21-03 R-L Boundary at 925 North Avenue Maps 4.3.1-1 4.4.5-1 4.4.6-1 4.5.1-1 PH 2nd read 4-7-21.docx.pdf

ZA-21-03 925 North Ave Rezone for CC 2nd Read.pdf

Signed CC Ordinance CDO - R-L Boundary at 925 North Avenue ZA#21-03.pdf

Zoning Amendment - ZA #21-03 R-L Boundary at 925 North Avenue Maps 4.3.1-1 4.4.5-1 4.4.6-1 4.5.1-1 PH 2nd read 4-7-21 (Maps).pdf

Commission Memo for ZA-21-03.pdf

5.12 Comprehensive Development Ordinance - ZA#21-05 Parking Garage Illumination Standard (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Zoning Amendment - ZA #21-05, Parking Garage Illumination, Sec. 5.5.2 CC PH 2nd read version 4-7-21.docx.pdf

Signed CC Ordinance CDO - Parking Garage Illumination ZA#21-05.pdf

ZA-21-05 Garage Illumination for CC 2nd Read.pdf

5.13 Comprehensive Development Ordinance - ZA#21-06 Shoreline Property Setbacks & Buffer Zone (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Zoning Amendment ZA #21-06 Shoreline Property Setbacks & Buffer, Table 4.4.5-3 Secs. 4.5.4(a) and (c) CC PH 2nd read version 4-7-21.docx.pdf

Signed CC Ordinance CDO - Shoreline Property Setbacks & Buffer ZA#21-06.pdf

ZA-21-06 Lakeshore for CC 2nd Read.pdf



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5.14 Communication: City Attorney's Office, re: Annual Report on Livable Wage Ordinance -- FY21

Type: Action, Communication, Information

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

 Annual Report on Livable Wage - FY21.pdf

 Livable Wage Report 2021 (rev 4.22.21).pdf

6. Committee Reports

6.01 Update on Police Transformation Joint Committee - Councilor Hightower

Type: Information

note slides for this agenda item per Councilor Hightower, posted on Monday, April 26, 2021, at 3:44 pm, LO

 JC Overview April 2021.pdf

6.02 Verbal Reports

Type: Information, Procedural

7. City Council - General Affairs

7.01 Verbal Reports

Type: Information, Procedural

8. City Council President - Council Updates

8.01 Verbal Reports

Type: Information, Procedural

9. Mayor - General Affairs

9.01 Verbal Reports

Type: Information, Procedural

10. Adjournment



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10.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

11. Informational and Non-Discrimination Statements

11.01 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