March 27, 2017

Regular City Council Meeting - Monday, March 27, 2017, 6:00 pm, Contois Auditorium, City Hall

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1. Agenda

1.01 Motion to amend/adopt agenda

Type: Action, Procedural

Recommended Action: motion to amend/adopt agenda as follows: remove from the consent agenda item 5.15 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Manhattan Pizza (License Committee) and place it on the April 17, 2017 Regular City Council Deliberative Agenda; add renewal certificate city of burlington for consent agenda item 5.16; note correct information for consent agenda item 5.19 COMMUNICATION: Chapin Spencer, Director of Public Works, re: Municipal Parking Garage Repairs Authorization to Award Construction Contract - Phase II-A to Structural Preservation Systems, LLC with the motion "to approve and authorize Chapin Spencer, Director of Public Works, to execute a construction contract with Structural Preservation Systems, LLC in the amount of $2,079,837.19, subject to the prior approval of the City Attorney's Office, and also authorize the use of an additional $312,000 in contingency funds to increase the authorized amount by this sum if needed for the completion of the project as presented, also authorizing Director Spencer to approve and execute any contract amendments up to the contingency limit, such amendments to also be subject to the prior approval of the City Attorney's Office, for a total authorized amount up to $2,391,837.19." (per DPW Director Spencer); note written materials for agenda item 3.01 Presentation: Gene Richards, Airport Director, re: History of the noise mitigation programs at the Airport and what the City is doing (per Nic Longo); add the entire Council as co-sponsors to agenda item 6.01 Resolution: Proclaiming April "Fair Housing Month" (Councilors Colburn, Knodell) (per Councilor Colburn); add Councilor Shannon as a co-sponsor to agenda item 6.02 Resolution: Amendment to Section 8 of Appendix B, Rules and Regulations of The City Council (Councilor Wright, Giannoni)(per Councilor Wright per Councilor Shannon); add Councilor Shannon as a co-sponsor to agenda item 6.03 Resolution: Amendment to Section 9 of Appendix B, Rules and Regulations of The City Council (Councilors Wright, Giannoni)(per Councilor Wright per Councilor Shannon)

2. Communication: Noelle MacKay, CEDO Director, re: Update on Negotiations with New Moran (oral)(expected executive session)

2.01 Communication: Noelle MacKay, CEDO Director, re: Update on Negotiations with New Moran (oral)(expected executive session)

Type: Action, Communication, Discussion, Information, Procedural

Recommended Action: motion to go into executive session, motion to go out of executive session

3. Presentations

3.01 Presentation: Gene Richards, Airport Director, re: History of the noise mitigation programs at the Airport and what the City is doing (oral)

Type: Information, Presentation

****note written materials for this agenda item per Nic Longo****

note updated presentation on 3/27

03-01-17 - Mayors Letter to Kevin Dorn.pdf

CC Report 3.27.17 - BTV Airport.V5.pdf

3.02 Presentation: Doreen Kraft, Director, Burlington City Arts, re: Process for Creating a New Flag (oral)

Type: Information, Presentation

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: remove from the consent agenda item 5.15 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Manhattan Pizza (License Committee) and place it on the April 17, 2017 Regular City Council Deliberative Agenda; add renewal certificate city of Burlington for consent agenda item 5.16; note for consent agenda item 5.19 COMMUNICATION: Chapin Spencer, Director of Public Works, re: Municipal Parking Garage Repairs Authorization to Award Construction Contract - Phase II-A to Structural Preservation System, LLC the CORRECT motion is "to approve and authorize Chapin Spencer, Director of Public Works, to execute a construction contract with Structural Preservation Systems, LLC in the amount of $2,079,837.19, subject to the prior approval of the City Attorney's Office, and also authorize the use of an additional $312,000 in contingency funds to increase the authorized amount by this sum if needed for the completion of the project as presented, also authorizing Chapin Spencer to approve and execute any contract amendments up to the contingency limit, such amendments to also be subject to the prior approval of the City Attorney's Office, for a total authorized amount up to $2,391,837.19"

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 032717 cc mtg LO.xlsx

5.03 Communication: Amy J. Bovee, Assistant City Clerk, re: Declaration of Elected Candidate Annual City Election - March 7, 2017

Type: Action (Consent), Communication

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

Communication Amy Bovee re ACE Results Races.pdf

5.04 Communication: Amy J. Bovee, Assistant City Clerk, re: Declaration of Election Results Questions on the Ballot Annual City Election - March 7.2017

Type: Action (Consent), Communication

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

Communication Amy Bovee ACE Results re Questions.pdf

5.05 Communication: Benjamin Pacy, Human Resources Manager, re: Recommendation - Step placement Amy Czuhanich, Criminal Identification Technician

Type: Action (Consent), Communication

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

Czuhanich Step Placement.pdf

5.06 Indoor/Outdoor Entertainment Permit Renewals (2017-2018): see attached list

Type: Action (Consent)

Recommended Action: approve the 2017-2018 Indoor/Outdoor Entertainment Permit Renewals as listed with all standard conditions

2017-2018 Indoor and Outdoor Entertainment Permit Renewals.docx

5.07 Communication: Martha Keenan, CPM, DPW, re: Budget amendment 405 Pine Street Fit up

Type: Action (Consent)

Recommended Action: to approve and authorize an amendment to the budget transferring $50,000 from the CIP contingency line to the 405 Pine Street Fit Up contingency within GL 709-19-700-709.9500_110, bringing the total budget for the 405 Pine Street Fit Up project to $946,933.00

BoF_CC_Checklist 405 Pine BA 3-14-17 pdf (003).pdf

BoF-CC memo 405 Pine Street tenant fit up BA.3-27-17.pdf

5.08 Special Event Indoor Entertainment Permit Application (one day only): The Archives, 191 College Street, March 31, 2017, 8 pm - 2 am

Type: Action (Consent)

Recommended Action: approve one day only special event indoor entertainment permit application for The Archives , 191 College Street, March 31, 2017, 8 pm - 2 am, DJ for their anniversary party

The Archives Special Event Indoor EP.pdf

5.09 Special Event Indoor Entertainment Permit Application (one day only): The Growler Garage, Friday, April 7, 2017 at Body Resolution, 747 Pine Street, Suite 301, 6 pm - 11 pm, fundraiser for Make A Wish, DJ

Type: Action (Consent)

Recommended Action: approve the one day only special event indoor entertainment permit application for The Growler Garage, Friday, April 7, 2017 at Body Resolution, 747 Pine Street, Suite 301, 6 pm - 11 pm, fundraiser for Make A Wish, DJ

The Growler Garage Special Event Indoor EP.pdf

5.10 Communication: Stephanie Reid, Human Resources Manager, re: Recommendation - Step placement Dan Desranleau, Plant Mechanic - Water

Type: Action (Consent), Communication

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

step placement Dan Desranleau March 2017-CC.pdf

5.11 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

FIO Documents.pdf

5.12 Resolution: Authorization to Transfer Funds and Execute Memorandum of Understanding for The Neighborhood Project - CEDO (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

BoF_City Council_Checklist_TheNeighborhoodProject 031417.fillable pdf.pdf

TheNeighborhoodProjectMemo03202017FF.docx

MEMORANDUMOFUNDERSTANDING03142017 F.docx

CEDO - Authorization to Transfer Funds and Execute MOU for The Neighborhood Project.pdf

5.13 Resolution: Authorization to Execute Bill of Sale Conveying Kiosk Located at Cherry and Church Streets from Green Mountain Transit to the City of Burlington (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- CSM - Authorization to Execute Bill of Sale Conveying Kiosk Located at Cherry and Church Streets from GMT to the COB.pdf
- BoF_CC_Checklist_GMT Kiosk.pdf
- CSM B of F CC Memo re Transfer of CCTA Kiosk 03 17 17.docx
- CSM Bill of Sale and Termination of License Agreement2 24 17.docx

5.14 Resolution: Appointment of Acting Inspectors of Election for Ward Two (Councilor Knodell)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- Clerk City Council Appointment of Acting Inspectors of Election for Ward 2.docx

5.15 Resolution: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Manhattan Pizza (License Committee) **AGENDA ITEM REMOVED**

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****this agenda item has been removed and will be placed on the April 17, 2017 Deliberative Regular City Council Agenda**

- License Agreement for Encumbrance – MANHATTAN PIZZA, 167 Main St. (Tables & Chairs) 2017.docx
- License Agreement for Tables & Chairs with Manhattan Pizza & Pub 2017-2018 Season.pdf
- Manhattan Pizza Info.pdf

5.16 Resolution: Authorization to Enter into License Agreement with DEW Construction Corporation to Obstruct a Portion of The City's Right-of-way on Flynn Avenue and Briggs Street (City Market South)(License Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****add renewal certificate city of burlington for this agenda item**

- DEW Contruction Encumbrance DPW Approval Form.pdf
- DEW Info.pdf
- Draft DEW City Market License Agreement.doc
- LC-CC Memo 207 Flynn Ave Encumbrance3.13.17.doc
- Resolution - Authorization to Enter into License Agreement with DEW for City Market South.pdf
- Renewal Certificate City of Burlington.pdf

5.17 Resolution: Authorization to Enter into Memorandum of Understanding with Lyft Regarding Terms of Audi Procedures Pursuant to Vehicle for Hire Ordinance (Councilor Roof)

Type: Action (Consent)

Recommended Action: waive the reading and adopt the resolution

- Lyft.Audit.Memo to CC 3.20.17.doc
- Lyft.Audit.Mou.Final.3.20.17.docx
- Lyft.Audit.Resolution.3.20.17.docx

5.18 Resolution: Creation of Regular Part-time (25 Hours) Marketplace Maintenance Worker Position - Church Street Marketplace (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- BOFCC Packet Creation RPT MMW 03 20 17.pdf
- Resolution - Creation of RPT MMW 03 27 17.docx
- Checklist Creation RPT MMW 03 27 17.pdf

5.19 Resolution: Authorization to Enter into Financing for Parking Improvements Project (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolutionCORRECT motion for this COMMUNICATION: approve and authorize Chapin Spencer, Director of Public Works, to execute a construction contract with Structural Preservation Systems, LLC in the amount of $2,079,837.19, subject to the prior approval of the City Attorney's Office, and also authorize the use of an additional $312,000 in contingency funds to increase the authorized amount by this sum if needed for the completion of the project as presented, also authorizing Chapin Spencer to approve and execute any contract amendments up to the contingency limit, such amendments to also be subject to the prior approval of the City Attorney's Office, for a total authorized amount up to $2,391,837.19

CORRECT title of this agenda item: COMMUNICATION: Chapin Spencer, Director of Public Works, re: Municipal Parking Garage Repairs Authorization to Award Construction Contract - Phase II-A to Structural Preservation Systems, LLC

- 1 Memo - Contract Award College Street Parking Garage Repairs - Phase II-A.pdf
- 2 College St Phase II-A Bid Memo Canvas v3-21-17.pdf
- 3 Garage Borrowing Memo Phase II Final with Resolution.pdf
- Checklist for Phase II-A Garage Repairs 3-22-17.pdf
- Resolution - Authorization to Enter into Financing for Parking Improvements Project.pdf

5.20 Resolution: Reclassification and Retitling of Graphic Designer & Webmaster Position - Burlington Telecom (Burlington Telecom Advisory Board)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- CC Checklist BT Reclassification of Graphic Designer & Webmaster Position 03 22 17.pdf
- CC Packet Reclass Graphic Designer and Webmaster 03 27 17.pdf
- Resolution - Reclassification Graphic Designer and Webmaster 032717.final.docx

6. Deliberative Agenda

6.01 Resolution: Proclaiming April "Fair Housing Month" (Councilors Colburn, Knodell)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

****the entire City Council are co-sponsors of this resolution per Councilor Colburn**

- Resolution - Proclaiming April as Fair Housing Month.docx

6.02 Resolution: Amendment to Section 8 of Appendix B, Rules and Regulations of The City Council (Councilors Wright, Giannoni)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

***Add Councilor Shannon as a co-sponsor to this resolution**

Resolution - Amendment to Section 8 of Appendix B, Rules and Regulations of the City Council.docx

6.03 Resolution: Amendment to Section 9 of Appendix B, Rules and Regulations of The City Council (Councilors Wright, Giannoni)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

***Add Councilor Shannon as a co-sponsor to this resolution**

Resolution - Amendment to Section 9 of Appendix B, Rules and Regulations of the City Council.docx

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: Mayor Weinberger, re: Update on UVM Negotiations (oral) (expected executive session)

11.01 Communication: Mayor Weinberger, re: Update on UVM Negotiations (oral)(expected executive session)

Type: Action, Discussion, Information

Recommended Action: motion to go into executive session, motion to go out of executive session

12. Communication: City Attorney Blackwood, re: Update on Burlington Town Center Litigation (oral)(expected executive session)

12.01 Communication: City Attorney Blackwood, re: Update on Burlington Town Center Litigation (oral)(expected executive session)

Type: Action, Discussion, Information

Recommended Action: motion to go into executive session, motion to go out of executive session

13. Adjournment

13.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

14. Informational Statement

14.01 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