March 26, 2018

Regular City Council Meeting - Monday, March 26, 2018, 7:00 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 agenda item 2/2.01 Report: Retired Navy Chief Gilmond, Head of the Local VFW, re: Christening of the USNS Burlington (oral)(per COS Lowe); note final memo for consent agenda item 5.10 Communication: Laura Wheelock P.E., Senior Public Works Engineer, DPW, re: CY18 Street Reconstruction Project Contract (per Laura Wheelock); note written material and title change for consent agenda item 5.16 Communication: Chapin Spencer, Director and Megan Moir, Assistant Director - Water Resources, re: Water & Wastewater Billing Issue - Update and Next Steps (per COS Lowe); note written material and title change for consent agenda item 5.17 Communication: Noelle MacKay, CEDO Director; Brian Lowe, Mayor's Chief of Staff, re: Early Learning Initiative (ELI) Program Update (per CEDO Director MacKay); note complete communication for this agenda item (per COS Lowe): amend recommended action for consent agenda items 5.16 and 5.17; add to the consent agenda item 5.23 Communication: Jane Kolodinsky, Ph.D., Chair, Department of Community Development and Applied Economics and Director of the Center for Rural Studies/Food System Research Collaborative at the University of Vermont, re: An Expert Opinion on Ballot Wording with the action to "waive the reading, accept the communication and place it on file." (per City Council President Knodell); note revised version of agenda item 6.06 Resolution: Requesting The Secretary Of The Air Force Provide An Alternative Mission For The Vermont Air National Guard At Burlington Airport (Councilors Shannon and Tracy)(per Councilor Shannon); note proposed amendment for this agenda item (per Councilor Dieng); remove Councilor Tracy as a co-sponsor of this resolution (per Councilor Shannon); note written communication from Lise E. Veronneau, President/Chair, HONFLEUR SISTER CITY COMMITTEE, Burlington, Vermont, USA regarding agenda item 6.07 Resolution: Update to 2011 French-Friendliness Resolution (Councilors Knodell, Paul and Bushor)

2. Report Re: Christening of the USNS Burlington (oral)

2.01 Report: Retired Navy Chief Joe Gilmond, Head of the Local VFW, re: Christening of the USNS Burlington (oral) AGENDA ITEM REMOVED

Type: Information, Report

this agenda item has been removed per COS Lowe

3. Resolution: Honoring Antonio "Tony" Pomerleau And His Many Contributions To Burlington And Vermont (Full Council)

3.01 Resolution: Honoring Antonio "Tony" Pomerleau And His Many Contributions To Burlington And Vermont (Full Council)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

City Council - Honoring Tony Pomerleau for his Many Contributions to Burlington and Vermont.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 actions as indicated: note final memo for consent agenda item 5.10 Communication: Laura Wheelock P.E., Senior Public Works Engineer, DPW, re: CY18 Street Reconstruction Project Contract (per Laura Wheelock); note written material and title change for consent agenda item 5.16 Communication: Chapin Spencer, Director and Megan Moir, Assistant Director - Water Resources, re: Water & Wastewater Billing Issue - Update and Next Steps (per COS Lowe); note written material and title change for consent agenda item 5.17 Communication: Noelle MacKay, CEDO Director and Brian Lowe, Mayor's Chief of Staff, re: Early Learning Initiative (ELI) Program Update (per CEDO Director MacKay): note complete communication (three pages total) for this agenda item (per COS Lowe); amend recommended actions for consent agenda items 5.16 and 5.17; add to the consent agenda item 5.23 Communication: Jane Kolodinsky, Ph.D., Chair, Department of Community Development and Applied Economics and Director of the Center for Rural Studies/Food System Research Collaborative at the University of Vermont, re: An Expert Opinion on Ballot Wording with the action to "waive the reading, accept the communication and place it on file." (per City Council President Knodell)

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 032618 cc mtg LO.xlsx

5.03 Communication: Johnathan Croft, AOT GIS Database Administrator, State of Vermont, Division of Policy and Planning - Mapping Section, re: Annual Certificate of Highway Mileage

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file and send to DPW Director Spencer for confirmation

Communication State of Vermont re Annual Certificate of Highway Mileage.pdf

5.04 Communication: CT Office, re: General Fund Revenue Unaudited - January 2018 Financial

Type: Action (Consent), Communication, Information

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

Communication CT Office re General Fund Revenue Unaudited - January 2018 Financial.pdf

5.05 Communication: Kirsten Merriman Shapiro, Senior Policy and Project Specialist, CEDO; Laura K. Wheelock P.E., Public Works Engineer and Meagan E. Tuttle, AICP, Principal Planner, Planning and Zoning, re: Great Streets Initiative - Downtown Design & Construction Standards

Type: Action (Consent), Communication

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

Great Streets Standards Memo for City Council 03222018.pdf

5.06 Communication: Amy J. Bovee, Presiding Officer - March 6, 2018 Annual City Election, re: Declaration of Election Results Question on the Ballot Annual City Election - March 6, 2018

Type: Action (Consent), Communication, Information

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

Election Results - Questions - Signed.pdf

5.07 Communication: Amy J. Bovee, Presiding Officer - March 6, 2018 Annual City Election, re: Declaration of Elected Candidates Annual City Election - March 6, 2018

Type: Action (Consent), Communication, Information

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

Election Results - Candidates - Signed.pdf

5.08 Communication: Permit Reform Project Team, re: Update on implementation of recommendations for improving the development and construction permitting process

Type: Action (Consent), Communication, Information

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

BoF_CC_Checklist _ Permit Reform Mar 2018.pdf

Permit Reform Status Update 03 2018 F.pdf

5.09 Communication: Frank Cioffi, GBIC, re: Economic Impact Analysis of the Vermont Air and Army National Guard Bases

Type: Action (Consent), Communication

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

Burlington City Council Memo Economic Impact Analysis w Cover Letter GBIC 3-9-18.pdf

5.10 Communication: Laura Wheelock P.E., Senior Public Works Engineer, DPW, re: CY18 Street Reconstruction Project Contract

Type: Action (Consent)

Recommended Action: 1. To approve up to $1,455,185.80 in Street Capital carry forward funds to be made available for use in the FY18 Street Capital budget under G/L 709-19-150-700.8040 (Street Paving).2. To authorize Chapin Spencer, Director of Public Works to execute a construction contract with Frank Whitcomb in the amount of $3,257,967.45 for the CY18 Street Reconstruction Project, subject to the prior approval of the City Attorney and also authorize the use of anadditional $325,796.75 in contingency funds to increase the authorized amount if needed for the project, for a total of $3,583,764.20

note communication for this agenda item per Laura Wheelock

- 2-Paving Maps CY18.pdf
- 3-CY18 Street Reconstruction - Bid Tabulation.pdf
- 4-BoF_CC_Checklist CY18 Street Reconstruction.pdf
- 1-Memo - Street Capital - Paving Final.pdf

5.11 Communication: Jenna Olson, Stormwater Program Manager, DPW, re: Signature of revised intermunicipal agreement for regional stormwater education program

Type: Action (Consent)

Recommended Action: to approve the amendment to the Chittenden County MS4 Stormwater Program and authorize Chapin Spencer, Director of Public Works, to sign the revised Agreement (Attached)

- CCRPC MOU Revision Package CC.pdf

5.12 Communication: Megan Moir and Martin Lee, DPW - Water Resources, re: 2018 Waterline Rehabilitation Work: Don Weston Excavating for Waterline Replacement Work; Aquarehab for Waterline Relining Work; Staff Sterling Management for Construction Oversight of Water Projects

Type: Action (Consent)

Recommended Action: Motion #1 for City Council: To approve awarding the bid to Aquarehab and authorize Chapin Spencer, DPW Director, to execute a contract with Aquarehab in the amount of $649,700.00, with an additional authorization to amend the contract and expend contingency funds in the amount up to $130,000.00 if contingency funds are needed to complete the project, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative OfficerMotion #2 for City Council: To approve awarding the bid to Don Weston Excavating and authorize Chapin Spencer, DPW Director, to execute a contract with Don Weston Excavating in the amount of $607,545.00, with an additional authorization to amend the contract and expend contingency funds in the amount up to $61,000.00 if contingency funds are needed to complete the project, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer .Motion #3 for City Council: To approve awarding the contract to Staff Sterling Management and authorize Chapin Spencer, DPW Director, to execute a contract with Staff Sterling Management in the amount of $125,787, provided that all these authorizations are contingent on the contract and any amendment thereto having the prior approval of the City Attorney and Chief Administrative Officer.Motion #4 for City Council: To approve and authorize the CAO to approve a budget amendment, if necessary, for the purpose of a carry-over of authorized but unexpended FY18 Waterline Distribution funds to the FY19 G/L 460-19-400-411.9500 and G/L 461-19-700-708.9500_110 Water Distribution Capital Outlay Expenditures necessary for the projects□ completion

- 1 - BOF CC Memo 3-19-18.docx
- 2 - Waterline Relining Bid Tab.pdf
- 3 - 2018 Waterline Replacement Bid Tab.pdf
- 4 - Draft Relining Contract.pdf
- 5 - Draft Replacement Contract.pdf
- 6 - Draft Construction Oversight Contract.pdf
- 7 - Water Main - Calendar Year 2018 Funding Analysis.pdf
- BoF_CC_Checklist CY18 Waterline Capital Work.pdf

5.13 Communication: Cindi Wight, Director, Department of Parks and Recreation, re: Schmanska Park Courts Reconstruction

Type: Action (Consent)

Recommended Action: 1. To approve and authorize the execution of a contract with Vermont Recreational Surfacing, Inc., for reconstruction of basketball and tennis courts at Schmanska Park, substantially consistent with its bid, in the amount of $147,396.00, and to approve Cindi Wight, Director of Parks and Recreation execute the contract and any related documents needed to carry out the project, subject to final contract approval by the City Attorney□s Office;2. To further approve and authorize the stormwater and contingency amounts of $10,000 and $15,740.00, respectively, and authorize their expenditure by Director of Parks and Recreation Cindi Wight, if needed for the successful completion of the project.

- 180316 Schmanska Courts Checklist.pdf
- 180316 Schmanska Courts Memo.docx

5.14 Communication: Jeffrey A. Herwood, Clerk/Treasurer's Office and Beth Anderson, Interim Chief Administrative Officer, re: Street Franchise Agreement with Mobilitie (Placement of 5G Small Cell Facilities on City Streets)

Type: Action (Consent)

Recommended Action: to approve the use of the City's Right of Way by RNTVT (Mobilitie) under the terms of the attached agreement and authorize Interim CAO Anderson to execute it, or one substantially similar to it, subject to the prior review and approval of the City Attorney

- Street Franchise Agreement with Mobilitie.pdf

5.15 Communication: Patrick Mulligan, Assistant Director, Parking & Traffic, re: Board of Finance and City Council Approval for Authorization to execute contract for $107,449.00 for upgrades to the Traffic Signal and Sidewalk replacement at the intersection of Battery & Maple Streets

Type: Action (Consent)

Recommended Action: to approve and authorize Chapin Spencer, Director of Public Works, execute a contract with All Seasons Excavation in the amount of $107,499.00 subject to prior approval of the City Attorney's Office and also authorize the use of an additional $10,744.90 in contingency funds to increase the authorized amount if needed for the project, for a total of $118,243.90 for Traffic Signal and Sidewalk replacement at the intersection of Battery and Maple Streets

- BoF_City Council_Checklist.fillable pdf Battery Maple A.pdf
- Battery and Maple Council Contract Award 3-22-18 (00000009) PBM Edits.docx
- Battery and Maple Council Contract Award 3-19-18 (00000003) PBM Edits.docx
- Contractor's Bid Form responding to Addendum dated 11-8-17__Attachment A.pdf
- Invitation for Bids - Traffic Signal at Battery Maple (002)__Attachment B.pdf
- Invitation for Bids Addendum 2017-11-08.__Attachment B.pdf

5.16 Communication: Megan Moir, DPW, re: Water Billing

Type: Action (Consent), Communication

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

***Added per CoS Lowe 23 March at 12:20pm

**note title change for this agenda item: Communication: Chapin Spencer, Director and Megan Moir, Assistant Director - Water Resources, re: Water & Wastewater Billing Issue - Update and Next Steps
LO, 032318, 2:28 pm

**Replaced attachment A per CoS Lowe at 3:30pm

Amend recommended action for this agenda item: 1) to authorize the Director to enter into agreements to repay UVM and the other listed customers for the net amount overbilled by the Water Division as outlined in the March 20, 2018 memorandum and accompanying documents, subject to the approval of the Chief Administrative Officer and City Attorney; and 2) to authorize the DPW Director to enter into agreements to receive repayments from those customers who were underbilled, as outlined in the referenced documents, subject to the approval of the Chief Administrative Officer and City Attorney

- 03-23-18 - Billing Briefing to Council Commission Mayor.pdf
- AttB.Billing Briefing to Council Commission Mayor 12-29-17.pdf
- AttC.KPMG Final Report (Feb2018).pdf
- AttD.Unbilled Consumption Analysis by Meter_Final_Council-3-22-18.pdf
- AttE.Billing Corrections Policy-FINAL.pdf
- AttA.DPW Billing Briefing to Council 12-1-17 Final_v2.pdf

5.17 Communication: CEDO Director Noelle MacKay, re: Early Learning

Type: Action (Consent), Communication

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

note title change and written material for this agenda item per CEDO Director Noelle MacKay

Communication: Noelle MacKay, CEDO Director; Brian Lowe, Mayor's Chief of Staff, re: Early Learning Initiative (ELI) Program Update

****Note complete communication (three pages total) for this agenda item per COS Lowe, posted at 2:21 pm, LO, 03/26/18****

Amend recommended action for this agenda item: to authorize CEDO Director Noelle MacKay to distribute grant awards funds in an amount up to $14,000 to the OZ Full Circle Preschool program to create four additional high-quality spots to help serve low-income children and execute any associated documents.

03-23-18 - City Council Communication from CEDO Final.pdf

BoF_CC_Checklist ELI 3.22.2018. pdf.pdf

ELI complete communication Noelle MacKay CEDO Director.pdf

5.18 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

FIO Documents.pdf

5.19 Resolution: Reclassification of The Traffic Foreman Position - Department of Public Works (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Full packet_Traffic Foreman to BoF-CC.pdf

HR - DPW - Reclassification of Traffic Foreman Position.pdf

5.20 Resolution: Authorization for Capital Public Improvement Infrastructure Bonds - March 6, 2018 Voter Authorization (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- $6.1M BondChecklist.fillable pdf.pdf
- Treasurer - Approve Issuing $6.1 Million Capital Improvement Bonds (March 2018 Voter Authorization).pdf
- 031818_ $6.1M_Memo Capital Improvement Bonds.docx

5.21 Resolution: Authorization for Capital Public Improvement Infrastructure Bonds - November 8, 2016 Voter Authorization (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- $9M BondChecklist.fillable pdf.pdf
- Treasurer - Approve Issuing $9 Million Capital Improvement Bonds (Nov 2016 Voter Authorization).pdf
- 092618_ $9M_Memo Capital Improvement Bonds mqk adds.docx

5.22 Resolution: Waterworks System - Supplemental Resolution No. 2 (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

- $2M BondChecklist.fillableV2 pdf.pdf
- 031818_ $2M_Memo Water Bonds.docx
- Treasurer – Water System Supplemental Bond Resolution No. 2.pdf

5.23 Communication: Jane Kolodinsky, Ph.D., Chair, Department of Community Development and Applied Economics and Director, Center for Rural Studies/Food Systems Research Collaborative at the University of Vermont, re: An Expert Opinion on Ballot Wording

Type: Action (Consent), Communication

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

- Ballotitem6-Kolodinsky opininon.pdf

6. Deliberative Agenda

6.01 Indoor Entertainment Permit Application (2017-2018): Stonecutter Spirits LLC, 71 South Union Street

Type: Action

Recommended Action: approve the 2017-2018 Indoor Entertainment Permit Application for Stonecutter Spirits LLC, 71 South Union Street with the following condition: all City Permits need to be closed out

Stonecutter Spirits LLC Indoor EP.pdf

6.02 Outdoor Entertainment Permit Application (2017-2018): Shanty on the Shore, 181 Battery Street

Type: Action

Recommended Action: approve the 2017-2018 Outdoor Entertainment Permit Application for Shanty on the Shore, 181 Battery Street with all standard conditions

Shanty on the Shore Outdoor EP.pdf

6.03 Public Hearing: Comprehensive Development Ordinance - Retaining Walls, ZA #17-17

Type: Action, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

ZA 17-17 CC PH Notice for 3.26.18.pdf

6.04 Ordinance: Comprehensive Development Ordinance - Retaining Walls, ZA #17-17 (Planning Department, Planning Commission, Ordinance Committee)(2nd reading)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

Explanatory memo to city council ZA.17.17 for 1.29.18 PH.pdf

ZA-17-17_CH117rpt.pdf

Zoning Amendment – ZA #17-17 Retaining Walls, Secs. 5.2.5(b), 6.2.2(m), 13.1.2.pdf

6.05 Resolution: Honoring David White And His Acceptance As A Fellow To The American Institute Of Certified Planners (Councilor Knodell)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

Planning - Honoring David White and his Acceptance as a Fellow to the American Institute of Certified Planners.pdf

6.06 Resolution: Requesting The Secretary Of The Air Force Provide An Alternative Mission For The Vermont Air National Guard At Burlington Airport (Councilors Shannon and Tracy)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the reolution

****note revised version of this agenda item per Councilor Shannon****

****note proposed amendment for this agenda item per Councilor Dieng****

Remove Councilor Tracy as a co-sponsor of this resolution (per Councilor Shannon)

BIA - F-35 basing at Vt. Air National Guard – Requesting the Secretary of the Air Force to provide an alternative mission for the Guard.pdf

BIA - F-35 basing at Vt. Air National Guard Resolution Revised Version per Joan 032618 LO.docx

Amendment to F - 35 resolution per Councilor Dieng.doc

6.07 Resolution: Update To 2011 French-Friendliness Resolution (Councilors Knodell, Paul and Bushor)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

**note written communication from Lise E. Veronneau, President/Chair, HONFLEUR SISTER CITY COMMITTEE, Burlington, Vermont USA, re: RESOLUTION TO UPDATE FRENCH-FRIENDLINESS 2011 RESOLUTION (per COS Lowe)

French-Friendliness – Update to 2011 Resolution.pdf

2011 Resolution on French Friendliness update 2018-Lise Veronneau statement.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. Adjournment

11.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

12. Informational Statement

12.01 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