



March 23, 2015

Regular City Council Meeting - Monday, March 23, 2015 - Contois Auditorium, City Hall

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1. Agenda

1.01 Motion to amend/adopt the agenda

Type: Action, Procedural

Recommended Action: Motion to amend the agenda as follows: Remove from the consent agenda item 7.11 and place it on the deliberative agenda as item 8.07 (per Councilor Blais); amend the consent action to agenda item 7.23 to "waive the reading, accept the communication, place it on file, refer to the Church Street Marketplace Commission and request an update to the City Council" (per Councilor Ayres); Note revised version of the resolution attached to item 7.17 (per City Attorney Blackwood).

2. Public Forum: Time Certain: 7:15 p.m.

2.01 Verbal Comments

Type: Information, Procedural

3. Appointment

3.01 Communication: Mayor Miro Weinberger, re: Appointment of General Manager at Burlington Electric Department

Type: Action

Recommended Action: approve the appointment of Neale Lunderville as the General Manager of the Burlington Electric Department

 03-10-15 BED Commission Neale Lunderville evaluation.pdf

 07-01-14 Neale Lunderville BED Interim GM appointment memo.pdf

 03-18-15 Neale Lunderville BED GM appointment memo - final.pdf

 07-2014 Neale Lunderville CV.pdf

4. 2014-2015 Indoor Entertainment Permit Applications

4.01 Queen City Brewery

Type: Action

Recommended Action: approve the 2014-2015 Indoor Entertainment Permit Application for Queen City Brewery with all standard conditions

 Queen City Brewery Indoor EP Application.pdf



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4.02 South End Kitchen

Type: Action, Procedural

Recommended Action: approve the 2014-2015 Indoor Entertainment Permit Application for South End Kitchen with all standard conditions

South End Kitchen Indoor EP Application.pdf

5. Recess to Board of Abatement of Taxes Meeting

5.01 recess

Type: Action, Procedural

6. Public Hearing: Proposed Amendment: ZA-15-01 - Garage Size and Orientation

6.01 Ordinance: Comprehensive Development Ordinance--Garage Size and Orientation ZA #15-01 (Planning Commission)(2nd reading)

Type: Action, Ordinance - Second Reading, Public Hearing

Recommended Action: waive the second reading and adopt the ordinance

Note Report titled Burlington Planning Commission Report Municipal Bylaw Amendment was added at 12:18pm on 3/23.

Zoning Amendment – Garage Size and Orientation ZA #15-01, Sec. 4.4.5.docx

ZA-15-01_CH117rpt.pdf

CC Public Hearing Notice ZA 15-01.doc

7. Consent Agenda

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

Type: Action (Consent), Procedural



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7.02 Resolution: Authorization to Execute Lease with Intervale Center (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

CEDO - Authorization to Execute Lease with Intervale Center & Gardener's Supply re 99 Intervale Rd..docx

Intervale MOU 3-11-15.doc

Intervale Lease Agreement.pdf

City Council memo GSC-IC.doc

Intervale site plans.pdf

Intervale - map of site.pdf

7.03 Resolution: Authorization to Execute Purchase and Sale Agreement Amendment with The Visiting Nurse Association Re 28 Archibald Street; et al. (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

20150316 Archibald Aquisition Packet.pdf

CEDO - Authorize Amendment to Purchase & Sale Agreement with Visiting Nurse Assoc. 28 Archibald St. (Attachment).docx

CEDO – Authorize Amendment to Purchase & Sale Agreement with Visiting Nurse Assoc. re 28 Archibald St..docx

7.04 Resolution: Award Phase I Design & Engineering Services Relating to Parking Garage Assessment Completed by Hoyle, Tanner & Associates in July, 2014 (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Phase I Design Garage Assessments.doc

DPW – Award Phase I Design & Engineering Services Contract re Parking Garage Assessment to Hoyle, Tanner & Assoc..docx

7.05 Resolution: Authorization for Fletcher Free Library to Execute a Contract with Innovative Interfaces Inc. for an Integrated Software and Hosting Library System (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Library – Authorize Execution of Contract with Innovative Interfaces, Inc. for Integrated Software and Hosting System.docx

City Council Memorandum - Library.pdf



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7.06 Resolution: Waterfront Park Boardwalk Replacement (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

20150316 Waterfront Park PIAP - Boardwalk Replacement.pdf

PARKS - Waterfront Park Boardwalk Replacement contract with Kingsbury Companies, LLC.docx

7.07 Resolution: Approval of Request Re Memorandum of Understanding with Burlington Electric Department for Lighting Project at The Burlington Police Department (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

DPW - Approve MOU with Light Department (BED) for Lighting Project at Police Department.docx

BED MOU.pdf

7.08 Resolution: Fair Housing Month (Full Council)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Fair Housing Month.docx

7.09 Resolution: Memorandum of Understanding Re Redevelopment of The Burlington Town Center (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

CEDO – Burlington Town Center - Creating a Development Agreement for the Redevelopment of the Mall.pdf

BTC MOU.pdf

3-11-15_Supplemental_Memo_re-BTC_MOU_Budget_Amendment - Final.pdf

CEDO - Burlington Town Center – Memorandum of Understanding re Redevelopment.docx

3-3-15 Memo re-Burlington Town Center MOU_ Budget Amendment.pdf

CEDO Admin Devonwood BA.pdf



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7.10 Resolution: One-Year Extension of Contract with Auditors (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Audit Extension Memo.pdf

Burlington VT Proposal 2015.pdf

Treasurer - Authorizing One-Year Extension of Contract with Auditors.docx

7.11 Moved to Deliberative Agenda as item 8.07 Resolution: Endorsement of The National Association of City Transportation Officials Urban Street Design Guidelines as An Official Design Guide for Burlington (Transportation, Energy, Utilities Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Proposed Amendment to move to Deliberative Agenda per Councilor Blais

DPW – Endorsement of National Assoc. of City Transportation Officials Urban Street Design Guidelines as Official Design Guide for Burlingto.docx

7.12 Resolution: Church Street Marketplace District - Authorization to Enter into Sidewalk Cafe License Agreements (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Church St. Marketplace - Authorization to Enter into Sidewalk Cafe License Agreements (Attachment B).docx

Church St. Marketplace – Authorization to Enter into Sidewalk Café License Agreements.docx

7.13 Resolution: Work Session To Discuss Council Committee Reorganization (Councilor Shannon)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Council and Committee Reorganization - Work Session to Discuss.docx



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7.14 Resolution: Authorization to Execute Resident Engineering Contract for Housing Removal on Airport Acquired Land Located at The Burlington International Airport and Being Removed Pursuant to Airport Improvement Project Grants (AIP-74, 78, 81, 84, 87, 88, 92, 94, 98)(Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

BIA – Resident Engineering Contract with Stantec Consulting for Housing Removal - Improvement Project Grants AIP-74, 78, 81, 84, 87, 88, 92, 94, 98.docx

Airport Item 2 - City Council Memo - Resident Engineer - Stantec.pdf

Airport Item 2 - BTV Final Scope_Contract Provisions_ & Fee 2015 02 06.pdf

7.15 Resolution: Authorization to Execute Resident Engineering Contract for Glycol Treatment System Improvements Located at The Burlington International Airport and Being Funded Pursuant to Airport Improvement (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

BIA – Resident Engineering Contract with Stantec Consulting for Glycol Treatment System Improvements, AIP-2015.docx

Airport Item 1 - Stantec North Drainage.pdf

Airport Item 1 - City Council Memo - Stantec Glycol COntract.pdf

7.16 Resolution: Authorization to Execute Three Individual Construction Contracts for Housing Removal on Airport Acquired Land Located at The Burlington International Airport and Being Removed Pursuant to Airport Improvement Project Grants (AIP-74, 78, 81, 84, 87, 88, 92, 94, 98) (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Airport Item 3 - City Council Memo - Housing Removal - AIP.pdf

Airport Item 3 - Airport House Removal Project Description.pdf

BIA – Three Individual Construction Contracts with Dirt Tech Co. for Housing Removal, AIP-74, 78, 81, 84, 87, 88, 92, 94, 98.docx

Airport Item 3 - Housing Removal Contract 1 Specs.pdf



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7.17 Resolution: New Authorization to Execute Agreement - Water Treatment Contract for Construction Dewatering Efforts for The Waterfront Access North Project (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Note revised version of the resolution added at 6:30pm on 3/23/2015.

 DPW – Waterfront Access North - Agreement with Groundwater Treatment & Technology, LLC for Construction Dewatering Efforts.docx

 City Council-WAN Water Treatment Contract 3_16_15.pdf

 REVISED DPW – Waterfront Access North - Agreement with Groundwater Treatment & Technology, LLC for Construction Dewatering Efforts (final).docx

 Burlington Finance Board-WAN Water Treatment Contract Request 3_17_15.pdf

 WAN Water Treatment Contract-Bid Tab.pdf

7.18 ****Communication**** The Regular City Council Meeting scheduled for Wednesday, April 15, 2015 has been moved to Monday, April 13, 2015

Type: Action (Consent), Information

Recommended Action: ****The Regular City Council Meeting scheduled for Wednesday, April 15, 2015 has been moved to Monday, April 13, 2015****

7.19 Communication: C/T Office, re: Accountability List

Type: Action (Consent), Communication

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

 Communication Accountability List 032315 cc mtg.xlsx

7.20 Communication: Amy Bovee, Executive Secretary, C/T Office, re: Board of Finance Minutes, February 2, 2015

Type: Action (Consent), Communication, Information, Minutes

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

 View Minutes from Board of Finance

7.21 Communication: Amy Bovee, Executive Secretary, C/T Office, re: Board of Finance Minutes, February 9, 2015

Type: Action (Consent), Communication, Information, Minutes

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

 View Minutes from Board of Finance



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7.22 Communication: Amy Bovee, Executive Secretary, C/T Office, re: Board of Finance Minutes, February 23, 2015

Type: Action (Consent), Communication, Information, Minutes

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

View Minutes from Board of Finance

7.23 Communication: Vermont Furs, re: Formal Complaint of Discrimination

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, refer to the Church Street Marketplace Commission and request an update from the Commission to the City Council.
Note proposed amendment to change the action.

Communication CSM Complaint Jessica Owens.pdf

7.24 Communication: Kelly Devine, BBA, Chapin Spencer, DPW and Nate Wildfire, CEDO, re: Downtown Parking Plan Update

Type: Action (Consent), Communication

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

Downtown Parking Council Update 3-18-15.pdf

7.25 Communication: Sean P. Brown, Deputy Commissioner, State of Vermont, Department for Children and Families, re: Town Service Officer Appointments in accordance with 33 V.S.A. 2102

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file and appoint Marcy Krumbine Esbjerg at the Town Service Officer, effective for the period April 15, 2015 through April 14, 2016

Town Service Officer Appointment.pdf

7.26 Communication: Peter Comart, State of Vermont, re: Property Inspectors

Type: Action (Consent), Communication

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

Communication Peter Comart Property Inspectors.pdf



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7.27 Communication: Ed Smith, Police Commission Member, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy (will appear in the 3/25 7 Days edition) and send Ed Smith a letter of appreciation thanking him for his time served on the Police Commission

Communication Ed Smith's Resignation.pdf

7.28 Communication: Eugene M. Bergman, Interim Presiding Officer -2015 Annual City Election & Sr. Asst. City Attorney, re: Declaration of Elected Candidates Annual City Election - March 3, 2015

Type: Action (Consent), Communication

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

ACE Declaration of Elected Candidates.pdf

7.29 Communication: Eugene M. Bergman, Interim Presiding Officer --March 3, 2015 Annual City Election & Sr. Assistant City Attorney, re: Declaration of Election Results Questions on The Ballot Annual City Election - March 3, 2015

Type: Action (Consent), Communication

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

ACE Declaration of Election Results Questions
on the ballot.pdf

7.30 Communication: Mayor Miro Weinberger, re: Resolution Relating to Preparation of Charter Changes to Add Members to Parks Commission

Type: Action (Consent), Communication

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

Communication Miro Weinberger re resolution
relating to preparation of CC to add members to
Parks Commission.pdf

7.31 Communication: Ron Ruloff, re: Handout PF 3/9/15

Type: Action (Consent), Communication

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

Communication Ron Ruloff handout.pdf



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7.32 Communication: James E. Knapp, Interim Director, Property Valuation and Review, State of Vermont, Department of Taxes, re: Stipulation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file and request that City Council President Shannon sign the stipulation as Chair of the Legislative Body

 Communication State of Vermont Department of Taxes Stipulation.pdf

7.33 Communication: Andy Montroll, Chair, Joint City Council & Planning Commission Form Based Code Committee, re: Committee Progress Report

Type: Action (Consent), Communication

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

 PCCC FBC Committee Progress rpt20150306.docx

7.34 2015-2016 Indoor and Outdoor Entertainment Permit Renewals: see attached list

Type: Action (Consent)

Recommended Action: approve the 2015-2016 Indoor and Outdoor Entertainment Permit Renewals with all standard conditions

 2015-2016 indoor and outdoor entertainment permit renewals032315.docx

8. Deliberative Agenda

8.01 Ordinance: Comprehensive Development Ordinance Inclusionary Zoning Exemption for Institutional Housing ZA #15-03 (Planning Department, Planning Commission)(1st reading)

Type: Action, Ordinance - First Reading

Recommended Action: consider first reading and refer to the Ordinance Committee

Note the addition of memo titled Proposed Zoning Amendments and Report titled Planning Commission Report Municipal Bylaw Amendment at 11:32am on 3/23.

 Memo to CC 3.23.15.pdf

 ZA-15-03 04_CH117rpt.pdf

 Zoning Ordinance – Inclusionary Zoning Exemption for Institutional Housing, ZA# 15-03, Sec. 9.1.6.docx



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8.02 Ordinance: Comprehensive Development Ordinance--Downtown, Neighborhood Mixed Use & Enterprise Districts Setbacks Abutting a Residential Zone ZA #15-04 (Planning Department, Planning Commission)(1st reading)

Type: Action, Ordinance - First Reading

Recommended Action: consider this first reading and refer to the Ordinance Committee

 Zoning Amendment – Downtown, Neighborhood Mixed Use & Enterprise Districts Setbacks Abutting a Residential Zone, ZA #15-04, Sec. 4.4.1, Table 4.4.1-1, 4.4.2 & 4.4.3.docx

 ZA-15-03 04_CH117rpt.pdf

 Memo to CC 3.23.15.pdf

8.03 Ordinance: Comprehensive Development Ordinance -- Performing Arts Centers in ELM Zone ZA #15-06 (Planning Department)(1st reading)

Type: Action, Ordinance - First Reading

Recommended Action: consider this first reading, suspend the rules and send the amendment to the Planning Commission for its statutory comments without referral to the Ordinance Committee

Note the Addition of Memo titled Performing Arts Centers in the ELM Zone at 11:30am on March 23, 2015.

 Performing Arts in ELM 3 9 15 City Council.pdf

 Performing Arts Centers in ELM Zone App A Use Table ZA #15-06 (Attachment).docx

 Zoning Amendment – Performing Arts Centers in ELM Zone, App. A, Use Table – All Zoning Districts, ZA #15-06.docx

8.04 Resolution: Pension Summary Paper Issued By Retirement Committee and Approval of Goals in Conceptual Framework for Collective Bargaining (Councilors Paul, Mason, Legrand, Ayres, Shannon)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 Pension Summary Paper – Approval of Goals in Conceptual Framework of Collective Bargaining.docx

8.05 Resolution: Referral to Charter Change Committee to Consider Size and Role of Police Commission (Councilors Siegel and Brennan)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

*Councilor Brennan is a co-sponsor, per his request

 POLICE - Consider Charter Change re Size and Role of Police Commission.docx

 Burl Police Commission charter memo.docx



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8.06 Resolution: In Support of Our Civilian Police Department (Councilors Siegel and Brennan)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

*Councilor Brennan is a co-sponsor, per his request

**note Councilor Siegel's proposed amendment

Councilor Siegel's proposed amendment.pdf

POLICE – In Support of our Civilian Police Department (& Veterans for Peace , develop standard procedures re non-violent responses).docx

Let Cops Be Cops.docx

8.07 Resolution: Endorsement of The National Association of City Transportation Officials Urban Street Design Guidelines as An Official Design Guide for Burlington (Transportation, Energy, Utilities Committee) (was consent agenda item 7.11)

Type: Action, Resolution

Recommended Action: Waive the reading and adopt the resolution

DPW – Endorsement of National Assoc. of City Transportation Officials Urban Street Design Guidelines as Official Design Guide for Burlingto.docx

9. Committee Reports

9.01 Verbal Reports

Type: Information, Procedural

10. City Council - General Affairs

10.01 Verbal Reports

Type: Information, Procedural

11. Mayor - General Affairs

11.01 Verbal Reports

Type: Information, Procedural



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12. Adjournment

12.01 Motion to adjourn

Type: Action, Procedural