



March 11, 2019

Regular City Council Meeting - Monday, March 11, 2019, 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: note written material for agenda item 5.02 Presentation: John Tashiro, General Manager, re: Annual Impact Presentation (per Todd Taylor, City Market); note nine additional written documents for agenda item 5.03 Resolution: Authorization to Execute Closing Documents for Sale of Burlington Telecom to Champlain Broadband, LLC (Board of Finance)(per City Attorney Blackwood); remove from the agenda item 5.04 Communication: Eileen Blackwood, City Attorney, re: Approval of settlement of fire grievance (per CAO Anderson)

2. Communication: Eileen Blackwood, City Attorney and Ralphine O'Rourke, Esq., Primmer, Piper, re: BT Sale (verbal) **expected executive session: 6 pm - 7 pm **

2.01 Communication: Eileen Blackwood, City Attorney and Ralphine O'Rourke, Esq., Primmer, Piper, re: BT Sale (verbal) **expected executive session: 6 pm - 7 pm **

Type: Action, Information

Recommended Action: go into EScome out of ES

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

3.01 Verbal Comments

Type: Information, Procedural

4. Consent Agenda

4.01 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

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 031119 cc
mtg LO.xlsx



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4.03 Indoor and Outdoor Entertainment Permit Renewals (2019-2020): see attached list

Type: Action (Consent)

Recommended Action: approve the 2019-2020 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions

 2019-2020 indoor and outdoor entertainment permit renewals.docx

4.04 Communication: Martha Keenan, Capital Improvement Program Manager and Rob Green, Assistant Director of Streets/ROW, re: Sidewalk Tractor Vehicle Purchase Approval

Type: Action (Consent)

Recommended Action: to approve and authorize the Director of Public Works to execute a contract to purchase a sidewalk tractor from Howard P. Fairfield, LLC--subject to approval by the City Attorney--for a total amount of \$126,086.00

 BoF - CC memo sidewalk tractor purchase 3-11-19 final.pdf

 BoF_CC_Checklist Fairfield sidewalk tractor 3-11-19.pdf

4.05 Communication: Steven A. Locke, Fire Chief, re: Surplus Equipment

Type: Action (Consent), Communication

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

 Trailer Transfer of Ownership Final.docx

4.06 Communication: Susan Molzon P.E., Senior Public Works Engineer and Phillip Peterson, Associate Engineer, DPW, re: Calendar Year 2019 Sidewalk Program Inspection Services - Authorization to Award Contract

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute a contract with Staff Sterling Management, LLC. in the amount of \$103,345 for inspection services for the Calendar Year 2019 Sidewalk Program, subject to the prior approval of the City Attorney and approval of the FY 20 CIP budget

 DPW Memo - Contract Award CY19 Sidewalk - Inspection Services 3-4-2019 Rev2.pdf

 Attachment 1 - SSM Proposal.pdf

 Attachment 2 - SSM Revised Labor Hour Schedule and Cost Proposal.pdf

 CY19 Sidewalks Inspection BoF_CC_Checklist.pdf



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4.07 Communication: Susan Molzon, PE, Senior Public Works Engineer and Olivia Darisse, PE, Public Works Engineer, DPW, re: North Avenue Unsignalized Pedestrian Crosswalks Project - Authorization to Award Construction Contract

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute a contract with Don Weston Excavation, Inc. -- subject to City Attorney approval -- for \$213,575.00 to complete the North Avenue Unsignalized Pedestrian Crosswalks Project, and to further authorize the use of an additional \$16,425.00 in contingency funds (8%) for a total of \$230,000.00, all of which is subject to and included in the FY 20 Budget

DPW Memo North Avenue Crosswalks Construction Contract.pdf

BoF_CC Checklist.pdf

Attachments - Bid Analysis and Bid Tabulation.pdf

4.08 Communication: Beth Anderson - Chief Administrative Officer, Stephanie Reid - Acting Director of Human Resources and Richard Goodwin - Director Financial Operations, re: Reclassification of the Cash and Banking Accountant position

Type: Action (Consent)

Recommended Action: to approve the reclassification of the Cash and Banking Accountant position from Regular, Full-Time, union, Non-Exempt, Grade 16 to Cash and Banking Accountant II, Regular, Full-Time, Union, Non-Exempt, Grade 17

CT Reclass Documents.pdf

4.09 Communication: Susan Molzon P.E., Senior Public Works Engineer and Phillip Peterson, Associate Engineer, DPW, re: Calendar Year 2019 Sidewalk Program - Authorization to Award Construction Contract

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to execute a contract with SD Ireland Brothers Corporation (SDI)--subject to City Attorney approval--for \$1,206,401 for the Calendar Year 2019 Sidewalk Program and to authorize the Director of Public Works to increase the authorized amount, if needed, for the Calendar Year 2019 Sidewalk Program to \$1,306,000, through the use of \$99,599 in contingency funds (8.3%), and to execute necessary contract amendments up to the contingency limit, subject to City Attorney approval

DPW Memo - Contract Award CY19 Sidewalk Reconstruction 3-4-2019 Rev 1.pdf

Attachment 2 - CY19 Sidewalk - Bid Tabulation.pdf

CY19 Sidewalks BoF_CC_Checklist fillable pdf.pdf

Attachment 1 - CY19 Sidewalk List.pdf

Attachment 3 - Revised Quantities and Contract Price.pdf

4.10 FIO Document

Type: Action (Consent), Communication, Information

Recommended Action: for information only

FIO Document.pdf

FIO Document 2.pdf



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4.11 Resolution: Authorization to Execute Quitclaim Deed for 88 Pleasant Avenue (Councilor Wright)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

📄 Clerk – Quit Claim Deed for 88 Pleasant Ave.
(former glebe land).pdf

📄 Signed CC Resolution re Authorization to
Execute Quitclaim Deed for 88 Pleasant
Avenue.pdf

📄 Clerk – Quit Claim Deed for 88 Pleasant Ave.
(former glebe land) (Attachment).pdf

4.12 Resolution: Authorization to Execute Quitclaim Deed for 126 Tracy Drive (Councilor Wright)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

📄 Clerk – Quit Claim Deed for 126 Tracy Drive
(former glebe land).pdf

📄 Signed CC Resolution re Authorization to
Execute Quitclaim Deed for 126 Tracy Drive.pdf

📄 Clerk – Quit Claim Deed for 126 Tracy Drive
(former glebe land) (Attachment).pdf

4.13 Resolution: Reorganization - Reclassification and Retitling of Acquisitions Supervisor; Change in Reporting Structure for Library Technical Assistant Positions (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

📄 HR – Library – Reorganization–Reclassify &
Retitle Acquisitions Supervisor; Change Reporting
for Tech Asst.pdf

📄 Packet Reclass Retitle Acquisitions Supervisor
02 19 19.pdf

📄 BOFCC Checklist Reorganization Library
ReclassRetitle Acquisitions Supervisor 02 25
19.pdf

📄 Signed CC Resolution re Reorganization -
Reclassification and Retitling of Acquisitions
Supervisor; Change in Reporting Structure for
Library Technical Assistant Positions .pdf

4.14 Resolution: Authorization to Execute Quitclaim Deed for 62 Venus Avenue (Councilor Dieng)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

📄 Clerk – Quit Claim Deed for 62 Venus Avenue
(former glebe land).pdf

📄 Signed CC Resolution re Authorization to
Execute Quitclaim Deed for 62 Venus Avenue.pdf

📄 Clerk – Quit Claim Deed for 62 Venus Avenue
(former glebe land) (Attachment).pdf



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5. Deliberative Agenda

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

Type: Action

Recommended Action: confirm the appointment of Joy Hovestadt as the City's newest Assistant City Attorney

 20190306 Assistant City Attorney appointment
memo.3 1 19.doc

 20190306 Assistant City Attorney.pdf

5.02 Presentation: John Tashiro, General Manager, City Market, re: Update

Type: Information, Presentation

note written material for this agenda item per Todd Taylor, City Market, posted on Friday, March 8, 2019, at 9:54 am, LO

 City Market City Council March 2019_final.pdf



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5.03 Resolution: Authorization to Execute Closing Documents for Sale of Burlington Telecom to Champlain Broadband, LLC (Board of Finance)

Type: Action

Recommended Action: waive the reading and adopt the resolution

note nine additional written documents this agenda item per City Attorney Blackwood, posted on Friday, March 8, 2019, at 4:09 pm, LO

note final version of the term sheet for this agenda item per Brian Lowe, posted on Tuesday, March 12, 2019, at 12:55 pm, LO

BT - Authorization to Execute Closing Documents for Sale of BT to Champlain Broadband, LLC.pdf

Limited Reserved Right of Use - Burlington Telecom and Schurz Communications(11282469.7) (3745527_1).PDF

Service Agreement with Revisions. 12 26 2017 (BL - clean) FINAL (3745133_1).pdf

MEmorial Auditorium Lease Agreement.pdf

Notices of Leases - 200 Church Street and Memorial Auditorium (3747417_1).PDF

Termination of Lease Agreement - 200 Church Street (3747107_1).PDF

Termination of Lease Agreement - Assets (3747104_1).PDF

Termination of Sublease Agreement - 200 Church Street (3747101_1).PDF

TermSheet 03 06 19 revised. 03 11 19 (as amended).pdf

Bill of Sale and Assignment - Burlington - Champlain Broadband(13931157.3) (3745066_1).pdf

Easement Agreement 123 North Street (3743398_1).PDF

Easement Agreement 1364 North Avenue (3743399_1).PDF

Easement Agreement 1645 North Avenue (3743401_1).PDF

Non-Competition Agreement - Schurz Communications Champlain Broadband and The City of Burlington - (3745069_1).pdf

200 Churh Street Lease Agreement.pdf

Mutual Gen Release (with Citibank).pdf

Termination of Deposit Trust Agreement (3747109_1).PDF

TermSheet 03 06 19 revised. 03 11 19 (FINAL).pdf

Termination of Management and Sale Agreement (3747111_1).PDF

Signed CC Resolution re Authorization to Execute Closing Documents for Sale of BT to Champlain Broadband, LLC.pdf

Addendum to Proposal for Services 03-06-19 + baa (3745498_1).pdf

Consent to Assignment and Amendment - Taft School (3744369_1).PDF

Easement Agreement 287 Shelburne Street (3743406_1).PDF



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5.04 Communication: Eileen Blackwood, City Attorney, re: Approval of settlement of fire grievance

****AGENDA ITEM REMOVED****

Type: Action

Recommended Action: to approve the grievance settlement

****agenda item removed per CAO Anderson, on Monday, March 11, 2019, at 11:58 AM, LO****

6. Committee Reports

6.01 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

10.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

11. Informational and Non-Discrimination Statements



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11.01 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 711 (Deaf/Hard of Hearing) 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)(Deaf/Hard of Hearing 711)

Type: Information

11.02 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. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

Type: Information