



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

 [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: remove from the consent agenda item 3.21

Communication: Mayor's Office and Human Resources, re: Changes to the Equity, Inclusion, and Belonging Director Position (per COS Redell); remove Leslyn Hall's name from consent agenda item 3.25 Resolution: Appointment of Acting Inspectors of Election for Wards One, Two, Three, Four, Five, Six, Seven and Eight and Appointment of Acting Ward Clerks in Wards Four, Six and Eight (Councilor Wright); add to the consent agenda item 3.28 Communication: Lea Terhune, re: FOR THE RECORD with the action to "waive the reading, accept the communication and place it on file"; add to the consent agenda item 3.29 Communication: Solveig Overby, re: Recommendation against City investment in Schurz with the action to "waive the reading, accept the communication and place it on file;" add to the consent agenda item 3.30 Communication: Kelly Stoddard Poor, AARP VT, re: Accessory Dwelling Unit Ordinance with the action to "waive the reading, accept the communication and place it on file"; note additional written material for agenda item 4.07 Burlington Telecom Investment (verbal)(per COS Redell); note additional written material for agenda item 4.07 Burlington Telecom Investment (verbal)(per City Attorney Blackwood); note written material for agenda item 4.08 Moran Frame Update (per COS Redell); note final version and amended action for this agenda item (per Grace Ciffo); note written material for agenda item 4.09 NetZero Energy Report (per COS Redell)

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

2.01 Verbal Comments

Type: Information, Procedural

3. Consent Agenda

3.01 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: remove from the agenda item 3.21 Communication: Mayor's Office and Human Resources, re: Changes to the Equity, Inclusion, and Belonging Director position (per COS Redell); add to the agenda item 3.28 Communication: Lea Terhune, re: FOR THE RECORD with the action to "waive the reading, accept the communication and place it on file"; add to the agenda item 3.29 Communication: Solveig Overby, re: Recommendation against City investment in Schurz with the action to "waive the reading, accept the communication and place it on file"; add to the agenda item 3.30 Communication: Kelly Stoddard Poor, AARP VT, re: Accessory Dwelling Unit Ordinance with the action to "waive the reading, accept the communication and place it on file"

3.02 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 021820 cc
mtg LO.xlsx



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.03 Communication: Cindi Wight, Director, BPRW, re: Burlington Bike Path Rehabilitation Phase 3b Design

Type: Action (Consent)

Recommended Action: to approve and authorize the execution of contract Vanasse Hangen Brustlin, Inc. (VHB) for a price not to exceed \$95,600 for the Burlington Bike Path Rehabilitation Phase 3b Design project, plus a project contingency of \$14,340, 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 City Attorney's Office review

 20200212 BOF CC Checklist_Burlington Bike Path Rehabilitation Phase 3b Design - 100%.docx

 20200212 BP 3b Design BOF Memo FINAL.pdf

3.04 Communication: Nicole Losch, PTP, Senior Planner, re: Pavement Marking Contract - Authorization to Increase Contract Amount

Type: Action (Consent)

Recommended Action: to authorize the Director of Public Works to amend the maximum limiting amount for the 2018 Pavement Marking Contract with L&D Safety Markings to a total of \$212,063.21 and execute all documents necessary to effect same, subject to City Attorney approval

 BoF_CC_Checklist_PavementMarkingContractIncrease.pdf

 BoF-CC_PavementMarkings2018Amendment_FinalMemo02112020.pdf

3.05 Communication: Elizabeth Gohringer, Associate Planner, Department of Public Works, re: Street Seat/Parklet-Pilot Follow-up & 2020 Draft Program Guide

Type: Action (Consent), Communication, Information

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

 BOF CC Checklist_200212.docx

 CCMemo_StreetSeats_200212.pdf

3.06 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: VTrans Highway Mileage Certificate Acceptance

Type: Action (Consent)

Recommended Action: to accept the changes to the recorded mileage for the City of Burlington with the Vermont Agency of Transportation in the 2020 Highway Mileage Certificate, and authorize Chapin Spencer, Director of Public Works to execute the certificate on behalf of the City Council

 Final packet-VTRANS highway mileage certificate.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.07 Communication: Laura Wheelock, P.E., Senior Public Works Engineer and Phillip Peterson, Associate Engineer, re: Authorization to Amend University Place UVM-City Agreement and Award Contract for Calendar Year 2020 Engineering Services

Type: Action (Consent)

Recommended Action: to authorize the Mayor to execute a First 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 consistent with the draft submitted herewith and to authorize Director of Public Works to execute a contract with Stantec Consulting Services Inc up to the amount of \$327,193 for engineering services for the Calendar Year 2020 Sidewalk Program, subject to the prior approval of the City Attorney, and also authorize the use of an additional \$32,719 in contingency funds (10%) to increase the authorized amount if needed for the project, with the additional approval and authorization for any contract amendments up to the contingency limit to be signed by Chapin Spencer, Director of Public Works, subject to the review and approval of the City Attorney, for a total of \$359,912, all of which is also subject to and included in the Fiscal Year 2020 and 2021 Capital Budgets

University Place Memo for BOF-CC UVM
Amend Contract Award CY20Design Services -
2.12.2020.pdf

BOF CC Checklist_University Place
2.12.20.pdf

Attachment-1 City Council Resolution re
Capital PlanExtension.pdf

Attachment-2 First Amendment to UVM_COB
Agreement regarding 10 yearCapital Plan.pdf

3.08 Communication: Phillip Peterson, Associate Public Works Engineer, re: Red Maple Lane & Franklin Square Street Acceptance

Type: Action (Consent), Communication, Information

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

Franklin Square City Council Memo
2.12.20.pdf

Attachment-1 Resolution Accepting Franklin
Square.pdf

Attachment-2 Franklin Square Presentation
1.28.20.pdf

City Council Checklist 2.12.20.pdf

3.09 Communication: Rich Goodwin, Director of Financial Operations, Deanna Paluba, Director of Human Resources and Tony Berry, Human Resource Director, re: Reclassification and Recategorization of Retirement and Insurance Administrator to Retirement Administrator in the Clerk Treasurer's Office

Type: Action (Consent)

Recommended Action: to approve the reclassification of the Retirement and Insurance Administrator , Clerk and Treasurer's Office, a Regular, Full-time, Exempt, Non-union, Grade 19 (\$61,980.86 to \$73,923.90) position to Retirement Administrator, a Limited Service, Full-time, Non-Exempt, Non-union, Grade 17 (\$53,499.56 to \$63,746.37) position

021820_BOF.CC Full Packet Memo_
Reclassification Retirement andInsurance Admin
to Retirement Admin.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.10 Communication: John Vickery, City Assessor, re: Final Grand List summary, Tax Book Report, TIF Reports, and error and Omissions List

Type: Action (Consent), Communication, Information

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

Annual Grand List Report and E and O for CityCouncil FY20.pdf

3.11 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 167 Main Street - Encumbrance Application - Outdoor Seating

Type: Action (Consent)

Recommended Action: to approve the Encumbrance Application for Manhattan Pizza and Pub for the installation of an outdoor seating area and awning at 167 Main Street and authorize the Mayor to execute a License Agreement--subject to approval by the City Attorney's Office--on behalf of the City of Burlington for a term commencing on the date of execution and terminating on April 30, 2021

Final ENTC application packet manhattans.pdf

3.12 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 125 College Street - Encumbrance Application - Projecting Signs

Type: Action (Consent)

Recommended Action: to approve the Encumbrance Application for Kylee LLC, for the installation of an overhead and projecting sign at 125 College Street and authorize the Mayor to execute a License Agreement--subject to final approval by the City Attorney's Office--on behalf of the City of Burlington for a term commencing on the date of execution and terminating on April 30, 2021

Final ENC Application Packet-KyleeLLC.pdf

3.13 Indoor and Outdoor Entertainment Permit Renewals (2020-2021): see attached list

Type: Action (Consent)

Recommended Action: approve the 2020-2021 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions

IndoorandOutdoorEPRenewalList.docx

3.14 Indoor Entertainment Permit Renewal - extension of hours - (2020-2021): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

Type: Action (Consent)

Recommended Action: approve the 2020-2021 Indoor Entertainment Permit Renewal - extension of hours - for Orlando's Bar and Lounge, 1 Lawson, Suite 10 with all standard conditions

Indoor EP Extension of Hours Orlando's.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.15 Outdoor Entertainment Permit Renewal - extension of hours - (2020-2021): Foam Brewers, 112 Lake Street

Type: Action (Consent)

Recommended Action: approve the 2020-2021 Outdoor Entertainment Permit Renewal - extension of hours - for Foam Brewers, 112 Lake Street with all standard conditions

Outdoor EP Extension of Hours Foam Brewers.pdf

3.16 Communication: Deb and Tom Miller, re: Winooski Avenue Renovation

Type: Action (Consent), Communication

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

Communication Deb Miller re Winooski Avenue Renovation.pdf

3.17 Communication: Dan Kirk, re: North Winooski Avenue Corridor Plans

Type: Action (Consent), Communication

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

Communication Dan Kirk re North Winooski Avenue Corridor Plans.pdf

3.18 Communication: Lea Terhune, re: 2/10/20 PF

Type: Action (Consent), Communication

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

Communication Lea Terhune re PF 021020.pdf

3.19 Communication: Mark Porter, re: 2/10/20 PF

Type: Action (Consent), Communication

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

Communication Mark Porter re PF 021020.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.20 Communication: Rich Goodwin, Director Financial Operations, re: Agreement, Work Plan, & Deliberative for capital project accounting services

Type: Action (Consent)

Recommended Action: to approve and authorize the Acting Chief Administrative Officer to enter into an agreement for capital project accounting services between the City of Burlington and CLA (Clifton, Larson, Allen) up to \$170,000 between February 21, 2020 and June 30, 2021, subject to approval of the City Attorney's Office

021820_sole sourcing-Draft_SAL
+jsj+rgg.docx

021820_BOF& CC Checklist_.docx

021820_Capital Projects Accounting Services
- Engagementletter.pdf

3.21 Communication: Mayor's Office and Human Resources, re: Changes to the Equity, Inclusion, and Belonging Director position **AGENDA ITEM REMOVED**

Type: Action (Consent)

Recommended Action: Accept the Communication and Place it on File

3.22 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

FIO Documents.pdf

3.23 Ordinance: Burlington Code of Ordinances - Signs--In Public Ways and Projections over Sidewalks (Office of City Planning, Ordinance Committee)

Type: Action (Consent), Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

BCO - Signs--In Public Ways; Projections over
Sidewalks, Chapters 21 & 27, Sec.21-5(d); Secs.
27-63 thru 27-83 REVISED 2-11-20.pdf

Related
BCO_CouncilMemo_DEW_20200218.pdf

Signed CC Ordinance Burlington Code of
Ordinances - Signs -- In Public Ways and
Projections over Sidewalks.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.24 Ordinance: Streets and Sidewalks--E911 - Building Numbering & Street Naming (Office of City Planning, Ordinance Committee)

Type: Action (Consent), Ordinance - Second Reading

Recommended Action: waive the second reading and adopt the ordinance

E911Coordinatormemo_20200218.pdf

Streets Sidewalks - E911 Building Numbering Street Naming Secs. 27-100 27-101 27-102 27-103 27-104 27-105 27-106 27-107 (2-11-20).pdf

Signed CC Ordinance Streets and Sidewalks--E911 - Building Numbering & Street Naming.pdf

3.25 Resolution: Appointment Of Acting Inspectors Of Election For Wards One, Two, Three, Four, Five, Six, Seven And Eight And Appointment Of Acting Ward Clerks In Wards Four, Six And Eight (Councilor Wright)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

remove Leslyn Hall's name from the list

Clerk - City Council Appointment of Acting Inspectors of Election and Ward Clerks (3-3-20 Annual City Meeting).pdf

Signed CC Resolution Appointment of Acting Inspectors of Election Across the City.pdf

3.26 Resolution: Reclassification And Title Change To Positions Within Water Division (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

HR - DPW Water Div. - Reclassification and Title Change to Positions.pdf

Memo_BOF_CC_2-18-20-BOF-Reclass and Title Change Chief DWO and Senior CCA_FINAL.pdf

Att.1&2.DPW Water Resources Current and Proposed Org Charts.pdf

Att3&4.JobDescriptions_MarkUp&Clean.pdf

BOF CC Checklist_2-18-20. Reclass and Title Change Chief Drinking Water Operator and Senior CCA.pdf

Signed CC Resolution Reclassification and Title Change to Positions Within Water Division.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

3.27 Resolution: Authorization For Execution Of First Amendment To The Agreement Between The University Of Vermont And The City Of Burlington Regarding Participation In The City's Ten Year Capital Plan (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

UVM - Authorize First Amendment to Agreement regarding Participation in the City's Ten Year Capital Plan.pdf

First Amendment to UVM_COB Agreement regarding 10 year Capital Plan dated 2-5-20.docx

Signed CC Resolution Authorization for Execution of First Amendment to the Agreement Between UVM and the COB Re Participation in the City's 10 Year Capital Plan.pdf

3.28 Communication: Lea Terhune, re: FOR THE RECORD

Type: Action (Consent), Communication

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

Communication Lea Terhune re FOR THE RECORD.pdf

3.29 Communication: Solveig Overby, re: Recommendation against City investment in Schurz

Type: Action (Consent), Communication

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

Communication Solveig Overby re Recommendation against City investment in Schurz.pdf

3.30 Communication: Kelly Stoddard Poor, AARP VT, re: Accessory Dwelling Unit Ordinance

Type: Action (Consent), Communication

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

AARP_ADU testimony.pdf

4. Deliberative Agenda



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

4.01 Indoor Entertainment Permit Application (2019-2020): Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth, 115 St. Paul Street

Type: Action

Recommended Action: approve the 2019-2020 Indoor Entertainment Permit Application for Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth with all standard conditions

Indoor EP Application for Flatbread Ventures
dbd American Flatbread - Burlington Hearth.pdf

4.02 Outdoor Entertainment Permit Application (2019-2020): Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth, 115 St. Paul Street

Type: Action

Recommended Action: approve the 2019-2020 Outdoor Entertainment Permit Application for Flatbread Ventures, LLC, d/b/a American Flatbread - Burlington Hearth with all standard conditions

Outdoor EP Application Flatbread Ventures
dba American Flatbread - Burlington Hearth.pdf

4.03 Outdoor Entertainment Permit Application (2020-2021): Orlando's Bar and Lounge, 1 Lawson Lane, Suite 10

Type: Action

Recommended Action: approve the 2020-2021 Outdoor Entertainment Permit Application for Orlando's Bar and Lounge with all standard conditions

Orlando's Outdoor EP Application.pdf

4.04 Report by the Special Committee to Review Community Policing Practices, to the Burlington City Council

Type: Action, Information, Report

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

Policing Policies Com. - Report to the City
Council by the Special Committee to Review
Community Policing Practices.pdf

4.05 Public Hearing Regarding Comprehensive Development Ordinance (CDO) ZA-20-03 Accessory Dwelling Units

Type: Action, Public Hearing

Recommended Action: open the public hearingclose the public hearing

ZA 20-03 CC PH Notice for 2-18-20.docx



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

4.06 Ordinance: Comprehensive Development Ordinance - Accessory Dwelling Units, ZA-20-03 (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

ZA-20-03 ADU Memo.pdf

Zoning Amendment – ZA #20-03 Accessory Dwelling Units (Attachment).docx.pdf

Zoning Amendment – ZA #20-03 Accessory Dwelling Units, Sec. 5.2.3, 5.3.4, 5.3.5, 5.4.5, 8.1.14, Art. 13 & App. A.docx.pdf

Signed CC Ordinance CDO - Accessory Dwelling Units ZA #20-03.pdf

4.07 Burlington Telecom Investment (verbal)

Type: Action

note additional written material for this agenda item per COS Redell, posted on Friday, February 14, 2020, at 11:19 am, LO

note additional written material for this agenda item per City Attorney Blackwood, posted on February 25, 2020, at 10:04 am, LO

Operating Agreement from B&T (4206510_1).PDF

Exhibits A&B from B&T (4206505_1).PDF

MIPA from B&T (4206506_1).PDF

Mayor - Todd Schurz email 2-13-19.pdf

CTC report for public release.pdf

Legal Memo Risks of Investment.revised for public release.pdf



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

4.08 Moran Frame Update

Type: Action

Recommended Action: to approve CEDO's acceptance of the DEW Construction Corporation bid for completion of the proposed scope of work for Moran Frame Phase 1A and execution of the corresponding contract and all other documents necessary to advance same, subject to the review and approval of the City Attorney; and to authorize Mayor Miro Weinberger, on behalf of the City of Burlington, to execute a settlement agreement between the City of Burlington and the Burlington Electric Department (BED), in which BED pays to the City an amount not less than \$950,000 to compensate the City for the costs of abating/remediating contaminants which fall within the parameters of constituting BED's legal financial responsibility as set forth in the 1990 Memorandum of Understanding and the 2009 Letter of Agreement executed by the parties, all subject to the review and approval of the City Attorney, and with the understanding that such settlement amount will go to the environmental abatement/remediation costs required for the project

note written material for this agenda item per COS Redell, posted on February 14, 2020, at 11:22 am, LO

note final version of this agenda item and note amended motion, posted on Friday, February 14, 2020, at 4:03 pm, LO

to approve CEDO's acceptance of the DEW Construction Corporation bid for completion of the proposed scope of work for Moran Frame Phase 1A and execution of the corresponding contract and all other documents necessary to advance same, subject to the review and approval of the City Attorney; and to authorize Mayor Miro Weinberger, on behalf of the City of Burlington, to execute a settlement agreement between the City of Burlington and the Burlington Electric Department ("BED"), in which BED pays to the City an amount not less than \$950,000 to compensate the City for the costs of abating/remediating contaminants which fall within the parameters of BED's legal financial responsibility as set forth in the 1990 Memorandum of Understanding and the 2009 Letter of Agreement executed by the parties, all subject to the review and approval of the City Attorney, and with the understanding that such settlement amount will go to the environmental abatement/remediation costs required for the project

 CEDO Moran Memo for Council .pdf

4.09 NetZero Energy Report

Type: Action

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

note written material for this agenda item per COS Redell, posted on Friday, February 14, 2020, at 11:23 am, LO

 2020-02 Mayor NZE memo.pdf

5. Committee Reports

5.01 Verbal Reports

Type: Information, Procedural

6. City Council - General Affairs

6.01 Verbal Reports

Type: Information, Procedural



February 18, 2020

Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois Auditorium, City Hall

7. City Council President - Council Updates

7.01 Verbal Reports

Type: Information, Procedural

8. Mayor - General Affairs

8.01 Verbal Reports

Type: Information, Procedural

9. Adjournment

9.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

10. Informational and Non-Discrimination Statements

10.01 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

10.02 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



February 18, 2020

**Regular City Council Meeting - Tuesday, February 18, 2020, 7:00 pm, Contois
Auditorium, City Hall**
