



February 11, 2019

Regular City Council Meeting - Monday, February 11, 2019, 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: add to the agenda item 2.02 Resolution: Condemning Hate Speech (Full City Council); note final version of Assistant City Attorney Haesler's communication for consent agenda item 4.07 Communication: Richard Haesler, Assistant City Attorney, re: FY 2018 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC)(per Assistant City Attorney Haesler); note written materials and proposed action for consent agenda item 4.12 Communication: Kirsten Merriman Shapiro, Senior Policy and Project Specialist, CEDO and Laura K. Wheelock P.E., Senior Public Works Engineer, re: Great Streets: St. Paul Street - Construction Contract & Budget Amendment (per CAO Anderson); remove from the consent agenda item 4.14 Communication: CEDO Director Market Factor Adjustment (per COS Redell); note written materials for agenda items 5.03 and 5.04 regarding MDP-19-01 2019 (per Meagan Tuttle); remove from the consent agenda item 4.16 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE - Commercial Uses in the E-LM Zone, ZA #19-07 (Planning Department; Planning Commission)(1st reading) and place it on the Deliberative Agenda as item 5.06 (per Councilor Mason)

2. City Council President - Council Updates

2.01 Verbal Reports

Type: Information, Procedural

2.02 Resolution: Condemning Hate Speech (Full City Council)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

 [City Council – Condemning Hate Speech.pdf](#)

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

3.01 Verbal Comments

Type: Information, Procedural

4. Consent Agenda



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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: note final version for Assistant City Attorney Haesler's communication for agenda item 4.07 Communication: Richard Haesler, Assistant City Attorney, re: FY 2018 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC) (per Assistant City Attorney Haesler); note written materials and proposed action for agenda item 4.12 Communication: Kirsten Merriman Shapiro, Senior Policy and Project Specialist, CEDO and Laura K. Wheelock P.E., Senior Public Works Engineer, re: Great Streets: St. Paul Street - Construction Contract & Budget Amendment (per CAO Anderson); remove from the agenda item 4.14 Communication: CEDO Director Market Factor Adjustment (per COS Redell); remove from the agenda item 4.16 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE - Commercial Uses in the E-LM Zone, ZA #19-07 (Planning Department; Planning Commission) (1st reading) and place it on the Deliberative Agenda as item 5.06 (per Councilor Mason)

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 021119 cc
mtg LO.xlsx

4.03 Communication: BBA, re: City Hall Park Redevelopment PF 1/28/19 CC

Type: Action (Consent), Communication

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

Communication BBA re City Hall Park
Redevelopment PF 012819.pdf

4.04 Communication: Rich Price, DIDAC Member, re: Downtown Improvement District Charter Change PH 1/28/19 CC

Type: Action (Consent), Communication

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

Communication DID Charter Change PH
012819.pdf

4.05 Communication: BCA, re: CHP Improvements Handout 1/28/19 CC

Type: Action (Consent), Communication

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

Communication BCA re CHP Improvements
handout 012819.pdf



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4.06 Communication: Chapin Spencer, DPW Director, Megan Moir, DPW Assistant Director - Water Resources and Kirsten Merriman Shapiro, CEDO Senior Projects and Policy Specialist, re: 1. Authorization to Execute Contract with J Hutchins, Inc. for Ongoing Construction Work and Water Infrastructure related to Waterfront Access North and Burlington Harbor Marina 2. Authorization for Budget Neutral Amendment to Fund 460 for TIF Eligible Expenses

Type: Action (Consent)

Recommended Action: to approve and authorize a budget neutral amendment increasing the expense line G/L 460-19-400-000.9500 and revenue line G/L 460-19-400-000.4535 by \$56,484

BOF_CCMemo - J Hutchins - Waterfront Final
2-7-19.pdf

BoF_City
Council_Checklist.fillable_JHutchins_and_BA.
pdf.pdf

4.07 Communication: Richard Haesler, Assistant City Attorney, re: FY 2018 City of Burlington TIF District Reports to the Vermont Economic Progress Council (VEPC)

Type: Action (Consent), Communication, Report

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

****note final version of Assistant City Attorney Haesler's communication, posted on Friday, February 8, 2019, at 2:41 pm, LO****

VEPC Report - FY 18 - Communication to City
Council 020819 final.pdf

VEPC Report - FY 18 - Communication to City
Council 020719 final.pdf

VEPC Report - FY 18 - Downtown TIF
District.pdf

VEPC Report - FY 18 - Waterfront TIF
District.pdf

4.08 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

4.09 Communication: Megan Moir, Division Head Water Resources, re: Dump Truck (Z15) Replacement: Financing of Purchase after Trade-In of Existing Vehicle

Type: Action (Consent)

Recommended Action: to approve and recommend that the City Council authorize the Director of Public Works to trade-in a City-owned single axle dump truck, valued at \$16,000, for the purchase of a new tandem axle dump truck for use by the Water Resources Division and to approve and authorize the Director of Public Works to execute all necessary documents with Baystone Government Finance--subject to approval by the City Attorney--for a seven year vehicle lease/ownership contract for a cost not to exceed \$114,363.64

BoF_CC
memo_Z15_DumpTruck_PurchaseandFinance_2.
6.19_FINAL.pdf

BoF_City
Council_Checklist.fillable_DumpTruck2-11-19
pdf.pdf



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4.10 Communication: Burlington International Airport, re: Property Lease, Aviatron, Inc. 25 Customs Drive

Type: Action (Consent)

Recommended Action: to authorize the BTV Director of Aviation to execute a five year lease agreement with Aviatron , Inc. for the Building and properly located at 25 Customs Drive, subject to approval by the City Attorney's Office

Aviatron Lease Agreement Memo
BOF_CC.pdf

Aviatron Lease_BoF_CC_Checklist.fillable
pdf.pdf

Draft Lease Agreement - Aviatron Inc
BOF_CC.pdf

4.11 Communication: Burlington International Airport, re: Request for Authorization to Enter into a Non-Signatory Airline Lease Agreement with Frontier Airlines, Inc.

Type: Action (Consent)

Recommended Action: to approve and authorize the Burlington International Airport Director of Aviation to execute a Non-Signatory Airline Lease Agreement, approved by the City Attorney's Office, with Frontier Airlines, Inc.

Frontier Airline Lease Memo 2.11.19 BOF
CC.pdf

Frontier Airlines Non-signatory Agreement
BOF_CC.pdf

Frontier_BoF_CC_Checklist.fillable pdf.pdf

4.12 Communication: Kirsten Merriman Shapiro, Senior Policy and Project Specialist, CEDO and Laura K. Wheelock P.E., Senior Public Works Engineer, re: Great Streets: St Paul Street - Construction Contract & Budget Amendment

Type: Action (Consent)

Recommended Action: 1. To approve and authorize the Director of Public Works to execute contract amendments with SD Ireland Brothers Corporation□subject to approval by the City Attorney□s Office□to amend the total maximum contract amount for the Great Streets: St. Paul Street Project to \$3,550,638.31, which includes \$90,000 in funds from Water Resources and \$112,560 in funds from Traffic Capital Carry Forward as additional contingency funds .2. To authorize the Director of Public Works to execute contract amendments with Cale America□subject to approval by the City Attorney□s Office□for up to \$49,200.00 toward the procurement of 8 additional Cale pay stations for the Great Street: St. Paul Street Project.3. To approve and authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds to and from the above□referenced funding sources as needed to pay for the above-referenced project expenses. materials posted by CAO 5:45pm 2/7

1-Memo BoF_CC_ Great Streets St. Paul
Street SDI Construction Contract Amend Budget
and Contract 2.11.19.pdf

2-GS_StP_Construction contract approval.pdf

3-Cale America Pay Station Final PBM 10 24
2017 cs edits.pdf

4-St Paul SDI Construction Feb 11 2019
BoF_CC_Checklist.fillable pdf.pdf



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4.13 Communication: Proposed Amendments to Appendix B - Rules and Regulations of The City Council

Type: Action (Consent)

Recommended Action: to amend appendix B, the Rules and Regulations of the City Council as provided in the posted draft

 City Council Rules & Regulations - Amendments to Appendix B (Rules of Order).pdf

4.14 Communication: CEDO Director Market Factor Adjustment ****AGENDA ITEM REMOVED****

Type: Action (Consent)

Agenda item removed per Chief of Staff Redell

4.15 FIO Documents

Type: Action (Consent), Information

Recommended Action: for information only

 FIO Documents.pdf

4.16 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE - Commercial Uses in the E-LM Zone, ZA #19-07 (Planning Department; Planning Commission)(1st reading)**NOW AGENDA ITEM 5.06**

Type: Action (Consent), Ordinance - First Reading

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

 ZA-19-07 Commercial Uses ELM_full Packet for CC 1st Read_docx.docx

 Zoning Amendment – ZA #19-07 Commercial Uses ELM, Sec. 4.4.3, Table 8.1.8-1 Sec. 13.1.2, App. A-Use Table—All Zoning Districts, Sec. 14.3.4—H, Sec. 14.3.5—H.docx.pdf

 Zoning Amendment – ZA #19-07 Commercial Uses ELM (Attachment #1).pdf

 Zoning Amendment – ZA #19-07 Commercial Uses ELM (Attachment #2).pdf

4.17 Resolution: Authorization to Enter into Agreement with Hickok and Boardman, Inc. to Provide Risk Management Services (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 BOF CC Checklist_Insurance Broker 2019.pdf

 CT Request for Approval Insurance Broker F.pdf

 HR - Hickok & Boardman Agreement to Provide Risk Management Services (2019).pdf



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4.18 Resolution: Authorize The Grant of Easements to The Vermont Housing & Conservation Board re The City's 311 North Avenue Property (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Parks – 311 North Avenue Property – Authorize Grant of Easements to Vt. Housing & Conservation Board (Cambrian Rise).pdf

311 North Ave easement memo_Final.docx

Signed 2-16-16 resolution_311 North Ave.pdf

VHCB Promissory Note -2016-079-001 Burlington College Lands.pdf

311 North Ave easement checklist.pdf

BC MOA Signed.pdf

Signed 11-26-18 resolution_311 North Ave.pdf

5. Deliberative Agenda

5.01 Indoor Entertainment Permit Application (2019-2020): Maya's Kitchen and Bar, 1130 North Avenue

Type: Action

Recommended Action: approve the 2019-2020 Indoor Entertainment Permit Application for Maya's Kitchen and Bar, 1130 North Avenue with the following conditions: all City Permits need to be closed out with all standard conditions

Indoor EP Application Mayas Kitchen and Bar.pdf

5.02 Outdoor Entertainment Permit Application (2019-2020): Maya's Kitchen and Bar, 1130 North Avenue

Type: Action

Recommended Action: approve the 2019-2020 Outdoor Entertainment Permit Application for Maya's Kitchen and Bar, 1130 North Avenue with the following conditions: all City Permits need to be closed out with all standard conditions

Outdoor EP Application Mayas Kitchen and Bar.pdf

5.03 Public Hearing on MDP-19-01 2019 update to planBTV

Type: Action, Public Hearing

note additional written materials for this agenda item per Meagan Tuttle, posted Monday, February 11, 2019, at 9:26 am, LO

CC PH#1_ Warning MDP-19-01.docx

PlanBTVDRAFTv2_forCouncilDelivery&ActiontoWarPH1_01072019.pdf

planBTV Comments for Draft Updates for Council Hearing #1.pdf



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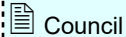
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5.04 Communication: Meagan Tuttle, AICP, re: MDP-19-01 2019 update to planBTV (10-15 mins.)

Type: Action

Recommended Action: set date for Public Hearing #2 and adoption

note additional written materials for this agenda item per Meagan Tuttle, posted, Monday, February 11, 2019, at 9:27 am, LO



Council

Memo_planBTVPublicHearing1_02052019.docx



planBTV Comments for Draft Updates for
Council Hearing #1.pdf

5.05 Resolution: Ratification Of Tentative Agreement And Authorization To Execute Collective Bargaining Agreement Between The City Of Burlington And The Burlington Firefighters Association (July 1, 2018 to June 30, 2022)(Board of Finance)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution



Fire - Ratification of Tentative Collective
Bargaining Agreement with Burlington Firefighters
Association (2018 - 2022).pdf

5.06 Ordinance: COMPREHENSIVE DEVELOPMENT ORDINANCE - Commercial Uses in the E-LM Zone, ZA #19-07 (Planning Department; Planning Commission)(1st reading) **WAS CONSENT AGENDA ITEM 4.16**

Type: Action, Ordinance - First Reading

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



ZA-19-07 Commercial Uses ELM_full Packet
for CC 1st Read_docx.docx



Zoning Amendment – ZA #19-07 Commercial
Uses ELM (Attachment #2).pdf



Zoning Amendment – ZA #19-07 Commercial
Uses ELM (Attachment #1).pdf



Zoning Amendment – ZA #19-07 Commercial
Uses ELM, Sec. 4.4.3, Table 8.1.8-1 Sec. 13.1.2,
App. A-Use Table—All Zoning Districts, Sec. 14.
3.4—H, Sec. 14.3.5—H.docx.pdf

6. Committee Reports

6.01 Verbal Reports

Type: Information, Procedural

7. City Council - General Affairs

7.01 Verbal Reports

Type: Information, Procedural



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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