



January 09, 2023

Regular City Council Meeting - Monday, January 9, 2023, 5:30 pm, Contois Auditorium OR REMOTELY via ZOOM

 [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 7.08 Human Resources Director Market Factor Adjustment - Mayor's Office and place it on the deliberative agenda as item 8.10 (per Councilor Dieng)

2. Work Session re: Financial Literacy for Burlington City Councilors Understanding the Audit and Annual Comprehensive Fiscal Report **5:30 pm - 6:15 pm**

2.01 Work Session re: Financial Literacy for Burlington City Councilors Understanding the Audit and Annual Comprehensive Fiscal Report**5:30 pm - 6:15 pm**

Type: Discussion, Information, Presentation

 [City Council Financial Literacy - FINAL.pdf](#)

3. Communication: CAO Schad, re: Update on State Audit of the Waterfront TIF District**verbal**EXPECTED EXECUTIVE SESSION**6:20 pm - 6:40 pm**

3.01 Communication: CAO Schad, re: Update on State Audit of the Waterfront TIF Audit**verbal**EXPECTED EXECUTIVE SESSION**6:20 pm - 6:40 pm**

Type: Action, Information, Procedural

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of a discussion involving confidential information from exempt records and attorney-client communications concerning the status of the State Auditor's Burlington Waterfront TIF District Audit would clearly place the City at a substantial disadvantage because it risks disclosing its legal strategy if discussed in public. Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential attorney-client communications regarding the State Auditor's Audit of the Burlington Waterfront TIF District under the provisions of 1 VSA §313(a)(1)(F) and (6).

4. Communication: Pietro Lynn, Esq., re: Personnel Matter**verbal**EXPECTED EXECUTIVE SESSION **6:45 pm - 7:30 pm**

4.01 Communication: Pietro Lynn, Esq., re: Personnel Matter**verbal**EXPECTED EXECUTIVE SESSION**6:45 pm - 7:30 pm**

Type: Action, Discussion, Information, Procedural

Recommended Action: Motion 1: Move that the Council find that premature general public knowledge of information concerning a personnel matter would clearly place the City at a substantial disadvantage because the discussion will involve sensitive personal and/or confidential information and the Council must receive confidential attorney-client communications regarding the matter.; Motion 2: Based upon that finding, move that the Council go into executive session to receive confidential communications regarding a personnel matter in the form of an attorney-client communication under the provisions of 1 VSA §313(a)(1)(F).



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5. Public Forum: Time Certain: 7:30 pm **See item for signup instructions**

5.01 Verbal Comments

Type: Action, Information, Procedural

To participate in Public Forum in person sign up at the meeting. To participate in Public Forum via ZOOM sign up here: <https://www.burlingtonvt.gov/citycouncil/publicforum> Do not sign up in person and via Zoom - select one only

6. Climate Emergency Reports (5 - 10 mins.)

6.01 Climate Emergency Reports

Type: Information

7. Consent Agenda

7.01 Motion to adopt the consent agenda (as amended) and take the actions indicated

Type: Action (Consent), Procedural

Recommended Action: motion to adopt the consent agenda and take the actions indicated

7.02 Communication: CT Office, re: Accountability List

Type: Action (Consent), Communication, Information

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

 Accountability List for 010923 CC LO.xlsx

7.03 Communication: Jabulani Gamache, Member, Police Commission, re: Resignation

Type: Action (Consent), Communication

Recommended Action: waive the reading, accept the communication, place it on file, advertise the vacancy in Seven Days and send a letter of appreciation to Jabulani Gamache thanking him for his time served as a member of the Police Commission

 Communication Jabulani Gamache, Member,
Police Commission, re Resignation.pdf

7.04 Communication: Brad Wiltfong, re: Ethan Allen PKWY Traffic Calming

Type: Action (Consent), Communication

Recommended Action: waive the reading and place it on file

 Communication Brad Wiltfong, re Ethan Allen
PKWY Traffic Calming.pdf



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7.05 115 College Street--Battery Street Jeans--Encumbrance Application - DPW

Type: Action (Consent)

Recommended Action: to approve the Encumbrance Application for 115 College Street requesting use of a portion of the sidewalk for for a free clothing closet, as further detailed in Attachment A, and authorize the Mayor to enter into a license agreement with the Applicant for use of the portion of the right-of-way outlined in the Application, subject to review by the City Attorney's Office

FINAL ENC Packet-BatteryStreetJeans-115
College St V1.pdf

7.06 Roosevelt Park Tennis Courts Reconstruction, Contractor Contract - BPRW

Type: Action (Consent)

Recommended Action: to approve and authorize the execution of a contract with Vermont Recreational Surfacing & Fencing Inc., for a price not to exceed \$125,411.00 for the Roosevelt Park Tennis Courts Reconstruction project, plus a project contingency of \$14,589.00, for a total authorized expenditure of \$140,000.00, 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 the review of the City Attorney's Office

20221220 BOFCC Memo - Roosevelt Tennis
Courts.docx

20221220 Contract Roosevelt Tennis Courts
DRAFT.pdf

Roosevelt Park Tennis Courts - BOFCC
Checklist.docx

7.07 Request to Execute a Contract with Motorola Solutions for Public Safety Communications System and Services - Fire

Type: Action (Consent)

Recommended Action: to approve and retroactively authorize the Chief Administrative Officer to execute a contract with Motorola Solutions for public safety communication system upgrades, with a maximum limiting amount of up to \$3,832,290.00, which is the contract cost and a ten percent (10%) contingency, subject to the review and approval of the City Attorney's Office

BOF-CC Memo - Motorola Contract
Authorization 01.09.23.pdf

City of Burlington 3-Site UHF Conventional
Simulcast System.pdf

Public safety comm recommendation final.pdf

BOF-CC Checklist.pdf

7.08 Human Resources Director Market Factor Adjustment ☐ Mayor's Office **NOW AGENDA ITEM 8.10**

Type: Action (Consent)

Recommended Action: authorize and approve the reclassification of the position of HR Director consistent with the market factor compensation range of \$119,531 to \$147,233

1-4-23 HR Director Market Factor
Adjustment_.pdf

City of Burlington Compensation Review for
Director of HR 2022.pdf



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7.09 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

 FIO Documents.pdf

7.10 Resolution: Selection Of Newspapers For Publication Of 2023 Election Warnings And Notices (Councilor Paul)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Newspaper Selection Reso 2023 FINAL
1.4.22.pdf

 Signed CC Resolution Selection Of
Newspapers For Publication Of 2023 Election
Warnings And Notices.pdf

7.11 Resolution: Authorization For Reimbursement Of Waterfront TIF District And Downtown TIF District Related Costs For FY 2022 (Board of Finance)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 FINAL_Authorization re Reimbursement of TIF
Districts Related Costs_1-9-2023.pdf

 FINAL_Memo WTF-DWTN_TIFDistricts_Related
Cost_Reimbursement_FY22_1-9-2023.pdf

 BOF CC Checklist_1-9-2022.docx

 Signed CC Resolution Authorization For
Reimbursement Of Waterfront TIF District And
Downtown TIF District Related Costs For FY
2022.pdf

7.12 Resolution: Strengthening Regional Statewide Funding For Public Transit (Transportation, Energy and Utilities Committee)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

 Regional and Statewide Transit Funding
Resolution (final).pdf

 Signed CC Resolution Strengthening Regional
Statewide Funding For Public Transit.pdf

8. Deliberative Agenda



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8.01 Indoor Entertainment Permit Application (2022-2023): Despacito, 294 North Winooski Avenue

Type: Action

Recommended Action: approve the 2022-2023 Indoor Entertainment Permit Application for Despacito, 294 North Winooski Avenue with all standard conditions

 Indoor EP Application Despacito.pdf

8.02 Indoor Entertainment Permit Application (2022-2023): The 126, 126 College Street

Type: Action

Recommended Action: approve the 2022-2023 Indoor Entertainment Permit Application for The 126, 126 College Street with all standard conditions

 Indoor EP Application The 126.pdf

8.03 Public Hearings Regarding ZA-22-07: Maximum Parking & TDM and ZA-22-09: Public Art

Type: Action, Public Hearing

Recommended Action: open the Public Hearingclose the Public Hearing

 CC PH ZA 22-07 & 09 for 1-9-2022.docx

8.04 Ordinance: CDO--Parking Minimum and Maximum Parking Requirements and Transportation Demand Management ZA #22-07 (Ordinance Committee)(5th reading)(20 mins.)

Type: Action

Recommended Action: waive the reading and adopt the ordinance as amended

note amended version of this agenda item per Councilor Traverse, posted on Monday, January 9, 2023, at 3:18 pm, LO

 (FinalwAmdt) OrdinanceZA
22-07CDOArticle4and8MinandMaxPkgforCC2ndP
H010923.docx

 ZA-22-07 Memo for CCPH_20221227.pdf

 Signed Ordinance CDO - Parking Minimum &
Maximum Parking Requirements and
Transportation Demand Management ZA #22-07
published012523effective021523LO.pdf

 Ordinance - ZA 22-07 - CDO Article 4 and 8 re
Min. and Max. Parking for CC 2nd PH 01-09-23
(Final).pdf

 Ordinance - ZA 22-07 - CDO Article 4 and 8 re
Min. and Max. Parking for CC 2nd PH 01-09-23
(highlighted with changes).pdf



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8.05 Ordinance: Comprehensive Development Ordinance - Public Art ZA #22-09 (Office of City Planning, Planning Commission, Ordinance Committee)(2nd reading) (10 mins.)

Type: Action, Ordinance - Second Reading

Recommended Action: waive the reading and adopt the ordinance

ZA 22-09 CC PH version 1-9-23.pdf

ZA-22-09_Memo_PublicArt_CCPH.pdf

Signed CC Ordinance CDO - Public Art ZA #22-09.pdf

8.06 Burlington School District, re: City Council Budget Update January 9, 2023 (30 mins.)

Type: Discussion, Information, Presentation

20230109 City Council Budget Update.pdf

8.07 Authorization to accept grant funds for the operation of the Elmwood Emergency Shelter - CEDO (10 mins.)

Type: Action

Recommended Action: to approve the acceptance of grant funds in the amount of \$638,147 from the State of Vermont Housing and Opportunities Program for the operations of the Elmwood Emergency Shelter Community and authorize the Director of the Community and Economic Development Office to execute all documents necessary to accept the funding for the period through June 30, 2023, including retroactive approval for the period from October 1, 2022 to present, subject to the final review and approval of the City Attorney's Office

HOP Grant Memo (BoF and CC) 12-27-2022.pdf

BoF and CC Checklist - CEDO AHS HOP 01-03-2023.pdf

8.08 Resolution: Burlington Police Commission's Appreciation Of Burlington Police Department's Efforts On Gun-related Events (Councilor Paul) (10 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

*** note revised version of this agenda item, per Council President Paul, posted Friday, January 6, 2023 at 10:45pm ***

*** note addition of Councilors Shannon, Traverse, Barlow, Bergman, Carpenter, Magee and Brandt as cosponsors, per Council President Paul ***

Resolution - Police Commission - Police Commission Appreciation of BPD REVISED - FINAL.pdf

Resolution - Police Commission Appreciation for BPDs work 1.3.22 FINAL.pdf

Signed CC Resolution Burlington Police Commission's Appreciation Of Burlington Police Department's Efforts On Gun-Related Events (2).pdf



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8.09 Resolution: Implementation Of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 50,000 Square Feet Or Larger (Transportation, Energy and Utilities Committee)(15 mins.)

Type: Action, Resolution

Recommended Action: waive the reading and adopt the resolution

note communication from Pike Porter per City Council President Paul, posted on Monday, January 9, 2023, at 1:45 pm, LO

Resolution Carbon Fee 1-5-23.pdf

Communication Pike Porter, re FW Agenda item 8.09 relined resolution attached. Please submit for the record..pdf

Signed Cc resolution Implementation of A Carbon Pollution Impact Fee For New Construction And Large Existing Commercial And Industrial Buildings 50,000 Square Feet Or Larger.pdf

8.10 Human Resources Director Market Factor Adjustment - Mayor's Office (WAS AGENDA ITEM 7.08)

Type: Action

Recommended Action: authorize and approve the reclassification of the position of HR Director consistent with the market factor compensation range of \$119,531 to \$147,233

1-4-23 HR Director Market Factor Adjustment .pdf

City of Burlington Compensation Review for Director of HR 2022.pdf

9. Committee Reports (up to 15 mins.)

9.01 Verbal Reports

Type: Information, Procedural

10. City Council - General Affairs (up to 15 mins.)

10.01 Verbal Reports

Type: Information, Procedural

11. City Council President - Council Updates (up to 5 mins.)

11.01 Verbal Reports

Type: Information, Procedural



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12. Mayor - General Affairs (up to 10 mins.)

12.01 Verbal Reports

Type: Information, Procedural

13. Adjournment

13.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn

14. Informational and Non-Discrimination Statements

14.01 This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (865-7136)(TTY 865-7142). Persons with disabilities, who require assistance or special arrangements to participate are encouraged to contact 865-7000 (voice) or 865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. 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.

Type: Information