



April 25, 2022

Regular City Council Meeting - Monday, April 25, 2022, 6:00 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: add to the consent agenda item 6.30 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Inspection Services Contract; note version 2 of agenda item 7.04 Communication: Madeline Suender, Associate Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization of Sidewalk Reconstruction Program Budget and Construction Contract (per Norm Baldwin); (remove from the agenda item 7.05 Communication: Acting Chief of Police Jon Murad, Kerin Durfee, Director of Human Resources, re: Creation of Public Information and Community Engagement Coordinator (per COS Redell)

2. Work Session on Redistricting Priorities **start time: 6:00 pm - 7:00 pm**

2.01 Work Session on Redistricting Priorities: Dan Richardson, City Attorney, Meagan Tuttle, Director, Office of City Planning and Nancy Stetson, Senior Data Analyst**start time: 6:00 pm - 7:00 pm**

Type: Discussion, Information

note presentation slides per City Attorney Richardson posted on Tuesday, April 26, 2022, at 9:32 am, LO

 Signed CC Resolution Establishing An Ad Hoc Committee On Redistricting For 2021.pdf

 Council Work Session 04252022.pptx

3. Presentation Regarding Net Zero Energy Roadmap

3.01 Presentation Regarding Net Zero Energy Roadmap

Type: Communication, Information, Presentation

Updated presentation posted by Jordan Redell at 9:07 am on 4/24/2022

 NZE 2022 Roadmap Update.pdf

 NZE 2022 Roadmap Update - Updated.pdf

4. Public Forum: time certain: 7:30 pm - 9:30 pm **See item for signup instructions**

4.01 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



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5. Climate Emergency Reports

5.01 Climate Emergency Reports

Type: Information

6. Consent Agenda

6.01 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

6.02 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 042522
ccmtg LO.xlsx

6.03 Communication: Brian Pine, CEDO Director, re: Outreach for Elmwood Ave. Shelter Community and Community Resources Center Projects

Type: Action (Consent), Communication, Information

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

 Communication Brian Pine CEDO Director re
Outreach for Elmwood Ave. Shelter Community
and Community Resource Center Projects.pdf

6.04 Communication: Barry and Kathryn Trutor, re: KUDOS

Type: Action (Consent), Communication

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

 Communication Barry and Kathryn Trutor re
Kudos.pdf



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6.05 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 115 Saint Paul Street - American Flatbread

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 115 Saint Paul Street requesting use of the sidewalk for an outdoor seating area 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-115 Saint Paul-American Flatbread-ENC Packet.pdf

6.06 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 133 Bank Street - A Single Pebble

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 133 Bank Street requesting use of the greenbelt for outdoor seating area 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-133 Bank-A Single Pebble-ENC Packet.pdf

6.07 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: EIV Technical Services - 157 South Champlain Street - Encumbrance Permit Request

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 157 South Champlain Street requesting use of the sidewalk, greenbelt, and parking spaces for construction activities and vehicle staging, 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-157 S. Champlain ENC Packet.pdf

6.08 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 161 Church Street - Red Panda

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 161 Church Street requesting use of the sidewalk for an outdoor seating area 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-161 Church St-Red Panda-ENC Packet.pdf

6.09 Communication: Caleb Manna, Excavation Inspector, Department of Public Works, re: 131 Main Street - The Gryphon

Type: Action (Consent), Communication

Recommended Action: to approve the Encumbrance Application for 131 Main Street requesting use of the metered parking stall for outdoor seating area 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-131 Main-Gryphon-ENC packet.pdf



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6.10 Communication: Diane Carlisle, re: STR

Type: Action (Consent), Communication

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

Communication Diane Carlisle re STR.pdf

6.11 Communication: Steven A. Locke, Fire Chief, re: Ambulance Fee Increase

Type: Action (Consent), Communication

Recommended Action: to approve and authorize the increased fee structure for ambulance services effective upon passage as described in the memo by Chief Locke dated April 13, 2022

BoF Memo ambulance rate change Final.docx

Billing Rate Comparisons 2022 Final.pdf

BoF_City Council_Checklist Ambulance Billing Rate Increase.pdf

6.12 Communication: Steven A. Locke, Fire Chief, re: Fire Truck Purchase

Type: Action (Consent), Communication

Recommended Action: to approve and authorize Chief Locke to sign a contract to purchase three fire trucks manufactured by E-One and sold by Desorcie Emergency Products as described in the memo from Chief Locke dated April 14, 2022, subject to the prior review and approval by the Chief Administrative Officer and the City Attorney's Office

CC-BOF Memo re Authorization to Purchase Fire Trucks.docx

BoF_City Council_Checklist Fire Truck Purchase.pdf

6.13 Communication: Brian Pine, Director of CEDO, Rachel Jolly, Assistant Director, CJC, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Reclassification of one (1) role in the Community Justice Center

Type: Action (Consent), Communication

Recommended Action: To approve the: ☐ Reclassification and retitling of the DLS Case Manager and Program Assistant, a Regular, Full-time, NonExempt, AFSCME, Grade 15, role to Court Diversion Case Coordinator and Program Assistant, a Regular, Full-time, Non-Exempt, AFSCME, Grade 16, position in the Community Justice Center (CJC). Please note this request also includes retroactive pay of approximately \$967 due to the employee performing these new, higher level job duties since January 1, 2022.

2022.04.25 CJC Final Memo.pdf

2022.04.25 CJC BOF CC Checklist.pdf

6.14 Communication: Katherine Schad, CAO, Kerin Durfee, Director of Human Resources, Tony Berry, Human Resources Manager, re: Reclassification of one (1) Clerk/Treasurer position

Type: Action (Consent), Communication

Recommended Action: To approve the: ☐ Reclassification and retitling of the Senior Grants Manager, a Limited Service, Full-time, Exempt, NonUnion, Grade 20, position to Grants Director, a Regular, Full-time, Exempt, Non-Union, Grade 22, position in the Clerk/Treasurer's Office.

2022.04.25 CT Reclass Final Memo.pdf

2022.04.25 CT Reclass Checklist.pdf



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6.15 Communication: Cindi Wight, Parks, Recreation & Waterfront Director, re: Red Stone Cottage Restoration

Type: Action (Consent), Communication

Recommended Action: To approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract and any related documents needed to carry out the project with Farrington Construction., for a price not to exceed \$596,191 and a project contingency of \$59,619, subject to the review of the City Attorney's Office. To approve and authorize moving \$65,150 from 101-23-100-240.6600 □ Maintenance Contract to 101-23-100-240.9500_110 Capital Outlay.

20220425 Red Stone Cottage_BOF_CC
Memo_Final.pdf

20220425 BOF CC Checklist_Red Stone
Cottage.docx

6.16 Communication: Jake Clark, Encore Renewable Energy, re: UVM Solar Research and Testing Facility Certificate of Public Good Petition, Docket #22-1142-NM - Notice of Complete Petition

Type: Action (Consent), Communication, Information

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

Communication Jake Clark, Encore
Renewable Energy re UVM Solar Research and
Testing Facility Certificate of Public Good Petition,
Docket #22-1142-NM - Notice of Complete
Petition.pdf

6.17 2022-2023 Indoor and Outdoor Entertainment Permit Renewals: see attached list

Type: Action (Consent)

Recommended Action: approve the 2022-2023 Indoor and Outdoor Entertainment Permit Renewals as listed with all standard conditions

note standard conditions per Councilor Bergman, posted on Sunday, April 24, 2022, at 5:47 pm, LO

add Mir Mike's Pizza/Side Bar to indoor EP renewal list on Monday, April 25, 2022, at 4:45 pm, Lo

Indoor and Outdoor EP Renewals
2022-2023.pdf

2022-2023 Entertainment Permit Conditions
042422 LO.doc

6.18 Special Event Outdoor Entertainment Permit Application (May 27, 2022 - September 2, 2022): Orleans Events, LLC, d/b/a Arts Riot Truck Stop, May 27, 2022 - September 2, 2022, 4:30 pm - 10:00 pm, 377 Pine Street, Parking Lot, Dancing by Patrons: YES, Amplified Music: YES

Type: Action (Consent)

Recommended Action: approve the special event outdoor entertainment permit application (May 27, 2022 - September 2, 2022) for Orleans Events, LLC, d/b/a Arts Riot Truck Stop, 4:30 pm - 10:00 pm, 377 Pine Street, Parking Lot, Dancing by Patrons: YES, Amplified Music: YES

Special Event Permit Application Arts Riot
Truck Stop.pdf



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6.19 Communication: Katherine Schad, CAO, re: Approval of policy for board and commission compensation

Type: Action (Consent), Communication

Recommended Action: to approve and adopt the attached City Boards and Commissions Compensation Policy, effective retroactive to July 1, 2021

Memo on commission compensation policy
final.pdf

City Commissions Compensation policy - to
BOF_CC.pdf

6.20 Communication: Darren Springer, General Manager, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, Erica Ferland, Director of Information Technology, re: BED Backup Software/Hardware systems

Type: Action (Consent), Communication

Recommended Action: to authorize the General Manager of Burlington Electric Department to execute with Rubrik a contract for business system backup and disaster recovery hardware and software services in substantial conformance with the attached, for an amount up to \$181,000 subject to final review and approval by the City Attorney's Office

BoF-CC memo 04252022 BED backup
software systems_v3.docx

BOF CC Checklist_Rubrik042522.docx

Burlington Electric - Rubrik EULA_v3 -
2022.04.14.docx

6.21 Communication: Emily Byrne, Director of Finance, Burlington Electric Department, Emily Stebbins-Wheelock, Manager of Strategy & Innovation, Burlington Electric Department, Rich Goodwin, Director of Financial Operations, Clerk/Treasurer's Office, re: Electric Department Revenue Anticipation Note Renewal

Type: Action (Consent), Communication

Recommended Action: To approve: (1) The City's authorization to borrow an amount not to exceed \$5,000,000 from Key Bank National Association, or such other reputable bank or commercial lender as the Chief Administrative Officer may approve (the "Loan"), and to issue its revenue anticipation note and pledge the credit of the City for the repayment thereof (the "Note"), for the purpose of providing working capital for the Electric Department. The Loan shall be payable from the receipt of revenues of the Electric Department. The Note shall be a general obligation of the City and shall mature within two years from the date it is extended to the City. The Loan may be made on a draw-down basis, repaid and re-borrowed during such two-year period. The Loan may be renewed so long as the Note for such Loan matures within two years of the date it is renewed and issued. (2) The Mayor, the Chief Administrative Officer, and the Director of Financial Operations are authorized and empowered to execute and deliver (i) a loan agreement with the lender to evidence the Loan and the repayment thereof, (ii) the Note in the maximum principal amount of the Loan, together with any renewal notes, as and when the Loan is renewed, if applicable, (iii) such documents and instruments as the lender may request in connection with the Loan, in such form and with such terms as they deem necessary and in the City's best interest, and (iv) such other documents and instruments necessary or convenient in connection with the Loan, subject to prior review by the City Attorney or bond counsel to the City.

Memo BED Key Bank 2022 RAN_v3.docx

BOF CC Checklist Line of Credit 4.25.22.docx

BED 2022 Term Sheet 042122.docx



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6.22 Communication: Darren Springer, General Manager, James Gibbons, Director of Policy & Planning, re: BED Low-Income Pilot Rate and ARPA extension

Type: Action (Consent), Communication

Recommended Action: 1. ☐ To approve Burlington Electric Department filing a Low-income Pilot Rate with the Public Utility Commission as described in this memo. ☐ 2. ☐ To approve an extension of Burlington Electric Department's deadline for use of \$1.3 million in ARPA funds provided to the Burlington Electric Department in FY22 through the end of FY23, to support implementation of the Low-Income Pilot Rate. ☐

 BOF and CC Memo on Pilot Low-Income Rate-and ARPA 4.25.22_v3.docx

 BOF CC Checklist Pilot Low Income Rate 4.25.22.docx

6.23 Communication: Todd Rawlings, Housing Program Manager, CEDO, re: U.S. Department of Housing and Urban Development HOME-ARP Allocation Plan and Substantial Amendment to the 2021 Action Plan

Type: Action (Consent), Communication, Information

Recommended Action: A motion that the City Council approve the Final HOME-ARP Allocation Plan dated April 13, 2022(☐Plan☐) and authorizes and directs the Community & Economic Development Office to submit the Plan dated April 13, 2022 to HUD as a substantial amendment to the 2021 Action Plan.

 CEDO Memo to BoF CC to Accept HOME-ARP Allocation Plan 4 25 22.pdf

 HOME ARP Allocation Plan Final Draft 4 13 22.pdf

 BOF CC Checklist 4 25 22.pdf

6.24 Communication: Caleb Manna, Excavation Inspector, Phillip Peterson E.I., Public Works Engineer, Laura Wheelock, P.E., Senior Public Works Engineer, re: Undergrounding Designation of University Place

Type: Action (Consent), Communication, Information

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

 University Place Undergrounding Memo 4.25.22.pdf



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6.25 Communication: Chapin Spencer, Director, Lee Perry, Division Director DPW Maintenance, re: Additional Eight-Month Extension of Second Memorandum of Understanding re: 195-201 Flynn Avenue Lease Purchase Agreement and Drop Off Center

Type: Action (Consent), Communication

Recommended Action: to authorize an additional eight-month extension of the Second Memorandum of Understanding between the City and Chittenden Solid Waste District regarding a lease purchase agreement for the parcel located at 195-201 Flynn Avenue and the operation of a solid waste drop off center, extending the term of the memorandum to December 31, 2022, and to authorize the Mayor to sign an addendum to said memorandum effecting such, subject to final review and approval by the City Attorney's Office

CC-BOF Memo Approval For Additional 8 Month Extension CSWD 195-201 Flynn Ave Second MOU Final 4-21-2022.pdf

195-201 Flynn Ave MOU 1.24.22.pdf

CC Checklist CSWD 195-201 Flynn Ave. April 25, 2022.pdf

6.26 Communication: Max Madalinski, Parks Project Coordinator, re: Calahan Park Playground Replacement Contract with Kompan, Inc.

Type: Action (Consent), Communication

Recommended Action: to approve and authorize Cindi Wight, Director of Parks & Recreation, to execute a contract amendment and any related documents needed to carry out the project with Kompan, Inc., for a price not to exceed \$127,095.33 and a project contingency of \$10,000, subject to the review of the City Attorney's Office

20220425 BOFCC Memo - Calahan Park Playground Replacement.docx

20220425 Calahan Playground Replacement - BOFCC Checklist.docx

6.27 Proclamation: Mayor Miro Weinberger, re: Fair Housing Month

Type: Action (Consent), Communication

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

April 2022 - Fair Housing Month Proclamation.pdf

6.28 FIO Documents

Type: Action (Consent), Communication, Information

Recommended Action: for information only

FIO Documents.pdf



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6.29 Resolution: Adoption Of Updated Local Emergency Management Plan (Councilors Barlow, Bergman)

Type: Action (Consent), Resolution

Recommended Action: waive the reading and adopt the resolution

Resolution - Fire - Adoption of Local Emergency Management Plan (FINAL).pdf

BoF_City Council_Checklist Adoption of LEMP.pdf

Memo to support LEMP.docx

6.30 Communication: Phillip Peterson, EI, Public Works Engineer, Corey Mims, PE, Senior Public Works Engineer, re: CY22 Street Reconstruction Program Inspection Services Contract

Type: Action (Consent), Communication

Recommended Action: 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$2,854,497.25 for the projected construction and inspection costs to complete the CY22 Street Reconstruction Program. 2. To authorize the Director of Public Works to execute a construction inspection contract with Greenman-Pedersen, Inc. for inspection services for the Calendar Year 2022 Street Reconstruction Program in the amount of \$112,700.00, with an additional \$11,270.00 in contingency funds, totaling up to \$123,970.00, subject to the final review and approval by the Office of the City Attorney

BOF CC CY22 Street Reconstruction Inspection Services Memo.pdf

7. Deliberative Agenda

7.01 Outdoor Entertainment Permit Application (2022-2023): Butter, 1127 North Avenue

Type: Action

Recommended Action: approve the 2022-2023 Outdoor Entertainment Permit Application for Butter, 1127 North Avenue with all standard conditions

Outdoor EP Application Butter.pdf

7.02 Outdoor Entertainment Permit Application (2022-2023): Dedalus Wine Group, 388 Pine Street

Type: Action

Recommended Action: approve the 2022-2023 Outdoor Entertainment Permit Application for Dedalus Wine Group, 388 Pine Street with all standard conditions

Outdoor EP Application Dedalus Wine Group.pdf



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7.03 Communication: Corey Mims, P.E., Senior Public Works Engineer, Norman Baldwin, P.E., Assistant Director/City Engineer, re: Champlain Parkway Project Initial Construction Contract - Award Authorization

Type: Action, Communication

Recommended Action: to authorize the Director of Public Works to execute a contract with S.D. Ireland Kubricky Joint Venture LLC in an amount up to \$40,980,143.40 with \$4,098,014 (10%) in contingency funds, totaling up to \$45,078,157.40, for the Champlain Parkway Initial Construction Contract, subject to the final review and approval by the Office of the City Attorney

BOF CC Champlain Parkway Project Initial Contract Award 04252022.pdf

BOF CC Checklist_Champlain Parkway Initial Contract Award 04252022.pdf

7.04 Communication: Madeline Suender, Associate Public Works Engineer, Laura Wheelock, PE, Senior Public Works Engineer, re: Authorization of Sidewalk Reconstruction Program Project Budget and Construction Contract

Type: Action, Communication

Recommended Action: 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$900,000 for the projected construction costs to complete the CY22 Sidewalk Reconstruction Program. 2. To authorize the Director of Public Works to execute the construction contract for the Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$810,000, with an additional \$90,000 in contingency funds, totaling up to \$900,000 subject to the final review and approval by the Office of the City Attorney.

note version 2 of this agenda item per Norm Baldwin, posted on Monday, April 25, 2022, at 1:24 pm, Lo

042522 version 2 City Council Motion: 1. To authorize the Chief Administrative Officer, or her designee, to affect all necessary budget amendments and transfers of funds, as described in the attached project budget, to a total of \$900,000 for the projected construction costs to complete the Calendar Year 2022 Sidewalk Reconstruction Program. 2. To authorize the Director of Public Works to execute the construction contract for the Calendar Year 2022 Sidewalk Reconstruction Project with SD Ireland Brothers Corporation to the maximum limiting amount of \$810,000, with an additional \$90,000 in contingency funds, totaling up to \$900,000 subject to the final review and approval by the Office of the City Attorney. 3. To invite Department of Public Works staff to the May 2022 Transportation, Energy, and Utilities Committee to present on an updated Sidewalk Methodology and this update's impact on the Calendar Year 2022 Sidewalk Reconstruction Program for their review and consideration.

note presentation slides for this agenda item per Laura Wheelock, posted on Tuesday, April 26, 2022, at 8:05 am, LO

BOF CC CY22 4.25.22.v2 CY22 Annual Sidewalk Contract Memo and Budget.pdf

BOFCC 4.25.22 CY22 Annual Sidewalk Contract Memo and Budget.pdf

BOF CC Checklist_CY22 Sidewalk.pdf

BOFCCSlides 4-25-22 Sidewalk.pdf

7.05 Communication: Acting Chief of Police Jon Murad, Kerin Durfee, Director of Human Resources, re: Creation of Public Information and Community Engagement Coordinator **AGENDA ITEM REMOVED**

Type: Action, Communication

Recommended Action: We respectfully request that the City Council authorize the creation of the Public Information and Community Engagement Coordinator, a Regular, Full-time, Exempt, Grade 18 position.

20220420 creation memo for Public Information and Community Engagement Coordinator.pdf

Public Information and Community Engagement Coordinator Officer 04.2022 (003).pdf



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7.06 Communication: Kerin Durfee, Director of Human Resources, AFSCME Local #1343, re: Memorandum of Understanding between AFSCME Emergency Communications Specialists and the City of Burlington

Type: Action, Communication

Recommended Action: To approve the Execution of the Memorandum of Understanding between AFSCME Local #1343 and the City of Burlington for additional hourly compensation for Emergency Communication Specialists in the Burlington Police Department.

 20220420 MOU ECS MEMO Final_3.pdf

 BOF CC Checklist MOU.pdf

8. Committee Reports

8.01 Verbal Reports

Type: Information, Procedural

9. City Council - General Affairs

9.01 Verbal Reports

Type: Information, Procedural

10. City Council President - Council Updates

10.01 Verbal Reports

Type: Information, Procedural

11. Mayor - General Affairs

11.01 Verbal Reports

Type: Information, Procedural

12. Adjournment

12.01 Motion to adjourn

Type: Action, Procedural

Recommended Action: motion to adjourn



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13. Informational and Non-Discrimination Statements

13.01 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