

In the Council Chambers of the Showers City Hall, Bloomington, Indiana, on Wednesday, July 12, 2016 at 7:38 pm with Council President Andy Ruff presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
July 12, 2016

Roll Call: Granger, Sturbaum, Mayer, Sandberg, Ruff, Volan, Piedmont-Smith, Chopra, Rollo
Absent: None

ROLL CALL
[7:38pm]

Council President Ruff gave the Agenda Summation.

AGENDA SUMMATION
[7:39pm]

It was moved and seconded that Ordinance 16-08 be introduced and read by title and synopsis only. The motion was approved by a voice vote.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

Clerk Bolden read the legislation by title and synopsis, giving the committee recommendation do pass 7-0-1.

Ordinance 16-08 – To Amend
Title 9 of the Bloomington
Municipal Code Entitled “Water”
(Rate Adjustment)
[7:41pm]

It was moved and seconded that Ordinance 16-08 be adopted.

Director of Utilities, Vic Kelson, gave a presentation on the state and future plans of the City of Bloomington Utilities Department. He provided background information on the mission, role, and governance structure of the Utilities Department. He detailed how the rates and budget for the Utilities Department were set and governed. He summarized the assets owned by the Utilities Department. He explained that the purpose of the current request to raise rates on the water portion of Utilities was to stabilize the financial operations of the water portion of the Utilities Department and to provide money needed to carry out capital maintenance and enhancements of the system. He noted that the last rate increase was completed in 2010 and took effect in 2012. He summarized the ways in which increased funding was used for capital improvements, and detailed what efforts had been taken to improve efficiencies within their operations, including a focus on energy efficiency, procurement and inventory control, restructuring of debt, water conservation efforts, and working to improve digital solutions for customers.

He stated that the priorities for the current rate request would be water quality, infrastructure replacement and rehabilitation, and the introduction of smart technology and smart metering. He provided more detail on the state of water quality in Bloomington and went over recent issues with byproducts and the efforts to address such issues. He said that they were leaving open the possibility that they may need further review of how water was disinfected, or need further review of other procedures, and there was money in the rate request for this. He said they were expecting to spend money on the rehabilitation and replacement of infrastructure as pipes and other infrastructure aged. He detailed efforts to implement smart metering and advanced metering as a means to improve the efficiency of the billing process and the meter-reading process. These efforts were also a way to provide more information to both the Utilities Department and customers in order to monitor water usage and notice leaks. The only new position requested in this rate increase was a flushing coordinator/manager who would be responsible for the utilities water main flushing program. The department had a model in development, and would use it in the future to optimize the flushing processes.

Kelson explained the expected financial impact for customers based on various usage amounts. He provided an estimate of the total increase that various customers could expect when both the current water rate increase was added to the sewer rate increase that passed last month. He provided a rate comparison between Bloomington and comparable communities in Indiana. He gave a history of the combined rates compared to the Consumer Price Index. He noted that the Utilities Department had a program in place for lower income customers and for emergency situations. He said that this was the final action needed from the City on the rate request. The request then moved on to the Indiana Utilities Regulator Commission. The Utilities Department had until September 27, 2016 to file its petition with the IURC, but would likely have the petition filed in August, with a decision from the IURC expected by June 2017. The IURC had 300 days to respond to the petition and it usually used all of those days.

Ordinance 16-08 (cont'd)

Dave Rollo asked for additional information regarding water quality and by-products of the treatment process and the efforts to address these issues.

COUNCIL QUESTIONS
[7:57pm]

Kelson said efforts had been effective so far, and explained that some of the recent issues were caused by changes in the chlorination process involving at what stage in the water treatment process chlorine was added.

Rollo asked about ozonation as a possible strategy.

Kelson said they had not looked at ozonation. He said the process they were going through was to identify issues with the plants as they currently existed. He said they did not expect funding from the new water rate for at least a year or year and a half, stating that during that period, the department would assess any current operational issues with plants and look at alternate systems and cost savings.

Chris Sturbaum asked why the storm water rate was not increasing.

Kelson said the department did not have a financial shortfall on the storm water side, but did anticipate reviewing storm water rates in the future. The department knew water and sewer rates were the highest priorities.

Sturbaum mentioned that sidewalk work and drainage issues were impacted by not increasing storm water rates.

Isabel Piedmont-Smith asked whether the department had progressed in its consideration of the Everbridge Reporting system that was used by the County.

Kelson said they had not implemented that system, and the department's consideration of the system had not moved much beyond internal discussions. Kelson summarized some of the challenges in implementing such a system.

Piedmont-Smith asked about doing rate increases at regular intervals.

Kelson said the department would prefer to do regular rate increases to adequately keep up with infrastructure needs every 3-4 years.

Piedmont-Smith asked whether asking for rate increases was up to the department.

Kelson said it was up to the department, but they also received direction from their Board and from the administration. The department intended to ask for regular rate increases going forward.

Piedmont-Smith asked whether the Council could communicate its preference to the Mayor and the Utilities Board if the Council would also prefer to see regular rate increases.

Ordinance 16-08 (cont'd)

Kelson said yes, the Council could.

Rollo asked how long after the current requested rate increase would another increase be needed.

Kelson said he expected to request another increase in 4 years, though a specific time had not been set.

Rollo asked whether rate increases had been tracking cost of living increases, and also noted that the department had had projects beyond just maintaining stasis, such as capital improvements, expanding plants, and adding infrastructure.

Kelson said previous rate increases had paid for some of these things, but the customer base had been growing as well, and a growing customer base and capital needs went together.

Rollo asked about the comparatively low rates in the City of Hammond.

Kelson said Hammond used a different funding method than most places, and they also faced different treatment problems as a result of getting their water from Lake Michigan.

Andy Ruff asked how the department responded to concerns about the impact of the rate increase on people with fixed incomes and people with lower incomes.

Kelson said that the department worked hard to be as efficient as possible with its use of money, and tried to pursue various efficiencies within the department. He pointed to an established customer assistance program, and said people in difficult spots could turn to that. He said the program had 120-150 customers involved, and the department expected to have more money budgeted for the program in the coming year.

Ruff asked Kelson to comment on how increases in utility costs compared to increases in other expenses, such as healthcare.

Kelson said the cost for water had tracked the CPI pretty closely over the years. He said the current rate request was 22%, but that was after 6 years from last rate increase, so it equaled about 3% per year, which was close to the industry benchmark. He said no one liked to pay more for water, but the department needed to cover its costs. Kelson explained that because rates were fixed for years, the department had less and less available to pay for capital improvements as time passed, especially as operational costs increased over that same time period.

Rollo asked whether current rate payers were subsidizing new development or if there were changes they should make to make sure current customers were not subsidizing future growth.

Kelson said that by looking at historical rates, the answers were no, as the rates tracked closely with the CPI.

Rollo asked about Lake Monroe and its intended life-span, and whether the department had been tracking the status of the reservoir.

Kelson said that he did not know the plans of the DNR or the Army Corps of Engineers, but suggested the City be mindful of the state of the reservoir moving forward.

Rollo said that he thought it was wise, needed, and that the City was getting a lot for its money. He pointed out that the department had done a lot of catchup with old infrastructure. He said this increase was needed and that he wholly supported it.

FINAL COUNCIL COMMENT
[8:14pm]

Dorothy Granger said that she understood why the rate increase was needed and echoed Rollo's comments. However, she said it was frustrating that they waited so long that they got to that point where it seemed like a steep increase. She said she looked forward to doing increases on a more regular basis so as to avoid sticker shock.

Tim Mayer noted that he praised the director of the department at the last meeting, and wanted to also mention the Board of Directors, as well as Sam Frank, Board President, for the work they did.

Steve Volan reiterated the idea that it seemed to be the wish of Bloomington, maybe the City Council in particular, that they go to progressive rates for water, and it felt like they were on the right track.

Piedmont-Smith said she was glad to see that the rate payer assistance program was still in place.

The motion to adopt Ordinance 16-08 received a roll call vote of Ayes: 9, Nays: 0.

Ordinance 16-08 (cont'd)

Vote on Ordinance 16-08
[8:18pm]

It was moved and seconded that Ordinance 16-09 be introduced and read by title and synopsis only. The motion was approved by a voice vote.

Ordinance 16-09 – An Ordinance of the Common Council of the City of Bloomington, Indiana, Authorizing the Acquisition, Construction, Installation and Equipping by the City of Bloomington, Indiana, of Certain Improvements and Extensions to the City's Waterworks, the Issuance and Sale of Revenue Bonds to Provide Funds for the Payment of the Costs Thereof, the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds, and the Collection, Segregation and Distribution of the Revenues of Such Waterworks and Other Related Matters
[8:19pm]

Clerk Bolden read the legislation by title and synopsis, giving the committee recommendation do pass 7-0-1.

It was moved and seconded that Ordinance 16-09 be adopted.

Kelson introduced Deputy Director of Utilities, John Langley, Assistant Director for Transmission and Distribution, Tom Axsom, and Board President Sam Frank. Kelson said he was available for any additional questions.

The motion to adopt Ordinance 16-09 received a roll call vote of Ayes: 9, Nays: 0

Vote on Ordinance 16-09
[8:20pm]

It was moved and seconded that Ordinance 16-16 be introduced and read by title and synopsis only. The motion was approved by a voice vote.

Ordinance 16-16 – To Amend Title 4 (Business Licenses and Regulations) of the Bloomington Municipal Code - Re: Amending 4.16.010 (Solicitors - Definitions), 4.28.160 (Mobile Vendors - Standards of Conduct), and 4.30.150 (Pushcarts - Standards of Conduct) [8:21pm]

Clerk Bolden read the legislation by title and synopsis.

It was moved and seconded that Ordinance 16-16 be adopted.

City Attorney, Patricia Mulvihill, explained that Ordinance 16-16 is a cleanup ordinance in response to the Supreme Court Case *Reed v. Town of Gilbert*. It is also intended to match the Code with the Unified Development Ordinance update. Mayer thanked the legal staff for their work.

FINAL COUNCIL COMMENT

[8:23pm]

The motion to adopt Ordinance 16-16 received a roll call vote of Ayes: 9, Nays: 0

Vote on Ordinance 16-16

[8:24pm]

It was moved and seconded that Ordinance 16-14 be introduced and read by title and synopsis only. The motion was approved by a voice vote.

Ordinance 16-14 – To Amend Title 15 of the Bloomington Municipal Code Entitled “Vehicles and Traffic” - Re: Alley Parking; No Parking Zones; No Truck Parking Zones; Limited Parking Zones; Loading Zones; Removal and Impoundment of Vehicles; Pedestrian Crosswalks; Parking Permit Fees; Mayoral Authorization to Suspend Enforcement of Garages as Well as Meters; Fees for Law Enforcement Recordings; Class B, C, D, E, and H Traffic Violations; and, Appeals of Parking and Other Violations

[8:25pm]

Clerk Bolden read the legislation by title and synopsis, giving the committee recommendation do pass 1-1-6.

It was moved and seconded that Ordinance 16-14 be adopted.

Alison Chopra raised a question regarding the way in which the council should conduct its deliberations, and suggested the council proceed issue by issue.

Ruff said he had no objection to proceeding with the discussion in the manner proposed by Chopra, but noted that a vote would be on the entire Ordinance with the amendments to be proposed.

Volan said that dividing the question was a motion councilmembers could make should they desire to vote on separate sections of the Ordinance, but said there was no reason the council couldn't proceed with its discussion in the manner proposed by Chopra.

Council Attorney Dan Sherman noted that a motion to divide the question should be presented in writing, but for purposes of deliberation the council could proceed in the proposed fashion.

Mulvihill noted that the presentation prepared by staff may not have been organized in the way the Council wished to proceed, but said she would present what was prepared and attempt to accommodate Council's wishes.

Ruff noted that Councilmembers could ask questions on each section as presented.

Mulvihill provided an overview of the non-technical proposed changes in the Ordinance.

Council had additional discussion about how best to conduct the discussion and questioning.

Mulvihill provided detail regarding a fee newly authorized by state law for requests for law enforcement recordings. Mulvihill explained that state law requires redaction of certain information from law enforcement recordings before said recordings could be provided to the public. She said redaction of information increased the costs associated with complying with public requests for law enforcement information. Mulvihill summarized the current level of public requests for such information, and explained that those types of requests were likely to increase in the future as more people became aware of the availability of such information.

Chopra asked what type of people were requesting law enforcement recordings, aside from the use of the recordings in civil suits.

Mulvihill said that members of the media often requested the information, but requests could be made by any interested person. She said that in order to get the recordings, the requesting person must provide certain specific information, including the date, time, location, and one person involved in the incident at issue. She noted that while this would appear to limit who could make a request, any individual who wanted a recording could find the details needed to submit the request in other publicly available information, such as the daily log from the police.

Chopra asked whether this affected the prosecutor's office.

Mulvihill said no and pointed out that there are certain exceptions for criminal cases and investigations.

Volan asked how long the redaction of such videos took.

Mulvihill said that it depended on the scope of the request, but that she estimated, as an example, one day of redaction work for a typical domestic violence incident.

Volan asked how long after a request was made the City was able to comply with the request.

Mulvihill said it depended on the level or scope of the request, as well as on the number of other requests that were in the queue. Mulvihill said that under state law the City had to acknowledge the receipt of a request within 24 hours and must then give an approximate time by which the City would comply with the request. Mulvihill explained that requests for police records often involved more work than requests for records from other departments. She said complying with some requests could take weeks or months.

Volan asked whether the department had a standard by which it attempted to comply with requests.

Mulvihill said some requests were easier to comply with and could be turned back out in 2 to 3 days. She said more complicated requests took longer, but said the City tried to comply with requests as soon as possible and tried to do the first request in the queue first.

Volan asked whether anyone had ever complained that the City took too long to respond.

Mulvihill said yes, but noted complaints had not been just with the police department. She said the City as a whole had received complaints before. She said one example was when the City had to respond to a request related to the deer task force for emails that were voluminous in nature, which made it difficult to respond.

Volan asked why the ordinance only dealt with a fee for requesting police information.

Mulvihill said that the recently passed state law only dealt with fees associated with complying with requests for police information.

Granger asked how quickly this fee would take effect should the Ordinance be passed.

Mulvihill estimated two weeks.

Transportation and Traffic Engineer, Andrew Cibor, spoke about the technical proposed changes in the Ordinance. Cibor said the ordinance included a number of parking code updates, and gave a brief overview of each update included in the ordinance. Cibor discussed in more detail the changes proposed to be made on 1st Street.

It was moved and seconded to adopt Amendment 01-B to Ordinance 16-14.

Piedmont-Smith provided background information about the proposed amendment, stating that it was a proposal to continue to allow parking on the south side of 1st Street east of High Street, but to disallow parking on the north side. She said the amendment would also remove the allowance for 30-minute non-residential parking on 1st Street west of High Street. She said she felt it was a good amendment, especially with regard to not allowing the 30-minute non-residential parking exception, because if allowances were made in neighborhood parking zones for various entities (employers, schools, churches, etc.) it would set a bad precedent. She said there was a reason for neighborhood zones and she did not want to set a precedent for future such requests. Regarding 1st Street east of High Street, she said that limiting parking for certain hours on a public street felt like they would be acting as an extension of the schools, which they were not.

Amendment 01-B to Ordinance 16-14
[8:56pm]

Ruff said that he concurred with Piedmont-Smith and said this was why the neighborhood program was started. He said he might be more sympathetic if the school did not have a very adequate and carefully planned drop-off system, along with crossing guards. He said the justification for the exception did not seem solid and seemed inconsistent with the general policy. He said this amendment kept things consistent with other changes yet to be discussed, specifically near Juannita's Restaurant.

Volan asked Piedmont-Smith to clarify her earlier comments about 1st Street east of High Street being a public road.

Piedmont-Smith said she meant that it was not part of a residential zone and should be available more generally for parking as opposed to a street that was in a neighborhood zone.

Chopra disclosed that her children attended school at Binford-Rogers, and said that she thought she could vote fairly on this issue. Chopra asked co-sponsors Piedmont-Smith and Ruff whether they had considered adding 1st Street east of High Street to a neighborhood zone.

Piedmont-Smith said she had not considered whether to add 1st Street east of High Street to a neighborhood zone.

Ruff said that nothing east of High Street was in a neighborhood zone, and said the amendment was consistent with High Street being the border of the zone.

Chopra said she was asking whether a solution would be to add it to the neighborhood zone.

Piedmont-Smith said the initial proposal to restrict parking and not allow it during pick-up and drop-off times came from Monroe County Community School Corporation because they did not want parents to use that stretch of road as a pick-up and drop-off location, not because there was a lack of parking for other people.

Mulvihill said staff was fine with either the original ordinance or the amendment, but would have to conduct additional analysis before supporting an expansion of the neighborhood zone.

Chopra asked to clarify what problem this ordinance was designed to address.

Cibor said the school had been attempting to discourage parents from parking on 1st Street east of High Street for pick-up and drop-off as there was limited room to turn around, and parents sometimes used driveways and passed through areas where kids crossed the street. Cibor said the school raised significant safety concerns, brought forward the request, and the traffic commission recommended it.

Granger said that the playground was sometimes used on weekends, and it was nice to have parking available. She said this use was different than many parents attempting to drop kids off and then turn around and hurry to work.

Volan said he did not understand why this street should not just be added to the neighborhood zone.

Ruff said it should not be added to a neighborhood zone because this stretch of road had not had the kind of problems that were typically addressed by adding a neighborhood zone designation. Ruff said the property owner to the south had not complained and actually wanted to preserve parking on the road.

Cibor said the property owner on the south side of 1st Street east of High Street was notified of the school's request to limit parking during certain hours.

Volan clarified that the amendment would delete the restriction on parking.

Chopra asked how much of the concern from the school was related to safety and how much of it was wanting parents to comply with the drop-off and pick-up plan.

Cibor said the school had only expressed safety concerns to staff.

Piedmont-Smith asked for clarification of the concerns the school had regarding safety.

Mulvihill said that cars were turning around in driveways and also turning around into walking paths.

Chopra said it was likely the school has designed traffic patterns that could be disrupted by parents creating their own patterns, which reduced predictability and consistency regarding what to expect when kids were in the area.

Mayer asked about a picture presented at a previous meeting that depicted cars parked illegally.

Mulvihill confirmed that it was prohibited to park facing traffic.

Volan asked what the net effect of the amendment was.

Cibor said the effect was to allow parking on the south side of 1st Street east of High Street.

Volan asked how many spots were available on that stretch of road.

Cibor estimated four or five available spots.

Volan asked whether vehicles parked in that location would have to do a 3-point-turn to exit that area.

Cibor said yes, as the school had a number of signs posted telling vehicles to not enter.

Ruff clarified that parking in general would be allowed under the amendment, not just parents trying to park.

Amendment 01-B to
Ordinance 16-14 (cont'd)

Cibor said that the amendment would be adding a no parking zone on the north side of 1st Street east of High Street.

Volan asked whether these changes would force traffic to nearby streets.

Piedmont-Smith said hopefully parents would utilize the drop-off system designed by the school.

Mulvihill said the amendment limited parking on 1st Street west of High Street to neighborhood zone parking, which was limited to residents. She added that on 1st Street east of High Street, on the north side, no parking would be allowed, but on the south side, parking would be allowed generally. She said the effect of the amendment was to express the desire to keep residential zones available only to residents of those zones and to reduce the number of parents utilizing these spaces as a drop-off zone.

Volan asked whether a crossing guard would still be at 1st Street and High Street.

Mulvihill said yes, as students living in the neighborhoods near the school may walk to school.

Volan asked what the position of staff was on the amendment.

Mulvihill said staff has no objection and was neutral toward the amendment.

Volan asked why any parking should be allowed on either side of 1st Street east of High Street.

Mulvihill said that property owners requested to keep parking available.

Ruff said those spots also provided parking for the playground.

Rollo requested that staff display the picture referred to by Mayer that showed cars parked illegally.

Mulvihill said that staff could direct parking enforcement officers to pay particular attention to the area in question.

Ruff asked whether neighborhood parking officers could issue tickets for other violations.

Mulvihill said parking enforcement officers could enforce parking regulations across town.

Cibor displayed the picture requested by Rollo, which depicted cars parked on both sides of 1st Street facing west.

Mulvihill said that staff would convey to the parking enforcement officers to pay particular attention to this area.

Sandberg asked whether the property owners were in favor of the changes as originally proposed.

Cibor said that property owners, either in attendance at the traffic commission meeting or through letters, had requested to be able to park during the middle of the day, and that they were fine with prohibiting parking during drop-off and pick-up times.

Amendment 01-B to Ordinance 16-14 (cont'd)

Leo Pilachowski said he owned three empty lots on the southwest corner of 1st Street and High Street. He said he spoke with a neighbor to the west of him, and that he and the neighbor abutted the affected portion of 1st Street west of High Street. He said the amendment was fine, and that neither he nor his neighbor had a strong opinion about what went on east of 1st Street. He said both were in support of the amendment as it related to parking west of 1st Street. He said that the only other person in the neighborhood that spoke at the traffic commission meeting in favor of changing parking west of High Street did not live on 1st Street and that he was just expressing concern after talking with parents at the school.

PUBLIC COMMENT
[9:26pm]

Granger said she was happy.

FINAL COUNCIL COMMENT
[9:28pm]

Rollo said he appreciated the amendment and supported it.

The motion to adopt Amendment 01-B received a roll call vote of Ayes: 9, Nays: 0.

Vote on Amendment 01-B to Ordinance 16-14
[9:29pm]

Ruff directed the discussion back to Ordinance 16-14 as amended.

Cibor continued with his presentation and gave an overview of the requested change on the east side of Fairview Street adjacent to Juannita's Restaurant, which designated that stretch of road as a no-parking zone. He said the property owner north of Juannita's Restaurant on Fairview made the request.

Volan asked whether Juannita's Restaurant and the affected resident had any problem with the proposed change.

Cibor said Juannita's Restaurant voiced no concerns with the change, and the request itself actually came from the resident to the north of Juannita's Restaurant.

Volan asked whether parking would continue to be allowed on the west side of Fairview Street.

Cibor said yes.

Chopra asked whether the resident who made the request was Ms. Santamaria and whether this change was addressing the concerns she had voiced to councilmembers.

Cibor said yes.

Rollo directed the council's attention the intersection of Mitchell Street and Southdowns Drive. Rollo said a resident had requested that the council review this intersection as a stop sign that had been placed there blocks his driveway. Rollo reported that city engineering recommended that the stop sign remain, but that the issue was being referred to the traffic commission for its consideration. Rollo said he wanted to provide an update to the public and the council on the matter.

Volan said that he appreciated Chopra's concerns at the outset of the discussion over procedure and said her concerns demonstrated why omnibus ordinances were problematic. He said that was why he had been objecting to such ordinances for years and requested, if so many changes in the code were brought forward at the same time, that they be broken down into separate ordinances in order to be more easily discussed and voted on separately. He recognized staff for putting off some changes until after the council's summer break. He said the discussion would have been hard to follow for

FINAL COUNCIL COMMENT
[9:35pm]

those watching from home. He said the ordinance as a whole was acceptable, and thanked staff for their work. He urged city staff and council staff to present separate ordinances in the future.

Rollo concurred with Volan that some of the proposed changes were housekeeping in nature, while others were more complicated, and dividing the question might be a good idea in the future. He said he appreciated staff doing this work, especially planning staff for visiting the sites in question.

The motion to adopt Ordinance 16-14 received a roll call vote of Ayes: 9, Nays: 0.

Vote on Ordinance 16-14 as amended [9:38pm]

There were no changes to the council schedule.

COUNCIL SCHEDULE

The meeting was adjourned at 9:39pm.

ADJOURNMENT

APPROVE:



Andy Ruff, PRESIDENT
Bloomington Common Council

ATTEST:



Nicole Bolden, CLERK
City of Bloomington