

**RESOLUTION 19-19**


**TO AFFIRM A REQUEST FROM THE COMMON COUNCIL FOR THE FOOD AND BEVERAGE TAX ADVISORY COMMISSION TO MAKE A RECOMMENDATION FOR EXPENDITURE OF FOOD AND BEVERAGE TAX REVENUES TOWARDS PHASE II OF THE CONVENTION CENTER EXPANSION PROJECT**

- WHEREAS, the Common Council, in consultation with the Mayor and upon a written recommendation from the Food and Beverage Advisory Commission (Commission), intends to consider an appropriation of Food and Beverage Tax revenues before the end of the year; and
- WHEREAS, Appropriation Ordinance 19-09, in particular, would authorize use of Food and Beverage Tax revenues for the costs associated with Phase II of the design process for the Convention Center expansion project; and
- WHEREAS, according to Indiana Code § 6-9-41-16(b), the Bloomington Common Council, as legislative body of the City, “must request the advisory commission's recommendations concerning the expenditure of any food and beverage tax funds collected under this chapter... [and]... may not adopt any ordinance or resolution requiring the expenditure of food and beverage tax collected under this chapter without the approval, in writing, of a majority of the members of the advisory commission”; and
- WHEREAS, in the last week of November 2019, the City’s Controller, Jeff Underwood, and Corporation Counsel, Philippa Guthrie, made a request for a recommendation from the Commission on behalf of the Common Council; and
- WHEREAS, at its meeting on December 3<sup>rd</sup>, the Commission postponed action the Common Council request in order to confirm the intentions of the Council and clarify the request; and
- WHEREAS, in response, the Common Council notes that this request: 1) sought a recommendation for the expenditure of funds to pay for consulting/design services for the expansion of the Convention Center and related parking garage, 2) was made on behalf and accurately stated the intention of the Council, and 3) appeared under Item 5 of the agenda for the meeting of the Commission on December 3<sup>rd</sup>; and
- WHEREAS, in addition, the Common Council clarifies the request in response to discussion at the meeting of the Commission on December 3<sup>rd</sup> in the attached Exhibit A to this Resolution, which requests a recommendation for expenditure of a total of \$6,250,000, including \$5,900,000 for Phase II costs, and a retroactive affirming recommendation of \$350,000, which was previously approved, appropriated and expended for Phase I costs;
- WHEREAS, the City Council and Mayor intend that the expenditure shall only be made after the contract for design has been transferred to, and accepted by, a governing entity agreed upon by the City and County;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

The Common Council, under Indiana Code § 6-9-41-16(b), hereby affirms its request for the Food and Beverage Tax Advisory Commission to consider and adopt written recommendations regarding the expenditure of Food and Beverage taxes as set forth in the attached Clarified Request (Exhibit A).


PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4 day of December, 2019.

  
\_\_\_\_\_  
DAVE ROLLO, President  
Bloomington Common Council

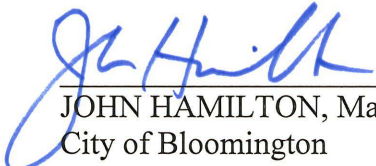
ATTEST:

  
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon  
this 5 day of December, 2019.

  
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 5<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution affirms and clarifies the request of the Common Council for the Food and Beverage Tax Advisory Commission to recommend expenditure of Food and Beverage Tax revenues toward Phase II of the design process for the Convention Center expansion project.

*Note: This resolution was amended to insert the last Whereas clause.*

Distributed to Mayor, Council Attorney, Clerk, Controller, Legal, County Commissioners, County Council, County Auditor, County Legal

**EXHIBIT A**

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The City of Bloomington Common Council seeks a recommendation from the F&B Tax Advisory Commission for the expenditure of funds from food and beverage taxes collected to pay for consulting/design services for the expansion of the convention and civic center and related parking garage. The architects, Convergence and Schmidt, have completed Phase I of the design, which included community engagement and site plan development. The next step will be to contract for Phase II--the design portion. The architects have advised that fees and expenses for design of such a project are typically between 5-10% of the estimated construction cost of the project. The estimated cost of the project is a total of \$59 million, which includes \$44 million for the expanded convention and civic center and \$15 million the associated parking garage. The City Council therefore affirms its request for a recommendation for expenditure of 10% of the estimated construction cost of the project in the amount of \$5,900,000.

In addition, the City requests a retroactive recommendation for expenditure of \$350,000 for Phase I costs. The F&B Tax Advisory Commission previously recommended approval to the Bloomington Common Council of \$4 million for architecture fees based on the estimated project cost at that time of \$30-40 million. The Common Council appropriated \$350,000 of that recommended amount and it was already expended for architectural fees for Phase I.

The total request for recommendation for expenditure, therefore, is \$6,250,000.