



City of Bloomington Common Council

Legislative Packet

Committee of the Whole Discussion

28 July 2010

Office of the Common Council
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Bloomington, Indiana 47402

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Packet Related Material

Memo
Agenda
Calendar
Notices and Agendas:

- **Revised Schedule of Budget-Related Hearings in July, August and September**
- **Notice of Council Sidewalk Committee Meeting** on Tuesday, July 27th at 11:30 a.m. in the Council Library

Legislation for Discussion at the Committee of the Whole:

- **Res 10-13** To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regard to 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) (To Purchase Two Vans for the Critical Incident Response Team)
- Memo from Patty Mulvihill, Assistant City Attorney; Agreement
Contact: Patty Mulvihill at 349-3426 or mulvihip@bloomington.in.gov
- **Ord 10-08** To Amend the Bloomington Zoning Maps from Quarry (QY) to Residential Medium-Density (RM) - Re: 3020 and 3040 S. Rockport Road (Rockport Road Trust LLC, Petitioner)
Contact: Jim Roach at 349-3527 or roachja@bloomington.in.gov

Please see the [14 July 2010 Council Legislative Packet](#) for the Legislation, Material and Summary for Ord 10-08

Memo

Two Items Ready for Discussion at the Committee of the Whole on Wednesday, July 28th

There is a resolution (Item One) and an ordinance (Item Two) ready for discussion at the Committee of the Whole next Wednesday. The resolution, related memo and agreement are included in this packet and summarized herein. The link to the ordinance is provided at the beginning of this memo.

Revised Budget Schedule – Conforms with Annual Schedule

The Schedule of Budget-Related Hearings distributed on July 9th has been revised and is being distributed in this packet. The primary reason for the revision is to conform the proposed date for final adoption of the budget to the Annual Schedule. Usually the Council adopts the budget legislation at a Special Session on the second Wednesday in September. However, this year, the second Wednesday falls on Rosh Hashanah (the Jewish New Year). Because of Rosh Hashanah, and because the Council can skip that evening and still meet for the usual four evenings during the month (due to a fifth Wednesday), the Annual Schedule set the final adoption of the budget legislation on the third Wednesday (September 15th). The Revised Schedule makes that change along with:

- Stating that the public hearing on the budget legislation will be held during the Committee of the Whole on September 1st;
- Changing the names of Council members who chair meetings based upon the vacation plans of members; and
- Correcting some clerical errors.

Item One – Res 10-13 – Authorizing Execution of an Interlocal Cooperation Agreement with the County Regarding Disbursal of a 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) to Purchase Two Vans for the Multi-Jurisdictional Critical Incident Response Team

Res 09-11 authorizes the execution of an Interlocal Cooperation Agreement with the County regarding the disbursal of an Edward Byrne Memorial Justice Assistance Grant (JAG) funds for 2010. The \$43,446 award of federal Office of Justice Program JAG funds is available this year to the City and Monroe County and will be used to purchase two 15-passenger vans for the Critical Incident Response Team (CIRT). The

CIRT is a multi-jurisdictional group with members from a number of local emergency service agencies that handle “critical incidents”- which has been loosely defined as situations that exceed the likely capabilities of “normal” policing methods.

You may recall that the Council approved two JAG awards in 2009. The first award came forward as part of the Federal Recovery Act and was for \$209,379. With that award, the City purchased about 26 Mobile Data Terminals, an Automatic Vehicle Locator system and associated MapTrack software, and the County purchased two motor vehicles. The second award, like the one proposed at this time, came forward under the usual annual grant schedule and was for \$41,900. With that award, the City purchased and installed digital audio-visual recording systems for its Interviewing and Breath-Test rooms as well as in-car cameras for its two canine units, and the County purchased and installed a new telephone/intercom/radio recording and logging system.

Grant

The grant would replace one unreliable, 18-year old Ryder-style van, which has about 112,000 miles on the odometer, with two new American-made 15-passenger vans for the Critical Incident Response Team (CIRT). The CIRT was established in 1986 and has grown over the years to include members from the Bloomington Police Department, Monroe County Sheriff’s Office, Bloomington Fire Department, Bloomington Hospital Ambulance Service and the Monroe County Central Emergency Dispatch Center. These members form units that provide special weapons and tactics (SWAT), paramedic, fire suppression, crisis negotiation, crisis dispatch, and evidence collection capabilities in the event they are asked to address critical incidents. CIRT’s primary responsibilities include:

- handling violent or potentially violent situations (including the arrest of violent offenders and any terrorist threat) that exceeds the likely capabilities of “normal” policing methods; and
- protecting visiting dignitaries.

The new vans will be more reliable, efficient and functional than the existing windowless van.

Agreement

As a requirement for an award, the City and the County must enter into a “Memorandum of Understanding” (Agreement) which is attached to the resolution.

In brief, the Agreement:

- “reflects the commitments and understandings ... of the governmental entities in order to efficiently and effectively utilize proceeds” from this award;
- gives the entire award of \$43,446 to the City, who will use it to purchase two 15-passenger vans for the multi-jurisdictional Critical Incident Response Team;
- makes each party solely responsible for its own actions in furnishing services under this agreement;
- requires each party to communicate and cooperate with each other and to make good-faith efforts to obtain all necessary funds and otherwise comply with the Agreement;
- conditions performance of the duties under the Agreement on the receipt of sufficient JAG funds; and
- is to be narrowly construed in regard to the obligations of the parties and does not create rights for persons who have not signed it.

NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, JULY 28, 2010
COUNCIL CHAMBERS
SHOWERS CENTER, 401 N. MORTON ST.

Chair: Tim Mayer

1. Resolution 10-13 To Approve an Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in Regards to 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) (To Purchase Two Vans for the Critical Incident Response Team)

Asked to attend: Patty Mulvihill, Assistant City Attorney

2. Ordinance 10-08 To Amend the Bloomington Zoning Maps from Quarry (QY) to Residential Medium-Density (RM) – Re: 3020 and 3040 S. Rockport Road (Rockport Road Trust LLC, Petitioner)

Asked to attend: James Roach, Senior Zoning Planner
Representative of the Petitioner



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of July 26-31, 2010

Monday, July 26, 2010

4:00 pm Council for Community Accessibility, McCloskey
5:30 pm Bloomington Human Rights Commission, McCloskey

Tuesday, July 27, 2010

11:30 am Council Sidewalk Committee, Council Library
4:00 pm Bloomington Community Farmers' Market, Madison St; between 6th & 7th St
5:15 pm Solid Waste Management District Citizens Advisory Committee, McCloskey
6:00 pm Emergency Shelter Task Force, Council Chambers

Wednesday, July 28, 2010

2:00 pm Hearing Officer, Kelly
4:00 pm Dr. Martin Luther King Jr. Birthday Commission, McCloskey
5:30 pm Traffic Commission, Council Chambers
7:30 pm Common Council Committee of the Whole, Council Chambers

Thursday, July 29, 2010

10:30 pm County Address Coordination Meeting, McCloskey
5:00 pm Bloomington Community Arts Commission, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers

Friday, July 30, 2010

No meetings are scheduled for this date.

Saturday, July 31, 2010

8:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

Posted and Distributed: Friday, July 23, 2010



City of Bloomington
Office of the Common Council

MEETING NOTICE

Common Council Sidewalk Committee Meeting

The Common Council Sidewalk Committee will meet at 11:30 a.m., Tuesday, July 27, 2010 in the Council Library of City Hall (401 N. Morton Street, Suite 110).

Because a quorum of the Common Council may be present, this meeting may constitute a meeting of the Council as well as of this committee under Indiana Open Door Law. Therefore, this provides notice that this meeting will occur and is open for the public to attend, observe, and record what transpires.

Posted: Friday, July 27, 2010

**REVISED SCHEDULE
FOR BUDGET-RELATED HEARINGS AND
OTHER MEETINGS OF THE COMMON COUNCIL
TO BE HELD IN JULY, AUGUST & EARLY SEPTEMBER OF 2010
Departmental Budget Hearings (6:00 pm), Regular and Special Sessions (7:30 pm)
in the City Council Chambers (Room 115)
Showers Center - 401 North Morton Street**

July

Wednesday, July 7, 2010 Presiding: Piedmont-Smith 7:30 pm
Special Session

Wednesday, July 14, 2010 Presiding Piedmont-Smith 7:30 pm
Common Council Regular Session

Monday, July 19, 2010 Chair: Sandberg 6:00 pm
Departmental Hearings

Overview
Compensation and Health Insurance
Employee Services
Legal (*Includes Risk Management, Human Rights, and Board of Public Safety as Programs*)
Information and Technology Services
Telecommunications
City Council
City Clerk
Controller (*Includes Bonds and Leases*)
Office of the Mayor

Tuesday, July 20, 2010 Chair: Satterfield 6:00 pm
Departmental Hearings

Police Department
Police Pension
Fire Department
Fire Pension
Public Transit
Utilities

Wednesday, July 21, 2010 Chair: Sturbaum 6:00 pm
Departmental Hearings

Planning
Housing and Neighborhood Development
Community and Family Resources
Parks and Recreation
Economic and Sustainable Development

Thursday, July 22, 2010 Chair: Volan 6:00 pm
Departmental Hearings

Public Works
 Public Works General
 Sanitation
 Facilities
 Fleet Maintenance
 Traffic Control
 Street
 Parking Enforcement
 Engineering
 Animal Control

Wednesday, July 28, 2010 Chair: Mayer 7:30 pm
Common Council Committee of the Whole

August

Wednesday, August 4, 2010 Presiding: Piedmont-Smith 7:30 pm
Common Council Regular Session

(Council August Recess Begins After August 4th Meeting and Ends September 1, 2010)

September

Wednesday, September 1, 2010 Presiding: Piedmont-Smith 7:30 p.m.
Common Council Regular Session

Introduction of Budget and Non-Budget -Related Ordinances
(Immediately Followed By)

Chair: Rollo

Common Council Committee of the Whole

Discussion and Public Hearing for Budget-Related Legislation

(No Meeting on Wednesday on September 8, 2010)

Wednesday, September 15, 2010 Presiding: Piedmont-Smith 7:30 p.m.
Common Council Special Session

Final Action on Budget-Related Ordinances
(Immediately Followed By)

Chair: Rollo

Common Council Committee of the Whole

(Council intends to meet on the remaining Wednesdays in September according to its posted annual schedule.)

These meetings are open for the public to attend, observe and record what transpires.

Revised Schedule Dated and Posted: July 23, 2010

The revisions: 1) changed the date for final action on the budget from September 8th to September 15th and noted that the Council will not meet on September 8th (both per Annual Schedule); 2) stated that the public hearing on budget will be held during the Committee of the Whole on September 1st; 3) changed the names of the members who are chairing meetings based upon the most recent plans of the members; and 4) removed an erroneous sentence under the July 21st Departmental Hearings;

RESOLUTION 10-13

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2010 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)
(To Purchase Two Vans for the Critical Incident Response Team)**

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).

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

SECTION 1. The Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regards to 2010 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2010.

ISABEL PIEDMONT-SMITH, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2010.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2010.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana regarding the use of the 2010 Edward Byrne Memorial Justice Assistance Grant. The Interlocal Agreement provides that the City will utilize all of the available funds to purchase two vans to be utilized by the Critical Incident Response Team.

MEMORANDUM

To: Common Council

From: Patricia Mulvihill, Assistant City Attorney

Date: July 19, 2010

Re: Resolution 10-13

The City and the County were jointly awarded \$43,446.00 in grant funds from the federal government. The funds are to be utilized for public safety purposes. The County Sheriff's Department and the City's Police Department have determined that the best use of the funds will be to purchase two new vans to be utilized by the Critical Incident Response Team ("CIRT"). CIRT is a multijurisdictional critical incident and counter-terrorism unit comprised of members from the following: City of Bloomington Police Department, Monroe County Sheriff's Department and the Indiana University Police Department. In order for the City to utilize all of the \$43,446.00 to purchase the two CIRT vehicles, the County and the City need to enter into an interlocal wherein the County agrees to waive its right to any of the funds and the City agrees to use the funds for the sole purpose of purchasing the two CIRT vans.

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2010 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities jointly exercise powers through Interlocal Cooperation Agreements; and
- WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and
- WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and
- WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG).

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

Monroe County, Indiana (hereinafter, "County") agrees that it will not collect any of the \$43,446.00 of funds received from the 2010 Edward Byrne Memorial Justice Assistance Grant (hereinafter, "JAG") and that the City of Bloomington, Indiana (hereinafter, "City") shall collect and deposit all of the \$43,446.00 in JAG funds into its own account.

Section 2. Use of Funds

City agrees to use all of the \$43,446.00 for the purchase of two fifteen passenger vans to be utilized by the Critical Incident Response Team, said team being a multijurisdictional critical incident and counter-terrorism team comprised of members from the City Police Department, the County Sheriff Department and the Indiana University Police Department.

Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other than claims for which liability may be imposed by the Indiana Tort Claims Act.

Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Intent

Be entering into this Agreement, the entities do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

SO AGREED this _____ day of _____, 2010.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

MARK KRUZAN, Mayor

REGINA MOORE, Clerk

MONROE COUNTY, INDIANA

ATTEST:

PATRICK STOFFERS, President
Monroe County Commissioners

AMY GERSTMAN, Auditor

IRIS F. KIESLING, Vice President
Monroe County Commissioners

MARK STOOPS, Commissioner
Monroe County Commissioners

Approved this _____ day of _____, 2010, by the City of
Bloomington Common Council.

ISABELLE PIEDMONT-SMITH, President
Bloomington Common Council