

In the Council Chambers of the Showers City Hall on Wednesday, July 2, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 2, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Granger, Neher, Mayer, Rollo
Absent: Spechler, Volan

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

The minutes for the Special Session of June 11, 2014 were approved by a voice vote.

APPROVAL OF MINUTES

Susan Sandberg congratulated the same-sex couples who were able to be married during the three days marriage licenses were issued in Monroe County. She hoped this would be the beginning of the end of Indiana's insistence to pursue the ban by amending the constitution or keeping a ban in place. She said the tide had turned quickly and it was a civil rights issue, one that should not be turned back in time. She said that validating love was a beautiful thing and a good omen for progressive things to occur in Indiana.

REPORTS

- COUNCIL MEMBERS

Chris Sturbaum said that Indiana eventually got to where it should be – with health care and Sandberg's issue. He noted, too, that his little grandson was now walking.

Darryl Neher echoed Sandberg's comments. He said he wanted to be at the Justice Building on the day of the marriages and said he participated in a ceremony, a truly moving experience. He said that he knew so many friends of his in the line to get licenses and joined in the excitement, the congratulations, and that being in that moment was so special. He said he would be so glad when these moments would be common place in Bloomington and Indiana.

Tim Mayer said the Utilities Services Board for the City of Bloomington Utilities had adopted a Conservation Plan. He said it was part of an agreement with the Indiana Utility Regulatory Commission in regards to the last rate increase which would place an emphasis on conservation. He said the Rate Study was in progress and there had been one presentation from Crowe Horwath on the partial results.

There were no reports from the Mayor or other City Offices at this meeting.

- The MAYOR AND CITY OFFICES

There were no reports from council committees at this meeting.

- COUNCIL COMMITTEES

Neher called for public comment.

- PUBLIC

Kathleen McConahay, board member of the Monroe County Court Appointed Special Advocates, spoke of the mission of the organization, and spoke about child abuse, and asked that people consider volunteering as a courtroom advocate for local children. She noted that volunteer advocates would be trained for this job.

There were no appointments to Boards or Commissions at this meeting.

APPOINTMENTS TO BOARDS
AND COMMISSIONS

It was moved and seconded that Resolution 14-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that this item was not heard in committee.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

It was moved and seconded that Resolution 14-12 be adopted.

Resolution 14-12 To Approve the
Interlocal Agreement between the City
of Bloomington and Monroe County,
Indiana For Joint Use of Fuel Stations

Patty Mulvihill, Assistant City Attorney, said the resolution would extend the agreement for the county to use the city fuel stations because their station was at the Monroe County Airport. She said that this would

save fuel expenses, wear and tear on vehicles, and would facilitate better environmentally friendly practices by both governmental entities. She talked about one fundamental change of the administrative fee for this agreement of \$.35 per gallon which would be billed monthly to individual county departments. She said the agreement would last for five years, but that there was a clause that asked for a review of administrative costs in six months. She said the County Commissioners and the Board of Public Works (with mayoral approval) would work to adjust the administrative fee, if necessary.

Rollo asked about the share of city vs. county use of the facility. Mulvihill offered to find out the information.

He asked if the Bloomington Transit and Utilities used the city pumps. Mulvihill said that Utilities did but she did not know about Transit.

Neher asked if fee changes were required to be approved by the council. She said it would be approved by the Board of Public Works with a secondary approval from the Mayor.

There were no public comments on this item.
Council comments were brief:

Mayer thanked Mulvihill for her work.

Rollo said the measure seemed logical and efficient, and supported it.

Sturbaum said the agreement made sense.

Resolution 14-12 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded that Ordinance 14-10 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0. It was moved and seconded that Ordinance 14-10 be adopted.

John Whikehart, Deputy Mayor, presented the ordinance to the council. He said the ordinance would eliminate the Engineering division of the Public Works Department and would transfer those employees, positions, and functions to a new Planning and Transportation Department that would have a more uniform administration of planning and transportation functions. He said this would allow the city to more comprehensively address transportation planning and to implement public infrastructure designs consistent with the planning, development and growth policies of the city. He said the position of Traffic Engineer and City Engineer would be combined into one position for greater efficiencies and greater direction of the planning processes within the department.

He said the creation of a new Assistant Director of Operations in the Public Works Department would not be the same as the position that was eliminated recently (Deputy Director of Finance). He said the new position would have responsibility for personnel management within the department of 94 employees and five distinct divisions. He outlined a few of the responsibilities within this position.

He said moving the Parking Enforcement Division to the Police Department would allow for more of a community policing approach. Financial issues within the Parking Division would fall under the Controller's office. Parking Policies would fall under the Planning and Transportation Department and would include pricing, hours, residential zones, garages, lots, on street parking configuration, communication, marketing, and outreach which would include parking review and reports that would come to the Council. He said one additional position within the police department would be created entitled "Parking

Ordinance 14-10 An Ordinance to Amend Ordinance 13-16, Which Fixed Salaries for Certain City of Bloomington Employees for the Year 2014 - Re: To Centralize Planning and Transportation Functions of the City by Eliminating the Engineering Division of the Public Works Department, Shifting Engineering Functions to Planning and Replacing the Planning Department with a "Planning and Transportation Department;" To Create a New Position in the Public Works Administration Division of the Public Works Department entitled "Assistant Director;" and To Better Facilitate Strategies Associated with Community Policing by Eliminating the Parking Enforcement Division of the Public Works Department and Moving Parking Enforcement Division to the Police Department.

Services Manager" to deal with garage issues with the end of the REI contract.

Whikehart said there were no additional funds needed for these changes. He said \$68,000 in salaries for positions that had been vacated but not been filled was adequate to fund the changes for the rest of the calendar year.

Sturbaum asked how the Board of Public Works role would change with these changes being made. Whikehart said it would not change. Both the Planning and Transportation Department and the Public Works department would be reporting information to the Board. Sturbaum asked if a council created bike boulevard could be vetoed by the Board of Public Works if they didn't like some aspect of it. Whikehart said it would be taken to them for approval as usual.

Rollo asked how street design would occur and be reviewed by the Plan Commission. Whikehart said there would still be reports made to the Plan Commission from the Department of Planning and Transportation. Rollo asked if they would have a greater role in the development of streets. Whikehart said they would. He said that was one of the reasons for the development of the department in this way -- to eliminate conflict which had existed in the past. He said this reorganization would result in a more cohesive transportation plan.

Neher asked about the impact of the transition between the current REI management of the garages and the internal management. Whikehart said that the activities in management would be taken on by the city. He said that the contract with REI had five one year renewals, and they would stay until the end of the year. He said they would try to keep on the people who were employed by REI including the Parking Services Management position with REI. He said data collected would be shared with the Planning and Transportation Department as policy would be examined and reported to the council. He said that the six month transition period would also examine other REI services including facilities, customer services and custodial services, to explore either keeping them as contractual services or adding them to a specific city department's responsibility.

Sturbaum said he was looking forward to bike boulevards with traffic calming. He was concerned, however, that the Board of Public Works members were not in favor of that policy of traffic calming, and that personal preference could be a road block to traffic calming in bike lanes. He said his belief was that the BPW's role was one of a review of public safety rather than of implementation of policy based on their personal views of traffic calming. He said he was airing an old grievance and wanted to clarify the role of BPW in these areas. He asked that the role of the BPW be clarified.

Whikehart said two different takes on engineering in the past (from two different departments) had probably contributed to the issue. He added that it wouldn't happen any more; there would be leadership in engineering that would come from both the transportation and planning function. He said conflicting views of engineers wouldn't be presented to the BPW. Sturbaum said the people would still be the same and the issue would still be there.

There were no comments by the public on this issue.

Granger said that she liked the fact that some of these changes came from recommendations from staff and the police department.

Rollo agreed that this was a great idea. He said he shared Sturbaum's implementation of transportation planning which in the past was often done from a straight engineering perspective. He said those policies

were often in conflict with multi-modal forms of transportation. Having engineering in the new department and having that department implementing the Imagine Bloomington policy would prevent conflict.

Ordinance 14-10 (cont'd)

Ordinance 14-10 received a roll call vote of Ayes: 7, Nays: 0

It was moved and seconded that Ordinance 14-11 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the committee recommendation of do pass 7-0-0. It was moved and seconded that Ordinance 14-11 be adopted.

Ordinance 14-11 To Amend Various Chapters of the Bloomington Municipal Code Located in Title 2 (Administration and Personnel), Title 6 (Health and Sanitation), Title 10 (Wastewater), Title 11 (Lakes and Reservoirs), Title 12 (Streets, Sidewalks and Storm Sewers), Title 14 (Peace and Safety), Title 15 (Vehicles and Traffic), and Title 17 (Construction Regulations) – (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and Reflect Actual Practices and Policies in Affected Sections)

Patty Mulvihill, Assistant City Attorney, said that the ordinance would change the Bloomington Municipal Code to reflect the organizational changes that were passed in the previous ordinance. She said when updates were prepared for a code chapter the entire chapter was scanned for any other typographical errors or other changes that needed to be made. She said this included policy changes and obsolete segments.

Amendment #1 to Ordinance 14-11

It was moved and seconded to adopt Amendment #1 to Ordinance 14-11. The synopsis follows:

This amendment is sponsored by Councilmember Neher and makes three minor corrections to the Ordinance.

- 1-The ability to collect fines under Chapter 12.08, entitled Excavations, is added to the Ordinance Violations Bureau.
- 2-Section 12.08.060 is deleted in its entirety. The City does not utilize this section because of the inherent difficulties in maintaining and accounting for the "deposits", and the preferred method is to have the contractor bond for the work as required by 12.08.050.
- 3-The original ordinance inadvertently deleted any reference to street cuts. This ordinance proposes placing the street cut requirements in Section 17.08.010 and deletes references to the obsolete street cut requirements and instead requires the street cuts to be made in accordance to standards established by the Planning and Transportation Department.

Neher said he was offering this amendment on behalf of the administration. He said it would correct three things that were not included in the ordinance as submitted to the council because of the extensive package of changes. Mulvihill explained the changes regarding Excavations and street cuts. She apologized for not catching this omission earlier.

There was no public or council comment on this amendment.

Amendment #1 to Ordinance 14-11 received a roll call vote of Ayes: 7, Nays: 0.

Neher called for questions on the ordinance as amended.

Ordinance 14-11 as amended.

Sturbaum again asked the role of the Board of Public Works in relation to transportation and planning, with special attention to progressive changes that the Platinum Bike Force wished to make. He said in one instance it vetoed something he felt was in line with city policy, in effect, making city policy according to their wishes.

Mulvihill said she didn't have the statute at hand, but referred to Whikehart's earlier statement. She noted that the BPW had relied heavily on information from staff members, and that conflicting information should no longer be an issue. She also noted that the proposal at hand was an initial change, but more code changes could happen after the merge took place, if needed. Sturbaum asked her to research the division of planning and building activities between the Planning and Transportation Department and the Public Works Department.

There were no comments from the public on this ordinance.

Ordinance 14-11 as amended (cont'd)

Ruff said he appreciated Mulvihill getting back to him regarding the question he had on snow and ice removal. He noted that in their email exchange, he didn't have a lot of complaints, but that there needed to be a discussion of issues that would help develop policies better for this area. He said there were issues in Chapter 6.07 and that he was a little reluctant to vote on fines when there were issues to be worked out. He noted that he wanted to get together with a group to discuss policy implementation of this area of the code in the attempt to improve it. He noted Mayer's interest in the topic and suggested him for the group.

Sturbaum said this was a good change. He said often the street department would push snow onto cleaned sidewalks and it would then re-freeze. He wondered about an appeals process for those notices of violations.

Mayer said it would be good to have the discussion about policies suggested by Ruff, and then thanked Mulvihill for her diligence and editorial work on the code.

Rollo said that he would also like the information promised to Sturbaum regarding the planning and building separation of duties between the two city departments.

Ordinance 14-11 as amended received a roll call vote of Ayes: 7, Nays: 0

Appropriation Ordinance 14-01 Additional Appropriation for Bloomington Transportation Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)

LEGISLATION FOR FIRST
READING
Appropriation Ordinance 14-01

Dave Schliebaum talked about the possibility of the new transit station being designated as a Safe Place for women and children during bad weather.

PUBLIC COMMENT

Mayer noted that this issue was part of the Transit Board's agenda recently.

Neher announced a Special Session of the council would be held on July 9, 2014 before the regularly scheduled Committee of the Whole. He asked Dan Sherman, Council Attorney/Administrator to outline the implications of setting the agenda for that day.

COUNCIL SCHEDULE

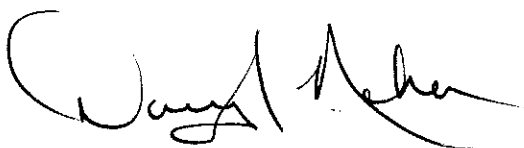
Neher noted the list of upcoming legislation that needed to be handled before the council recess. He asked for council concerns about having a special consideration of a streamlining process where unanimous consent and two-thirds vote would be required to hear and pass legislation in one night. He said he thought it was straightforward, and would like to set the agenda in that manner. There were no comments, questions or concerns from those present; Neher said he would inform the council members who were not present.

The meeting was adjourned at 8:30 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington