In the Council Chambers of the Showers City Hall on Wednesday, July 9, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
July 9, 2014

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

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

LEGISLATION FOR FIRST READING

Ordinance 14-12 To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and to Render Applicable Sections Reflective of the City's Practices and Policies)

Ordinance 14-12

Ordinance 14-13 To Amend Ordinance 13-15 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2014 – Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

Ordinance 14-13

Ordinance 14-14 To Amend Ordinance 13-16 Which Fixed the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2014 – Re: Adding a Position in the Office of the City Clerk (Records Archivist)

Ordinance 14-14

LEGISLATION FOR SECOND READING AND RESOLUTIONS

It was moved and seconded to consider Ordinance 14-12 on the same night that it was introduced. This was a procedural motion that was undebatable, and would require unanimous consent to pass.
The motion was approved by a roll call vote of Ayes: 7, Nays: 0 (Volan out of the room).

Motion to consider Ordinance 14-12 on the same night as first reading

It was moved and second that Ordinance 14-12 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there was no Do Pass recommendation on this item.
It was moved and second that Ordinance 14-12 be adopted.

Ordinance 14-12 To Amend Chapter 20 (Unified Development Ordinance) of the Bloomington Municipal Code (Codifying Departmental Reorganization Proposed in Ordinance 14-10 and Using this Occasion to Fix Typographical Errors and to Render Applicable Sections Reflective of the City's Practices and Policies)

Patty Mulvihill, Assistant City Attorney, stated that this ordinance would reflect all of the changes in the Code that were created with two previous ordinances that reorganized and moved several departments. She said that the title of the Planning Department would be changed everywhere it appeared in the Bloomington Municipal Code to the title Planning and Transportation Department, any reference to the Planning Director would be changed to the Planning and Transportation Director, all references to Planning Staff would be changed to staff, and any reference to the Engineering Department would be changed to the Planning and Transportation Department.

Also, she said that references to the Director of Public Works in reference to the City Engineer were changed to the Director of Planning and Transportation to reflect the change in reporting, references to the City Engineer were changed to Transportation and Traffic Engineer. Spelling and typographical errors in these sections were corrected, and the ordinance also changed gendered pronouns to gender neutral pronouns.

Council Questions:
Volan asked if the City Engineer was required to report to the Public Works Department. Mulvihill said that the City Engineer needed to be appointed by the Mayor and needed to sit on the Plan Commission, but the code did not dictate to whom the Engineer needed to report.

Volan asked if staff had concerns about having the Engineer report to the

Ordinance 14-12 *(cont'd)*

lead staff member supporting the commission. Mulvihill said that staff could not see any conflict of interest because, ultimately, the Engineer and Planning and Transportation Director had to report to the Mayor.

Spechler asked what Title 20 was. Mulvihill said that it was the city's ordinance that regulated zoning and subdivisions within the city. It also set development standards and demolition of buildings.

Spechler asked what would change in Title 20. Mulvihill said that names were changed to be consistent with previous ordinances that had been passed by the council. She clarified that the ordinance would not change policy.

There was no public comment on this ordinance.

Council Comments:
Mayer thanked Mulvihill for all the work on the ordinance.

Granger said she appreciated moving towards gender neutrality in the language of the code.

Volan said that he had wanted a Transportation Department within the city for years. He said this was the next best thing, and he was happy staff would have more authority and be efficient in implementing policies. He said that city goals would be more likely to be implemented with everyone in one department.

Spechler said that most planning decisions in recent years had involved transportation issues. He said this change would make sure planning and transportation would be consistently designed. He said he would support the ordinance.

Neher reminded the council that because the ordinance was considered the same night it was introduced it would require a 2/3 majority to pass.

Ordinance 14-12 received a roll call vote of Ayes: 8, Nays: 0.

Resolution 14-13 To Approve and Authorize the Execution of a Collective Bargaining Agreement Between the City of Bloomington and the Bloomington Metropolitan Professional Firefighters, Local 586

It was moved and seconded that Resolution 14-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there had not been a committee hearing on this item.
It was moved and seconded that Resolution 14-13 be adopted.

Neher noted that Resolution 14-13 and Ordinance 14-13 were companion pieces of legislation that should be resolved at the same time.

Margie Rice, Corporation Counsel, said that both the firefighters' union and the administration had many meetings to reach the agreement. She said that many representatives from both sides of the negotiation were present at the meeting to answer questions. She said that negotiations formally began in June of 2013 and there were seven formal sessions. She said that 13 different versions of the agreement were created throughout the process. She said that the free advisement service of the Federal Mediation and Conciliation Services was required to break a negotiation impasse and neither party left the negotiation completely satisfied.

She said base pay would stay the same in 2014 with a 1% raise in 2015 and 1.5% raise in 2016. Longevity pay increased by five hundred dollars per category, except the final category (20 years of service) which increased by twelve hundred and fifty dollars. She said that the increased longevity pay was the final piece to reaching an agreement. The agreement also eliminated additional certification (EMT, membership in the Confined Space Rescue Team, and coordination of the Confined Space Rescue Team) in favor of a one-time one thousand dollar buyout for each firefighter whether or not they had the certifications. She said the EMT certification was now a requirement for employment. Duties of the Confined Space Rescue Team would be transferred to a new team within the department.

She said that bereavement and pregnancy leave had been changed to be

consistent with the city's personnel policies. She said that disciplinary measures older than three years could be considered in personnel disputes if those measures were brought before the Board of Public Safety. Previously, those measures could not be considered after three years.
Bob Loviscek, President of Bloomington Professional Firefighters Local 586, asked for the council to approve the contract. He said that organized labor had accepted a 0% increase for the last few years in order to balance the budget. He said that Bloomington Firefighters were 38th in the state in compensation and that future spending priorities should be changed in order to ensure that fair and just compensation increases be given. He thanked Rice and her team for a very professional negotiation process.

Council Questions:
Sandberg asked if the administration foresaw a time when union contracts would include higher salary increases. Rice said that the administration was working towards being able to do that. She said that stagnated revenue streams made it difficult to be able to provide raises for employees. She said that past contracts had 3% salary increases and the administration needed to make up for that with smaller raises.

Spechler asked if increasing pension costs with longevity pay would affect the budget. Rice said that the state reimbursed the city for some pension costs, but she was not prepared to give hard numbers.

Spechler asked how the city would incentivize firefighters to seek an EMT certification without the extra pay. Rice said that there was a $4,800 cap on certification pay for each firefighter and removing base level certification from this amount would free up that money to go to rewarding other certifications.

Spechler asked if the department had enough EMT certified firefighters to respond in an emergency. Loviscek said that 70% of the department had this certification and that there were enough certified members to respond in an emergency.

Spechler asked if a retiree would receive more in pensions because of the proposed increase in longevity pay. Loviscek said that was true.

Rollo asked what the difference between being ranked 38th and 10th in the state for firefighter pay was. Loviscek said that the difference was around $10,000, but they did not expect to be paid equivalently to Indianapolis or Carmel. He said being ranked 38th was a concern for the members of the union. Rice noted that the ranking did not take into account the longevity boost, clothing allowance, or certification pay. She said that ranking did not tell the whole story.

Sturbaum noted that a firefighter crew attending the meeting had hurried out the door in the middle of the last question. He asked where the fire was. Loviscek gave the location, and Sturbaum thanked them for their work.

Volan asked if the way to fix the ranking was higher pay or more staff. Loviscek said that salary and manpower were not comparable. He said that the public would be safer with more police and firefighters on the ground, and he added that a report would soon be released that detailed the manpower needs of the city.

Sandberg asked what strain the department currently experienced and how much turnover the department faced. She also asked what the growth of the downtown would do to the department. Loviscek said that the area could experience a 17% growth in population and that would strain the department. He said the turnover rate of the department was around 36%, mostly due to retirement. Roger Kerr, Fire Chief, said that turnover would increase because a large group was preparing for retirement. He also said that the department had people leave the department to become Chiefs and Operation Chiefs in other cities. He added that new buildings in the downtown had built in fire suppression but having more people created more need for EMT services.

Sandberg asked if low salaries caused turnover. Kerr said he did not

Resolution 14-13 *(cont'd)*

believe so.

Spechler said that ranking departments was deceptive. He asked if people wanted to come to work for the department. Kerr said that Bloomington was a destination point for people who wanted to work as firefighters. Spechler asked if the department was losing people due to the salaries offered. Kerr said they were not.

Rollo asked if the fire department needed more facilities to adequately serve the city. Kerr said that the growth of the city to the south and southwest would create a future need for new stations. He said that each station was packed with equipment to keep up with needs. Rollo asked when a new station would be needed. Kerr said it would be five to seven years.

Neher asked what the administration could do to prepare for the next collective bargaining agreement. Loviscek said that the recent negotiation had illuminated some changes that both sides would need to implement. Rice agreed with Loviscek and added that working with limited resources made the decisions difficult. She said that starting the process earlier would allow the next negotiation to be smoother. Loviscek said that the city had the best labor management relationship in Southern Indiana.

There was no public comment on this legislation.

Spechler said that he was unclear on the impact of the pension increase. He said that department was not getting a 0% raise because they were getting money outside of their base pay. He said that objective indications showed that the compensation was fair.

Granger thanked negotiators for their work. She said she would support the resolution.

Sandberg said that it was a source of pride to have a strong fire department that served as a model for the rest of the state. She said she hoped that the city could do a better job at fairly compensating the department in the next contract.

Rollo echoed Sandberg's comments. He said the most important role of government was public safety, and he was concerned about being ranked 38th in the state. He said that he would support the resolution because both parties were in agreement.

It was moved and seconded to consider Resolution 14-13 after discussion of Ordinance 14-13. Neher reiterated that Ordinance 14-13 would require unanimous consent to be considered that evening.

The motion to continue consideration until after Ordinance 14-13 received a roll call vote of Ayes: 7, Nays: 0 (Volan out of room)

Motion to consider Ordinance 14-13 on the same night as first reading

It was moved and seconded to consider Ordinance 14-13 on the same night that it was introduced. This was a procedural motion that was undebatable, and would require unanimous consent to pass.
The motion was approved by a roll call vote of Ayes: 7, Nays 0 (Volan out of the room).

Ordinance 14-13 To Amend Ordinar 13-15 Which Fixed the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2014 – Re: Reflecting Collective Bargaining Agreement Affecting Positions in the Fire Department

It was moved and seconded that Ordinance 14-13 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting that there had not been a committee hearing on this item.
It was moved and seconded that Ordinance 14-13 be adopted.

Margie Rice, Corporation Counsel, said that the ordinance would change the salary ordinance to reflect the contract that would be approved by Resolution 14-13.

Council Questions:

Volan asked when the contract negotiations started. Rice said that they started on June 5, 2013 and lasted until June 4, 2014.

Volan asked why the process lasted so long. Rice said that there were seven formal meetings with many communications in between. She reiterated that there were 13 versions of the contract during negotiation. Loviscek added that the negotiation was slightly longer than usual, but he did not think it was noticeably longer than it should have been.

Ordinance 14-13 *(cont'd)*

Volan said that the council was asked to approve the contract and related ordinance in a single night. He asked if thought was given to the council schedule. Loviscek said that he appreciated that the council was willing to work on an abbreviated timeline.

Volan asked why the union wanted the legislation passed that evening. Loviscek said that passing the legislation this evening would allow the changes to take effect by the end of the month.

Spechler asked how much the contract would cost the city.
Rice said that the administration estimated the total cost would be $471,000. Dan Sherman, Council Attorney, said that the previous four year contract was $355,000 each year.

Volan asked council staff asked why the council did not consider the legislation sooner. Neher said that the legislation reached the council the previous week, and that evening's schedule was full. He said that the council had discussed the need for an expedited discussion the previous week when Volan was absent. Sherman said that the legislation did not arrive early enough to introduce the legislation the previous week. He reminded Volan about the multitude of legislation that had recently come before the council.

Volan asked the administration why the legislation did not reach the council earlier. John Whikehart, Deputy Mayor, said that the administration was respectful of the council's schedule and time and did not want to overburden their schedule.

There was no public comment on this legislation.

Council Comment:
Volan objected to introducing and discussing the ordinance on the same evening.

Spechler said it was hard to turn down a contract that had been agreed on by both sides, but he questioned the cost figures that were given for the contract.

Mayer thanked union membership and Rice for going through difficult negotiations. He said that money was tight for the community, and he appreciated everyone working to ensure that the city did not overextend financially. He said that every time a firefighter left the station on a run, they put their lives at risk. He said he hoped the city could do better in the future.

Granger noted that the cost of the contract was listed clearly in the supplemental information to the ordinance. She said she would support the ordinance.

Ordinance 14-13 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 1 (Spechler)

Resolution 14-13 received a roll call vote of Ayes: 8, Nays: 0

Vote on Resolution 14-13

It was moved and seconded that Appropriation Ordinance 14-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, and noted that there had not been a

Appropriation Ordinance 14-01
Additional Appropriation for Bloomington Transportation

committee hearing on this item. She also noted that public comment on this ordinance constituted the duly advertised public hearing.
It was moved and seconded that Appropriation Ordinance 14-01 be adopted.

Corporation for 2014 (For Downtown Transit Center, New Transit Bus, and Professional Services)

Appropriation Ordinance 14-01 *(cont'd)*

Lew May, General Manager of Bloomington Public Transportation Corporation (PTC), said that the appropriation would cover the cost of three items in 2014: additional costs of the Bloomington Downtown Transit Center, a 40-foot diesel bus, and professional services. He added that a portion of the cost would be paid for through the reserve fund of the PTC. He said that construction of the transit center encountered problems when construction workers discovered fuel tanks under the concrete slab underground, and he said that the soil was contaminated and needed to be replaced. He detailed the surprise costs in construction and added that the corporation intended to pursue litigation against the original owners of the land to recoup some of the costs. He said that the planned size of the center was increased when the 911 Emergency Dispatch Center was added on the top floor of the facility and when designers added a multipurpose room to the floorplan. He said that some elements were removed from the project to offset some of the extra costs he listed.
May said that the Indiana Department of Transportation gave a grant to the corporation to replace a diesel bus, but they needed to replace two more. He also said that recently acquired bus tracking software needed to be maintained by a professional, but they overlooked this cost in their original budget for the year.

Council Questions:
Mayer asked for more detail about what construction unearthed at the site. May said that eight underground storage tanks were found underneath the original building that were not mentioned in the sale. He reiterated that the previous owners could be liable for the cost of removal.

Mayer asked if the corporation pursued brownfield funding from the Indiana Department of Environmental Management. May said no grant money was available.

Mayer asked if the nearby Fleener Building was being remediated. May said that the work on the building was finished, but the construction on both the Fleener Building and the transit center occurred at the same time. He said construction from the Fleener Building caused wastewater to flow on to the transit site that needed to be cleaned up.

Rollo asked why the fuel tanks were missed in the environmental survey. May said there was no indication that there were fuel tanks beneath the building. He said soil testing around the building showed no contamination.

Rollo asked how the corporation would use reserve funds. May said that they were used for capital replacements and matching federal grant funds.

Rollo asked where the reserves came from. May said that all funding sources contributed to the reserve fund. He said that having six months of the annual budget in reserve was fiscally sound.

Rollo asked if the dispatch center was paid for by the PTC. May said that they provided no financial assistance for the construction of the center, but the delay in design for the center increased construction costs for the corporation.

Rollo asked if the new bus would be a hybrid vehicle. May said it would not be, because a hybrid bus was too tall to fit under the 10th Street underpass.

Volan asked if the county, which was partially responsible for the dispatch center, should contribute financially for the delay caused by the dispatch center. May said that having police presence in the center was worth the extra cost associated with the delay.

Volan reiterated his question. May said that the dispatch center could have been built anywhere, but the corporation wanted it in the transit center.

Appropriation Ordinance 14-01 *(cont'd)*

Volan asked what features of the facility were scaled down to save money. May said that they removed a traffic gate and adjusted alley width to reduce the need for traffic calming design around the facility.

Spechler asked if May had asked the city or county to approve the changes to the facility. May said they did not.

Volan asked about the art installation for the center. May said that the Bloomington Arts Commission would install an abstract piece on the Walnut Street side of the facility.

Volan asked when the installation would occur. May said it would be before the center opened in early August.

Volan asked when the dispatch center would start its operation. May said he thought it would be early August as well.

Rollo asked May to speak to the value of the facility to public transportation. May said it was a once in a career type of investment. He said transit centers in other cities across the state were opening new centers in their downtowns. He said that it was critical for public transportation. He said that the design included opportunities for expansion as use of public transportation increased. He said the old center had no passenger amenities, but the new one had modern amenities to serve the three and a half million riders each year. He said that further growth was expected, and the center was designed to accommodate it. He said Rural Transit and intercity bussing systems would partner with the corporation.

Granger asked what would happen with the old transit center site. May said that the land was owned by the city and the building was owned by the corporation. He said that the Federal Transit Association needed to determine what would happen with the building. He said that he expected the building to be returned to the city.

Volan asked if airport shuttles could use the center. May said that if they were interested, the corporation would be happy to work with them.

Volan asked if rapid transit routes would be implemented in the future. May said that the center could accommodate them. He said that rapid transit could be used on campus.

Volan asked why a wall was constructed on the southern side of the land. May said that the center could not have an adverse effect on an historical property according to federal law. He said the wall was designed to look similar to the historical building on the land south of the center.

Volan asked for more information about the reserve fund. May said that it was primarily used to replace older busses because vehicles' lifespans ranged from 4-12 years. He said other expenditures could include bus tracking technology and other capital improvements.

Neher asked if more costs could arise as the construction came to a close. May said that they included extra dollars in the appropriation in case of additional costs.

Neher asked how long it would take the corporation to recoup the reserve dollars spent on the project. May said the corporation expected to finish the year with $4.1 million, but the future would depend on how many dollars came from the state and federal government.

Spechler asked if IU busses would use the center. May said that IU expressed no desire to use the facility, but the facility would be open and able to accommodate them in the future.

Spechler asked if there would be a cab stand near the building. May said that cabs could use the lane in front of the building to pick up and drop off passengers but could not solicit customers from the area.

Appropriation Ordinance 14-01 *(cont'd)*

Public Comment:
Larry Jacobs, Chamber of Commerce, praised May for his work with the transit corporation. He encouraged the council to approve the ordinance.

Council Comment:
Volan said he had a tour of the facility and was impressed. He said the facility was a long overdue improvement to the community, and he was pleased that it was nearing completion. He said the costs were reasonable, and he was glad to know that the corporation would be pursuing remediation from the previous owner to recoup the cost of removing the fuel tanks. He said he would support the ordinance.

Rollo said he hoped that future projects would try other methods to discover potentially contaminated soil. He said he thought the center would be a strong boon to the downtown area, and he said he would support the ordinance.

Mayer said he had been following the transit corporation since the 70s, and he saw incredible growth in use of the busses. He said he was happy with how the building looked.

Volan added that there would be eight bike lockers and twenty-two bike racks on site. He said the multipurpose room in the building could seat fifty people and could be used for public meetings.

Granger commended May on his incredible work on the project. She said she liked the way it looked and appreciated the expansion of the alley along the south of the facility. She said she was proud to support the ordinance.

Sturbaum said that the design money was well spent. He said that the quality of the local materials used in the construction was a positive addition. He congratulated the corporation on their work.

Neher said he hoped everyone had learned from the extra costs that had appeared through the construction. He said the facility would provide necessary services for many years, and he thanked May for answering the council's question.

Appropriation Ordinance 14-01 received a roll call vote of Ayes: 8, Nays: 0

COUNCIL SCHEDULE

Dan Sherman, Council Attorney/Administrator, noted that there were no items on the council's schedule that needed immediate attention.

ADJOURNMENT

The meeting was adjourned at 10:10 pm.

APPROVE:

Darryl Neher, PRESIDENT
Bloomington Common Council

ATTEST:

Regina Moore, CLERK
City of Bloomington