



City of Bloomington Common Council

Legislative Packet –Addendum

**(Issued on Wednesday, 20 May 2020 and revised with
corrected information on 02 June 2020)**

Wednesday, 20 May 2020

Regular Session

Starting at 6:30 PM

Two committee reports, a potential amendment to Appropriation Ordinance 20-02, and follow-up information (corrected 6/2/2020) on Appropriation Ordinance 20-02 are contained herein.

Please see the note on the [Agenda](#) addressing public meetings during the public health emergency

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

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Administration Committee City of Bloomington Common Council

Report on Referral of:

Ordinance 20-08 - An Ordinance to Amend Ordinance 19-21, which Fixed Salaries for Appointed Officers, Non-Union, and A.F.S.C.M.E. Employees for All the Departments of the City for the Year 2020 - Re: Adding a Position in the Information and Technology Services Department and Changing the Title in One Position and the Grade in another Position for Two Divisions within the Police Department

Referral and Deliberations

Date	Entity	Action
5/6/2020	Council Regular Session	Introduction and Referral to Administration Committee
5/13/2020	Administration Committee	Considered the proposal; do pass recommendation received vote of 4-0-0; Committee will return the proposal and report at the 5/20/2020 Common Council Regular Session.

Recommendations

The committee met on May 13, 2020 for approximately 15 minutes. The Committee heard a presentation on the ordinance from Caroline Shaw, Human Resources Director. Members asked a few questions regarding the fiscal impact of the proposed changes contained in the ordinance, with the largest impact coming from the addition of a new position in the ITS Department. The Committee recommended do pass with a vote of 4-0 in support of the ordinance.

Approved by:

/s/Stephen Volan

/s/Sue Sgambelluri

/s/Jim Sims

Transportation Committee City of Bloomington Common Council

Report on Referral of:

Appropriation Ordinance 20-02 To specially appropriate from the Local Income Tax Special Distribution Fund, Motor Vehicle Highway Fund, Motor Vehicle Highway Restricted Fund, and Cumulative Capital Development Fund Expenditures Not Otherwise Appropriated.

Referral and Deliberations

Date	Entity	Action
5/6/2020	Council Regular Session	Introduction and Referral to Transportation Committee
5/13/2020	Transportation Committee	Discussion of Appropriation Ordinance. Voted 2-1-1; will return to Common Council Regular Session on May 20, 2020.

Recommendations

The committee met on May 13, 2020 for approximately 1.5 hours. The hearing was held to discuss appropriation of funds for two road improvement projects (Sare Road and College Mall Road) and moving funds from the Motor Vehicle Highway (MVH) fund to a restricted MVH per new state requirements. The road improvement projects received the most attention.

Sare Road Multiuse Path and Intersection Improvement Project

- Appropriates \$900,000 from the Local Income Tax (LIT) Special Distribution Fund as part of the local match for an Indiana Department of Transportation (INDOT) grant.

Committee members asked questions about funding, including whether this special distribution was a one-time event, if Bloomington might receive this type of funding again in the future, whether the 2016 LIT funding interest can be used for pedestrian/bicycle infrastructure projects.

College Mall Repaving (E. 3rd Street to Moores Pike)

- Transfers \$386,000 in the Cumulative Capital Development Fund from Category 2 (Supplies) to Category 4 (Capital), to match funds awarded from INDOT's Community Crossing Matching Grant program.

Committee members raised concerns about repaving this section of College Mall Road without adding protected bike lanes, which is listed as a priority in the city's Transportation Plan. Staff reported that traffic counts on College Mall Road are not recent, and proper studies have not been conducted that would indicate what type of redesign to add bike lanes would be appropriate on this portion of College Mall Road. In applying for the Community Crossing Matching Grant

(CCMG), a “shovel ready” road improvement project was needed, and Planning and Transportation worked with Public Works to select this project. Staff also reported that this section of College Mall Road was repaved 20 years ago, was given a pavement rating of 5/10 in 2017, and is due for repaving. Committee members generally agreed that the city should be using our 2019 adopted Transportation Plan to choose road projects that will improve travel for all modes of transportation with an emphasis on walking and bicycling. In the discussion, it was advised to improve our road improvement selection process so that we can have “shovel ready” multimodal projects. While some committee members agree to matching the CCMG award and taking advantage of grant money to repave a road that is overdue, others see the required match as having to use city funds that could otherwise be re-appropriated for multimodal projects that are more in line with our goals set out in the Comprehensive Plan and Transportation Plan.

The do pass recommendation received a Committee vote of 2-1-1.

Approved by:

/s/Kate Rosenbarger

/s/Isabel Piedmont-Smith

/s/Stephen Volan

/s/Ron Smith

***** Amendment Form *****

App Ord #: 20-02
Amendment #: 01
Sponsored By: Cm. Rosenbarger
Date: 20 May 2020
Proposed Amendment:

1. The title for Appropriation Ordinance 20-02 shall be amended by inserting the word “And” between “Motor Vehicle Highway Fund” and “Motor Vehicle Highway Restricted Fund” and by striking the words “and Cumulative Capital Development Fund” such that the title shall read as follows:

TO SPECIALLY APPROPRIATE FROM THE LOCAL INCOME TAX
SPECIAL DISTRIBUTION FUND, MOTOR VEHICLE HIGHWAY FUND,
AND MOTOR VEHICLE HIGHWAY RESTRICTED FUND EXPENDITURES
NOT OTHERWISE APPROPRIATED

2. Appropriation Ordinance 20-02 shall be amended by striking the final Whereas clause.
3. Appropriation Ordinance 20-02, SECTION 1 shall be amended by striking the words:

Cumulative Capital Development Fund

Classification 2 - Supplies	(386,000)
Classification 4 - Capital Outlays	386,000
Total Cumulative Capital Development Fund	<u>0</u>

Grand Total Cumulative Capital Development Fund (Fund #601)	<u>0</u>
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4. Appropriation Ordinance 20-02 shall be amended by removing references to the transfer within the Cumulative Capital Development Fund from the Synopsis so that the Synopsis reads:

This ordinance appropriates an additional \$900,000 from the Local Income Tax (LIT) Special Distribution Fund and transfers \$1,731,205 from the Motor Vehicle Highway (MVH) Fund to the Restricted Motor Vehicle Highway (MVH-Restricted) Fund. The appropriation of the \$900,000 will be used for part of the INDOT local match for the Sare Road Multiuse Path and Intersection Improvement Project. The transfer of \$1,731,205 from the MVH to the MVH-Restricted Fund is the result of a State Examiner directive (2018-2), which implements House Enrolled Act 1002-2017 and House Enrolled Act 1290-2018. These acts restrict local use of at least 50% of the distributions from State Motor Vehicle Account for the construction, reconstruction, and preservation of highways. The State Examiner directive requires counties, cities, and towns to create this new, MVH-Restricted sub-fund to better manage and account of these statutorily restricted funds.

Synopsis

This amendment is sponsored by Councilmember Rosenbarger. It removes the Classification 2 to Classification 4 transfer of funds within the Cumulative Capital Development Fund from the appropriation ordinance, including all references to such transfer in the legislation. The administration has indicated that the transfer would be used for the College Mall Road paving project. The removal of this transfer is proposed so that further discussions about pedestrian facilities on College Mall Road can be held before funds are expended.

05/20/20 Regular Session Action:

We appreciate the questions that came about during this request to transfer funds to accommodate these two projects. We have chosen to answer the questions related to the funding transfer request and respectfully suggest that the other questions offered should be discussed after the administration has had the opportunity to present a cohesive transportation report to the Council via a Report from the Mayor at a future date to be determined. Ideally, we would suggest that this comes after the TDM report is presented to Council for consideration and with adequate time for staff to prepare a comprehensive response to your committee's questions.

We've taken the liberty to number the questions you sent us and have answered those that we could related to the request before you. If we didn't answer a question, we left it on the list for future discussion.

1. *If we had not had a mild winter — i.e., if the Category 2 funds weren't available to transfer — where would the money have come from for the local match for this project? And now that we do have the money from the salt and asphalt Cat. 2 fund, can we use that formerly budgeted money for other purposes more in line with our Comp Plan and Transportation Plan, such as protected bike lanes, sidewalks, etc.*

Answer: If the Category 2 funds for supplies (salt, concrete, asphalt) would not have been available, we would have requested unspent (reversion) funds from 2019. This transfer allows us to leverage the INDOT matching funds for an important pavement maintenance project that we would not have been able to complete this year or at this scale. If the grant had not been awarded we would have recommended using excess funding for other paving projects, based on our Pavement Conditions Index, and encumbered the balance for 2021.

2. *What are our priorities in Planning and Transportation projects?*

Answer: We think this question should be deferred to the report mentioned above.

3. *How are those priorities developed?*

Answer: We think this question should be deferred to the report mentioned above

4. *Where would a College Mall protected bike/ped lane sit on the priority list for future consideration?*

Answer: Protected bicycle lanes on College Mall Road would be prioritized below the Transportation Plan's high priority bicycle network and other key project recommendations.

5. *What can the Cum Cap Development Fund be used for? Specifically, can it be used for bike/ped infrastructure?*

Answer: The legislative body of a municipality may establish a cumulative capital development fund under IC 6-1.1-41 to provide money for any purpose for which property taxes may be imposed within the municipality under the authority of:

Ordinance 84-0, The City established the Cumulative Capital Development Fund by the adoption of Ordinance 84-28. Said fund shall be used for the construction and maintenance of municipal facilities, the maintenance and construction of public sidewalks and storm sewers, to demolish improvements on City owned property, to provide matching funds for federal and/or state capital improvement grants, and for the building, remodeling, and repair- of parks and recreation facilities.

6. *Can the interest earned from the 2016 LIT Special Distribution in the special fund that was created (about \$100k) be used for any purpose, or is its use also limited to road improvements?*

Answer: No. Any interest earned on a fund will have the same restrictions of the fund, according to the State Board of Accounts .

7. *What's up with the approximately \$5M announced at County Council on May 12 to come to local municipal units as "supplemental LIT distribution"?*

Answer: 75% of the LIT must be (A) used exclusively by the county, city, or town for:

(i) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(ii) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(iii) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;

Correction provided by Controller Jeff Underwood on 5/31/2020: The only distribution that was restricted to either road projects or the rainy day fund was the initial distribution. Since that time any supplemental distributions go into the fund where they are normally budgeted for, in our case this would be the General Fund and the Public Safety Local Income Tax Fund.

8. *Can you explain if bike/ped infrastructure can be included in this, specifically the highlighted sections (i) and (iii). I know I had some back and forth emails about this, but think we still are not sure what is allowed for the use of these funds.*

Answer: We think this question should be deferred to the report mentioned above

9. *Does the Sare Road project represent an improvement for bike/ped at the intersection? Slip lanes are still encouraging quick turns. Slowing down 10% to go around that turn will not help drivers properly look for bikes or pedestrians. Can we eliminate the slip turn here? The Adams/Kirkwood redesign is very bike/ped friendly, is it possible to redesign Sare to make it safer for bike/ped and to slow turning traffic so safe speeds are achieved?*

Answer: Yes, the Sare Road project improves intersection safety, comfort, and operations for pedestrians and bicyclists. Specific improvements include shorter crossing distances for

reduced exposure, reduced corner radii to discourage high motor vehicle speeds and improve visibility, and accessible pedestrian push buttons and countdown timers. These improvements are intended to balance various demands within the numerous constraints of this intersection. These roads intersect at a significant skew angle and the intersection itself is a bridge with a creek running diagonally underneath it. Because of the skew angle, eliminating the right turn with pedestrian islands would result in significantly longer crosswalks with increased exposure.

10. Did we consider any technical standards (AASHTO, NACTO, MUTCD) for the Sare multi-path?

Answer: Yes. A specific citizen comment during the recent Transportation Committee meeting questioned the decision of a multi use path on Sare Road because of user risk while crossing intersections and driveways. The Transportation Plan focuses on protected bicycle lanes in dense contexts, but it recommends multi use paths in less dense contexts and to fill in gaps in the existing multi use path network while shifting focus to protected bicycle lanes in more dense contexts. The Transportation Plan recommends a multi use path on Sare Road.

11. Are Community Crossing marching grants really "car only", as someone characterized them, or can they fund bollards and restriping? Can they fund a traffic study? If not, can we use some city funds to piggyback on this opportunity to improve streets with CCMG funds?

Answer: The funds awarded to the City are specifically for this resurfacing project as scoped in the funding application and cannot be shifted to any other work. INDOT's CCMG project eligibility criteria is listed below. The City can choose to add other improvements to a project using 100% local funds.

Which types of projects are eligible?

- Road and bridge projects submitted must be included and a part of the local government's complete asset management plan.
- Local road and bridge preservation type projects.
- Existing ADA ramp work is required when doing a minimum of a mill and overlay, regardless of the work type.
 - Milling and overlaying is the process of grinding asphalt with a milling machine, removing the debris, and installing new asphalt. The overlay must be a minimum of 1 ½ inches.
- Existing ADA sidewalks are eligible for rehabilitation as long as the road is getting a minimum of a 1 ½ inch mill and overlay.
- Drainage work that is associated with a specific road project is eligible along with pipe replacements to correct drainage.
- The conversion of gravel roads to hard surface roads.

- Local Governments that perform their own work, such as chip sealing and crack sealing can receive funds for the materials only.

What projects or types of services are not eligible?

- Preliminary engineering, land purchasing (right-of-way), utility relocation.
- Construction inspection.
- Labor or equipment costs for governments that perform their own force account work.
- Railroad crossing upgrades.
- Water and sanitary sewer line replacements, or sewer separation projects.
- Standalone curb and gutter projects.
- Any project that has approved federal funding.
- New roads are not eligible unless directly tied to an in process economic development project.
- New roundabouts are not eligible unless there is a history of personal injury and fatalities; safety driven.
- Roads and alleys that are not in the local governments certified road mileage and Asset Management Plan.
- Parking lots and private roads.
- Standalone sidewalk replacements or new installations.
- Trails / Bike paths.
- Projects that combine Force Account and Bidding.
- Enhancement-type work, including:
 - Street lights
 - Street informational signs
 - Decorative pavers
 - Trees and plants
 - Trash receptacles
 - Gateway aesthetics
- Any change orders to the bid are not eligible for CCMG funds.

12. *What is the history of traffic counts on College Mall Road (CMR)?*

Answer:

North of Moores Pike, 17k, 2014

North of Covenanter, 21k, 2010

North of Buick Cadillac, 23k, 2000

North of 2nd, 17.5k, 2008 (summer count)

Extrapolation based on multiple peak hour intersection counts, 21k-22k, 2016.

13. *What if any design scenarios have P&T ever considered for CMR?*

Answer: Doing a protected bike lane would require lane conversion and the City Engineer does NOT recommend it at this time for various reasons. We could consider a traditional (painted) bike lane on the majority of the street by narrowing existing lanes however it would require extensive public outreach and study before making any decision to alter the existing infrastructure. It still makes sense to resurface the road now and consider any other changes at a later date.

14. *While Neil Kopper estimated daily traffic counts of 18K on E Third and 21-22K on CMR, with 20K being a tipping point, that doesn't seem like such a big difference. Meanwhile, the administration is moving up major projects, to take advantage of the substantially fewer cars because of the pandemic and the summer. Why couldn't a 180-day order, which Public Works and P&T use for all sorts of changes to streets, be used to experiment with bike lanes on CMR, during this time when traffic is and will be substantially down?*

Answer: There are multiple differences between E 3rd (east of Clarizz) and College Mall Road. Differences include higher traffic volumes on College Mall Road (yes, that difference is significant), closer traffic signal spacing on College Mall Road (signal spacing of less than ¼ mile is recognized as more challenging for successful lane conversions due to increased likelihood of queues backing up into adjacent intersections), and lack of analysis of traffic operations on College Mall Road (the E 3rd conversion was analyzed using recent traffic counts and modeling software to ensure there would not be unintended safety or mobility impacts). The data we have indicate that a lane conversion on College Mall Road would likely create traffic back-ups that extend through adjacent signalized intersections (which can exacerbate capacity issues and decrease safety). Additionally, the geometry of College Mall Road is very different from E 3rd Street. College Mall Road has a nearly continuous median down the middle of the street which reduces the street's flexibility and limits, for example, the ability for emergency services to bypass vehicles queued within a single travel lane. Please also note that the likely traffic backups on College Mall Road would make it more difficult for Bloomington Transit to continue normal operations.

A 180-day order would not be necessary to implement an experimental/trial bicycle lane because bicycle and motor vehicle lanes are not individually codified. Additionally, an

experimental/trial bicycle lane is not dependent on resurfacing this street. If, for example, the trial was to temporarily convert one motor vehicle lane to a bicycle lane, then that could happen just as easily without a resurfacing.

15. Is now not a better time to get people used to new traffic flows than when the day comes that the population and traffic go “back to normal” (whatever that phrase will mean any more)?

Answer: If we expect that traffic will go back to normal, or even close to it, then we would expect all the same potential safety and capacity issues to arise when that traffic returns.

16. Would P&T support moving up a redesign of CMR to within 1-2 years? When would funding need to be in place, and when would the studies and redesign need to start to meet that earlier goal?

Answer: We think this question should be deferred to the report mentioned above.

17. Would P&T be willing to adopt a policy that when we spend money on road maintenance or improvements, we require the road to come into alignment with the Transportation Plan?

Answer: It would not be feasible to fully implement Transportation Plan recommendations with every road maintenance or improvement project. The Transportation Plan recognizes this limitation and states that “...availability of funds, right-of-way availability, or other factors will dictate the type of facilities that can be installed. This may necessitate installing different facilities than shown in Figure 20. For example, as part of a City repaving project or maintenance project where the curbs remain in place, a conventional bike lane may be added on a street which shows a higher level facility. In the future, the facility shown in the figure could be added.”

P&T does support evaluating all projects for opportunities to improve multimodal safety and operations. The Transportation Plan specifically recommends an effort to “Evaluate existing street maintenance operations plan and procedures to improve prioritization and to coordinate with other transportation projects.”

We do think this question can be addressed in more detail with the aforementioned report to Council we have suggested.

18. What is our annual repaving budget?

Answer: The 2020 paving budget is \$2,030,632. This project would have utilized \$700,000 of local funds had we not received the CC granted amount of \$382,000. College Mall would take up 1/3 of our total 2020 budget and just as important probably more than 1/3 of our 5 month summer window to get paving projects completed with our in-house crews. Having this project contracted out allows us to simultaneously work on residential areas and our lowest graded sidewalks. This area has a Pavement Condition Index (PCI) of 50 out of 100. This pavement is

20 years old with high traffic volumes. It's condition is expected to deteriorate rapidly in the next 2 years if not overlaid soon. A more rapid drop in the PCI could then involve more extensive repairs than a mill and overlay. An additional benefit of this project is the installation of 19 new ADA compliant curb ramps from 3rd Street to Moores Pike.

19. My understanding from Neil Kopper's comments is that if College Mall Road is repaved now, it would not reduce the likelihood of adding protected bike lanes (consistent with the Transportation Plan) in the future. Is that correct? In other words, if we are looking at meeting the Transportation Plan goals by adding protected bike lanes to the road in say, two or three years from now — Planning & Transportation, Public Works, etc. would not use the fact that the road had just been repaved as justification to delay or forego such a project?

Answer: It is correct that routine maintenance of College Mall Road now would not be a reason to delay or forego future improvements.

20. My understanding from Jeff McMillian's comments is that as a purely technical matter, the \$386,000 in Category 2 (Supplies) funds in question in this Appropriation Ordinance could be transferred to any Category and/or be used for other purposes, including pedestrian or bicycle infrastructure. Is that correct?

Answer: The Administration makes recommendations for transferring funds to the Council based on the fiscal needs of the departments. The Council has the authority to approve or deny those requests. It is accurate that funds could be transferred to any Category however those requests would come from the Administration based on the needs of each department.