

In the Council Chambers of the Municipal Building at the Showers Complex on Wednesday, June 19, 1996 at 7:30 PM with Council President Sherman presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
JUNE 19, 1996

Roll Call: Banach, Kiesling, Young, Cole, Sherman, Pizzo, Service, Sabbagh, Pierce.

ROLL CALL

Council President Sherman gave the agenda summation.

AGENDA SUMMATION

The minutes of May 1 and May 15, 1996 were approved by a voice vote.

APPROVAL OF
MINUTES

Service welcomed the arrival of the "Great Urn" in the Showers Plaza. She also updated the council on Monroe County Theater productions.

MESSAGES FROM
COUNCILMEMBERS

Sabbagh thanked members of the GE Elfin Society for their wonderful assistance and hard work to spruce up and complete some small construction projects for Girls, Inc.

Cole announced the water sculpture dedication on July 12, 1996 from 6-8 PM and urged everyone to attend.

Young talked about the recent meeting about WONDERLAB that took place and what a good program it will be for the kids of our community if it becomes a reality. He thanked the City Landscaping crews for the good job they do with the beautiful floral displays and gardens spots around town.

Kiesling announced the moving of the Recycling Center to Old S. St Rd 37 near the Animal Shelter and the upcoming Open House on Friday, June 28 from 1-4 PM.

Mayor Fernandez thanked the many people who made Taste of Bloomington possible and said that more than \$17,000 was raised for some of our local food programs. He also thanked the kids who worked today in the Conservation Corp as they planted trees, worked on trails and at the Willie Streeter gardens.

MAYORAL MESSAGE

It was moved and seconded that Resolution 96-11 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 96-11 be adopted. The synopsis and committee recommendation of Do-Pass 7-0 was given.

LEGISLATION FOR
SECOND READING/
VOTE
RESOLUTION 96-11

Jim Lang, Animal Shelter Director, explained that this is an annual resolution providing for the interlocal cooperation agreement with the County to operate the Animal Shelter.

Cole congratulated Lang and his entire staff for a job well done.

The resolution received a roll call vote of Ayes:9, Nays:0.

It was moved and seconded that Resolution 96-13 be introduced and read by title only. Clerk Williams read the resolution by title only.

It was moved and seconded that Resolution 96-13 be adopted. The synopsis was given.

RESOLUTION 96-13

Pizzo outlined the procedure that the council employed to select the recipients of these monies. Applications were submitted and a committee of councilmembers reviewed the applications and determined that certain agencies would make individual presentations to the committee, and recommendations were then made to the full council for the following organizations:

Boys & Girls Club	\$ 3,000	
Dental Clinic	1,450	
Girls, Inc	10,000	
HeadStart	4,400	
Middle Way House	17,350	
Shelter, Inc	10,000	
Hoosier Hills Food Bank	3,800	(Represents half of the total council allocation for this project. The rest will come from the Mayor.
Total:	\$50,000	

Kiesling thanked the committee: Pizzo, Service, Sabbagh, Cole, Sherman as well as two people from Human Resources. She said it was important that Child Care was a strong recipient of the council's considerations. She also said it was important that the agencies attempt to leverage other funds with this money.

Service said this is always a difficult process: the needs are constantly increasing and the money has decreased over the four years we have done this and she hoped that this particular line item in the budget can be increased next year.

Sabbagh thanked everyone involved in the process and urged people to share resources and share assets. Agencies cannot continue to do just their own thing any longer; resources are just too scarce not to program wisely.

Sherman said this particular social service allocation is in it's fourth year and while some people may have been skeptical about this fund, it's been a good process. It has also put the councilmembers in closer contact with agency representatives. He thanked the Mayor for instituting this program when he was a councilmember.

Beverly Moffatt from Headstart, Melanie Green from Middle Way House and Helen Inari, Shelter, Inc all thanked the council for selecting their agencies for this funding and support.

Cole said that the COMPAS report is a basis for determining various community needs and that it is used as a resource information point for this process also. She also said that while unable to make every meeting of the subcommittee she did communicate with councilmembers and the council office regarding the agencies.

The resolution received a roll call vote of Ayes:9, Nays:0

It was moved and seconded that Resolution 96-12 be introduced and read by title only. Clerk Williams read the resolution by title only. RESOLUTION 96-12

It was moved and seconded that Resolution 96-12 be adopted. The synopsis and committee recommendation of Do-Pass 5-1-1 was given.

Michael Flory, Legal Department, said that negotiations began about 1 1/2 years ago with TCI regarding a new franchise. During the course of the negotiations one big uncertainty was the 1996 Cable Act and where the law would finally fall out. We did make some improvements in talking about customer service and certain technological improvements in the service. The really big holdup was a commitment to building out the system that would increase our cable capacity and number of channels (up to 75). TCI Corporate in Denver is not ready to make this commitment at this time. We began with a series of short term 3 month

extensions of the contract hoping to get to some resolution and it soon became apparent that we would not be able to. TCI finally proposed a longer term extension of the current franchise agreement and the city finally agreed to a 2 year extension only if TCI would agree to certain improvements to technical structure, customer service and continued support to community access television. In addition the resolution is about assessing a 5% franchise fee on TCI. This city owns the rights of way that we have had to pay for in some cases that the cable company has used to lay their cable. Federal law says that up to 5% can be charged to the cable provider for use or "rent" for those rights of way. Federal law says that this rent is viewed as a "business expense" and can therefore be passed on to the consumer by the cable company. Monroe County is currently at a 5% franchise fee with TCI. Questions and concerns last week centered around what the money would be used for and that is difficult to say. Tapping in to community expertise and eventually bringing in consultants will be helpful in planning for the future telecommunications infrastructure. Eventually we as a community will decide how the funds will be spent and this is not a new direction for the community. In May of 1995 the TCC documented the need for access to the information super highway and fair compensation to the city for use of our rights of way. TCI has agreed to a capital grant for general community access services, 2 Sanyo television monitors, and various technical equipment, a funded scholarship for a MCCSC teacher, free wiring to the new addition to the library and a \$10,000 cash grant for community access services. A weather crawl would be added to the bottom of the TV screen to alert people to severe weather conditions, increase the time notice to a landowner for digging in easements, a 7 day time period for burying cable, increasing sanctions for non-compliance, adding stereo sounds to eleven different current channels, and wiring the Waldron Art Center to live broadcast.

Service asked about BCAT support. Flory said the previous 3% franchise fee allowed for us to get \$35,000 for BCAT. It was written into the agreement that if the city went to a full 5% assessment, then TCI would not have to pay the \$35,000 in direct support to BCAT. By moving to the 5% in mid year, there is a commitment that BCAT would not be penalized for the rest of the year, but he could not say for sure if BCAT would receive the same dollar amount in the future.

Young asked the consequences of not burying the drops within 7 days. Flory said we have to be careful that we get what we want; we don't want yards dug up in mid-winter. He also asked why not RCA instead of a Sanyo TV?

Sherman asked about the use of the phrase that TCI dictates that the franchise fee be passed on to the consumer. That is not true. TCI is not required to pass the fee on, it is simply a business fee and they are allowed to pass it on.

Kiesling said that the franchise fee has always been passed on to the consumer.

Sherman asked about the future possibility of the city laying their own cable. Flory said it has been done in other communities. A cost/benefit analysis would be necessary and as new software is developing we have to determine if we want to make that kind of investment in this rapidly changing technological environment.

Young asked if both parts of this resolution have to be passed tonight. He asked about a more gradual fee increase. Flory said he wasn't sure, but this is a contractual structure that is also a legal document.

Pierce said the franchise fee is part of the cable contract, not a simple tax that is passed at any time and is part of the many items we are agreeing to with this franchise extension.

Flory said the revenues would not begin until September of this year and it will take some time for those monies to accumulate.

Dan Sherman disagreed and said the council could decide not to approve the franchise fee increase and still vote for the other parts of the cable franchise agreement.

Tom Cantrell, representing TCI said that they cannot make long term commitments for TCI with the city as they would like to. Some decisions remain firmly with Denver. He said the entire process regarding cable TV won't get simpler, just more complex over the next few years. The current agreement with all its flaws has served the city and TCI pretty well and it's time to move forward. It's in everyone's best interest to have this short term extension.

Sherman asked why no more channels have been added. Cantrell said that from a competitive environment it may have made sense for TCI to add more channels. Now there are other options and other providers to make those channels available. Compared to other cities Bloomington is right in the middle of the bell curve.

Kiesling asked why there is a different line up of channels for the county and Cantrell said channels are determined by regional jurisdictions as to what the "must haves" will be. Kiesling continued by saying that CSpan2 and the History Channel have been requested for a long time, that service and reception is often lousy and that TCI needs to let subscribers know when there are problems with the reception. Cantrell urged Kiesling to contact TCI when there are problems.

Jason Dotson asked what we are getting for the extra money and urged TCI for more substantive programming. When there is a new channel it seems to be more movies.

Pierce said the different line ups are confusing and again the regional jurisdictions have certain "must carry" channels as well as network affiliates from different markets. It all comes down to having the rebuild done and then we can get those different channels. Everyone has different priorities and whenever one channel is added another goes off. The rebuild is absolutely essential and that is why we have this short term agreement with future opportunities for each side of the debate. As far as the 5% franchise fee, it is pretty much the norm across the country and when, for example, a road improvement fund is created, we don't determine at that time just what roads are going to be repaved or expanded. This 2% increase will allow us to investigate and study the opportunities and options to create a system that will serve the city in the best way. If the city determines just what is viable, it will cause other providers, perhaps other than TCI to come in and be competitive.

Sabbagh agreed with Pierce's comments and urged the development of this 21st century economic development infrastructure that can benefit the entire community.

Service urged the need for substantive programming and that it is disappointing that it can't be accomplished.

Banach said he has serious problems with the increase, there are no specifics as to where the money is going, but he just doesn't like to increase fees for the

citizens.

Young also had concerns about the increase; problems with the lack of community outreach on the part of BCAT, the need to be more aggressive in processing citizen involvement, he questioned why the personal, vindictive nature of some of the shows on BCAT, that a tax will be raised with uncertainties as to how the money will be spent, that while there is a potential for a lot of good work in essence it is a tax on cable user. No one is here from the Chamber of Commerce nor is anyone else here saying this is a good thing

Cole said she would support this resolution because it will create good paying jobs for Bloomington and provide many future opportunities for our community. It is also important to have a fund in place in order to implement the infrastructure needs that this community is going to demand as technology continues to improve.

Pizzo agreed with the franchise extension, did not think that the dollar amount was that great, but it is a start.

Pierce said he would be happy to work with Sabbagh to create the necessary legislation to have a dedicated fund, rather than a General Fund budget line. He also noted that the public library is making an investment in the new facility to have studios available that will help people do their own programs.

Sherman said that perhaps it really was time for a consultant and the absolutely best person would be our own Matt Pierce.

The resolution received a roll call vote of Ayes:7, Nays:2 (Banach, Young).

It was moved and seconded that the following legislation be introduced and read by title only by the Clerk for First Reading before the Common Council.

LEGISLATION FOR
FIRST READING


Ordinance 96-8 To Amend the Preliminary Plan re: 2080-2101 Tapp Road(Bob Shaw and Ron Rubeck, Petitioner) **WITHDRAWN BY PETITIONER.**

Ordinance 96-20 To Vacate a Public Parcel re- Platted Alley Behind 321 North Rogers Street (Second Baptist Church).


There was no public input.
The meeting was adjourned at 9:45 PM

PUBLIC INPUT
ADJOURNMENT

APPROVE;


Jim Sherman, President
Bloomington Common Council

ATTEST;


Patricia Williams, CLERK
City of Bloomington