

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 6, 1990**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:15 p.m. on Monday, August 6, 1990, with Councillor SerVaas presiding.

Councillor Curry led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams
2 ABSENT: Giffin, Rhodes

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst introduced his brother, David Borst. Councillor Irvin introduced the Fountain Square Youth Corps.

OFFICIAL COMMUNICATIONS

Hon. William H. Hudnut, III, Mayor, presented his annual city budget to the Council with the following comments:

Tonight I have good news for the people of Indianapolis. Through a conscious effort to control costs, do more with less, and maintain good service, I present to this Council and the people of Indianapolis a

fully-funded 1991 City Budget with a simple message: No increase in the tax rate, no increase in the property tax rate, and no increase in the income tax rate for City services in 1991.

In January of this year, I made the pledge to bring you a budget without tax increases. Fortunately, the continued growth of our state's capitol city makes it possible for this Administration to make do in 1991 with the same tax rates funding the current year's budget.

This has not been an easy task for the Controller and the City Department Directors to achieve. Lists of new projects and new positions have been pared down to fit within the constraints of a tight budget. I'm pleased to report that we achieved the goal.

Next year's budget is built on the same tax rates funding this year's budget, and it will be the third year in a row that we've held the property tax rate for city services flat as a pancake! Since city services comprise only a part of a person's property tax bill, the total bill may be up, but the tax rate for city services is flat.

We've made a wise move by utilizing local income tax dollars to relieve the burden on the property taxpayer. Since 1980, the City's reliance on homeowner taxes has dropped by 25%. The balance is picked up by the income tax.

Five years ago we introduced the Marion County homestead credit, easing the property tax burden even more. With the introduction of this new budget, we have returned a total of \$25 million to homeowners.

Despite the tight budget, I'm pleased that we are able to expand some services and bring new technology to bear, solving some of our most serious problems. In Public Safety, our police officers and firefighters will enjoy well-deserved pay increases, as negotiated under the labor contracts that will enter their third year. The Automated Fingerprint Identification System will link the combined files of the Indianapolis Police and Marion County Sheriff's Departments, helping us arrest more suspects. Another partnership will finally bring about improved communication among police and fire, street pavers, parks workers, sewer crews, bus drivers, and emergency management agencies throughout our 402 square mile City.

One year from now, in August 1991, the Metropolitan Emergency Communications Agency will put a countywide radio system "on the air" that will dispatch help to our citizens through one network. Improved communication will bring better service to our citizens and swift response in an emergency.

Already, part of the system is in place. On average, our new Enhanced 911 system receives over 2,000 calls each day for emergency help. The partnership between the City and Indiana Bell has meant faster and more accurate response for thousands of citizens.

Operation of the new City dispatching center is included in the 1991 Budget. In addition to the dispatching consoles, the Willard Park facility will also include a new Emergency Operating Center, state-of-the-art and fully equipped in case of disaster.

Mr. President, if you will permit me a point of personal privilege, I would like to digress for a few minutes to discuss a matter relating to public safety--and that is the current protests over a recent police action shooting in our community that ended in a fatality.

We regret the loss of life. We're sorry about it, and extend our sympathy to those most intimately involved in this tragedy.

There's a lot of hurt in our community over this incident--hurt in some segments of the Afro-American community where citizens feel as though the police department should be censured for irresponsible use of deadly force--hurt in the police department, where law enforcement officers feel unjustly and unfairly criticized for doing their duty to the best of their ability--hurt in the larger community that polarization has taken place, that anger and frustration are bubbling over, that the credibility of "the system" has been called into question.

I think we must be sensitive to this hurt, and respectful of those who express it, and of their constitutional right to voice their concerns in a lawful manner. In my opinion, leaders in our community should seek to lessen tension and use their positions to calm emotions and preach the exercise of mutual patience, forbearance, and restraint. Now is the time for cool heads to prevail in the spirit of the ancient biblical admonition, "Come let us reason together." Now is the time to promote healing instead of hurt, and compassion rather than confrontation.

August 6, 1990

The City Administration takes this incident--like others in the past--very seriously. We are reviewing our training procedures and departmental regulations to see if improvements can be made. We have encouraged external civilian review of this incident, and will cooperate fully. I believe sufficient external review of police action shootings is already in place, what with a civilian merit board, a coroner, a Marion County prosecutor, a Grand Jury, a U.S. Attorney's Office, a Justice Department, and an F.B.I., all having jurisdiction. There's also the possibility of review in the civil and criminal courts.

For the record, I have talked twice with the U.S. Attorney, about expediting the Justice Department's investigation of this case. I talked twice with the Prosecutor last week, encouraging him to take this case to a Grand Jury. We are studying the Police Complaint Review Board's request for an independent investigator. The Chief, Director of Public Safety, and I have discussed this case with many representatives of the Afro-American community in the last week, with more meetings scheduled. And in this whole process of review, we sincerely hope that truth and justice will prevail. We pledge that if police misconduct is discovered, it will be prosecuted fully. And we hope constructive ideas about how to improve our training program will emerge from all of these conversations. We are doing the best we can, the very best we know how. If mistakes are shown to have been made, if police officers are proven to have acted outside the law or departmental regulations, the Administration will deal with them and discipline them accordingly, even to the point of demoting or dismissing them from the department. Our attitude is: Our Police Department, right or wrong: when right, to be kept right; when wrong, to be put right. We are trying to be fair and open and just. We are inviting full-scale inquiry into this incident by responsible outsiders, just as we have done in the past. We are looking at all of our procedures to see what can be improved. We invite helpful comment from anyone who has constructive input to share with us.

But we cannot and will not handcuff the police. We appeal to the police to respect human dignity and human life and to use all restraint possible in the use of deadly force; but we also recognize that in the real world out there, points of contact will occur between citizens and police officers when deadly force is permissible and justifiable to use within the law, and will be used, and there's no way on earth that I or the Chief, or anyone else, can possibly guarantee to our community that no shots will ever again be fired, no life ever again taken, even though we do not ever want it to come to that.

The Indianapolis Police Department has a tough job to do. There are gangs out there, drug pushers out there, murderers, rapists, burglars, and armed robbers out there. The job of law enforcement officials is to prevent crime, to protect innocent people against criminals, to bring criminals to justice and to enforce the law. In their daily rounds, the police officers in this community encounter citizens some 1,700 times a day--more than 600,000 times per year. And in practically every one of these instances, matters are resolved without the use of deadly force. In fact, 722 apprehensions have been made since the introduction of chemical repellant, not one of them ending in a fatality. It's hazardous, stressful duty. Often, split-second decisions have to be made by our officers, who are well-trained, well-equipped, and well-led, who in crisis situations have terribly difficult decisions to make on the spot which are easy to second-guess in a Monday morning quarterback's chair. The police are people too, and I think the overwhelming majority of citizens in this community support them in their work, thank them for the job they do year-in and year-out, and want them to pursue their responsibilities as diligently and professionally as humanly possible.

It's a thin blue line that separates civilization from barbarism, and law and order from chaos and anarchy, and we must be careful as a community that we not become so critical of that line that we impede it in doing its job effectively.

In a time of community crisis and tension like this, we say to those who are angry, "we hear you and are trying to deal with your concerns;" and we say to law enforcement officers, "we appreciate you, we support you, and we wish you well in a difficult job you have to do."

I'm pleased that our police and fire department will remain at full strength, under this 1991 spending plan. More police officers are preventing crime and solving cases than ever before in our City's history. And we're making some significant investments in new equipment and facilities, adding fire equipment, police buildings, and operating a new animal control facility. Last week, we broke ground on the new Fire Station #29 along the perimeter of Garfield Park. And we'll begin work to replace aging Stations #19 and #4 with a new facility.

We snipped the ribbon on new Quadrant II Police Headquarters in Washington Park this year, and work is now underway on the near-westside in the Haughville area to build the Quadrant IV neighborhood police station, which will also serve as home for the Traffic officers. We're working to return police to the community. It's a simple approach to increase police presence where people live.

The health of our City employees continues to be a concern. Health insurance rates are expected to jump by 15% for both the City, in its contribution to employee plans, and for the employees themselves. Meanwhile, over 2,000 City employees currently take advantage of our Wellness Program, which helps to keep insurance costs down.

The health of tiny babies born in Indianapolis became the focus of a major initiative we began, together, last year. You'll recall my request one year ago for \$1 million in City funds and \$500,000 in County funds for improved health services targeted at expectant mothers. I'm grateful for your support of this effort, and pleased to report--one year later--that the Indianapolis Campaign for Healthy Babies is a reality and is hard at work to improve access to prenatal care, eventually leading to a lower infant mortality rate.

I'm pleased to report that the tiny child named Erica, whose story we told last year in our Healthy Baby picture book, went home from the hospital in February and is now doing fine. Soon, the Campaign for Healthy Babies celebrates its first anniversary. In one year, the Campaign has added medical staff to local clinics, sent the March of Dimes MoMobile into the neighborhoods, set up a computer network to track patients, and began advertising the Mother/Baby Healthline, a service of our County Health Department. September will be Healthy Baby Month in Indianapolis, and I'm proud of our local church community, which is joining hands to emphasize Healthy Baby Month.

This year, the City budget again includes a \$1 million line item, funded from interest income, cigarette, and alcohol taxes, for the Campaign for Healthy Babies. This amount, matched with \$500,000 from the County, goes directly to the Campaign for Healthy Babies. It's my understanding that the Marion County Budget does not include their \$500,000 share, and I'm hopeful that you will appropriate those dollars for this important cause.

The environment continues to be a priority with my administration. The 1990 Budget included the expansion of the Indianapolis Trash District, a massive undertaking that has worked remarkably well. Municipal Trash service is now provided to all residents of Indianapolis, and the costs have been spread evenly throughout the County. Our Waste-To-Energy facility is operating cleanly, actually reducing emissions in downtown by over 50%, because the power company is burning less coal.

You may have heard about a new committee that our Public Works Department and Councillor Coughenou have assembled to advise the City on recycling. One of the things we're watching closely is the curbside recycling project in the Meridian-Kessler Neighborhood. The City is helping to pay for that project's cost, to determine if it's feasible to offer curbside recycling in every neighborhood.

In partnership with Heritage Environmental System, the City now offers monthly oil recycling, and this year's first Tox-A-Way Day broke all records for participation. That's why we've included a new facility in the 1991 Public Works Budget to handle disposal of paint, garden pesticides, turpentine, and cleaning fluids. Funding for the disposal facility, as well other major projects like the 30th Street Bridge repair over Fall Creek, is tied to the Build Indiana Fund. The City has applied for Build Indiana dollars to help fund 18 projects, and I'm hopeful that the State of Indiana will return some of the Investment Indianapolis residents have made in the Indiana lottery to the capitol city.

In addition to our normal schedule of about 100 miles of street resurfacing, a major project is on next year's agenda for West 86th Street, near the west-side interchange with 465. Those improvements will help the expansion at DowElanco, the agricultural chemical company that has selected Indianapolis as its world headquarters, bringing over 1,000 professional jobs to our economy.

Job development and housing rehabilitation remain as two priorities for the Department of Metropolitan Development, which is continuing to move forward on the Circle Centre project. We have a goal of rehabilitating or building 1,000 units of affordable housing throughout Indianapolis this year. And thanks to efforts like Oscar Robertson's development in Oxford Terrace, we have produced almost 400 units so far. Coburn Place, near 39th and Park, will house over 100 units for older adults. And there are projects like Habitat for Humanity, which is building homes on seven vacant lots sold by the city.

In 1991, the City will be making one of its last payments on the land under Merchants Plaza. In 1972, the City borrowed the money to buy the property. I think we can all remember the days when the Merchants Plaza block was nothing more than the old Lincoln Hotel and Central Garage. If you don't remember, we've provided a snapshot view--both before and after.

In my 15 years as Mayor, one of my proudest accomplishments is seeing a project from beginning to end. In the late 1970's, Merchants Plaza was nothing more than a hole in the ground. As our first downtown public/private partnership, we'll "burn the mortgage" on the property in a couple of years. When the bond is retired, the City will start receiving the first of some \$14 million in rent that will come in over the next 40 years.

With the completion of the Hyatt Regency Hotel and Merchants Bank, the City began its effort to encourage private development as a partner with the City of Indianapolis.

August 6, 1990

We also picked up sports as a "hook." As "Cinderella of the Rustbelt," we achieved the transformation "not with a glass slipper, but with an athletic shoe," to quote the August 1990 "in-flight" magazine of USAir.

This same strategy, linking public investment with private construction, is doing the groundwork on Circle Centre, which will rise from the holes in downtown Indianapolis to link Alexander Raiston's Governor's Circle with the train station where Thomas Edison translated telegraph messages.

The innovative financing tool used to help fund public improvements at the Circle Centre site, tax increment financing, is also being used on the far eastside of Indianapolis to build a new public golf course. In 1991, Whispering Hills golf course will open, with 9-holes and a brand-new driving range.

We continue to implement the suggestions of the PEPPER Committee, which made over 100 cost-cutting recommendations. 30 of the suggestions are now a reality, and several others are under study. For example, we can expect the issue of ambulance service to come under close scrutiny in the coming year.

One of the recommendations made by both the PEPPER Committee and Councillor Holmes' study of our vehicle fleet has helped to save over \$2 thousand on each new police car purchased by the City this year. We saved money by piggybacking with the Indiana State Police on the purchase of patrol cars. Overall, the PEPPER process has saved some \$6 million, which has helped keep the tax rates flat for City government.

In conclusion, I'm pleased to present for your approval our 1991 Budget package totalling \$456,782,904. That's a 2.07% increase over the 1990 Budget I submitted a year ago tonight, and a 1.83% decrease compared to this year's revised budget. Property Tax rates will not go up for City services. Local Income Tax rates are frozen at last year's levels. We believe this budget is both a good investment and a wise expenditure of public funds.

No doubt you will have your own opinions on some of the finer points, as the line-by-line review of this proposal begins. We pledge to work with you in the spirit of cooperation that has become the hallmark of Indianapolis.

Not long ago, I was asked by a visiting travel writer what makes this city work. It's her people, I explained. They care about the City. They believe in the City. And they believe in what we've tried to do, bringing private and public investment together to build a better tomorrow for all citizens.

With your approval, we'll continue on that path in 1991.

John von Arx, Auditor, had the following remarks concerning the county budget:

As your Marion County Auditor for the past few months, I believe that the budget that I am presenting to you this evening will meet with your approval. I believe that it is a budget that successfully accomplishes its primary objective, to conservatively provide for all of the essential services in County government.

As you recall, the 1990 budget contained a decrease in the tax rate of \$.06. I propose to you in this budget for 1991, that there will be NO increase in the property and income tax rate for the second consecutive year. The primary reason for no tax rate increase is that we have been very careful in County government in watching our expenses and avoiding any new costs that would result in a tax increase. We are also in the process of expanding our efforts to emphasize cost recovery, revenue enhancements and better collections, all of which we believe will result in additional sources of revenue.

The County's 1991 annual budget is a funded budget. This budget is presented with a 4.04 percent increase over the 1990 revised budget.

Earlier this year, budget guidelines were established to increase the personal services base by 5.5 percent and all other items of the budget received an increase of 4.5 percent.

This budget is submitted with a growth rate in revenue that slightly exceeds our guideline increases. There are a number of requests in the public safety arena, specifically requests from the various courts that will be difficult to achieve in this year's budget without increasing property taxes. However, I would pledge to you my commitment to the continuation of conservative fiscal management, in order that our public safety priorities and needs continue to be met in the future.

I would like to point out some of the new public safety initiatives from our County Option Income Tax (COIT) funds. These include:

- o Substantially increasing the number of merit deputies for the Sheriff's Department;

- o Enhanced and improved security for our courts;
- o The purchase of DNA testing or genetic fingerprinting to greatly enhance the speed and accuracy of the law enforcement investigative process;
- o Drug abuse education and treatment for pregnant teenagers;
- o Coordination of programs to aid abused children, such as a child sexual abuse clinic;
- o Increased medical, psychological and dependency programs for adult and juvenile offenders; and
- o Newly-created programs designed to substantially increase the accountability of offenders placed under supervision by the courts.

A major area of concern, however, is the needs of the poor in our community and our ability to meet those needs under the current structure of funding. As many of you are aware, the Center Township trustee's office and the Indiana State Welfare Department face a fiscal crisis. Evidently their costs are out of control, resulting in chronic and growing budget deficits.

We in County government have no control over these welfare costs. However, state law requires us to loan unlimited amounts of our money to these expensive state and township welfare programs.

Although caring for the needs of the poor of our community is of vital importance to us all, this system of funding is unfair to the taxpayers of Marion County.

I am able to tell you that we are able to sustain this burden presently but only as a result of our conservative fiscal policies through the utilization of our fund balance. However, based on their growth rate in spending, our belt-tightening efforts will not be sufficient for much longer.

Until state government is willing to address this serious problem, we have no choice but to try to continue to bear this unfair burden.

In closing, I believe that this proposed budget presents the Council with an opportunity to once again hold the line on our tax rate, while at the same time fund much-needed human services and public safety projects that meet the needs of the community and protect the citizens of Marion County.

I thank you for your attention.

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils, will be held in the City-County Building, in the Council Chambers, on Monday, August 6, 1990, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
Beurt SerVaas, President
City-County Council

July 23, 1990

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

August 6, 1990

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, July 26, 1990, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 421, 422, 424, 425, 426, 428, 430 and 431, 1990, to be held on Monday, August 6, 1990, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippy-Dick
Beverly S. Rippy-Dick, City Clerk

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Mrs. Beverly S. Rippy-Dick, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 74, 1990, amending the City-County annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Six Hundred Seventy-two Thousand One Hundred Fifty-four dollars (\$672,154) in the Sanitation General Fund for purposes of the Department of Public Works, 24th Floor Administration and reducing the unappropriated and unencumbered balance in the Sanitation General Fund.

FISCAL ORDINANCE NO. 75, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Two Thousand Two Hundred Fifty-six Dollars (\$2,256) in the County General Fund for purposes of the cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 76, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Twenty-six Thousand Two Hundred Ninety-two Dollars (\$26,292) in the County General Fund for purposes of the County Auditor, Clerk of the Circuit Court, County Coroner, County Treasurer, County Surveyor, Information Service Agency and Marion County Healthcare Center and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 77, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Four Thousand Seven Hundred Thirty Dollars (\$4,730) in the County General Fund for purposes of the Prosecutor's Child Support IV-D Agency, Superior Court-Criminal Division-Room Two and Superior Court-Civil Division-Room One and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 78, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional One Hundred Fifty-one Thousand Three Hundred Seventy-five Dollars (\$151,375) in the State and Federal Grant Fund for purposes of the Marion County Community Corrections Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund.

FISCAL ORDINANCE NO. 79, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Twenty-two Thousand Seven Hundred Eighty Dollars (\$22,780) in the State and Federal Grant Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations for that agency.

FISCAL ORDINANCE NO. 80, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Seven Thousand Six Hundred Ninety-seven Dollars (\$7,697) in the County General Fund for purposes of the Domestic Relations Counseling Bureau and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 81, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Two Hundred Sixty Dollars (\$260) in the County Grants Fund for purposes of the Domestic Relations Counseling Bureau and reducing the unappropriated and unencumbered balance in the County Grants Fund.

FISCAL ORDINANCE NO. 82, 1990, amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Thirty-five Thousand Dollars (\$35,000)

in the Park General Fund for purposes of the Department of Parks and Recreation, Eagle Creek Division, and reducing certain other appropriations for that Division.

GENERAL ORDINANCE NO. 82, 1990, amending the Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, which ordinance includes the Adult Entertainment Business Zoning Ordinance, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 83, 1990, amending the Marion County Council Ordinance No. 8-1957, as amended, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 84, 1990, to prohibit parking of certain trucks in residential neighborhoods or overnight on public streets.

GENERAL ORDINANCE NO. 85, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 86, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 87, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 88, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 89, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 90, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-92, Schedule of intersection controls.

GENERAL ORDINANCE NO. 91, 1990, amending the "Code of Indianapolis and Marion County, Indiana," specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 92, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours.

GENERAL ORDINANCE NO. 93, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-267, Parking prohibited at all times on certain streets.

GENERAL ORDINANCE NO. 94, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-331, Passenger and materials loading zones.

GENERAL ORDINANCE NO. 95, 1990, amending the "Code of Indianapolis and Marion County, Indiana," Section 29-331, Trucks on certain streets restricted.

SPECIAL ORDINANCE NO. 9, 1990, approving a First Amendment to Financing Documents for Shepard and Poorman Investments relating to previously-issued City of Indianapolis Economic Development First Mortgage Revenue bonds, Series 1982 B, originally issued in the principal amount of \$1,000,000 dated as of November 1, 1982 and approving and authorizing other actions in respect thereto.

SPECIAL RESOLUTION NO. 38, 1990, concerning vacant properties.

SPECIAL RESOLUTION NO. 39, 1990, amending City-County Special Resolution No. 48, 1989, as amended, and approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 40, 1990, approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

SPECIAL RESOLUTION NO. 41, 1990, concerning the environment.

SPECIAL RESOLUTION NO. 42, 1990, determining the lease of 8,043 square feet of office space located at 129 East Market Street, Indianapolis, Indiana, for the Department of Administration and other City departments to be necessary.

August 6, 1990

SPECIAL RESOLUTION NO. 43, 1990, declaring a necessity for the acquisition and installation of a county-wide public safety communications system ("System") including any facilities as hereinafter defined, for the general welfare of persons residing in Marion County ("County") which will be of public utility and benefit to the property in the County as well as to the various public safety agencies within the County including the Indianapolis Police Department ("IPD"), the Indianapolis Fire Department ("IFD"), the Marion County Sheriff's Department ("MCSD") and Wishard Memorial Hospital ("Wishard"), and authorizing the Indianapolis-Marion County Building Authority ("Building Authority") to proceed with all measures necessary to finance the System and lease it to the Metropolitan Emergency Communications Agency Board ("MECA").

SPECIAL RESOLUTION NO. 44, 1990, to establish the Marion County Commission on Youth.

Respectfully,
s/William H. Hudnut, III
William H. Hudnut, III

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of July 23, 1990. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 479, 1990. The proposal concerns the Indianapolis Shakespeare Festival on its tenth anniversary. Councillor McGrath read the resolution and presented a framed document to Festival Director Dr. David Edgecombe and his wife, Elizabeth Ware. Dr. Edgecombe expressed his appreciation for the recognition. Councillor McGrath moved, seconded by Councillor West, for adoption. Proposal No. 479, 1990, was adopted by unanimous voice vote.

Proposal No. 479, 1990, was retitled SPECIAL RESOLUTION NO. 45, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 1990

A SPECIAL RESOLUTION concerning the Indianapolis Shakespeare Festival.

WHEREAS, the current season marks the tenth anniversary of the Indianapolis Shakespeare Festival; and

WHEREAS, from its modest beginnings, the Indianapolis Shakespeare Festival now promotes an understanding and appreciation of the profound and timeless works of William Shakespeare to audiences of over 49,000 people each year in Indianapolis' southside Garfield Park, and at other locations in the city and state; and

WHEREAS, since its inception ten years ago, Dr. David Edgecombe has been Director of the Festival; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the Indianapolis Shakespeare Theater for its ten seasons of providing cultural excellence to this community.

SECTION 2. The Council, on behalf of the people of this city, extends its heartfelt thank you and Godspeed to Festival Director Dr. David Edgecombe, and to his actress wife, Elizabeth Ware, for their tireless contributions to the cultural life of Indianapolis.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 480, 1990. The proposal recognizes the Fountain Square Youth Corps. Councillor Irvin read the resolution and presented a framed document to Director Jim Mulholland, who expressed his appreciation for the recognition. Councillor Irvin moved, seconded by Councillor West, for adoption. Proposal No. 480, 1990, was adopted by unanimous voice vote.

Proposal No. 480, 1990, was retitled SPECIAL RESOLUTION NO. 46, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 1990

A SPECIAL RESOLUTION recognizing Fountain Square Youth Corps.

WHEREAS, during the summer of 1987, two women, Helen Fehr and Mollie Clements, recognized the need for doing something positive and life-affirming with the youth of the Fountain Square neighborhood; and

WHEREAS, electing to do something about this need, they organized the Fountain Square Youth Corps, a six-week-long self-esteem building summer program for junior high age youth in the Fountain Square area; and

WHEREAS, their summer activities include neighborhood work projects, community awareness, service to senior citizens, trash cleanup projects, painting over graffiti, cutting weeds in vacant lots and other helpful community projects; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates the can-do attitude of Fountain Square Youth Corps' Director Jim Mulholland, the Fletcher Place Community Center, service organizations and churches which financially support the Fountain Square Youth Corps, and most importantly, the young men and women who make the important decision to be involved in this positive and worthwhile summer experience.

SECTION 2. The Council especially notes the wall mural project at 1127 East Prospect Street as a Youth Corps project with support from the Indianapolis Arts Council.

SECTION 3. The Council applauds this grass roots, neighborhood-initiated, summer youth program, and recommends the Fountain Square model to citizens in other neighborhoods who want to get involved with doing something constructive for the young people in their own neighborhoods.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 420, 1990. Councillor Holmes, in Councillor Rhodes' absence, reported that the Administration Committee heard Proposal No. 420, 1990, on July 30, 1990. The proposal appoints Rudy Hightower to the Equal Opportunity Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Holmes moved, seconded by Councillor Shaw, for adoption. Proposal No. 420, 1990, was adopted by a unanimous voice vote.

Proposal No. 420, 1990, was retitled COUNCIL RESOLUTION NO. 68, 1990, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 68, 1990

A COUNCIL RESOLUTION appointing Rudy Hightower to the Equal Opportunity Advisory Board.

August 6, 1990

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Equal Opportunity Advisory Board, the Council appoints:

Rudy Hightower

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1992. The person appointed by this resolution shall serve at the pleasure of the Council and until his respective successor is appointed and has qualified.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 472, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE establishing a deferred compensation plan for city-county employees"; and the President referred it to the Administration Committee.

PROPOSAL NO. 473, 1990. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE revising and enhancing the deferred compensation plan for city-county employees"; and the President referred it to the Administration Committee.

PROPOSAL NO. 474, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating \$6,201 for the Prosecutor's Child Support IV-D Agency to pay one full-time civil deputy's salary for the remainder of 1990, whose express responsibility will be to serve child support papers"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 475, 1990. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE electing to fund MECA in 1991 with COIT revenues"; and the President referred it to the Rules and Policy Committee.

PROPOSAL NO. 476, 1990. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing an intersection control at Olney and 11th Streets"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 477, 1990. Introduced by Councillor Holmes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on a segment of Moller Road"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 478, 1990. Introduced by Councillor McGrath. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on a segment of Pennsylvania Street"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 481, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Police Special Service District for 1991"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 482, 1990. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Fire Special Service District for 1991"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 483, 1990. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Solid Waste Collection Special Service District for 1991"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 484, 1990. Introduced by Councillor Strader. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for the Marion County Department of Public Welfare for 1991"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 485, 1990. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for Indianapolis and Marion County for 1991"; and the President referred it to various committees.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 486, 1990. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on August 3, 1990. The Council did not schedule Proposal No. 486, 1990, for hearing pursuant to IC 36-7-4-608. Proposal No. 486, 1990, was retitled REZONING ORDINANCE NO. 144, 1990, and is identified as follows:

REZONING ORDINANCE NO. 144, 1990. 89-Z-136A,B,C LAWRENCE TOWNSHIP
COUNCILMANIC DISTRICT NO. 5
5855 NORTH GERMAN CHURCH ROAD, INDIANAPOLIS.

OVERLOOK GROUP, LTD., by Douglas W. Pool, requests the rezoning of: A) 8.959 acres being in the A-2 District to the C-1 classification; B) 5.399 acres being in the A-2 District to the C-3 classification; and C) 45.782 acres being in the A-2 and D-7 Districts to the C-4 classification to provide for office and retail development.

PROPOSAL NOS. 487-496, 1990. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on August 3, 1990. Councillor Clark moved that Proposal No. 487, 1990, be scheduled for a public hearing:

CITY-COUNTY COUNCIL MOTION

Mr. President:

I move that Proposal No. 487, 1990 (Rezoning Case 90-Z-81) be scheduled for a hearing before this Council at its next regular meeting on August 27, 1990 at 5:00 p.m. and that the Clerk read the announcement of such hearing and enter same in the minutes of this meeting.

/s/ Dick Clark
Councillor

By Consent the motion was adopted.

August 6, 1990

Robert G. Elrod, General Counsel for the City-County Council, read the following announcement:

This Council will hold a public hearing on Rezoning Petition 90-Z-81, Council Proposal No. 487, 1990, at its next regular meeting on August 27, 1990, such meeting to convene at 5:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 27.8 acres at 1135 North Cumberland Road from D-A to D-4, to provide for single-family residential homes by platting.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

The Council did not schedule Proposal Nos. 488-496, 1990, for hearing pursuant to IC 36-7-4-608. Proposal Nos. 488-496, 1990, were retitled REZONING ORDINANCE NOS. 145-153, 1990, and are identified as follows:

REZONING ORDINANCE NO. 145, 1990. 90-Z-120 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 1

7950 WEST 10TH STREET, INDIANAPOLIS.

MARVIN C. CHRISTIE, by James L. Keeler, requests the REZONING of 1.7 acres, being in the D-611 District, to the C-4 classification to provide for commercial development.

REZONING ORDINANCE NO. 146, 1990. 90-Z-121 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 10

2990 NORTH SHERMAN DRIVE, INDIANAPOLIS.

BODNER PROPERTIES 3 requests the REZONING of 0.864 acre, being in the C-3 and D-5 Districts, to the C-3 classification to provide commercial development.

REZONING ORDINANCE NO. 147, 1990. 90-Z-123 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 21

1001 SOUTH BELMONT AVENUE, INDIANAPOLIS.

INDIANAPOLIS PUBLIC SCHOOLS requests the REZONING of 5.49 acres, being in the PK-1 District, to the SU-2 classification to provide for the construction of a new school.

REZONING ORDINANCE NO. 148, 1990. 90-Z-129 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 7

1701-1719 EAST 52ND STREET, INDIANAPOLIS.

UNIFIED CAPITOL INVESTMENT CORP., by Phillip A. Nicely, requests the REZONING of 0.47 acre, being in the C-1 District, to the C-3 classification to provide for commercial development.

REZONING ORDINANCE NO. 149, 1990. 90-Z-130 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 16

519 AND 551 NORTH KING AVENUE, INDIANAPOLIS.

CITY OF INDIANAPOLIS DEPARTMENT OF PUBLIC SAFETY requests the REZONING of 5.3464 + acres, being in the D-5 District, to the SU-9 classification to provide for the Quadrant Four Police Headquarters.

REZONING ORDINANCE NO. 150, 1990. 90-Z-132 WASHINGTON TOWNSHIP
COUNCILMANIC DISTRICT NO. 6

6556 WESTFIELD BOULEVARD, INDIANAPOLIS.

BROADRIPPLE HEATING AND AIR CONDITIONING, by Stephen D. Mears, requests the REZONING of 2.6 acres, being in the C-S District, to the C-S classification to provide for a contracting business.

REZONING ORDINANCE NO. 151, 1990. 90-Z-133 WAYNE TOWNSHIP
COUNCILMANIC DISTRICT NO. 19

7302 WEST WASHINGTON STREET, INDIANAPOLIS.

MSE CORPORATION requests the REZONING of 1.6 acres, being in the D-5 District, to the I-4-S classification to provide for industrial development.

REZONING ORDINANCE NO. 152, 1990. 90-Z-135 CENTER TOWNSHIP
COUNCILMANIC DISTRICT NO. 16

739 NORTH SENATE AVENUE, INDIANAPOLIS.

SCIENCE AND TECHNOLOGY PARK ASSOCIATES, L.P., by Harry F. McNaught, Jr., requests the REZONING of 0.5 acre, being in the I-3-U/RC District, to the CBD-2/RC classification to provide for additional off-street parking for or other CBD-2 uses in connection with the Science & Technology Park.

REZONING ORDINANCE NO. 153, 1990. 90-Z-141 PERRY TOWNSHIP
COUNCILMANIC DISTRICT NO. 24

7108 McFARLAND BOULEVARD, INDIANAPOLIS.

THE SHOREWOOD CORPORATION, by Michael Quinn, requests the REZONING of 2.37 acres, being in the C-6 District, to the C-1 classification to provide for commercial development.

PROPOSAL NOS. 447, 448 and 471, 1990. President SerVaas said that these three proposals all concern the chilled water system and asked for consent to vote on them together. Consent was given. Councillor McGrath stated that the chilled water system is an underground network of pipes which carries chilled water for air conditioning. PROPOSAL NO. 447, 1990. This proposal establishes procedures for granting District Chilled Water Systems franchises and authorizes the Department of Transportation (DOT) to negotiate, but not execute or grant, a district chilled water system franchise. PROPOSAL NO. 448, 1990. This proposal amends the Code, granting a District Chilled Water System Franchise, and authorizing the execution of a contract for said franchise. PROPOSAL NO. 471, 1990. This proposal amends the Code to authorize the Department of Transportation to issue permits to a district chilled water franchise holder. Councillor McGrath reported that the Rules and Policy Committee heard the three proposals on July 30 and August 6, 1990, and all three proposals were amended as follows:

- * Proposal No. 447, 1990, was amended by incorporating the terms and conditions of the franchise contract, which was originally in Proposal No. 448, 1990.
- * Proposal No. 448, 1990, was amended by deleting the contract and approving the district chilled water franchise to Mid-America Energy Resources, Inc.
- * Proposal No. 471, 1990, was amended by changing sections in the Code regarding the right-of-way activity manual and establishing a dedicated fund from franchise fees to be used by DOT for infrastructure repairs and maintenance.

By a 7-0 vote on August 6, 1990, the Committee reported the proposals to the Council with the recommendation that they do pass as amended. Councillor McGrath moved, seconded by Councillor West, for adoption.

Councillor Boyd said that the Council should monitor the chilled water system project and receive periodic reports.

President SerVaas stated that the contract guarantees a continuous review of the system. He also said that he was very concerned about the streets and has received assurances from Mid-America and DOT that a special inspector will ensure that streets will be replaced properly when they are torn up for the project.

Councillor West stated he sponsored these three proposals because (1) the chilled water system reduces pollution and (2) the city will gain a new industry and will receive approximately \$17,500,000 in franchise fees during the next twenty-five years.

Proposal Nos. 447, 448 and 471, 1990, as amended, were adopted on the following roll call vote; viz:

25 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

August 6, 1990

0 NAYS:

2 NOT VOTING: *Borst, Howard*

2 NOT PRESENT: *Giffin, Rhodes*

Councillor Howard abstained due to a possible conflict of interest.

Proposal No. 447, 1990, as amended, was retitled GENERAL ORDINANCE NO. 96, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 96, 1990

A GENERAL ORDINANCE amending the Revised Code of The Consolidated City and County by adding a new chapter 866 authorizing the negotiation, but not the executing or granting of, district cooling system franchises and establishing general requirements for such franchises in the downtown.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of The Consolidated City and County is hereby amended by adding a new chapter 866 to read as follows:

CHAPTER 866 DISTRICT COOLING SYSTEM FRANCHISES

Sec. 866-1. Statutory Authority

Because the operation of a District Cooling System requires the permission of the City to use the public ways or any portion thereof, the Council determines that it is proper and expedient to franchise such systems pursuant to Indiana Code 36-1-3-5. Further, Indiana Code 36-1-3-6 requires that an ordinance prescribing a specific manner for the granting of any such franchise be passed by the Council.

The Council hereby finds that it is in the interest of the City that portions of the public ways be used to make District Cooling Systems available to the people of the City.

Sec. 866-2. Negotiations for the franchise

The Council hereby authorizes its general counsel and the department of transportation to negotiate, but not execute or grant, district cooling system franchises which shall set the terms and conditions under which the franchise-holder may be permitted to use portions of the public right-of-way.

Sec. 866-3. Minimum terms and conditions

Any such franchise agreement shall be negotiated to contain, at a minimum, the following terms and conditions:

- (1) the duration of the franchise; and,
- (2) the method and means for renewal, said terms not to include an automatic renewal but to include the standards used for the evaluation of the renewal; and,
- (3) terms of termination of the franchise, said terms to address the following:
 - (a) criteria under which the City-County Council may terminate the franchise prior to the end of the franchise term; and
 - (b) rights and obligations of both parties with regard to abandonment of the franchise, either partial or entirely, prior to the end of the franchise term; and,
- (4) the rights and obligations of both parties upon the desire of the franchise holder, or its successor, to sell or transfer the franchise to another entity; and,
- (5) the specific geographic area covered by the franchise; and,
- (6) the terms and conditions under which an extension of the geographic area may be granted to the franchise holder by the Council; and,
- (7) the rates afforded to the City for service by the Chilled Water System; and,

(8) the method and means of valuation upon sale, right of first refusal, or refusal to renew, or other termination; and,

(9) the method and means, standards and requirements of the construction of the system within the public right-of-way; and

(10) the rights and obligations of the parties upon the determination of a need to relocate the facility's lines; and

(11) the franchise fee, both the amount and the method of payment.

Sec. 866-4. The Council shall have the sole authority to grant, authorize the execution of, enter into, renew or terminate any such DISTRICT COOLING SYSTEM FRANCHISE.

Sec. 866-5. The Council hereby authorizes non-exclusive District Cooling System Franchises for the downtown subject to the following general terms and conditions:

(1) FRANCHISE AGREEMENT: The franchise holder shall enter into a contractual agreement with the City for a term of twenty-five years. Said agreement shall reflect the terms and conditions stated in this chapter.

(2) RENEWAL: At or before the end of the twenty-five year term, the Council may, upon application by the franchise holder or its successor, renew the franchise. In deciding whether to renew, the Council shall apply a standard of public interest, taking into account (among other things) credit to the franchise holder or its successor for adequate performance under the franchise. The Council shall make the decisions described in this paragraph, without delegation to a subordinate tribunal or official.

(3) TERMINATION: Unless renewed, the franchise shall terminate at the end of its term. Before the end of the franchise term, the Council may terminate the franchise if it finds, after notice and hearing on a record, that the franchise holder or its successor has abandoned the franchise or has abandoned good faith efforts to promote the franchise. In the event that the franchise holder or its successor has continued service in, and efforts to promote, only a portion of the franchise's geographic area, the franchise may be terminated only as to the remaining geographic area. The Council shall make the decisions described in this paragraph, without delegation to any subordinate tribunal or official.

(4) ABANDONMENT OF FRANCHISE: The franchise holder or its successor shall not abandon service until one year after it has given the Council and the Mayor written notice of its intention to do so. The Council may, however, consent to abandonment on less than one year's notice. The Council shall make the decisions described in this paragraph, without delegation to any subordinate tribunal or official.

(5) SALE OF FRANCHISE: The franchise holder, or its successor, must obtain Council approval for the sale or transfer of the franchise. Any request for approval should contain adequate information about the acquiring person's identity, character, financial ability, and competence in providing chilled water service.

(6) RIGHT OF FIRST REFUSAL: If the franchise holder, or its successor, makes a request for approval of a sale or transfer, the Council, on behalf of the City, may exercise a right of first refusal to acquire the district chilled water system and operation. In the event that the Council declines to exercise the right of first refusal, it shall grant a request for sale or transfer unless it finds that the acquiring party is not responsible.

(7) VALUATION UPON EXERCISE OF RIGHT OF FIRST REFUSAL: If the Council declines to approve a sale or transfer to a person who is responsible and instead exercises a right of first refusal in order to take over the chilled water system, it shall pay a price equal to the bona fide offer.

(8) VALUATION ON REFUSAL TO RENEW: If the Council declines a request to renew the franchise, the Council may, but is not obligated to, acquire the chilled water system facilities. If the Council acquires the chilled water system facilities, it shall pay a price equal to fair market value, based on three independent mutually agreed upon appraisals.

(9) VALUATION UPON OTHER TERMINATION: In the event of the franchise's termination by reason of abandonment or absence or a request for renewal, the Council may, but is not obligated to, purchase the chilled water system facilities at depreciated investment value.

(10) GEOGRAPHIC AREA: The franchise shall cover the downtown area bounded by the following perimeter: 2200 North, 1200 East, White River Bloomington Street, Washington Street, extended White River Parkway, Interstate 1-70, Harding Street, Kentucky Avenue, on the west, and 2200 South. In the event that the franchise holder later requests an extension of the franchise boundaries to serve additional areas that are part

August 6, 1990

of its long-term plans, the Council will take into account credit to the franchise holder or its successor for adequate performance of service in the area previously awarded.

(11) SERVICE RATES: The franchise holder or its successor will negotiate its rates by individual contracts with customers. In light of this, the Council will not request any rate cap.

(12) FAVORABLE CITY TREATMENT: The franchise holder or its successor shall provide that the contracts negotiated with the City will be amended to include any more favorable term, included in any other customer's contract, relating to rates and discounts. For the purpose of this subsection, the City will be deemed to include the following buildings: City-County Building and any future annex, City Market, Marion County Jail, Market Square Arena, Convention Center and Hoosier Dome, State Museum, Indianapolis Sports Center, and a future baseball stadium.

(13) CONSTRUCTION STANDARDS: The franchise holder or its successor will be bound by the right of way restoration standards contained in General Ordinance 24, 1985. If, subsequent to the granting of a franchise, revisions to the ordinance alter the above standard, said alterations shall not be applicable to Phase One construction (as outlined in exhibit A which is attached hereto and made a part hereof) prior to April 1, 1991 provided that an extension may be provided by the Department of Transportation for good cause thereon. The Council shall direct the City to contract with a private consultant, at the Franchise Holder's or its successor's expense, to provide inspection services on call and as needed at the sole discretion of the city for the inspection of the work being performed within the public right of way. However, said inspection need not be provided on a resident basis.

(14) LOCATION OF CHILLED WATER FACILITIES: The department of transportation may designate the sides of the streets and the locations thereon along which any of the franchise holder's or its successor's facilities, whether separately or jointly, shall be placed. The department of transportation may refuse to permit the franchise holder or its successor to lay mains or conduits along both sides of, or in more than one part of any street except in cases of emergency or cases of clear necessity.

The franchise holder or its successor shall submit its plans for location of facilities with the Department of Metropolitan Development. The Department shall approve or disapprove the plans within 20 days of submittal, which approval shall not be unreasonably withheld. If the Department fails to approve or disapprove a submitted proposal within the 20 days, the plans shall be deemed to be approved.

(15) RELOCATION OF CHILLED WATER FACILITIES: Whenever the department of transportation shall deem it necessary that the location of any of the franchise holder's or its successor's facilities in any public right-of-way or public place shall be changed, the department shall order in writing the change of location thereof, designating the proper location therefor, and provide a reasonable time for compliance by the franchise holder or its successor. Changes in the location of the Franchise Holder's or its successor's facilities within the public right-of-way or public grounds necessitated by work initiated by or financed by either the department of transportation or the department of public works shall be at the expense of the franchise holder or its successor. However, in their project plans, the department of transportation and the department of public works shall coordinate with the franchise holder or its successor to insure that the facility relocation costs are limited to the maximum extent possible. Changes in location of the facilities in, over or through the public rights-of-way or public grounds necessitated by work initiated by or financed by any party other than the department of transportation or the department of public works shall be at the expense of such other party.

(16) CONDUIT: During street excavation, the Franchise Holder or its successor will install up to two (2) conduits, 4" or 6" in diameter, up to a cost limit of \$50,000.00. After the above stated cost limit is reached, the Franchise Holder or its successor will continue to install conduit at its expense. In such case, the City shall reimburse the franchise holder or its successor for the cost of conduit material. All said Conduits will be the property of the City of Indianapolis.

(17) RISK ALLOCATION: The Franchise Holder or its successor shall supply conduit meeting generally acceptable industry standards and specifications. The Franchise Holder or its successor shall obtain standard one-year warranties, for labor and materials, from contractors and suppliers and further will assign all rights, including contract remedies, to the City of Indianapolis. There will be no further Franchise Holder liability after installation of conduit. The City and the Franchise Holder or its successor shall give each other mutual releases of liability.

(18) FRANCHISE FEE:

(a) METHOD OF PAYMENT: The franchise fee without interest shall be paid semi-annually, 45 days after the end of June and December.

(b) AMOUNT OF FEE: The amount of the fee to be paid to the City by the franchise holder shall be as follows:

Journal of the City-County Council

	PROJECTED GROSS ANNUAL REVENUE	FRANCHISE FEE
1991	\$ 1,925,000	0
1992	3,933,000	\$ 50,000
1993	5,869,000	100,000
1994	8,217,000	200,000
1995	9,728,000	381,000
1996	10,982,000	424,000
1997	11,964,000	462,000
1998	12,959,000	500,000
1999	14,044,000	4%
2000	15,234,000	4%
2001	16,028,000	4%
2002	16,783,000	4%
2003	17,581,000	4%
2004	18,415,000	4%
2005	19,283,000	4%
2006	20,196,000	4%
2007	21,153,000	4%
2008	22,148,000	4%
2009	23,198,000	4%
2010	24,299,000	4%
2011	25,446,000	4%
2012	26,656,000	4%
2013	27,914,000	4%
2014	29,239,000	6%
2015	30,624,000	6%

1. The above franchise fees listed for years 1991 through 1998, are minimum fees payable and are guaranteed by the Franchise holder.
2. For the years 1999 through 2015, the franchise fee shall be calculated by subtracting prior year's paid franchise fee from the present year's gross annual revenue and multiplying that remainder by the applicable percentage.
3. For any year in which the project exceeds the projected gross annual revenues, the franchise holder shall pay an additional franchise fee equal to 6% of the amount in excess of the projected gross annual revenue.
4. Gross annual revenue means any and all compensation accrued from providing chilled water services or district cooling products, in whatever form, exchange or otherwise, directly or indirectly by the franchise holder.

(19) POLICE POWER: The Council, the Department of Transportation or any other agency of the City shall have the power to adopt, in addition to the provisions contained in this Chapter, the franchising contract, and any other applicable ordinances or regulations as of the effective date, such additional ordinances or regulations as then shall find necessary in the exercise of the police power.

(20) APPLICABLE LAW: The franchise agreement shall be governed by the laws of the State of Indiana.

(21) CHANGES TO FRANCHISE AGREEMENT: Any additions, deletions, waivers, exceptions, amendments or alterations of any kind to the franchise agreement must be made by express consent and agreement between the franchise holder or its successor and the Council. The Council itself shall make the decisions described in this paragraph, without delegation to any subordinate tribunal or official.

(22) REMEDIES: Nothing in this Chapter shall limit the City's right to pursue any and all rights and remedies available to it under the terms of the franchise agreement.

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

August 6, 1990

Proposal No. 448, 1990, as amended, was retitled SPECIAL ORDINANCE NO. 10, 1990, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1990

A SPECIAL ORDINANCE granting a District Cooling System Franchise and authorizing the execution of a franchise agreement for said franchise.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to Sec. 866-4 of the Revised Code of The Consolidated City and County the Council hereby determines that a franchise should be granted to Mid-America Energy Resources, Inc. for a DISTRICT COOLING SYSTEM. Said franchise shall be governed by the terms and conditions as outlined in Sec. 866-5 of this Chapter.

SECTION 2. The Council hereby approves the District Cooling System Franchise Agreement with Mid-America Energy Resources, Inc. in the form attached hereto as Exhibit 1 and incorporated herein by reference. The Mayor of the City of Indianapolis is hereby authorized to execute such agreement on behalf of the City.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

Proposal No. 471, 1990, as amended, was retitled GENERAL ORDINANCE NO. 97, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1990

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by amending chapter 28 to authorize the department of transportation to issue permits to a district chilled water franchise holder and amending Chapter 2 to establish a "district cooling system franchise fee fund".

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Code of Indianapolis and Marion County is hereby amended to add a new section, to read as follows:

Sec. 28-213.

Notwithstanding the provisions of Sec. 28-194 or 28-227, after a franchise agreement has been granted by the City-County Council for a district cooling system and subject to Article VII of this chapter, the department of transportation may issue permits to the franchise-holder for activity within the public rights-of-way located in the franchise district.

SECTION 2. The Code of Indianapolis and Marion County is hereby amended to add a new section, to read as follows:

Sec. 2 - 359.3. District Cooling System Franchise Fee Fund.

There is hereby created a special fund, for the use of the department of transportation, to be designated the "district cooling system franchise fee fund," in the division of finance, in the office of the controller. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly in any manner to any other uses than for the purposes of the construction, reconstruction, maintenance or management of department of transportation related infrastructure within the public right-of-way, said infrastructure to include streets, sidewalks, curbs, bridges, shoulders, traffic control devices or facilities, stormwater drainage facilities and conduit for fibre optics or related uses. The fund shall consist of franchise fees paid by the holder of the chilled water system franchise as described in Section 866-5.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-3-4-14.

PROPOSAL NO. 384, 1990. Councillor Schneider reported that the Economic Development Committee heard Proposal No. 384, 1990, on June 13, 1990. The proposal approves and authorizes certain actions and proceedings with respect to certain proposed economic development bonds (Mid-America Energy Resources, Inc. Project). Councillor Schneider informed the Council that the bond was for \$19,000,000 and Mid-America Energy Resources, Inc. will be constructing a chilled water facility at 323 East South Street. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Mukes-Gaither, for adoption. Proposal No. 384, 1990, was adopted on the following roll call vote; viz:

22 YEAS: Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams

0 NAYS:

5 NOT VOTING: Borst, Gilmer, Golc, Hawkins, Howard

2 NOT PRESENT: Giffin, Rhodes

Proposal No. 384, 1990, was retitled SPECIAL RESOLUTION NO. 47, 1990, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 1990

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by the company; and

WHEREAS, Mid-American Energy Resources, Inc., an Indiana corporation (the "Applicant"), has advised the Indianapolis Economic Development Commission and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to the Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities consist of the acquisition, construction, installation and equipping of a chilled water distribution system including the pumps and cooling tower to be located in Marion County, Indiana; the acquisition of machinery, equipment and furnishings for use in the facilities; and the acquisition, construction, installation, and equipping of various site improvements (the "Project"); which will be used in connection with a water chilling plant and administration building containing approximately twenty-two thousand eight hundred (22,800) square feet which will be located at 350 South West Street, Indianapolis, Indiana, on approximately 3.06 acres of land; and

WHEREAS, the diversification of industry and the creation of opportunities for gainful employment (an additional number of jobs of approximately one hundred (100) construction jobs and approximately eight (8) after one (1) year and three (3) years) and the creation of business opportunities to be achieved by the acquisition, construction, installation and equipping of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition, construction, installation and equipping of the facilities will not have an adverse competitive effect on similar facilities already constructed or operating in the City of Indianapolis; now therefore;

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment (an additional number of jobs of approximately one hundred (100) construction jobs and approximately eight (8) after one (1)

August 6, 1990

year and three (3) years) in the City of Indianapolis, Indiana, is desirable, serves a public purpose and is of benefit to the health or general welfare of the Issuer; and that it is in the public interest that said Issuer take such action as it lawfully may to encourage diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment in the City of Indianapolis.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed Nineteen Million Dollars (\$19,000,000) under the Act to be privately placed or publicly offered with credit enhancement for the acquisition, construction, installation and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition, construction, installation and equipping of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction, installation and equipping of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires January 31, 1991 unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the governing body of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer by official action extends the term of this inducement resolution; and (ii) it will adopt such resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) the aggregate amount of private activity bonds issued pursuant to such issue when added to the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year it being understood that the Issuer by taking this action is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in an aggregate amount in excess of the private activity bond limit may and in all probability will be adopted and (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions and (3) no portion of such private activity bond limit has been guaranteed for the proposed project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (provided that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the adoption of this resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction, installation and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same purpose. Also certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 331, 1990. Councillor Holmes reported that the County and Townships Committee heard Proposal No. 331, 1990, on July 24, 1990. This proposal appropriates \$13,039 for the Soil and Water Conservation District Agency to hire an additional staff person. Councillor Holmes said that the Committee felt that this item should be deferred until the budget hearings. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Holmes moved, seconded by Councillor Durnil, to strike. Proposal No. 331, 1990, was stricken by unanimous voice vote.

PROPOSAL NO. 388, 1990. Councillor Holmes reported that the County and Townships Committee heard Proposal No. 388, 1990, on July 24, 1990. This proposal appropriates \$60,000 for the County Surveyor to acquire a Global Positioning System which is capable

of surveying any point to better than a 1/4 of an inch. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:39 p.m. There being no one present to testify, Councillor Holmes moved, seconded by Councillor Golc, for adoption.. Proposal No. 388, 1990, was adopted on the following roll call vote; viz:

- 26 YEAS: *Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*
- 0 NAYS:
- 1 NOT VOTING: *Dowden*
- 2 NOT PRESENT: *Giffin, Rhodes*

Proposal No. 388, 1990, was retitled FISCAL ORDINANCE NO. 83, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 83, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty Thousand Dollars (\$60,000) in the Surveyor's Corner Perpetuation Fund for purposes of the Marion County Surveyor and reducing the unappropriated and unencumbered balance in the Surveyor's Corner Perpetuation Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.03 (c) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Marion County Surveyor to acquire a Global Positioning System which is capable of surveying any point to better than a 1/4 of an inch. This equipment will accelerate every phase of survey operations which will result in greater productivity and accuracy with fewer man hours.

SECTION 2. The sum of Sixty Thousand Dollars (\$60,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY SURVEYOR</u>	<u>SURVEYOR'S CORNER PERPETUATION FUND</u>
4. Capital Outlay	<u>\$60,000</u>
TOTAL INCREASE	<u>\$60,000</u>

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>SURVEYOR'S CORNER PERPETUATION FUND</u>
Unappropriated and Unencumbered	
Surveyor's Corner Perpetuation Fund	<u>\$60,000</u>
TOTAL REDUCTION	<u>\$60,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 421, 1990. Councillor Holmes, in Councillor Rhodes' absence, reported that the Administration Committee heard Proposal No. 421, 1990, on July 30, 1990. This proposal approves the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of Notes of the Public Safety Communications and Computer Facilities District in an amount not to exceed \$7,500,000 for the purpose of procuring funds needed to pay the costs of a computer- aided dispatch system and a radio system and appropriating the proceeds of the Notes. Councillor Holmes stated that there were some technical

August 6, 1990

amendments made in Committee. By a 5-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:41 p.m. There being no one present to testify, Councillor Holmes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 421, 1990, was adopted on the following roll call vote; viz:

26 YEAS: Borst, Boyd, Brooks, Clark, Cottingham, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams

0 NAYS:

1 NOT VOTING: Solenberg

2 NOT PRESENT: Giffin, Rhodes

Proposal No. 421, 1990, was retitled SPECIAL ORDINANCE NO. 11, 1990, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 11, 1990

A SPECIAL ORDINANCE authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank of the City of Indianapolis Public Safety Communications and Computer Facilities District Notes, Series 1990A, in a principal amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000), for the purpose of procuring funds to pay the costs of all or part of a computer-aided dispatch system and a radio system for the purpose of improving public safety communications in Marion County and appropriating the proceeds of the Notes.

WHEREAS, on December 20, 1989, the Metropolitan Emergency Communications Agency Board of the City of Indianapolis, Indiana (the "Board"), adopted a Resolution (the "CAD Declaratory Resolution") declaring it to be necessary and of public utility and benefit to proceed with the purchase and installation of a computer-aided dispatch system (the "CAD System"); and

WHEREAS, on January 2, 1990, after giving notice as required by law, the Board held a public hearing on the CAD Declaratory Resolution at which the Board considered all written remonstrances, if any, filed with the Board and heard and received testimony from all persons interested in or affected by the proceedings who wished to be heard; and

WHEREAS, on January 2, 1990, at the conclusion of the public hearing, the Board adopted a Resolution confirming in all respects the CAD Declaratory Resolution (the "CAD Confirmatory Resolution"); and

WHEREAS, on April 4, 1990, the Board adopted a Resolution (the "Radio Declaratory Resolution") declaring it to be necessary and of public utility and benefit to proceed with the purchase and installation of a radio system for the purpose of improving public safety communications in Marion County (the "Radio System"); and

WHEREAS, on April 17, 1990, after giving notice as required by law, the Board held a public hearing on the Radio Declaratory Resolution at which the Board considered all written remonstrances, if any, filed with the Board and heard and received testimony from all persons interested in or affected by the proceedings who wished to be heard; and

WHEREAS, on April 17, 1990, at the conclusion of the public hearing, the Board adopted a Resolution confirming in all respects the Radio Declaratory Resolution (the "Radio Confirmatory Resolution"); and

WHEREAS, on July 9, 1990 the Board adopted its Preliminary Note Resolution ("Note Resolution") authorizing the issuance and sale to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank") of notes of the Public Safety Communications and Computer Facilities District of the City of Indianapolis, Indiana ("Facilities District") in a principal amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) to be designated as the "City of Indianapolis Public Safety Communications and Computer Facilities District Notes, Series 1990A, subject to the approval of the City-County Council of the City of Indianapolis and of Marion County, Indiana ("Council"), for the purpose of procuring funds needed to pay the costs of all or part of a project consisting of the CAD System and the Radio System (collectively, the "Project"), which costs are more fully described in the Note Resolution ("Project Costs"); and

WHEREAS, the Notes and the accrued interest thereon shall be paid from proceeds of bonds of the Facilities District, when and if issued, or from other money available to the Facilities District; and

WHEREAS, the Project Costs have caused a necessity to arise for a further appropriation in an amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) (the "Notes");

WHEREAS, there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the Project Costs and an extraordinary emergency and necessity exists for the making of the additional appropriation set out herein; and

WHEREAS, the Clerk of the Council has caused notice of a hearing on said appropriation to be published as required by law; and

WHEREAS, such public hearing on said appropriation was held at the meeting of the Council on August ____, 1990 at 7:00 p.m. E.S.T. in the Public Assembly Room on the Second Floor of the City-County Building, at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Council hereby approves the issuance of the Notes and their sale to the Bond Bank all as set forth in the Note Resolution, and any supplemental resolution of the Board providing for further terms of the Notes and provisions governing the sale of the Notes, all within the parameters on amount, purchase price, and interest rates set forth in the Note Resolution, and further approves the purposes for which the proceeds of the Notes will be expended as set forth in the CAD Declaratory Resolution as confirmed by the CAD Confirmatory Resolution, the Radio Declaratory Resolution as confirmed by the Radio Confirmatory Resolution and the Note Resolution. This approval shall constitute the approval required by Section 2-425 of the Code of Indianapolis and Marion County, Indiana.

SECTION 2. The proceeds of the Notes in an amount not to exceed Seven Million Five Hundred Thousand Dollars (\$7,500,000) are hereby appropriated for the payment of Project Costs. This appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the Project. Any surplus of such proceeds shall be credited to the proper fund as provided by law.

SECTION 3. The Clerk of the Council is hereby authorized and directed to certify a copy of this Ordinance, together with such other proceedings and actions as may be necessary to the Marion County Auditor for certification to the State Board of Tax Commissioners for the purpose of obtaining the approval of said Board of the additional appropriation herein made.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 422, 1990. Councillor Holmes reported that the County and Townships Committee heard Proposal No. 422, 1990, on August 2, 1990. This proposal authorizes the issuance and sale of bonds by the Board of Commissioners for the purpose of making a loan to procure funds necessary to be advanced to Center Township for poor relief purposes and appropriating the proceeds of such bonds which will not exceed ten million dollars. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Holmes moved, seconded by Councillor Hawkins, for adoption.

President SerVaas passed the gavel to Councillor West.

President SerVaas stated that the Council needs to take their case in a bipartisan way to the State Legislature. The tax base of Center Township can no longer afford to pay for the indigent, and the bond issue of \$10 million is just a beginning. The \$10 million is not budgeted, but the State mandates the County to pay it. This is a serious problem because many of the poor and disadvantaged of central Indiana are located in Center Township and the number is getting larger.

August 6, 1990

Councillor West returned the gavel to President SerVaas.

Councillor Golc stated that the City must do its part to find a solution to this problem and he believes assistance to people should become a top priority item.

Councillor Howard said that he supports this ordinance; he lives in Center Township and he does not mind paying his fair share of taxes. He said there are many federal and state office buildings located in Center Township that do not pay taxes.

Councillors Holmes and Dowden said that this is a state-created problem and the State should become part of the solution. Councillor Holmes added that this ordinance will increase the tax rate in Center Township by approximately \$.25 to \$.30 per \$100 assessed valuation. Councillor Gilmer believes that the State needs a new tax formula to fund poor relief. Councillors McGrath and Schneider said that they will be voting against this bond issue as they have done in past years.

Councillor Irvin said he will vote against the bond issuance because it increases taxes on the working poor.

Councillor Moriarty said that she will be voting for this proposal reluctantly, and said that it is ironic that a property tax increment financing district can be set aside for the Circle Centre Mall, but a property tax increment financing district cannot be set aside for poor relief; instead, property taxes are going to be raised.

Mary Buckler, County Treasurer, said that in 1990 the Center Township Trustee constituted 95% of all poor relief expenditures for Marion County. The Center Township Trustee believes the poor are sent to his office for assistance from other townships in Marion County, plus from all around Indiana. What was intended to be an emergency temporary form of assistance has turned into a long-term subsistence program that supplements welfare. The State constitution prohibits deficit spending except in the area of welfare and poor relief. The County does not set the welfare guidelines and the County does not establish trustee-recipient guidelines, yet the County bears the cost. She said it was with reluctance that the County Commissioners voted to approve proceeding with the bonding issue. If this bond issue is not passed the County will be placed in a position of defaulting on the loan that has already been made to the Center Township Trustee, who was out of money at the end of April.

Councillor Durnil stated that if this proposal is defeated, the Council will have to include the bond issue in the 1991 budget in order for the Auditor to pay it. Councillor West explained that the State laws mandate that when a township runs out of funds, it is to go to the County Commissioners who then should go to the City-County Council and the Council shall provide those funds by issuance of a bond issue for three years.

Councillor Williams stated that Indiana is the only state that administers poor relief through the township trustee system and, in her opinion, the financing of the assistance is not up to twentieth century standards.

Councillor Shaw stated that he believes the County Welfare Department has to revise its system in order to expedite help for people who need it because its present system is overburdening the township system.

Councillor Strader said that not just Center Township, but all townships are in financial trouble regarding poor relief. Councillor Clark added that the urban township trustee's system for poor relief does not work effectively.

President SerVaas called for public testimony at 9:21 p.m. There was no one present to testify. Proposal No. 422, 1990, was adopted on the following roll call vote; viz:

19 YEAS: Boyd, Brooks, Cottingham, Coughenour, Curry, Durnil, Golc, Hawkins, Holmes, Howard, Jones, Moriarty, Mukes-Gaither, Ruhmkorff, SerVaas, Shaw, Strader, West, Williams
8 NAYS: Borst, Clark, Dowden, Gilmer, Irvin, McGrath, Schneider, Solenberg
0 NOT VOTING:
2 NOT PRESENT: Giffin, Rhodes

Proposal No. 422, 1990, was retitled SPECIAL ORDINANCE NO. 12, 1990, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 12, 1990

A SPECIAL ORDINANCE authorizing the issuance and sale of bonds by the Board of Commissioners of the County of Marion (the "Board") for the purpose of making a loan to procure funds necessary to be advanced by Marion County to Center Township for poor relief purposes and to pay the expenses in connection with or on account of the issuance of such bonds, and appropriating the proceeds of such bonds.

WHEREAS, the Board did, on the 19th day of July, 1990, make and enter of record a finding that the amount of funds necessary to be advanced to Center Township of Marion County ("Center Township") for financing the cost of poor relief heretofore furnished by Center Township and to continue to furnish such poor relief through December 31, 1990, is in excess of the amount that can be reasonably advanced by Marion County out of any funds now available and the Board has requested the City-County Council of the City of Indianapolis and Marion County (the "City-County Council") to authorize the making of a loan to procure the funds necessary for poor relief purposes; and

WHEREAS, a petition has been filed with the Board and the City-County Council by more than fifty (50) taxpayers of Marion County, addressed to "The Board of Commissioners of the County of Marion, Indiana and to the City-County Council of the City of Indianapolis and of Marion County, Indiana," which petition the City-County Council finds to be sufficient and in compliance with IC 6-1.1-20-3, requesting the Board and the City-County Council to issue bonds of Marion County in an amount not to exceed Ten Million Dollars (\$10,000,000) for the purpose of procuring funds in an amount sufficient to pay any indebtedness heretofore incurred by Center Township on account of poor relief heretofore furnished by Center Township and to continue to furnish such poor relief to be needed for a period not exceeding six (6) calendar months next following the month in which the Board makes and enters of record a finding that the amount of funds necessary to be advanced to Center Township of Marion County ("Center Township") for financing the cost of poor relief heretofore incurred in Center Township, is in excess of the amount that can be reasonably advanced by Marion County out of any funds now available, together with all expenses necessary and incidental to the making of such loan, including expenses in connection with or on account of the issuance of bonds therefor; and

WHEREAS, the City-County Council now finds that the request of the Board should be granted and that the City-County Council should authorize such loan and the issuance of bonds of Marion County to evidence the same pursuant to the provisions of IC 12-2-5; and

WHEREAS, the City-County Council now finds that Marion County has no funds available or provided for in the existing budgets and tax levies which may be applied to such poor relief, making it necessary to issue bonds of Marion County in order to procure the funds to be furnished by Marion County, and that a necessity exists for the making of the additional appropriation hereinafter set out; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Board is hereby authorized to make a loan for and on behalf of Marion County for the purpose of procuring funds in an amount sufficient to pay any indebtedness heretofore incurred by Center Township on account of poor relief heretofore furnished by Center Township and for the continued furnishing of such poor relief through December 31, 1990, including an amount required for all expenses necessary and

August 6, 1990

incidental to the making of such loan, including all expenses in connection with or on account of the issuance of bonds therefor, as authorized by law, and to that end to issue and sell bonds of Marion County (the "Bonds") in a manner and form provided by IC 12-2-5 and IC 6-1.1-20.

SECTION 2. The maximum amount of the loan and Bonds issued to evidence the loan shall not exceed the amount of Ten Million Dollars (\$10,000,000), and the Bonds shall bear interest at a rate not exceeding Twelve percent (12%) per annum. The Bonds shall mature and be paid in six (6) semi-annual series on June 1 and December 1 of 1991, 1992 and 1993.

SECTION 3. As soon as can be done after passage of this Ordinance, the Board shall enter an order (the "Final Order") fixing the exact amount of the proposed loan but in no event exceeding the amount of Ten Million Dollars (\$10,000,000) and providing that the interest rate shall be the lowest interest rate bid on the Bonds, or that which is negotiated with the Indianapolis Local Public Improvement Bond Bank, but in no event exceeding the rate of Twelve percent (12%) per annum.

The Bonds shall be issued in denominations of Five Thousand Dollars (\$5,000) or any integral multiple thereof. The Board shall also adopt the form of the Bonds and the form shall be substantially followed in the issuance of the Bonds.

SECTION 4. As soon as can be done after adoption of the Final Order by the Board, the County Auditor shall give notice to the taxpayers of the filing of the petition for the Bonds and of the determination to make the loan and to issue the Bonds. The notices shall be published in Marion County and shall also be posted in three public places in Marion County, all as provided in IC 6-1.1-20-4 and IC 6-1.1-20-5.

In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of IC 6-1.1-20-4, then no further steps towards the issuance of the Bonds shall be taken unless and until the Board and the City-County Council shall have determined that such remonstrance is insufficient. In the event an objecting petition shall be filed with the County Auditor by owners of taxable real estate under the provisions of IC 6-1.1-20-5, then no further steps toward the issuance of the bonds shall be taken unless and until the State Board of Tax Commissioners (the "State Tax Board") shall issue its order approving the issuance of the Bonds. In the event it shall be determined by the State Tax Board, or otherwise, that the whole amount of the Bonds shall not be issued, then the Marion County Auditor shall be authorized to advertise and sell a lesser amount of bonds and the bonds not issued and sold shall be the bonds of the longest maturity or maturities.

SECTION 5. The proceeds from the sale of the Bonds, in the amount of Ten Million Dollars (\$10,000,000), are hereby appropriated in accordance with the finding and order of the Board dated the 19th day of July, 1990.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President SerVaas stated that he and the Majority and Minority Leaders would like to discuss this mutual problem with anyone else who is interested before the next legislative session begins.

PROPOSAL NO. 424, 1990. This proposal appropriates \$5,587,000 in the County General Fund for the County Commissioners to loan the County Department of Public Welfare to cover expenses for the remainder of the year, which loan will be repaid in 1991 through a debt service levy, and appropriates such amount for purposes of the County Department of Public Welfare. Councillor Strader asked for consent to postpone Proposal No. 424, 1990, until August 27, 1990, in order for it to be re-advertised. Consent was given.

PROPOSAL NO. 425, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 425, 1990, on July 25, 1990. The proposal appropriates \$53,000 for the Prosecutor from the Adult Protective Services Grant for the 1990-91 fiscal year. By a 6-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:24 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Howard, for adoption. Proposal No. 425, 1990, was adopted on the following roll call vote; viz:

20 YEAS: *Borst, Boyd, Clark, Curry, Durnil, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS:

7 NOT VOTING: *Brooks, Cottingham, Coughenour, Dowden, Gilmer, Irvin, Mukes-Gaither*

2 NOT PRESENT: *Giffin, Rhodes*

Proposal No. 425, 1990, was retitled FISCAL ORDINANCE NO. 84, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 84, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Fifty-three Thousand Dollars (\$53,000) in the State & Federal Grants Fund for purposes of the Prosecuting Attorney and County Auditor and reducing the unappropriated and unencumbered balance in the State & Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (w) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to utilize a State Grant that is intended to provide Adult Protective Services by hiring a full-time investigator/coordinator to serve from July 1, 1990 through June 30, 1991.

SECTION 2. The sum of Fifty-three Thousand Dollars (\$53,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>STATE & FEDERAL GRANTS FUND</u>
1. Personal Services	\$ 44,000
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	\$ 9,000
TOTAL INCREASE	\$ 53,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>STATE & FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State & Federal Grants Fund	\$ 53,000
TOTAL REDUCTION	\$ 53,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 426, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 426, 1990, on July 25, 1990. The proposal appropriates \$125,000 in the Prosecutor's Diversion Fund for the Prosecutor for various law enforcement programs. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:25 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Hawkins, for adoption. Proposal No. 426, 1990, was adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Durnil, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader*

August 6, 1990

0 NAYS:

5 NOT VOTING: Cottingham, Gilmer, Irvin, West, Williams

2 NOT PRESENT: Giffin, Rhodes

Proposal No. 426, 1990, was retitled FISCAL ORDINANCE NO. 85, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 85, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional One Hundred Twenty-five Thousand Dollars (\$125,000) in the Prosecutor's Diversion Fund for purposes of the Prosecuting Attorney and reducing the unappropriated and unencumbered balance in the Prosecutor's Diversion Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (w) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Prosecuting Attorney to appropriate monies from the Diversion Fund to support existing law enforcement programs.

SECTION 2. The sum of One Hundred Twenty-five Thousand Dollars (\$125,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>PROSECUTING ATTORNEY</u>	<u>PROSECUTOR'S DIVERSION FUND</u>
3. Other Services and Charges	<u>\$125,000</u>
TOTAL INCREASE	\$125,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>PROSECUTOR'S DIVERSION FUND</u>
Unappropriated and Unencumbered	
Prosecutor's Diversion Fund	<u>\$125,000</u>
TOTAL REDUCTION	\$125,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 428, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 428, 1990, on July 25, 1990. The proposal appropriates \$275,000 in the Law Enforcement Fund for the Justice Agency to purchase additional equipment. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:27 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 428, 1990, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Durnil, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader

0 NAYS:

5 NOT VOTING: Clark, Cottingham, Gilmer, West, Williams

2 NOT PRESENT: Giffin, Rhodes

Proposal No. 428, 1990, was retitled FISCAL ORDINANCE NO. 86, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 86, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Two Hundred Seventy-five Thousand Dollars (\$275,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (cc) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of Marion County Justice Agency to utilize forfeiture money to purchase additional items of equipment.

SECTION 2. The sum of Two Hundred Seventy-five Thousand Dollars (\$275,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	\$ 165,000
4. Capital Outlay	<u>110,000</u>
TOTAL INCREASE	\$ 275,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	\$ <u>275,000</u>
TOTAL REDUCTION	\$ 275,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

[Clerk's Note: Councillor Cottingham left at this time.]

PROPOSAL NO. 430, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 430, 1990, on July 25, 1990. The proposal appropriates \$61,000 in the Law Enforcement Fund for the Justice Agency to purchase additional items of equipment for the Metro Drug Task Force. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:28 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 430, 1990, was adopted on the following roll call vote; viz:

19 YEAS: *Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Durnil, Golc, Holmes, Irvin, Jones, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Solenberg, Strader, West,*

0 NAYS:

7 NOT VOTING: *Clark, Gilmer, Hawkins, Howard, McGrath, Shaw, Williams*

3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

Proposal No. 430, 1990, was retitled FISCAL ORDINANCE NO. 87, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 87, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty-one Thousand Dollars (\$61,000) in the Law Enforcement Fund

August 6, 1990

for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the Law Enforcement Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (cc) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to appropriate funds from forfeiture monies that have been confiscated in drug arrests in order to purchase additional items of equipment for the Metro Drug Task Force.

SECTION 2. The sum of Sixty-one Thousand Dollars (\$61,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
2. Supplies	\$ 11,000
3. Other Services and Charges	10,000
4. Capital Outlay	<u>40,000</u>
TOTAL INCREASE	\$ 61,000

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>LAW ENFORCEMENT FUND</u>
Unappropriated and Unencumbered	
Law Enforcement Fund	<u>61,000</u>
TOTAL REDUCTION	\$ 61,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 431, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 431, 1990, on July 25, 1990. The proposal appropriates \$67,000 for the Justice Agency/Sheriff's Department to contract with Riverside Community Control to provide bedspace for weekend commitments. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 9:30 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Shaw, for adoption. Proposal No. 431, 1990, was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Durnil, Golc, Hawkins, Holmes, Howard, Irvin, Jones, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Solenberg, Strader, West, Williams*

0 NAYS:

3 NOT VOTING: *Clark, Gilmer, McGrath*

3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

Proposal No. 431, 1990, was retitled FISCAL ORDINANCE NO. 88, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 88, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City- County Fiscal Ordinance No. 88, 1989) appropriating an additional Sixty -seven Thousand Dollars (\$67,000) in the County Corrections Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the County Corrections Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (cc) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to administer monies that will be processed through the County Sheriff, in order that the Sheriff's department can contract with Riverside Community Control for provision of weekend bed space.

SECTION 2. The sum of Sixty-seven Thousand Dollars (\$67,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>COUNTY CORRECTIONS FUND</u>
<u>COUNTY SHERIFF</u>	
3. Other Services and Charges	\$ <u>67,000</u>
TOTAL INCREASE	\$ <u>67,000</u>

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>COUNTY CORRECTIONS FUND</u>
Unappropriated and Unencumbered	
County Corrections Fund	\$ <u>67,000</u>
TOTAL REDUCTION	\$ <u>67,000</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 342, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 342, 1990, on July 25, 1990. The proposal amends the Code to clarify the requirements for alarm-system permits and to increase certain permit fees and penalties for violations. Councillor Dowden said the original proposal was amended in Committee by decreasing the number of false alarms reported in a calendar year from three to two; however, in other sections of the proposal the number was not changed, and in order to be consistent, he moved to substitute the General Counsel's version. This motion was seconded by Councillor Holmes and it passed by unanimous voice vote.

Councillor Coughenour believes that there should be some distinction made between properly-maintained and regularly-inspected alarms and those that are not.

Councillor Strader stated that, in his opinion, "false alarm" should be better defined.

Councillor Gilmer moved, seconded by Councillor Strader, to return Proposal No. 342, 1990, to Committee. This motion was adopted by a majority vote.

PROPOSAL NO. 423, 1990. Councillor Holmes reported that the County and Townships Committee heard Proposal No. 423, 1990, on August 2, 1990. The proposal transfers and appropriates \$1,000 for the Perry Township Assessor for supplies. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Holmes moved, seconded by Councillor Durnil, for adoption. Proposal No. 423, 1990, was adopted on the following roll call vote; viz:

19 YEAS: Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Durnil, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Schneider, Strader, West, Williams
0 NAYS:

August 6, 1990

7 NOT VOTING: Clark, Gilmer, Howard, Ruhmkorff, SerVaas, Shaw, Solenberg
3 NOT PRESENT: Cottingham, Giffin, Rhodes

Proposal No. 423, 1990, was retitled FISCAL ORDINANCE NO. 89, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 89, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional One Thousand Dollars (\$1,000) in the County General Fund for purposes of the Perry Township Assessor and reducing certain other appropriations for that office.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (r) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Perry Township Assessor to cover additional supply costs.

SECTION 2. The sum of One Thousand Dollars (\$1,000) be, and the same is hereby transferred, for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>PERRY TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
2. Supplies	\$1,000
TOTAL INCREASE	\$1,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>PERRY TOWNSHIP ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
4. Capital Outlay	\$1,000
TOTAL REDUCTION	\$1,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 427, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 427, 1990, on July 25, 1990. The proposal transfers and appropriates \$7,800 for Superior Court No. 5, Civil Division, to purchase 2 computers, 1 laser printer and miscellaneous computer equipment in order to fully access and utilize JUSTIS II. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 427, 1990, was adopted on the following roll call vote; viz:

22 YEAS: Borst, Boyd, Brooks, Coughenour, Curry, Dowden, Dumil, Gilmer, Golc, Hawkins, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Schneider, SerVaas, Shaw, Strader, West, Williams

0 NAYS:

4 NOT VOTING: Clark, Howard, Ruhmkorff, Solenberg

3 NOT PRESENT: Cottingham, Giffin, Rhodes

Proposal No. 427, 1990, was retitled FISCAL ORDINANCE NO. 90, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 90, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Seven Thousand Eight Hundred Dollars (\$7,800) in

Journal of the City-County Council

the County General Fund for purposes of the Superior Court No. 5, Civil Division and reducing certain other appropriations for that court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (pp) of the City-County Annual Budget for 1990, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Superior Court No. 5, Civil Division to purchase two new computers, one laser printer, and miscellaneous equipment that is required to fully access and utilize JUSTIS II in October of this year.

SECTION 2. The sum of Seven Thousand Eight Hundred Dollars (\$7,800) be, and the same is hereby transferred, for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

SUPERIOR COURT NO. 5 <u>CIVIL DIVISION</u> 4. Capital Outlay TOTAL INCREASE	<u>COUNTY GENERAL FUND</u> \$ 7,800 \$ 7,800
--	--

SECTION 4. The said increased appropriation is funded by the following reductions:

SUPERIOR COURT NO. 5 <u>CIVIL DIVISION</u> 3. Other Services & Charges TOTAL REDUCTION	<u>COUNTY GENERAL FUND</u> \$ 7,800 \$ 7,800
---	--

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 429, 1990. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 429, 1990, on July 25, 1990. The proposal transfers and appropriates \$35,000 in the Law Enforcement Fund for the Justice Agency to cover anticipated costs for a new drug court in the City-County Building. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Holmes, for adoption. Proposal No. 429, 1990, was adopted on the following roll call vote; viz:

21 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Holmes, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Schneider, SerVaas, Shaw, Strader, West*

1 NAY: *Williams*

4 NOT VOTING: *Hawkins, Howard, Ruhmkorff, Solenberg*

3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

Proposal No. 429, 1990, was retitled FISCAL ORDINANCE NO. 91, 1990, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 91, 1990

A FISCAL ORDINANCE amending the City-County Annual Budget for 1990 (City-County Fiscal Ordinance No. 88, 1989) transferring and appropriating an additional Thirty-five Thousand Dollars (\$35,000) in the Law Enforcement Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations for that Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 2.01 (cc) of the City-County Annual Budget for 1990, be and is hereby amended by the

August 6, 1990

increases and reductions hereinafter stated for purposes of Marion County Justice Agency to utilize monies confiscated from drug arrests to cover anticipated construction costs for a new drug court in the City-County Building.

SECTION 2. The sum of Thirty-five Thousand Dollars (\$35,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
3. Other Services and Charges	\$ 35,000
TOTAL INCREASE	\$ 35,000

SECTION 4. The said additional appropriations are funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
1. Personal Services	\$ 35,000
TOTAL REDUCTION	\$ 35,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 432, 1990. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 432, 1990, on August 1, 1990. The proposal amends the Code, Section 29-405 and 29-409, which would ban skateboards from sidewalks and parking lots. Councillor Brooks moved, seconded by Councillor Jones, to return Proposal No. 432, 1990, to Committee. This motion passed on the following roll call vote; viz:

16 YEAS: *Boyd, Brooks, Clark, Coughenour, Curry, Durnil, Golc, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, SerVaas, Shaw, Strader*
7 NAYS: *Borst, Dowden, Gilmer, Ruhmkorff, Schneider, West, Williams*
3 NOT VOTING: *Hawkins, Mukes-Gaither, Solenberg*
3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

PROPOSAL NOS. 433 and 434, 1990. President SerVaas asked for consent to vote on both these proposals together. Consent was given. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 433 and 434, 1990, on July 25, 1990. PROPOSAL NO. 433, 1990. The proposal authorizes the Community Corrections Advisory Board to contract for professional services for the Community Corrections' jail component diagnostic testing program. PROPOSAL NO. 434, 1990. The proposal authorizes the Community Corrections Advisory Board to contract for professional services for the Community Corrections' jail component substance abuse treatment program. By a 8-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal Nos. 433 and 434, 1990, were adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Brooks, Clark, Coughenour, Curry, Dowden, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, West, Williams*
0 NAYS:
2 NOT VOTING: *Irvin, Solenberg*
3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

Proposal No. 433, 1990, was retitled GENERAL RESOLUTION NO. 5, 1990, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 5, 1990

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component diagnostic testing program.

WHEREAS, the Marion County Community Corrections Advisory Board was established pursuant to IC 11-12-1-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, any agreement entered into by the Advisory Board to provide diagnostic testing programs must be approved by the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board desires to contract with a professional service provider to implement a diagnostic testing program in the Marion County Community Corrections jail component in substantially the form set forth in Exhibit A attached hereto, now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contractual agreement contemplated by the Marion County Community Corrections Advisory Board and the professional service provider to implement a diagnostic testing program in the Marion County Community Corrections jail component.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A
AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement ("Agreement") entered into this _____ day of _____, 1990, by and between Marion County Community Corrections Advisory Board ("Board") and Goodwill Industries of Central Indiana, Incorporated ("Contractor")

WITNESSETH:

WHEREAS, the Board wishes to obtain the professional services of Contractor to provide diagnostic testing and evaluation; and

WHEREAS, Contractor has the qualifications and personnel to provide such diagnostic testing and evaluation and is qualified to contract therefor.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1. Services To Be Performed.

Contractor shall provide diagnostic testing and evaluation services in the jail component of the Marion County Community Corrections Program.

SECTION 2. Obligations of Contractor.

2.1 Contractor shall operate the diagnostic testing and evaluation program ("Program") contemplated herein pursuant to all current and future written policies, guidelines, and procedures adopted by the Board.

2.2 In the event that a conflict arises between the in-house procedures, policies, or guidelines of Contractor and the Board, the Board's procedures, policies, and guidelines shall govern.

2.3 Contractor shall be responsible for filing all administrative reports and statistical data requested by the Board pursuant to time schedules determined by the Board. The Board is authorized to withhold payments for reasonable periods in order to ensure prompt compliance with such report filing schedules.

2.4 Contractor shall attend and participate in meetings with the Board and the Community Corrections Jail Component Coordinator ("Coordinator") to monitor and evaluate performance of this Agreement.

August 6, 1990

2.5 Contractor shall accept into the Program all those offenders who have been screened by the Board pursuant to its eligibility requirements and selected under Section 1 hereof. Refusal to accept any such eligible offender shall be a material breach of this Agreement.

2.6 Any conduct by a participant in the Program which could reasonably be interpreted as a violation of jail rules shall promptly be reported to the Coordinator. The Coordinator shall supply the Contractor with written procedural directions for such situations. The jail rules for the Program shall be communicated to the Contractor upon execution of this Agreement.

SECTION 3. Personnel.

3.1 Contractor shall maintain an organizational chart showing staff responsibilities and written job descriptions which accurately describe current duties for all personnel performing services under this Agreement.

3.2 Contractor shall identify and establish minimum employment qualifications for all personnel performing services under this Agreement. Contractor warrants that all personnel assigned to perform services under this Agreement shall be qualified for their assignments, duties and responsibilities, and that its staff include at least one psychologist or psychometrist. If personnel assigned to perform services under this Agreement become unavailable during the term of this Agreement, Contractor is responsible for timely provision of an adequately qualified replacement. All of the services required hereunder will be performed by the Contractor or under his direct supervision. None of the services covered by this Agreement shall be subcontracted, except as provided for in Section 13.

3.3 Contractor shall prohibit fraternization of a social or business nature between its personnel and the Program participants.

SECTION 4. Disclosure.

4.1 Records which are maintained in connection with the performance of this Agreement ("Records") shall be confidential and shall be disclosed only in the following circumstances:

- a. to the offender upon presentation of proper identification; or
- b. to the offender's agent or attorney upon presentation of:
 - i. proper identification;
 - ii. a notarized statement by the offender identifying the person acting as his agent or attorney; or
- c. upon court order, or
- d. to probation officers, or
- e. to a governmental agency providing a lawful service to or on behalf of the offender, or
- f. when otherwise authorized by law.

4.2 Communications of information between or among personnel of Contractor, the Board, and the Marion County Community Corrections Agency ("Agency") shall not constitute disclosures of Records; and, accordingly, no releases shall be required for such communications.

4.3 Contractor will take appropriate precautions and institute appropriate policies and procedures to ensure the security of the Records. Such procedures shall include, but not be limited to, segregating the Records from other patient information and clearly marking the Records as "Confidential-Authorized Access Only."

4.4 Contractor shall take appropriate action by instruction, agreement, or notice to inform its personnel who have access to Records of the confidential nature of such Records, of the prohibitions against their disclosure, and of the continued applicability of such disclosure prohibitions to such personnel after termination of their working relationship with Contractor.

SECTION 5. Confidentiality.

Contractor understands that the information provided to it from the Marion County Community Corrections Agency ("Community Corrections") and the Board during the performance of its services is confidential and may not be disclosed to a person not in the Agency's employ. Further, Consultant's work product generated during the performance of this Agreement is confidential to the Community Corrections and the Board. The failure to comply with this section will be considered a material breach of this Agreement.

SECTION 6. Compensation.

Contractor shall receive Thirteen Thousand Dollars (\$13,000) over the term of this Agreement divided into a fixed monthly rate of One-Thousand Eighty-Three Dollars and Thirty-Three Cents (\$1,083.33) per month.

payment to be made thirty (30) days in arrears. However, in the event that the Executive Director of Community Corrections determines that Contractor is failing to comply with one or more of the terms and conditions of this Agreement, the Board may reduce the Contractor's compensation by up to ten percent (10%) until such non-compliance shall have been cured. Upon Contractor's cure of any defective performance, the Board shall resume payment hereunder but may pro rate compensation in accordance with the performance received.

SECTION 7. Term.

The term of this Agreement shall be for one (1) year commencing on August 1, 1990 and terminating on July 31, 1991.

SECTION 8. Indemnification.

Contractor shall indemnify and hold harmless the Board, the Community Corrections Agency, the City of Indianapolis, the County of Marion, and the Mayor of the City of Indianapolis and their officers, agents, officials, and employees from and against any and all claims, threats of claims, actions, loss, liability, judgments, liens, or costs arising out of any negligent acts or omissions by Contractor or its officers, agents, subcontractors or employees in any manner connected with the performance of this Agreement. Such indemnity shall include attorneys' fees and shall not be limited by reason of any insurance coverage referenced herein.

SECTION 9. Insurance.

9.1 Contractor shall, as a condition precedent to this Agreement, purchase and thereafter maintain such insurance coverage as set forth below, with an insurance company acceptable to the Board, and name as additional insureds the Board, Community Corrections, the City of Indianapolis and the County of Marion, in the amounts as set forth below as will protect Contractor, the Board, Community Corrections, the City of Indianapolis and the County of Marion from and against any and all claims which may arise out of or result from the services to be performed by Contractor, its subcontractors, employees, agents, consultants, or anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable.

9.2 General Liability - occurrence basis. Bodily injury, personal injury and property damage - 1 million combined single limit per occurrence, 2 million aggregate.

9.3 Automobile Liability - owned, hired and non-owned. Bodily injury and property damage - 1 million combined single limit.

9.4 Workmen's compensation, disability and employer's liability insurance as required by Indiana statute.

9.5 Contractor's staff psychologist shall qualify under the provisions of the Indiana Medical Malpractice Act (Ind. Code §16-9.5 et seq.) ("Act"). At its sole expense, Contractor shall maintain the insurance coverage required by the Act and shall pay the surcharge due thereunder.

9.6 Contractor shall furnish the Board with a copy of the proof of financial responsibility required of its staff psychologist by Ind. Code §16-9.5-2-1(a)(1). Such proof of financial responsibility shall be delivered on or before the effective date of this Agreement.

9.7 Contractor shall file with the Board on or before the effective date of this Agreement, Certificates of Insurance evidencing its compliance with Section 9. These certificates shall include a clause prohibiting policy cancellation, reduction, limitation, or restriction until thirty (30) days after the Board has received written notice thereof. Contractor shall deliver to the Board copies of all documents evidencing such change. Failure to comply with Section 9 shall be considered a material breach of this agreement.

SECTION 10. Non-discrimination.

Contractor and its subcontractors, if any, shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, religion, color, sex, handicap, national origin, ancestry, disabled veteran status, or Vietnam era veteran status. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 11. Termination.

11.1 The Board may terminate this Agreement upon thirty (30) days written notice to the Contractor except as provided below.

August 6, 1990

11.2 In the event that the services of Contractor are unsatisfactory, or there occurs a material breach of this Agreement by Contractor, the Board may terminate this Agreement upon forty-eight (48) hours written notice to the Contractor. The Board shall be the sole arbiter in determining whether there has been such a material breach. The potential instances of material breach which are specifically mentioned in this Agreement are not exclusive and do not limit the Board's determination.

11.3 If funds for the continued fulfillment of this Agreement are at any time not forthcoming or are insufficient, through failure of any entity to appropriate funds or otherwise, the Board shall have the right to terminate this Agreement without penalty by giving written notice documenting the lack of funding.

SECTION 12. Binding on Successor and Assigns.

The covenants, agreements, and provisions of this Agreement shall be binding upon and shall inure to the benefit of the Contractor, its successors, and assigns.

SECTION 13. Non-Assignability.

Contractor shall not assign, delegate, subcontract or otherwise transfer its rights or obligations under this Agreement except with the prior written consent of the Board. Any prohibited assignment or delegation will be void. In the event that the Board approves of any such subcontracting, assignment or delegation, Contractor shall remain solely responsible for managing, directing and paying the person or persons to whom such responsibilities or obligations are sublet, assigned or delegated. The Board shall have no obligation whatsoever toward such persons. Contractor shall take sole responsibility for the quality and quantity of any services rendered by such persons. Any consent given in accordance with this provision shall not be construed to relieve Contractor of any responsibility for performing under this Agreement.

SECTION 14. Independent Contractor.

The parties agree that Contractor is an independent contractor, as that term is commonly used, and is not an employee of the Board, Community Corrections, the City of Indianapolis or the County of Marion. As such, Contractor is solely responsible for all taxes and none shall be withheld from the sums paid to Contractor. Contractor acknowledges that it is not insured in any manner through the Board, Community Corrections, the City of Indianapolis or the County of Marion for any loss of any character whatsoever. The Contractor has no authority, expressed or implied, to bind or obligate the Board, Community Corrections, the City of Indianapolis or the County of Marion in any way.

SECTION 15. Documentation Required by Board.

Contractor certifies that it will furnish the Board any and all documentation, certification, authorization, license, permit, or registration currently required by the laws or rules and regulations of the City of Indianapolis, the County of Marion, the State of Indiana, and the United States, and other units of local, state, and federal government. Contractor further certifies that it is now in and will maintain good standing with such governmental agencies and that it will keep its license, permit, registration, authorization, or certification in force during the term of this Agreement. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 16. Amendment.

This Agreement may be amended, modified, renewed or supplemented only by a written instrument signed by Contractor and the Board.

SECTION 17. Applicable Law.

This Agreement shall be governed by the laws of the state of Indiana and by all municipal ordinances and codes of the City of Indianapolis and Marion County, Indiana, as the same shall be in the full force and effect upon the date this agreement is executed.

SECTION 18. Waiver.

The Board's delay or inaction in pursuing its remedies set forth in this Agreement, or available by law, shall not operate as a waiver of any of the Board's rights or remedies.

SECTION 19. Severability.

If any provision of this agreement is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the provision shall be stricken, and all other provisions of this agreement which can operate independently of such stricken provision shall continue in full force and effect.

SECTION 20. Integration.

This Agreement represents the entire understanding between Contractor and the Board and supersedes all prior negotiations, representations, and/or contracts, either oral or written.

SECTION 21. Extent of Agreement.

The headings of the several sections herein are for convenience only and do not define, limit, or construe the contents of such sections. This Agreement represents the ENTIRE understanding between the parties hereto.

IN WITNESS WHEREOF, Contractor and the Board, by their duly authorized representatives, have executed this Agreement as of the day and year first above written.

MARION COUNTY COMMUNITY
CORRECTIONS ADVISORY BOARD

GOODWILL INDUSTRIES OF CENTRAL
INDIANA, INCORPORATED

By: _____
Patricia N. Nickell
Chairman of Marion County
Community Corrections
Advisory Board

By: _____
Title: _____
Date: _____

Date: _____

APPROVED:

APPROVED AS TO FORM AND CONTENT:

By: _____
William H. Hudnut, III
Mayor, City of Indianapolis

By: _____
Kristie L. Hill
Corporation Counsel

Proposal No. 434, 1990, was retitled GENERAL RESOLUTION NO. 6, 1990, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 1990

A GENERAL RESOLUTION authorizing the Marion County Community Corrections Advisory Board to contract for professional services for the Marion County Community Corrections jail component substance abuse treatment program.

WHEREAS, the Marion County Community Corrections Advisory Board was established pursuant to IC 11-12-1-2 and City-County Special Resolution No. 103, 1981; and

WHEREAS, any agreement entered into by the Advisory Board to provide a substance abuse treatment program must be approved by the City-County Council; and

WHEREAS, the Marion County Community Corrections Advisory Board desires to contract with a professional service provider to implement a substance abuse treatment program in the Marion County Community Corrections jail component in substantially the form set forth in Exhibit A attached hereto; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council of Indianapolis and Marion County, as the legislative body of Marion County, hereby approves the contractual agreement contemplated by the Marion County Community Corrections Advisory Board and the professional service provider to implement a substance abuse treatment program in the Marion County Community Corrections jail component.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

August 6, 1990

EXHIBIT A
AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement ("Agreement") entered into this _____ day of _____, 19____, by and between Marion County Community Corrections Advisory Board ("Board") and Flynn Christian Fellowship Houses, Inc. of Indiana ("Contractor")

WITNESSETH:

WHEREAS, the Board wishes to obtain the professional services of Contractor to provide substance abuse treatment which has been certified through the Indiana Department of Mental Health, Division of Addiction Services ("certified substance abuse treatment"); and

WHEREAS, Contractor has the qualifications and personnel to provide such certified substance abuse treatment and is qualified to contract therefor.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1. Services To Be Performed.

Contractor shall provide certified substance abuse treatment in the jail component of the Marion County Community Corrections Program.

SECTION 2. Obligations of Contractor.

2.1 Contractor shall operate the certified substance abuse treatment program ("Program") contemplated herein pursuant to all current and future written policies, guidelines, and procedures adopted by the Board.

2.2 In the event that a conflict arises between the in-house procedures, policies, or guidelines of Contractor and the Board, the Board's procedures, policies, and guidelines shall govern.

2.3 Contractor shall be responsible for filing all administrative reports and statistical data requested by the Board pursuant to time schedules determined by the Board. The Board is authorized to withhold payments for reasonable periods in order to ensure prompt compliance with such report filing schedules.

2.4 Contractor shall attend and participate in meetings with the Board and the Community Corrections Jail Component Coordinator ("Coordinator") to monitor and evaluate performance of this Agreement.

2.5 Contractor shall accept into the Program all those offenders who have been screened by the Board and have met all of the eligibility requirements established by the Board. Refusal to accept any such eligible offender shall be a material breach of this Agreement.

2.6 Any conduct by a participant in the Program which could reasonably be interpreted as a violation of jail rules shall promptly be reported to the Coordinator. The Coordinator shall supply the Contractor with written procedural directions for such situations. The jail rules for the Program shall be communicated to the Contractor upon execution of this Agreement.

SECTION 3. Personnel.

3.1 Contractor shall maintain an organizational chart showing staff responsibilities and written job descriptions which accurately describe current duties for all personnel performing services under this Agreement.

3.2 Contractor shall identify and establish minimum employment qualifications for all personnel performing services under this Agreement. Contractor shall ensure that all personnel are adequately trained to perform their assigned duties and responsibilities. If personnel assigned to perform services under this Agreement become unavailable during the term of this Agreement, Contractor is responsible for timely provision of an adequately qualified replacement. All of the services required hereunder will be performed by the Contractor or under his direct supervision. None of the services covered by this Agreement shall be subcontracted, except as provided for in Section 13.

3.3 Contractor shall prohibit fraternization of a social or business nature between its personnel and the Program participants.

SECTION 4. Disclosure.

4.1 Records which are maintained in connection with the performance of this Agreement ("Records") shall be confidential and shall be disclosed only in the following circumstances:

- a. to a physician, psychologist, or psychiatrist designated in writing by the patient or by an attorney representing the patient, or
- b. upon court order, or
- c. when otherwise authorized by law.

4.2 Communications of information between or among personnel of Contractor, the Board, and the Marion County Community Corrections Agency ("Agency") shall be in conformity with the disclosure guidelines of the Indiana Department of Mental Health, Division of Addiction Services.

4.3 Contractor will take appropriate precautions and institute appropriate policies and procedures to ensure the security of the Records. Such procedures shall include, but not be limited to, segregating the Records from other patient information and clearly marking the Records as "Confidential-Authorized Access Only."

4.4 Contractor shall take appropriate action by instruction, agreement, or notice to inform its personnel who have access to Records of the confidential nature of such Records, of the prohibitions against their disclosure, and of the continued applicability of such disclosure prohibitions to such personnel after termination of their working relationship with Contractor.

4.5 Any disclosures, whether oral or written, of Records whether pursuant to patient consent or not, shall be accompanied by the following notice:

This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal regulations (42 CFR Part 2) prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

SECTION 5. Confidentiality.

Contractor understands that the information provided to it from the Marion County Community Corrections Agency ("Community Corrections") and the Board during the performance of its services is confidential and may not be disclosed to a person not in the Agency's employ. Further, Consultant's work product generated during the performance of this Agreement is confidential to Community Corrections and the Board. The failure to comply with this Section will be considered a material breach of this Agreement.

SECTION 6. Compensation.

Contractor shall receive Forty-Six Thousand Two-Hundred Dollars (\$46,200.00) over the term of this Agreement divided into a fixed monthly rate of Three-Thousand Eight-Hundred Fifty Dollars (\$3,850.00) per month, payment to be made thirty (30) days in arrears. However, in the event that the Executive Director of Community Corrections determines that Contractor is failing to comply with one or more of the terms and conditions of this Agreement, the Board may reduce the Contractor's compensation by up to ten percent (10%) until such non-compliance shall have been cured. Upon Contractor's cure of any defective performance, the Board shall resume payment hereunder but may pro rate compensation in accordance with the performance received.

SECTION 7. Term.

This Agreement shall be for one (1) year commencing on August 1, 1990 and terminating on July 31, 1991.

SECTION 8. Indemnification.

Contractor shall indemnify and hold harmless the Board, the Community Corrections Agency, the City of Indianapolis, the County of Marion, and the Mayor of the City of Indianapolis and their officers, agents, officials, and employees from and against any and all claims, threats of claims, actions, loss, liability, judgments, liens, or costs arising out of any negligent acts or omissions by Contractor or its officers, agents, subcontractors or employees in any manner connected with the performance of this Agreement. Such indemnity shall include attorneys' fees and shall not be limited by reason of any insurance coverage referenced herein.

August 6, 1990

SECTION 9. Insurance.

9.1 Contractor shall, as a condition precedent to this Agreement, purchase and thereafter maintain such insurance coverage as set forth below, with an insurance company acceptable to the Board, and name as additional insureds the Board, Community Corrections, the City of Indianapolis and the County of Marion, in the amounts as set forth below as will protect Contractor, the Board, Community Corrections, the City of Indianapolis and the County of Marion from and against any and all claims which may arise out of or result from the services to be performed by Contractor, its subcontractors, employees, agents, consultants, or anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable.

9.2 General Liability - occurrence basis. Bodily injury, personal injury and property damage - \$1 million combined single limit per occurrence, \$2 million aggregate.

9.3 Automobile Liability - owned, hired and non-owned. Bodily injury and property damage - \$1 million combined single limit.

9.4 Workmen's compensation, disability and employer's liability insurance as required by Indiana statute.

SECTION 10. Non-discrimination.

Contractor and its subcontractors, if any, shall not discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of his or her race, religion, color, sex, handicap, national origin, ancestry, disabled veteran status, or Vietnam era veteran status. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 11. Termination.

11.1 The Board may terminate this Agreement upon thirty (30) days written notice to the Contractor except as provided below.

11.2 In the event that the services of Contractor are unsatisfactory, or there occurs a material breach of this Agreement by Contractor, the Board may terminate this Agreement upon forty-eight (48) hours written notice to the Contractor. The Board shall be the sole arbiter in determining whether there has been such a material breach. The potential instances of material breach which are specifically mentioned in this Agreement are not exclusive and do not limit the Board's determination.

11.3 If funds for the continued fulfillment of this Agreement are at any time not forthcoming or are insufficient, through failure of any entity to appropriate funds or otherwise, the Board shall have the right to terminate this Agreement without penalty by giving written notice documenting the lack of funding.

SECTION 12. Binding on Successor and Assigns.

The covenants, agreements, and provisions of this Agreement shall be binding upon and shall inure to the benefit of the Contractor, its successors, and assigns.

SECTION 13. Non-Assignability.

Contractor shall not assign, delegate, subcontract or otherwise transfer its rights or obligations under this Agreement except with the prior written consent of the Board. Any prohibited assignment or delegation will be void. In the event that the Board approves of any such subcontracting, assignment or delegation, Contractor shall remain solely responsible for managing, directing and paying the person or persons to whom such responsibilities or obligations are sublet, assigned or delegated. The Board shall have no obligation whatsoever toward such persons. Contractor shall take sole responsibility for the quality and quantity of any services rendered by such persons. Any consent given in accordance with this provision shall not be construed to relieve Contractor of any responsibility for performing under this Agreement.

SECTION 14. Independent Contractor.

The parties agree that Contractor is an independent contractor, as that term is commonly used, and is not an employee of the Board, Community Corrections, the City of Indianapolis or the County of Marion. As such, Contractor is solely responsible for all taxes and none shall be withheld from the sums paid to Contractor. Contractor acknowledges that it is not insured in any manner through the Board, Community Corrections, the City of Indianapolis or the County of Marion for any loss of any character whatsoever. The Contractor has no authority, expressed or implied, to bind or obligate the Board, Community Corrections, the City of Indianapolis or the County of Marion in any way.

SECTION 15. Documentation Required by Board.

Contractor certifies that it will furnish the Board any and all documentation, certification, authorization, license, permit, or registration currently required by the laws or rules and regulations of the City of Indianapolis, the County of Marion, the State of Indiana, and the United States, and other units of local, state, and federal government. Contractor further certifies that it is now in and will maintain good standing with such governmental agencies and that it will keep its license, permit, registration, authorization, or certification in force during the term of this Agreement. Contractor's failure to comply with this section shall constitute a material breach of this Agreement.

SECTION 16. Amendment.

This Agreement may be amended, modified, renewed or supplemented only by a written instrument signed by Contractor and the Board.

SECTION 17. Applicable Laws.

This Agreement shall be governed by the laws of the State of Indiana and by all municipal ordinances and Codes of the City of Indianapolis and Marion County, Indiana, as the same shall be in full force and effect upon the date this Agreement is executed.

SECTION 18. Waiver.

The Board's delay or inaction in pursuing its remedies set forth in this Agreement, or available by law, shall not operate as a waiver of any of the Board's rights or remedies.

SECTION 19. Severability.

If any provision of this Agreement is held to be invalid, illegal, or unenforceable by a court of competent jurisdiction, the provision shall be stricken, and all other provisions of this Agreement which can operate independently of such stricken provision shall continue in full force and effect.

SECTION 20. Integration.

This Agreement represents the entire understanding between Contractor and the Board and supersedes all prior negotiations, representations, and/or contracts, either oral or written.

SECTION 21. Extent of Agreement.

The headings of the several sections herein are for convenience only and do not define, limit, or construe the contents of such sections. This Agreement represents the ENTIRE understanding between the parties hereto.

IN WITNESS WHEREOF, Contractor and the Board, by their duly authorized representatives, have executed this Agreement as of the day and year first above written.

MARION COUNTY COMMUNITY
CORRECTIONS ADVISORY BOARD

FLYNN CHRISTIAN FELLOWSHIP
HOUSES, INC. OF INDIANA

By: _____
Patricia N. Nickell
Chairman of Marion County
Community Corrections
Advisory Board

By: _____
Title: _____
Date: _____

Date: _____

APPROVED:

APPROVED AS TO FORM AND CONTENT:

By: _____
William H. Hudnut, III
Mayor, City of Indianapolis

By: _____
Kristie L. Hill
Corporation Counsel

August 6, 1990

PROPOSAL NOS. 436, 437, 438, 439, 440, 441, 443, 444 and 446, 1990. President SerVaas asked for consent to vote on the nine transportation proposals together. Consent was given. PROPOSAL NO. 436, 1990. This proposal amends the Code by authorizing a traffic signal at the intersection of Post Road and Rawles Avenue. PROPOSAL NO. 437, 1990. This proposal amends the Code by authorizing a traffic signal at the intersection of Allison Pointe and 82nd Street. PROPOSAL NO. 438, 1990. This proposal amends the Code by authorizing intersection controls at East County Line Road and 75th Street. PROPOSAL NO. 439, 1990. This proposal amends the Code by authorizing intersection controls in the Windsong and South Creek Subdivisions. PROPOSAL NO. 440, 1990. This proposal amends the Code by authorizing intersection controls at various locations. PROPOSAL NO. 441, 1990. This proposal amends the Code by authorizing a change in speed limit on segments of Oaklandon Road and Westfield Boulevard. PROPOSAL NO. 443, 1990. This proposal amends the Code by authorizing a parking meter zone on Massachusetts Avenue between Delaware Street and College Avenue. PROPOSAL NO. 444, 1990. This proposal amends the Code by authorizing parking restrictions on a segment of Norwaldo Avenue, north of Northgate Street. PROPOSAL NO. 446, 1990. This proposal amends the Code by authorizing a weight limit restriction on Allison Avenue Between 34th Street and Ruskin Place; Dunk Drive between 34th Street and Moller Road; and Ruskin Place between Moller Road and Allison Avenue. Councillor Gilmer reported that the Transportation Committee heard Proposal Nos. 436, 437, 438, 439, 440, 441, 443, 444 and 446, 1990, on August 1, 1990. By a 5-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Gilmer moved, seconded by Councillor Golc, for adoption. Proposal Nos. 436, 437, 438, 439, 440, 441, 443, 444 and 446, 1990, 1990, were adopted on the following roll call vote; viz:

22 YEAS: *Borst, Boyd, Brooks, Coughenour, Curry, Durnil, Gilmer, Golc, Hawkins, Holmes, Howard, Irvin, Jones, McGrath, Moriarty, Mukes-Gaither, Ruhmkorff, Schneider, SerVaas, Shaw, Strader, Williams*

0 NAYS:

4 NOT VOTING: *Clark, Dowden, Solenberg, West*

3 NOT PRESENT: *Cottingham, Giffin, Rhodes*

Proposal No. 436, 1990, was retitled GENERAL ORDINANCE NO. 99, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 7	Post Rd. & Rawles Av.	None	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
27, Pg. 7	Post Rd. & Rawles Av.	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 437, 1990, was retitled GENERAL ORDINANCE NO. 100, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5, Pg. 1	Allison Pointe & 82nd St.	None	Signal

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 438, 1990, was retitled GENERAL ORDINANCE NO. 101, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 101, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
50, Pg. 1	East County Line Rd. & 75th St.	East County Line Rd.	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
50, Pg. 1	East County Line Rd. & 75th St.	None	All Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 439, 1990, was retitled GENERAL ORDINANCE NO. 102, 1990, and reads as follows:

August 6, 1990

CITY-COUNTY GENERAL ORDINANCE NO. 102, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
7, Pg. 1	Capistrano Cir., Capistrano Dr. & La Habra La.	La Habra La.	Stop
7, Pg. 1	Capistrano Ct. & La Habra Cir.	Capistrano Ct.	Yield
7, Pg. 1	Carefree Cir. & Chloe Ct.	Carefree Cir.	Yield
7, Pg. 1	Carefree Cir. & Windhaven Cir. & Windhaven Blvd.	None	Stop
7, Pg. 1	Crescent Ct. & La Habra La.	La Habra La.	Stop
7, Pg. 2	Grace Ter. & La Habra La.	La Habra La.	Stop
7, Pg. 2	La Habra La. & Nicole Ct.	La Habra La.	Stop
7, Pg. 2	La Habra La. & Pompano Dr.	La Habra La.	Stop
7, Pg. 1	Capistrano Ct., La Habra La. & Windhaven Blvd.	None	Stop
7, Pg. 2	Oklandon Rd. & Windhaven Blvd.	Oaklandon Rd.	Stop
7, Pg. 2	Pompano Dr. & Tequista Cir.	Pompano Dr.	Stop
7, Pg. 2	Pompano Dr. & Tequista Ct.	Pompano Dr.	Yield
7, Pg. 3	Windhaven Cir. & Windhaven Ct.	Windhaven Cir.	Yield
46, Pg. 3	Country Woods Ct., Southcreek Ct. & Country Woods Dr.	Country Woods Dr.	Stop
46, Pg. 3	Country Woods Dr. & Southcreek Dr. N./ Southcreek Dr. S.	Southcreek Dr. N./ Southcreek Dr. S.	Stop
46, Pg. 5	Lockwood Ct. & Lockwood Pl.	Lockwood Pl.	Yield

Journal of the City-County Council

46, Pg. 5	Lockwood Pl. & Ottawa Dr.	Lockwood Pl.	Stop
46, Pg. 5	Lockwood Pl. & Southcreek Dr. N.	Southcreek Dr. N.	Stop
46, Pg. 6	Meadow Ridge Tr. & Rahke Rd.	Rahke Rd.	Stop
46, Pg. 7	Rahke Rd. & Rodeo Dr.	Rodeo Dr.	Stop
46, Pg. 7	Rahke Rd. & Southcreek Dr. S., Wrangler Ct.	Rahke Rd.	Stop
46, Pg. 7	Rodeo Ct. & Rodeo Dr.	Rodeo Dr.	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 440, 1990, was retitled GENERAL ORDINANCE NO. 103, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 103, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-92, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
19, Pg. 1	38th St. & 38th St. N. Dr.	None	None
20, Pg. 6	Kitley Av. & 38th St. N. Dr.	38th St. N. Dr.	Stop
20, Pg. 8	Pasadena St. & 38th St. N. Dr.	38th St. N. Dr.	Stop
21, Pg. 3	Grassy Creek Ct., Grassy Creek Dr. & Heatherlea Dr.	Grassy Creek Ct.	Stop
25, Pg. 16	Lewis St. & Roosevelt Av.	Roosevelt Av.	Stop
25, Pg. 24	Roosevelt Av. & Yandes St.	Roosevelt Av.	Stop
27, Pg. 2	Caribbean Dr. Oriental Ct. & Palm Ct.	Caribbean Dr.	Stop
28, Pg. 1	Fairhaven Dr. & Lawnhaven Dr.	None	None
30, Pg. 1	Beulah Av. & Gadsden St.	None	None

August 6, 1990

30, Pg. 1	Beulah Av. & Martha St.	None	None
30, Pg. 2	Caven St. & Taft	None	None
30, Pg. 2	Cole St. & Gadsden St.	None	None
30, Pg. 2	Cole St., & Raymond St.	Cole St.	Stop
30, Pg. 2	Cole St. & Southern Av.	None	None
30, Pg. 5	Gadsden St. & Woodrow Av.	None	None
30, Pg. 7	Lynhurst Dr. & Regent St.	None	None
30, Pg. 7	Melrose St. & Taft Av.	None	None
30, Pg. 8	Naomi St. & Taft Av.	None	None
30, Pg. 9	Southern Av. & Woodrow Av.	None	None
40, Pg. 5	Marburn Dr. & Payne Rd.	Payne Rd.	Stop
41, Pg. 1	Fisher Rd. & Nolan Dr.	None	None
42, Pg. 1	County Line Rd. & Thompson Rd.	None	Signal

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-92, Schedule of intersection controls, be, and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
6, Pg. 6	Pinecreek Ct. & Pinecreek Dr.	Pinecreek Dr.	Stop
6, Pg. 6	Pinecreek Ci., Pinecreek Dr. & Pinecreek Way	Pinecreek Dr./ Pinecreek Way	Yield
6, Pg. 6	Pinecreek Way Ridgecreek Ct. & Ridgecreek Dr.	Ridgecreek Ct./ Ridgecreek Dr.	Stop
6, Pg. 6	Pinecreek Dr. & Ridgecreek Dr.	Pinecreek Dr.	Stop
19, Pg. 10	Lennington Dr. & Sheridan Av.	Sheridan Av.	Stop
20, Pg. 6	Kitley Av. & Lennington Dr.	Lennington Dr.	Stop
20, Pg. 7	Lennington Dr. & Ridgeview Dr.	Lennington Dr.	Stop

Journal of the City-County Council

21, Pg. 3	Grassy Creek Ct., Grassy Creek Dr. & Heatherlea Dr.	Grassy Creek Ct., Grassy Creek Dr.	Stop
27, Pg. 2	Caribbean Dr., Oriental Ct. & Sarasota Ct.	Caribbean Dr.	Stop
28, Pg. 1	Fairhaven Dr. & Lawnhaven Dr.	Lawnhaven Dr.	Stop
30, Pg. 1	Beulah Av. & Gadsden St.	Beulah Av.	Stop
30, Pg. 1	Beulah Av. & Martha St.	Beulah Av.	Stop
30, Pg. 2	Caven St. & Taft Av.	Taft Av.	Stop
30, Pg. 2	Cole St. & Gadsden St.	Gadsden St.	Stop
30, Pg. 2	Cole St. & Raymond St.	Raymond St.	Stop
30, Pg. 2	Cole St. & Southern Av. (EB)	Cole St.	Stop
30, Pg. 2	Cole St. & Southern Av. (WB)	Cole St.	Stop
30, Pg. 5	Gadsden St. & Woodrow Av.	Gadsden St.	Stop
30, Pg. 7	Lynhurst Dr. & Regent St.	Lynhurst St.	Stop
30, Pg. 7	Melrose St. & Taft Av.	Taft Av.	Stop
30, Pg. 8	Naomi St. & Taft Av.	Taft Av.	Stop
30, Pg. 9	Southern Av. Woodrow Av.	Southern Av.	Stop
40, Pg. 5	Marburn Dr. & Payne Rd. N. Dr.	Payne Rd. N. Dr.	Stop
40, Pg. 5	Marburn Dr. & Payne Rd. S. Dr.	Marburn Dr.	Stop
41, Pg. 1	Fisher Rd. & Nolan Dr.	Fisher Rd.	Stop
42, Pg. 1	County Line Rd. & Thompson Rd.	None	Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 441, 1990, was retitled GENERAL ORDINANCE NO. 104, 1990, and reads as follows:

August 6, 1990

CITY-COUNTY GENERAL ORDINANCE NO. 104, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-136. Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136. Alteration of prima facie speed limits, be, and the same is hereby amended by the deletion of the following, to wit:

Oaklandon Road, from Seventy-fourth Street to
Eighty-sixth Street, 40 MPH

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-136. Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to wit:

Oaklandon Road, from Pendleton Pike to
Verdin Street, 25 MPH;

Oaklandon Road, from Verdin Street to
Seventy-fifth Street, 35 MPH;

Oaklandon Road, from Seventy-fifth Street to
Eighty-sixth Street, 40 MPH;

Westfield Boulevard, from 52nd Street
to College Avenue, 35 MPH

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 443, 1990, was retitled GENERAL ORDINANCE NO. 105, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 105, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-283. Parking meter zones designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-283. Parking meter zones designated, be, and the same is hereby amended by the deletion of the following, to wit:

TWO HOURS

Massachusetts Avenue, on both sides, from
Alabama Street to East Street

Massachusetts Avenue, on both sides, from
Delaware Street to Alabama Street

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-283. Parking meter zones designated, be, and the same is hereby amended by the addition of the following, to wit:

Massachusetts Avenue, on both sides, from
Delaware Street to College Avenue

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 444, 1990, was retitled GENERAL ORDINANCE NO. 106, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 106, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-267, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-267, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Norwaldo Avenue, on the east side, from
Northgate Street to a point 50 feet
north of Northgate Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 446, 1990, was retitled GENERAL ORDINANCE NO. 98, 1990, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1990

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Section 29-224, Trucks on certain streets restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-224, Trucks on certain streets restricted, be, and the same is hereby amended by the addition of the following, to wit:

11,000 POUNDS GROSS WEIGHT

Allison Avenue, from Thirty-fourth Street to Ruskin Place

Dunk Drive, from Thirty-fourth Street to Moller Road

Ruskin Place, from Moller Road to Allison Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Boyd applauded everyone involved in hosting the successful Scarborough Peace Games, especially Councillors West and Holmes.

President SerVaas reminded the Councillors that the August 27, 1990 Council meeting would begin at 5:00 p.m.

There being no further business, upon motion duly made and seconded, the meeting adjourned at 10:18 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 6th day of August, 1990.

August 6, 1990

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

Bert SerVaas

President

ATTEST:

Ken D. Kippick

Clerk of the Council

(SEAL)