

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
APRIL 14, 2009**

FINANCE COMMITTEE

*Glynn A. Hines - Chair
Elizabeth M. Brown - Co-Chair
All Council Members*

ACTION

S-09-04-05

**AN ORDINANCE approving the awarding of ITB #1651 –
purchase of 119 Mobile Tactical Computers by the City of Fort
Wayne, Indiana, by and through its Department of Purchasing
and OEM Micro for the Fort Wayne Police Department
Total cost of \$647,836**

S-09-04-16

**AN ORDINANCE approving the awarding of RFP #2831 –
purchase for 39 DVD Digital in Car Video Cameras by the City of
Fort Wayne, Indiana, by and through its Department of
Purchasing and Watchguard for the Fort Wayne Police
Department
Total cost of \$227,643**

S-09-04-10

**AN ORDINANCE certifying and approving the need for the
services of RQAW Corporation (“Consultant”) to provide
Professional Preliminary Engineering Services for the Covington
Road and Dicke Road Intersection Project
Total cost of \$111,560**

FINANCE COMMITTEE

CONTINUED

ACTION

R-09-04-11

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)

Total cost of \$280,000 – 2 full-time jobs will be created and 11 full-time jobs will be retained as a result of the project

TO BE PASSED THIS EVENING

R-09-04-12

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)

Total cost of \$280,000 – 2 full-time jobs will be created and 11 full-time jobs will be retained as a result of the project

PUBLIC HEARING – 4-28-09 – 5:30 P.M.

R-09-04-13

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1670 Magnavox Way, Fort Wayne, Indiana 46804 (SRE Venture, LLC/Swiss Re American Holding Corporation)

Total cost of \$12,650,000 – 239 full-time and six part-time Jobs will be retained as a result of the project

TO BE PASSED THIS EVENING

FINANCE COMMITTEE CONTINUED

ACTION

R-09-04-14

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1670 Magnavox Way, Fort Wayne, Indiana 46804 (SRE Venture, LLC/Swiss Re American Holding Corporation)

Total cost of \$12,650,000 – 239 full-time and six part-time Jobs will be retained as a result of the project

PUBLIC HEARING 4-28-09 – 5:30 P.M.

REGULATIONS COMMITTEE

John Shoaff – Chair
Thomas F. Didier – Co-Chair
All Council Members

S-09-04-02

AN ORDINANCE establishing the Harrison Square Parking Garage Operating Fund

S-09-04-03

AN ORDINANCE establishing the Harrison Square Maintenance and Improvement Fund

G-09-04-06

AN AMENDMENT to Chapter 150: “Minimum Conditions and Maintenance for Commercial, Industrial And Other Property Or Premises” of the City of Fort Wayne Code of Ordinances

REGULATIONS COMMITTEE CONTINUED

ACTION

G-09-04-07

AN AMENDMENT to Chapter 152: "Housing and Building Standards" of the City of Fort Wayne, Indiana Code of Ordinances

R-09-04-08

A RESOLUTION by the Common Council to Encourage the purchase of local goods and services when spending the Stimulus Money issued through the Federal Government

PUBLIC WORKS COMMITTEE

*Karen E. Goldner- Chair
Marty Bender - Co-Chair
All Council Members*

S-09-04-19

**AN ORDINANCE approving #11960 Covington Road Trail, Phase 3 Construction and Inspection Services between A&Z Engineering and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$126,069**

S-09-04-17

**AN ORDINANCE approving the awarding of I.T.B. #2989 - purchase of Bituminous Material by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Bit-Mat-Products for the Street Department
Total cost of \$730,000**

CITY UTILITIES COMMITTEE

Mitch Harper - Chair

Tim Pape- Co-Chair

All Council Members

ACTION

S-09-04-15

AN ORDINANCE approving the awarding of Addendum to Star Financial Contracted Services for billing printing contracted services for utility bills for 2009 between the City of fort Wayne, Indiana, by and through its Department of Purchasing and Star Financial Contracted Services

Total cost of \$129,000

S-09-04-20

AN ORDINANCE approving purchase of an Interactive Intelligence Call Center System between G3 Technology Partners and the city of Fort Wayne, Indiana, in support of City Utilities Customer Services

Total cost of \$221,556.83

S-09-04-09

AN ORDINANCE approving construction contract #09-01, WM&S and WPCM Utility Cuts between Robbco, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$210,431.70

S-09-04-01

AN ORDINANCE approving Resolution #2167-2009, Wayne Trace Water Main Replacement (Oxford to McKee) between All Star Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$150,137.66

S-09-04-18

AN ORDINANCE approving Resolution #2045-2007, Aboite Center Road (Jefferson Boulevard to Lutheran Hospital) Water Main Extension between Earth Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$255,980.10

BILL NO. S-09-04-05

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #1651 - PURCHASE OF 119 MOBILE TACTICAL COMPUTERS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OEM MICRO for the FORT WAYNE POLICE DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB #1651 - PURCHASE OF 119 MOBILE TACTICAL COMPUTERS between the City of Fort Wayne, by and through its Department of Purchasing and OEM MICRO for FORT WAYNE POLICE DEPARTMENT, respectfully for:

purchase of 119 Mobile Tactical Computers;

involving a total cost of SIX HUNDRED FORTY-SEVEN THOUSAND, EIGHT HUNDRED THIRTY-SIX AND NO/100 DOLLARS - (\$647,836.00) all as more particularly set forth in said ITB #1651 - PURCHASE OF 119 MOBILE TACTICAL COMPUTERS which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-04-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of RFP #2831-PURCHASE FOR 39 DVD DIGITAL IN CAR VIDEO CAMERAS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and WATCHGUARD for the «FORT WAYNE POLICE DEPARTMENT».

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That RFP #2831 – PURCHASE FOR 39 DVD DIGITAL IN CAR VIDEO CAMERAS between the City of Fort Wayne, by and through its Department of Purchasing and WATCHGUARD for FORT WAYNE POLICE DEPARTMENT, respectfully for:

PURCHASE 39 DVD DIGITAL CAR VIDEO CAMERAS involving a total cost of TWO HUNDRED TWENTY-SEVEN THOUSAND,SIX HUNDRED FORTY-THREE AND NO/100 DOLLARS-(\$227,643.00)» all as more particularly set forth in said #2831 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR THE SERVICES OF RQAW CORPORATION, (“CONSULTANT “) TO PROVIDE PROFESSIONAL PRELIMINARY ENGINEERING SERVICES FOR THE COVINGTON ROAD AND DICKE ROAD INTERSECTION PROJECT.

WHEREAS, the Board of Public Works desires to hire a consultant for professional preliminary engineering services for the Intersection Improvement of Covington road and Dicke Road Project; and

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

WHEREAS, it is anticipated that the amount to be paid to said consultant will be ONE HUNDRED ELEVEN THOUSAND, FIVE HUNDRED SIXTY AND NO/100 DOLLARS – (\$111,560.00).

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of RQAW Corporation (“Consultant”) to provide professional preliminary engineering services for the Intersection Improvement of Covington Road and Dicke Road Project.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3216
Congressional Parkway, Fort Wayne, Indiana 46808
(Custom Poly Packaging)**

WHEREAS, Petitioner has duly filed its petition dated April 2, 2009 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create two full-time, permanent jobs for a total new, annual payroll of \$46,000, with the average new annual job salary being \$23,000 and retain 11 full-time, permanent jobs for a total current annual payroll of \$410,164, with the average current, annual job salary being \$37,288; and

WHEREAS, the total estimated project cost is \$280,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new manufacturing equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3216
Congressional Parkway, Fort Wayne, Indiana
46808 (Custom Poly Packaging)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create two full-time, permanent jobs for a total new, annual payroll of \$46,000, with the average new annual job salary being \$23,000 and retain 11 full-time, permanent jobs for a current annual payroll of \$410,164, with the average current annual job salary being \$37,288; and

WHEREAS, the total estimated project cost is \$280,000; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new manufacturing equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (c) If the proposed new manufacturing equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new manufacturing equipment shall be for a period of five years.

SECTION 7. The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new manufacturing equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and

submitted along with the deduction application at the time of filing.

SECTION 9. The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1670 Magnavox Way, Fort Wayne, Indiana 46804 (SRE Venture, LLC/Swiss Re America Holding Corporation)

WHEREAS, Petitioner has duly filed its petition dated April 3, 2009 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and

I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will retain 239 full-time and six part-time, permanent jobs for a total current annual payroll of \$19,567,552, with the average current, annual job salary being \$79,868; and

WHEREAS, the total estimated project cost is \$12,650,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of information technology equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6400/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6400/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.6400/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0874/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0874/\$100 (the change would be negligible).

(f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0874/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the new information technology equipment shall be for a period of ten years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1670 Magnavox Way, Fort Wayne, Indiana 46804 (SRE Venture, LLC/Swiss Re America Holding Corporation)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will retain 239 full-time and six part-time, permanent jobs for a current annual payroll of \$19,567,552, with the average current annual job salary being \$79,868; and

WHEREAS, the total estimated project cost is \$12,650,000; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an

“Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of redevelopment or rehabilitation and estimate of the value of the new information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6400/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6400/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.6400/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0874/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0874/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0874/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new information technology equipment shall be for a period of ten years.

SECTION 7. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For new information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office and the City of Fort Wayne’s Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

- SECTION 10.** The performance report must contain the following information:
- A. The cost and description of real property improvements and/or new information technology equipment acquired.
 - B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
 - C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
 - D. The total number of employees employed at the facility receiving the deduction.
 - E. The total assessed value of the real and/or personal property deductions.
 - F. The tax savings resulting from the real and/or personal property being abated.

SECTION 11. That, the taxpayer is non-delinquent on any and all property tax

due to jurisdictions within Allen County, Indiana.

SECTION 12. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 13. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE ESTABLISHING THE HARRISON SQUARE PARKING GARAGE OPERATING FUND.

WHEREAS, the City of Fort Wayne by the Fort Wayne Redevelopment Commission has constructed a parking garage in the Harrison Square development area; and,

WHEREAS, the associated maintenance and operating expenses of the garage are to be paid by various revenues; and

WHEREAS, these revenues will need to be collected, accounted for and appropriated in accordance with the purpose of the fund; and,

WHEREAS, these dollars will have limited uses, and,

WHEREAS, there may remain year end balances.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Harrison Square Parking Garage Operating Fund shall be established for the purpose of; collecting and holding revenues, and paying maintenance, operating, and improvement expenses for the Harrison Square development.

SECTION 2. Balances remaining at year end may remain in those accounts and carry forward into the following year for appropriate use without additional approval required by the Common Council.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE ESTABLISHING THE HARRISON SQUARE MAINTENANCE AND IMPROVEMENT FUND.

WHEREAS, the City of Fort Wayne by the Redevelopment Commission has constructed a minor-league baseball stadium in the Harrison Square development area; and,
WHEREAS, the associated maintenance, operating, and improvement expenses of the stadium are to be paid by various revenues; and
WHEREAS, these revenues will need to be collected, accounted for and appropriated in accordance with the purpose of the fund; and,
WHEREAS, these dollars will have limited uses, and,
WHEREAS, there may remain year end balances.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Harrison Square Maintenance and Improvement Fund shall be established for the purpose of; collecting and holding revenues, and paying maintenance, operating, and improvement expenses for the Harrison Square development.

SECTION 2. Balances remaining at year end may remain in those accounts and carry forward into the following year for appropriate use without additional approval required by the Common Council.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN AMENDMENT TO CHAPTER 150: “MINIMUM CONDITIONS AND MAINTENANCE OF COMMERCIAL, INDUSTRIAL AND OTHER PROPERTY OR PREMISES” OF THE CITY OF FORT WAYNE CODE OF ORDINANCES

WHEREAS, The Fort Wayne Common Council recently repealed and replaced the entire Chapter 150 in order to include the oversight of neglected Commercial property; and,

WHEREAS, A provision in the new code allows for the formation of an Oversight Committee that has control of the City’s Enforcement Authority; and,

WHEREAS, The Oversight Committee appointees must be as inclusive as possible of those persons knowledgeable of the all properties cited in order to effectively address those issues and persons who come before the Committee for direction and judgment,

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT

SECTION 1. That Section 150.12 G (1) and (2) shall be deleted and replaced in its entirety with the following:

G. Safe Housing and Building Oversight Committee. The Safe Housing and Building Oversight Committee is the commission or board having control over the Enforcement Authority. The Committee shall be subject to the following:

- 1. Establishment and composition. The Mayor shall appoint one

member from the Fire Department, one member from the private business sector, one member who owns or manages commercial property, two citizen members who own and reside in a single family residence and one member at-large. The Common Council shall appoint three members to the Committee, each selected from a slate of three nominees submitted by each of the following organizations: The Board of Realtors, the Apartment Association of Northeast Indiana and the Greater Fort Wayne Chamber of Commerce. If one or more of these nominees is/are not acceptable or unavailable, then the Council will appoint the members(s) in lieu of the organizational nominee(s).

2. Appointment and terms. The Safe Housing and Building Oversight Committee shall be appointed:
 - a. On January 1 of each year.
 - b. To serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a committee member can serve. All members are to serve without compensation.
 - c. At the outset by the Mayor: Two persons to serve one year; two persons to serve two years; and two persons to serve three years. The Common Council appointees shall serve two years.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

BILL NO. G-09-04-07

GENERAL ORDINANCE NO. _____

**AN AMENDMENT TO CHAPTER 152:
“HOUSING AND BUILDING STANDARDS” OF THE
CITY OF FORT WAYNE, INDIANA CODE OF
ORDINANCES**

WHEREAS, The Fort Wayne Common Council recently repealed and replaced the entire Chapter 152 in order to include the oversight of neglected Commercial property; and,

WHEREAS, A provision in the new code allows for the formation of an Oversight Committee that has control of the City’s Enforcement Authority; and,

WHEREAS, The Oversight Committee appointees must be as inclusive as possible of those persons knowledgeable of the all properties cited in order to effectively address those issues and persons who come before the Committee for direction and judgment,

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT

SECTION 1. That Section 152.14 G (1) and (2) shall be deleted and replaced in its entirety with the following:

G. Safe Housing and Building Oversight Committee. The Safe Housing and Building Oversight Committee is the commission or board having control over the Enforcement Authority. The Committee shall be subject to the following:

1. Establishment and composition. The Mayor shall appoint one member from the Fire Department, one member from the private business sector, one member who owns or manages commercial property, two citizen members who own and reside in a single family residence and one member at-large. The Common Council shall appoint three members to the Committee, each selected from a slate of three nominees submitted by each of the following organizations: The Board of Realtors, the Apartment Association of Northeast Indiana and the Greater Fort Wayne Chamber of Commerce. If one or more of these nominees is/are not acceptable or unavailable, then the Council will appoint the members(s) in lieu of the organizational nominee(s).

2. Appointment and terms. The Safe Housing and Building Oversight Committee shall be appointed:

- a. On January 1 of each year.
- b. To serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a committee member can serve. All members are to serve without compensation.
- c. At the outset by the Mayor: Two persons to serve one year; two persons to serve two years; and two persons to serve three years. The Common Council appointees

shall serve two years.

SECTION 2. This ordinance shall be in full force and effect from and after its

passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

**A RESOLUTION BY THE COMMON COUCIL TO
ENCOURAGE THE PURCHASE OF LOCAL GOODS
AND SERVICES WHEN SPENDING THE STIMULUS
MONEY ISSUED THROUGH THE FEDERAL GOVERNMENT**

WHEREAS, the economic downturn is having a critical impact on many Fort Wayne residents who are struggling to maintain or find jobs in an increasingly difficult environment; and,

WHEREAS, Fort Wayne and our surrounding communities include many manufacturing companies; and,

WHEREAS, Fort Wayne and nearby residents pay Federal taxes which is the source of funding for the American Recovery and Reinvestment Act ("The Act"); and,

WHEREAS, the city of Fort Wayne will receive, both directly and indirectly, significant funding for a variety of projects under the Act; and,

WHEREAS, the Act provides a general rule that all of the iron, steel and manufactured goods used in construction and other projects by the Act be produced in the United States; and,

WHEREAS, the Common Council of Fort Wayne, Indiana, believes that the economic condition in Fort Wayne will be enhanced by a concerted effort to encourage the purchase of locally and American made products in projects funded by the Act,

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
FORT WAYNE, INDIANA,**

SECTION 1. To support the purchase of products made locally and in the United

States.

SECTION 2. To urge the Fort Wayne Board of Works, the Fort Wayne Department of Purchasing and Mayor Tom Henry to follow the Act by requiring the utilization of American produced iron, steel and manufactured goods except when prevented by the language of the Act.

SECTION 3. That this Resolution is in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

BILL NO. S-09-04-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving #11960 COVINGTON ROAD TRAIL, PHASE 3 CONSTRUCTION AND INSPECTION SERVICES between A&Z ENGINEERING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the ORDINANCE #11960 COVINGTON ROAD TRAIL, PHASE 3 CONSTRUCTION AND INSPECTION SERVICES by and between A&Z ENGINEERING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for performing the construction engineering and inspection services:

involving a total cost of ONE HUNDRED TWENTY SIX THOUSAND, SIXTY NINE AND NO/100 DOLLARS-(\$126,069.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving the awarding of I.T.B. #2989- PURCHASE OF BITUMINOUS MATERIAL by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and BIT-MAT-PRODUCTS for the STREET DEPARTMENT.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That ITB # 2989- PURCHASE OF BITUMINOUS MATERIAL between the City of Fort Wayne, by and through its Department of Purchasing and BIT-MAT-PRODUCTS for STREET DEPARTMENT, respectfully for:

Purchase of Bituminous Material

involving a total cost of SEVEN HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS-(\$730,000.00 all as more particularly set forth in said «ITB #2989» which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving the awarding of ADDENDUM TO STAR FINANCIAL CONTRACTED SERVICES FOR BILL PRINTING AND MAILING SERVICES FOR UTILITY BILLS FOR 2009 between the City of Fort Wayne, Indiana, by and through its Department of Purchasing and STAR FINANCIAL CONTRACTED SERVICES.»

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That approving the awarding of ITB-ADDENDUM TO STAR FINANCIAL CONTRACTED SERVICES FOR BILL PRINTING AND MAILING SERVICES FOR UTILITY BILLS FOR 2009» by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and «STAR FINANCIAL CONTRACTED SERVICES », respectfully for:

«DESCRIPTION»

involving a total cost of «ONE HUNDRED TWENTY NINE THOUSAND AND NO/100 DOLLARS -(\$129,000.00) OR \$.0123 PER CHECK UPON Councilmanic approval.» all as more particularly set forth in said «ITB» which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-04-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PURCHASE OF AN INTERACTIVE INTELLIGENCE CALL CENTER SYSTEM between G3 TECHNOLOGY PARTNERS and the City of Fort Wayne, Indiana, **in SUPPORT OF CITY UTILITIES CUSTOMER SERVICE.**

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the PURCHASE OF AN INTERACTIVE INTELLIGENCE CALL CENTER SYSTEM FROM G3 TECHNOLOGY PARTNERS of Fort Wayne, INDIANA CUSTOMER SERVICE CALL CENTER.

SECTION 2. That the City is authorized and directed to take all action necessary for the purchase of this system by and through G3 Technology Partners.

SECTION 3. That this Ordinance shall be
In full force and effect from and after its passage and any and all necessary approval by the Mayor.

involving a total cost of TWO HUNDRED TWENTY ONE THOUSAND, FIVE HUNDRED FIFTY SIX AND 83/100 DOLLAR-(\$221,556.83). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE approving CONSTRUCTION CONTRACT #09-01, WM&S AND WPCM UTILITY CUTS between ROBBCO, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT #09-01, WM&S AND WPCM UTILITY CUTS by and between ROBBCO, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for restoration of certain Water Maintenance (WM&S) & Water Pollution Control Maintenance (WPCM) Utility cuts made between November 1, 2008 and March 31, 2009;

involving a total cost of TWO HUNDRED TEN THOUSAND, FOUR HUNDRED THIRTY-ONE AND 70/100 DOLLARS - (\$210,431.70).

SECTION 2. Prior Approval has been requested from Common Council on APRIL 14, 2009. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-04-01

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving RESOLUTION #2167-2009, WAYNE TRACE WATER MAIN REPLACEMENT (OXFORD TO MCKEE) between ALL STAR CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the RESOLUTION #2167-2009, WAYNE TRACE WATER MAIN REPLACEMENT (OXFORD TO MCKEE) by and between ALL STAR CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the construction of approximately 2528 LF of 6-inch water main, 4 fire hydrants, 9 valves, 35 services, and all other appurtenances and work as necessary for the water main replacement project. Installation method of pipe to be by Horizontal Directional Drill:

involving a total cost of ONE HUNDRED FIFTY-THOUSAND, ONE HUNDRED THIRTY-SEVEN AND 66/100 DOLLARS - (\$150,137.66).

SECTION 2. Prior Approval has been requested from Common Council on March 24, 2009. A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-09-04-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving RESOLUTION #2045-2007, ABOITE CENTER ROAD (JEFFERSON BOULEVARD TO LUTHERAN HOSPITAL) WATER MAIN EXTENSION between EARTH CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the RESOLUTION #2045-2007, ABOITE CENTER ROAD (JEFFERSON BOULEVARD TO LUTHERAN HOSPITAL) WATER MAIN EXTENSION between EARTH CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the construction of approximately 3,486 LF of 12-inch water main, 5 fire hydrants, 11 valves, and all other appurtenances and work as necessary for the water main extension project. Installation method of pipe to be by open cut or horizontal directional drill.

involving a total cost of TWO HUNDRED FIFTY FIVE THOUSAND, NINE HUNDRED EIGHTY AND 10/100 DOLLARS-(\$255,980.10).. A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

