

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
JULY 27, 2010**

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**CITY UTILITIES COMMITTEE**

*Glynn A. Hines - Chair  
Thomas F. Didier - Co-Chair  
All Council Members*

**ACTION**

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**S-10-07-23**

**AN ORDINANCE approving the awarding of increase of RFQ #2994 – annual requirements for concrete for 2010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Erie Haven for the Water Maintenance & Service Department and the Water Pollution Control Maintenance Department**

**Total cost of \$104,500**

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**FINANCE COMMITTEE**

*Thomas E. Smith - Chair  
Tim Pape - Co-Chair  
All Council Members*

**S-10-07-17**

**AN ORDINANCE approving the awarding of ITB #3202 – Asphalt Tennis Court Surface at Kreager Park by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Wayne Asphalt for the Parks and Recreation Department**

**Total cost of \$139,900**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**S-10-07-18**

**AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Computer Aided Police Dispatch Mobile software at a total cost of \$115,942 from and through Spillman Technologies, Inc. by the City of Fort Wayne, Indiana  
Total cost of \$115,942**

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**S-10-07-19**

**AN ORDINANCE approving the 2010 annual payment of funds to Allen County for the utilization of computer equipment at a total cost of \$282,215 by the City of Fort Wayne, Indiana  
Total cost of \$282, 215**

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**REGULATIONS COMMITTEE**

*Mitch Harper - Chair  
Karen E. Goldner - Co-Chair  
All Council Members*

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**Z-10-07-15**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-58 (Sec. 02 of Washington Township)  
Within the 100 block of West Till Road, at the southeast Intersection of Till and Dawson's Creek Boulevard -  
Development of a Senior Apartment Complex**

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**Z-10-07-16**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-62 (Sec. 33 of Perry Township)  
Rezone 2.28 acres of property from AR-Low Intensity Residential to CM1 - Professional Offices and Personal Services - 227 East Dupont Road - development plan of medical service office with related supply sales**

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**REGULATIONS COMMITTEE                      CONTINUED**

**ACTION**

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**G-10-07-24**

**AN ORDINANCE amending Chapter 39: Ordinance Violations Bureau of the City of Fort Wayne, Indiana, Code of Ordinances Penalty for sale of Synthetic Cannabinoid**

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**G-10-07-25**

**AN ORDINANCE prohibiting the purchase, possession, sale and offering for sale the Synthetic Cannabinoid, known as "Spice or "K-2" and for other purposes**

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**G-10-07-26**

**AN ORDINANCE amending Chapter 37, Finance and Revenue Code, and Chapter 38: "City Policies"; of the City of Fort Wayne, Indiana Code of Ordinances**

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**PUBLIC WORKS COMMITTEE**

*John Shoaff - Chair  
Elizabeth M. Brown - Co-Chair  
All Council Members*

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**S-10-07-20**

**AN ORDINANCE approving Project Coordination Contract for System-Wide Traffic Signal Controller Upgrade - Contract - EDS#A249 - 10-321421/ DES. NO. 0901803 between Indiana Department of Transportation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$850,000  
(80% Federal, 20% - Local)**

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## PUBLIC WORKS COMMITTEE CONTINUED

### ACTION

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**S-10-07-21**

**AN ORDINANCE approving Crown Colony Addition Concrete Street Repairs - 2010: Resolution #7279-10, Work Order #12193 between Hipkind Concrete, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$219,294**

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**S-10-07-22**

**AN ORDINANCE approving Surface Milling for the Street Department: Resolution #7287-10, Work Order #12172 between Wayne Asphalt and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$152,073.40**

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**BILL NO. S-10-07-23**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

**AN ORDINANCE** approving the awarding of INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR CONCRETE FOR 2010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ERIE HAVEN for the WATER MAINTENANCE & SERVICE DEPARTMENT and the WATER POLLUTION CONTROL MAINTENANCE DEPARTMENT.

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

**SECTION 1.** That INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR CONCRETE FOR 2010 between the City of Fort Wayne, by and through its Department of Purchasing and ERIE HAVEN for the WATER MAINTENANCE & SERVICE DEPARTMENT and the WATER POLLUTION CONTROL MAINTENANCE DEPARTMENT, respectfully for:

purchase of additional concrete material for the Water Maintenance & Service Department (\$80,000.00) and the Water Pollution Control Maintenance Department (\$24,500.00);

involving a total cost of ONE HUNDRED FOUR THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS - (\$104,500.00) all as more particularly set forth in said INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR CONCRETE FOR 2010 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-07-17**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

**AN ORDINANCE** approving the awarding of ITB #3202 - ASPHALT TENNIS COURT SURFACE AT KREAGER PARK by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and WAYNE ASPHALT for the PARKS AND RECREATION DEPARTMENT.

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

**SECTION 1.** That ITB #3202 - ASPHALT TENNIS COURT SURFACE AT KREAGER PARK between the City of Fort Wayne, by and through its Department of Purchasing and WAYNE ASPHALT for the PARKS AND RECREATION DEPARTMENT, respectfully for:

replacement and improvements to the eight (8) existing asphalt tennis courts in Kreager Park. Court improvements will include all new asphalt surface, top-coat binder, tennis color coat and new nets and fifty (50) perimeter fence posts

involving a total cost of ONE HUNDRED THIRTY-NINE THOUSAND, NINE HUNDRED AND NO/100 DOLLARS - (\$139,900.00) all as more particularly set forth in said ITB #3202 - ASPHALT TENNIS COURT SURFACE AT KREAGER PARK 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.** Prior Approval has been requested from Common Council on July 13, 2010. Said copy is on file in 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-07-18**

ORDINANCE NO. S- \_\_\_\_\_

AN ORDINANCE approving the Purchase and Installation of Yearly Maintenance for Computer Aided Police Dispatch Mobile software at a total cost of \$115,942 from and through Spillman Technologies, Inc. by the City of Fort Wayne, Indiana.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**

**OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That the purchase of Yearly Maintenance for Computer Aided Police Dispatch Mobile software from Spillman Technologies, Inc. for a total of cost to the City of \$115,942 (ONE HUNDRED FIFTEEN THOUSAND, NINE HUNDRED FORTY-TWO AND NO/100 DOLLARS) is hereby approved in all respects. That said Yearly Maintenance will be used to ensure the proper operation of the City's 911 dispatching system.

**SECTION 2.** That the City is authorized and directed to take all action necessary for the purchase of this system by and through Spillman Technologies, Inc.

**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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-19**

ORDINANCE NO. S - \_\_\_\_\_

AN ORDINANCE approving the 2010 annual payment of funds to Allen County for the utilization of computer equipment at a total cost of \$282,215 by the City of Fort Wayne, Indiana,

Whereas, the City of Fort Wayne and Allen County share computer resources; and

Whereas, the City of Fort Wayne and Allen County have historically examined their shared computing expenses and compensated the other for purchases made to their benefit; and

Whereas, the City of Fort Wayne and Allen County have met and determined the appropriate shared cost for 2010.

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

**SECTION 1.** That the payment of fund to Allen County for the use of computer equipment at a total of cost to the City of \$282,215 is hereby approved in all respects. That said annual payment will be will be used to ensure the proper operation of the City's computing infrastructure.

**SECTION 2.** That the City is authorized and directed to take all action necessary for the transfer of funds to Allen County.

**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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

#1213

BILL NO. Z-10-07-15

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. M-58 (Sec. 02 of Washington Township)**

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

SECTION 1. That the area described as follows is hereby designated an RP (Planned Residential)

District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

**NEW ORIGINAL REMAINDER DESCRIPTION:** (part of a tract described in Document Number 2007040723)

Part of the Northeast Quarter of Section 2, Township 31 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Center of said Section 2, being marked by a survey spike; thence North 87 degrees 33 minutes 08 seconds East (deed bearing and basis of all bearings in this description), on and along the South line of said Northeast Quarter, being within the right-of-way of Till Road, a distance of 1943.82 feet to a survey spike; thence North 02 degrees 59 minutes 00 seconds West, a distance of 50.00 feet to a #5 rebar at the Southeast corner of a 20.22 acre base tract of real estate described in a deed to Salin Bank and Trust Company in Document Number 2007040723 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 02 degrees 59 minutes 00 seconds West, on and along the East line of said 20.22 acre base tract, a distance of 216.16 feet to a #5 rebar at the Southeast corner of the plat of Courtyards at Dawson's Creek, as recorded in Plat Cabinet F, page 96 in the Office of said Recorder; thence South 61 degrees 56 minutes 12 seconds West, on and along the South line of said plat, a distance of 165.16 feet to a #5 rebar; thence North 89 degrees 59 minutes 27 seconds West, continuing on and along said South line, a

distance of 82.46 feet to a #5 rebar; thence North 61 degrees 04 minutes 31 seconds West, on and along the Southwesterly line of said plat, a distance of 88.12 feet to a #5 rebar; thence North 43 degrees 04 minutes 49 seconds West, continuing on and along said Southwesterly line, a distance of 439.00 feet to a #5 rebar; thence North 55 degrees 34 minutes 47 seconds West, continuing on and along said Southwesterly line, a distance of 29.62 feet to a #5 rebar; thence North 85 degrees 47 minutes 46 seconds West, on and along the South line of said plat, a distance of 92.56 feet to a #5 rebar; thence South 55 degrees 32 minutes 50 seconds West, continuing on and along said South line, a distance of 51.97 feet to a #5 rebar; thence South 70 degrees 12 minutes 32 seconds West, continuing on and along said South line, a distance of 85.67 feet to a #5 rebar on the Easterly right-of-way line of Dawson's Creek Boulevard, as described in Document Number 990082527 in the Office of said Recorder; thence Southerly, on and along said Easterly right-of-way line, as defined by the arc of a non-tangent circular curve to the right having a radius of 340.00 feet, an arc distance of 117.54 feet, being subtended by a long chord having a length of 116.95 feet and a bearing of South 12 degrees 33 minutes 43 seconds East to the point of tangency; thence South 02 degrees 39 minutes 31 seconds East, continuing on and along said Easterly right-of-way line and tangent to said curve, a distance of 362.60 feet to a #5 rebar on the North right-of-way line of Till Road; thence South 47 degrees 33 minutes 11 seconds East, on and along said North right-of-way line, a distance of 35.42 feet to a #5 rebar; thence North 87 degrees 33 minutes 08 seconds East, continuing on and along said North right-of-way line, a distance of 788.95 feet to the true point of beginning, containing 6.299 acres of land, subject to all easements of record.

**and the symbols of the City of Fort Wayne Zoning Map No. M-58 (Sec. 02 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.**

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

#1214

BILL NO. Z-10-07-16

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. N-62 (Sec. 33 of Perry Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1 (Professional Offices and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Southeast Quarter of Section 33, Township 32 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of Section 33, Township 32 North, Range 12 East, Allen County, Indiana; thence North 89 degrees 59 minutes 45 seconds East (Eagle Lake, Section I plat bearing and basis for this description) along the South line of the SE ¼ of Section 33-32-12 a distance of 700.0 feet; thence North 00 degrees 00 minutes West a distance of 52.31 feet (51.87 feet, recorded) to the Southeast corner of Lot 1 in Eagle Lake, Section I, as recorded in Plat Cabinet B page 12, said point being the point of beginning; thence North 00 degrees 00 minutes East along the East line of Eagle Lake, Section I, a distance of 328.06 feet; thence South 89 degrees 37 minutes 30 seconds East a distance of 300.0 feet; thence South 00 degrees 00 minutes West a distance of 334.26 feet to a point on the North right of way line of Dupont Road; thence North 86 degrees 22 minutes West along the North right of way line of Dupont Road a distance of 92.6 feet; thence South 89 degrees 59 minutes 45 seconds West along the North right of way line of Dupont Road a distance of 200.0 feet; thence North 72 degrees 53 minutes 26 seconds West along the North right of way line of Dupont Road a distance of 7.85 feet to the point of beginning, containing 2.278 Acres.

**and the symbols of the City of Fort Wayne Zoning Map No. N-62 (Sec. 33 of Perry Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.**

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

**General Ordinance No. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 39:  
ORDINANCE VIOLATIONS BUREAU OF THE CITY OF  
FORT WAYNE, INDIANA, CODE OF ORDINANCES**

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

**SECTION 1.** That Chapter 39: Ordinance Violations Bureau, ' 39.03 SCHEDULES OF PENALTIES, shall be amended to add the following :

<u><b>NATURE OF VIOLATIONS</b></u>	<u><b>CODE SECTION</b></u>	<u><b>CIVIL PENALTY</b></u>
Penalty for Sale of Synthetic Cannabinoid,	130.10	\$ 2,500.00
Penalty for Use and/or Possession of Synthetic Cannabinoid	130.10	Not to Exceed \$1,000

**SECTION 2.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

**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.

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Mitch Harper, Council Member

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Tom Didier, Council Member

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APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

BILL NO. G-10-07-25

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE PROHIBITING THE PURCHASE,  
POSSESSION, SALE, AND OFFERING FOR  
SALE THE SYNTHETIC CANNABINOID,  
KNOWN AS "SPICE" OR "K-2" AND  
FOR OTHER PURPOSES**

WHEREAS, the City of Fort Wayne has a duty to preserve peace and order and secure freedom from dangerous or noxious activities and. To that end, the Common Council of the City of Fort Wayne, Indiana has determined that certain businesses within the City of Fort Wayne, Indiana are contemplating the sale of certain substances, which, when ingested, produce intoxicating effects similar to THC or marijuana; and

WHEREAS, the substances are not yet categorized controlled substances under State or Federal law; and

WHEREAS, the substances, which are more specifically described below, are potentially dangerous to users and further, the long term effects are not yet know; and

WHEREAS, it has been determined that the effects of these substances are a health and safety concern to the citizens of the City of Fort Wayne.

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

**SECTION 1.** That Chapter 130 of the Fort Wayne Code of Ordinances: "OFFENSES AGAINST CITY REGULATIONS" SHALL BE AMENDED to add Section 130.10 as follows:

**§ 130.10 SYNTHETIC CANNABINOID**

(A) It is hereby declared to be unlawful for any

person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals within the boundaries of the City of Fort Wayne.

(1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and its C6, C7, C8, and C9 homologues}

(2) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210}

(3) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1 Pentyl-3-(1-naphthoyl)indole or JWH-018}

(4) Naphthalen-1-yl-(1-butylindol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole or JWH-073}

(B) This Section shall be enforced by the Fort Wayne-Allen County Health Department and the Fort Wayne Police Department. If any of the substances listed in Subsection (A) herein are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

(C) It is not an offense under Subsection (A) herein if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

(D) This Section does not apply to any person who commits any act described in this Section pursuant to the

direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This Section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

(E) Any business found to be in violation of this Section will be subject to a civil fine of \$2,500.00. Any person found in violation of this Section will be guilty of a civil fine not to exceed \$1,000.00.

(F) The City Attorney shall have the authority to seek an injunction to close any business which refuses to or fails to comply with this Section.

(G) If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of the Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of the Ordinance are declared to be severable.

**SECTION 2.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

**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.

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Mitch V. Harper, Council Member

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Tom Didier, Council Member

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**APPROVED AS TO FORM AND LEGALITY**

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Joseph G. Bonahoom, Attorney for City Council

BILL NO. G-10-07-26

General Ordinance No. G-\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 37, FINANCE AND  
REVENUE CODE, and CHAPTER 38;  
"CITY POLICIES"; OF THE CITY OF FORT WAYNE, INDIANA  
CODE OF ORDINANCES**

Whereas, The Fort Wayne Common Council is the determinative fiscal body for the City of Fort Wayne; and,

Whereas, The City of Fort Wayne must budget with a reduced revenue stream due to property tax caps enacted by the state Legislature; and,

Whereas, The City of Fort Wayne must also budget with reduced income tax revenue streams and strives to maintain current levels of service to its citizens; and,

Whereas, The Common Council is committed to being a scrupulous financial steward on behalf of the taxpaying citizens,

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

**SECTION 1.** That Chapter 37 of the Fort Wayne Code of Ordinances: "FINANCE AND REVENUE" SHALL BE AMENDED to delete Section 37.17 and replace it with the following:

**§ 37.17 APPROVAL OR RATIFICATION REQUIRED.**

(A) Whenever the city, including any city-owned or -operated utilities, (i) makes any purchase, the contract for which purchase is not awarded to the lowest bidder, or is awarded to a single bidder, (ii) enters into any lease, or (iii) executes a contract which exceeds \$100,000 per year for the purpose of providing services to the city or any city-owned or -operated utility, then, with the exception of those contracts governed by subsection (B) herein, all such purchases and/or leases or such contracts shall be entered into with the prior approval or subsequent ratification by the Common Council of the city by ordinance or resolution duly passed by the Common Council and approved by the Mayor. All such purchases and/or leases and such contracts entered into without such prior approval or subsequent ratification shall be null and void.

(B) Whenever the city, including any city-owned or operated utilities makes any purchase, enters into any lease, or executes a contract for the purpose of providing "Professional Services," then regardless of the dollar amount of said purchase and/or lease or contract, all such purchases and/or leases or such contracts, shall only be entered into with the prior approval or subsequent ratification by Common Council of the city by ordinance or resolution duly passed by the Common Council and approved by the Mayor. All such purchases and/or leases and such contracts entered into without such prior approval or subsequent ratification shall be null and void.

With regard to contracts for "Consultants" only, in case of "Emergency" the city, including any city-owned or operated, may enter into a contract or agreement for the hiring and employment of Consultant(s) without the necessity of obtaining the prior approval of Common Council.

(C) For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**CONSULTANT(S).** Any person, firm and entity who executes a contract with the city or any of the city utilities for the purposes of providing professional or expert or technical advice to the city or any of its utilities including but not limited to the following: licensed architect, professional engineer, land surveyor, urban planner, design consultant/engineer, or computer/I.T. consultant/specialist.

**EMERGENCY.** An extraordinary situation or condition, whether caused by nature or otherwise, that would require an unusually high provision of governmental services or that would disrupt or interfere or threaten to disrupt or interfere with the prompt and proper provision of governmental services and/or protection of the general public.

**LOBBYIST(S).** Any person and or agency that 1) engages in lobbying; and 2) in any registration year, receives or expends an aggregate of Five Hundred Dollars (\$500.00) or more in compensation or expenditures reportable under I.C. 2-7-1, *et seq.*, for lobbying, whether the compensation or expenditure is solely for lobbying or the lobbying is incidental to that individual's regular employment.

**PROFESSIONAL SERVICES.** Technical, or unique functions performed by individuals whose occupation is the rendering of such services, including but not limited to: Consultants, Lobbyists, accountants, appraisers, architects, attorneys, brokerage firms, business development managers, engineers, law firms, public relations professionals, recruiters, researchers, real estate brokers, translators, software engineers and web designers. (D) Notwithstanding any of the foregoing, Subsection (B) of this Ordinance shall not apply to the following contracts for Professional Services: (i) contracts entered into by the Board of Works of the City of Fort Wayne; (ii) contracts entered into by the Board of Parks Commission of the City of Fort Wayne; or (iii) contracts pertaining to economic development projects for the City of Fort Wayne for the acquisition or sale of real property .

**SECTION 2.** That Chapter 38 of the Fort Wayne Code of Ordinances: "CITY POLICIES" SHALL BE AMENDED to delete §38.03 and §38.04 in their entirety.

**SECTION 3.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

**SECTION 4.** That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Liz Brown, Tom Didier and Glynn Hines  
Council Members

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

**BILL NO. S-10-07-20**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving PROJECT COORDINATION CONTRACT FOR SYSTEM-WIDE TRAFFIC SIGNAL CONTROLLER UPGRADE - CONTRACT - EDS#A249-10-321421 / DES. NO. 0901803 between INDIANA DEPARTMENT OF TRANSPORTATION 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 PROJECT COORDINATION CONTRACT FOR SYSTEM-WIDE TRAFFIC SIGNAL CONTROLLER UPGRADE - CONTRACT - EDS#A249-10-321421 / DES. NO. 0901803 by and between INDIANA DEPARTMENT OF TRANSPORTATION 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 Coordination contract for the replacement of approximately 283 traffic signal controllers at City intersections which will allow for more flexibility of control of the intersection as well as expandability of the control functions:

involving a total cost of EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$850,000.00)- (80% Federal, 20% - Local). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-07-21**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving CROWN COLONY ADDITION CONCRETE STREET REPAIRS - 2010: RESOLUTION #7279-10, WORK ORDER #12193 between HIPSKIND CONCRETE 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 CROWN COLONY ADDITION CONCRETE STREET REPAIRS - 2010: RESOLUTION #7279-10, WORK ORDER #12193 by and between HIPSKIND CONCRETE 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 Whiteford Drive from Sanford Drive to Woodlynn Drive, Selkirk Drive from Chadwick Drive to Lynfield Drive, by partial concrete pavement replacement; which includes under-drain, concrete curb ramps, affected dirve approach replacement (if required), topsoil and hydro-seed restoration:

involving a total cost of TWO HUNDRED NINETEEN THOUSAND, TWO HUNDRED NINETY-FOUR AND NO/100 DOLLARS - (\$219,294.00). 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.** Prior Approval has been requested from Common Council on  
JULY 20, 2010.

**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-10-07-22**

SPECIAL ORDINANCE NO. S-\_\_\_\_\_

AN ORDINANCE approving SURFACE MILLING FOR THE STREET DEPARTMENT: RESOLUTION #7287-10, WORK ORDER #12172 between WAYNE ASPHALT 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 SURFACE MILLING FOR THE STREET DEPARTMENT: RESOLUTION #7287-10, WORK ORDER #12172 by and between WAYNE ASPHALT 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 Surface Milling of asphalt streets to accept new asphalt placed by the City of Fort Wayne Street Department;

involving a total cost of ONE HUNDRED FIFTY-TWO THOUSAND, SEVENTY-THREE AND 40/100 DOLLARS - (\$152,073.40). Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

**SECTION 2.** Prior Approval has been requested from Common Council on JULY 20, 2010.

**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



