

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
NOVEMBER 23, 2010**

CITY UTILITIES COMMITTEE

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

ACTION

S-10-11-10

**AN ORDINANCE approving the awarding of ITB #3276 – HVAC and Boiler Maintenance and Repair by the City of Fort Wayne, Indiana, by and through its Department of Purchasing/Property Management and Havel Brothers for various City Departments
Total cost of \$155,460**

S-10-11-23

**AN ORDINANCE approving Aeration Blower Improvements, Phase II, Res. #2222-2009, W.O. #75407 between Robert E. Crosby, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$2,281,000**

S-10-11-26

**AN ORDINANCE approving contract for Fort Wayne City Utilities Asset Rubbersheeting Conversion and Enhancement W.O. #92013 between Intergraph Services Company and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$218,309.12**

FINANCE COMMITTEE

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

ACTION

S-10-11-15

**AN ORDINANCE approving the purchase of services to index, image and make available for electronic storage approximately 2,680,000 documents images for a total not to exceed \$250,000 from HOV Services by the City of Fort Wayne, Indiana
Total cost of \$250,000**

S-10-11-16

**AN ORDINANCE approving grants to be funded from the Cable TV Fund
Total cost of \$103,436.51**

S-10-11-18

**AN ORDINANCE approving Amendment No. 1 to Professional Services Agreement for Design Services for Beckett's Run Relocation Res. #2285-2010, W.O. #83228 between Christopher B. Burke Engineering, LTD, and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$192,000**

S-10-11-19

**AN ORDINANCE approving the awarding of ITB #3220-Annual Requirements for Uniform and Walk Off Mat Rental by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Cintas for various Departments within the city of Fort Wayne
Total cost of \$150,000**

FINANCE COMMITTEE

CONTINUED

ACTION

S-10-11-14

AN ORDINANCE approving the awarding of RFP #3185 – Kreager Park Boundless Playground by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Michigan Playground LLC DBA/Playworld Midstates for the Parks and Recreation Department

Total cost of \$160,000

S-10-11-20

AN ORDINANCE approving contract for Long-Term Control Plan Program Management Assistance between Malcom Pirnie, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$3,150,000

S-10-11-21

AN ORDINANCE approving contract for Long-Term Control Plan Program Management Assistance between CH2M Hill, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,255,000

S-10-11-22

AN ORDINANCE approving contract for Long-Term Control Plan Program Management Assistance between DLZ-Indiana, LLC and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$900,000

FINANCE COMMITTEE CONTINUED

ACTION

S-10-11-24

AN ORDINANCE approving contract for Program and Project Management Assistance between the Secant Group, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$147,272

S-10-11-25

AN ORDINANCE approving CSO Outfall 052 Satellite Disinfection Engineering Study, Res. #2012-0001, W.O. #75579 between Tetra Tech and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$130,757

S-10-11-27

AN ORDINANCE authorizing the issuance of not to exceed \$5,000,000 aggregate principal amount of Economic Development Revenue Bonds, Series 2010 (Concordia Theological Seminary, Inc. Project) to finance the Acquisition, Construction, Installation and Equipping of an Economic Development Facility

Total cost not to exceed \$5,000,000

S-10-11-28

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain City Utilities employees of the City of Fort Wayne, Indiana, represented by the International Association of Machinists and Aerospace Workers Local Lodge #2569

FINANCE COMMITTEE CONTINUED

ACTION

A-10-11-29

AN ORDINANCE appropriating monies into certain accounts for the 2010 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2010

Total amount \$7,840,688

PUBLIC HEARING 12-14-10 - 5:30 P.M.

R-10-11-30

A RESOLUTION authorizing the transfer of funds between certain accounts with the 2010 budgets of certain City Departments

R-10-11-08

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3401 McArthur Drive, Fort Wayne, Indiana 46809 (Labeca, LLC)

Total cost of \$2,000,000 - in order to expand they will purchase and install new manufacturing equipment - ten full-time and ten part-time jobs will be created as a result of the project

TO BE PASSED THIS EVENING

FINANCE COMMITTEE CONTINUED

ACTION

R-10-11-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3401 McArthur Drive, Fort Wayne, Indiana 46809 (Labeca, LLC)

Total cost of 2,000,000 - in order to expand they will purchase and install new manufacturing equipment - ten full-time and ten part-time jobs will be created as a result of the project

PUBLIC HEARING 12-14-10 - 5:30 P.M.

REGULATIONS COMMITTEE

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

G-10-11-07

AN ORDINANCE amending Chapter 116: Taxicabs: of the City of Fort Wayne, Indiana, Code of Ordinance

G-10-11-12

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way The applicant owns property on both north and South of the alley right-of-way and would like to Expand the parking lot for their business

PUBLIC HEARING 12-14-10 - 5:30 P.M.

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-10-11-13

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. D-02 (Sec. 7 of Wayne Township)
Rezone approximately 0.65 acres of property From R1 - Single Family Residential to CM1-Professional Offices and Personal Services**

PUBLIC WORKS COMMITTEE

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

S-10-11-11

**AN ORDINANCE approving the awarding of ITB #3193 - purchase of Bulk Road Salt by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Cargill Salt Co. for the Street Department
Total cost of \$126,000 - 2010;
(\$600,000 - 2011)**

S-10-11-17

**AN ORDINANCE approving the awarding of contract for Resolution Number 339-2010 - East Washington Boulevard Street Light Improvement by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Lights & Signals, Inc. for the Planning & Policy/Community Development
Total cost of \$198,230.75**

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

S-10-11-31

**AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of recycle carts by the City of Fort Wayne Solid Waste Department; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto
Total cost shall not exceed \$2,700,000**

BILL NO. S-10-11-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3276 - HVAC AND BOILER MAINTENANCE AND REPAIR by the City of Fort Wayne, Indiana, by and through its Department of Purchasing/Property Management and HAVEL BROTHERS for various City Departments.

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

SECTION 1. That ITB #3276 - HVAC AND BOILER MAINTENANCE AND REPAIR between the City of Fort Wayne, by and through its Department of Purchasing/Property Management and HAVEL BROTHERS for various City Departments, respectfully for:

HVAC and Boiler Maintenance and Repair for City Department sites (approximately) 70 Buildings:

involving a total cost of ONE HUNDRED FIFTY-FIVE THOUSAND, FOUR HUNDRED SIXTY AND 00/100 DOLLARS - (\$155,460.00) all as more particularly set forth in said ITB #3276 - HVAC AND BOILER MAINTENANCE AND REPAIR 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 Taylor, City Attorney

BILL NO. S-10-11-23

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AERATION BLOWER IMPROVEMENTS, PHASE II, RES. #2222-2009, W.O. #75407 between ROBERT E. CROSBY, 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 AERATION BLOWER IMPROVEMENTS, PHASE II, RES. #2222-2009, W.O. #75407 by and between ROBERT E. CROSBY, 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 "Aeration Blower Improvements, Phase II": The project consists of refurbishing four existing Roots centrifugal blowers, including bearings, lubrication system, inlet guide vanes, synchronous starters, valves, actuators, controls, and SCADA modifications. As an alternate, Blower No. 8 will be upgraded with dual vane controls:

involving a total cost of TWO MILLION, TWO HUNDRED EIGHTY-ONE THOUSAND AND 00/100 DOLLARS - (\$2,281,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-26

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR FORT WAYNE CITY UTILITIES ASSET RUBBERSHEETING CONVERSION AND ENHANCEMENT, W.O. #92013 between INTERGRAPH SERVICES COMPANY 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 CONTRACT FOR FORT WAYNE CITY UTILITIES ASSET RUBBERSHEETING CONVERSION AND ENHANCEMENT, W.O. #92013 by and between INTERGRAPH SERVICES COMPANY 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:
Professional Services include rubbersheeting (shifting) City Utilities and Public Works assets onto an orthophoto aerial image;

involving a total cost of TWO HUNDRED EIGHTEEN THOUSAND, THREE HUNDRED NINE AND 12/100 DOLLARS - (\$218,309.12). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-15

ORDINANCE NO. S-_____

AN ORDINANCE approving the purchase of services to index, image and make available for electronic storage approximately 2,680,000 documents images for a total not to exceed \$250,000 from HOV Services 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 services to index, image and make available for electronic storage approximately 2,660,000 documents images at a cost 9.3 cents per image, from HOV Services for a total of cost to the City of \$250,000 is hereby approved in all respects. That said services will be used to create electronic and, where appropriate, microfilmed images of documents for Human Resources, Benefits, Payroll, and Community Development.

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

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-10-11-16

ORDINANCE NO. S-_____

AN ORDINANCE approving grants to be funded from the Cable TV Fund.

WHEREAS, Ordinance No. 111.34.(C).(5).a provides that a minimum of 10% of the City's Cable TV Fund is to be set aside annually for Non-Access Channel Originator Grants for access programming by not-for-profit agencies or educational or governmental agency within the City of Fort Wayne; and

WHEREAS, Ordinance No. 111.34.(C).(5).d provides that the Cable Fund Access Board (CFAB) recommend grant awards, with final approval granted by the Common Council from the Cable TV Fund; and

WHEREAS, CFAB recommends the following Non-Access Channel Originator Grant awards from the Cable TV Fund:

Ivy Tech	\$14,393.17
Miami	\$13,692.62
Waynedale	\$11,933.71
Humane Ed	\$7,004.21
Anthis	\$2,418.05
North Side	\$13,456.00
Croninger	\$5,336.39
Jefferson	\$9,913.00
Dance Collective	\$5,562.50
Most Precious Blood	\$7,779.66
Northwood	\$11,947.20
Total Grants Awarded	\$103,436.51

and

WHEREAS, the City of Fort Wayne states that the details of each grant proposal are available for inspection.

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

SECTION 1. The following Non-Access Channel Originator Grant awards from the Cable TV fund are approved:

Ivy Tech	\$14,393.17
Miami	\$13,692.62
Waynedale	\$11,933.71
Humane Ed	\$7,004.21
Anthis	\$2,418.05
North Side	\$13,456.00
Croninger	\$5,336.39
Jefferson	\$9,913.00
Dance Collective	\$5,562.50
Most Precious Blood	\$7,779.66
Northwood	\$11,947.20
Total Grants Awarded	\$103,436.51

SECTION 2. That this Ordinance shall be in full force and effect from and after January 1, 2011 and any and all necessary approval by the Mayor, and shall expire on July 1, 2011.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-10-11-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES FOR BECKETT'S RUN RELOCATION RES. #2285-2010, W.O. #83228 between CHRISTOPHER B. BURKE ENGINEERING, LTD. 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 AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES FOR BECKETT'S RUN RELOCATION RES. #2285-2010, W.O. #83228 by and between CHRISTOPHER B. BURKE ENGINEERING, LTD. 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:

consultant shall provide design services for the relocation of Beckett's Run along Till Road. Services shall include, survey, design, permitting, funding opportunities (grants), plans and specifications, and submittal of the Letter of Map Revision including modeling:

involving a total cost of ONE HUNDRED NINETY-TWO THOUSAND AND 00/100 DOLLARS - (\$192,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law; and

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

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 Taylor, City Attorney

BILL NO. S-10-11-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3230-ANNUAL REQUIREMENTS FOR UNIFORM AND WALK OFF MAT RENTAL by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CINTAS for various DEPARTMENTS WITHIN THE CITY OF FORT WAYNE.

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

SECTION 1. That ITB #3230-ANNUAL REQUIREMENTS FOR UNIFORM AND WALK OFF MAT RENTAL between the City of Fort Wayne, by and through its Department of Purchasing and CINTAS for the various DEPARTMENTS WITHIN THE CITY OF FORT WAYNE, respectfully for:

annual requirements for uniform and walk off mat rental for 2011 and 2012; involving a total cost of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$150,000.00) all as more particularly set forth in said ITB #3230-ANNUAL REQUIREMENTS FOR UNIFORM AND WALK OFF MAT RENTAL 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 Taylor, City Attorney

BILL NO. S-10-11-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of RFP #3185 - KREAGER PARK BOUNDLESS PLAYGROUND by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MICHIGAN PLAYGROUNDS LLC DBA/PLAYWORLD MIDSTATES 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 RFP #3185 - KREAGER PARK BOUNDLESS PLAYGROUND between the City of Fort Wayne, by and through its Department of Purchasing and MICHIGAN PLAYGROUNDS LLC DBA/PLAYWORLD MIDSTATES for the PARKS AND RECREATION DEPARTMENT, respectfully for:

supply and install a Boundless playground for the Alpha, Beta, and Gamma pods at Kreager Park;

involving a total cost of ONE HUNDRED SIXTY THOUSAND AND 00/100 DOLLARS - (\$160,000.00) all as more particularly set forth in said RFP #3185 - KREAGER PARK BOUNDLESS PLAYGROUND 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 Taylor, City Attorney

BILL NO. S-10-11-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE between MALCOLM PIRNIE, 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 CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE by and between MALCOLM PIRNIE, 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:

services to be provided include, but are not limited to, support for preliminary engineering, modeling, financial planning, design engineering, regulatory support, construction management, and employee development;:

involving a total cost of THREE MILLION, ONE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS - (\$3,150,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE between CH2M HILL, 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 CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE by and between CH2M HILL, 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:

services to be provided include, but are not limited to, support for preliminary engineering, modeling, financial planning, design engineering, regulatory support, construction management, and employee development;:

involving a total cost of ONE MILLION, ONE HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS - (\$1,255,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-22

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE between DLZ-INDIANA, LLC 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 CONTRACT FOR LONG-TERM CONTROL PLAN PROGRAM MANAGEMENT ASSISTANCE by and between DLZ-INDIANA, LLC 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:

services to be provided include, but are not limited to, support for preliminary engineering, modeling, financial planning, design engineering, regulatory support, construction management, and employee development;:

involving a total cost of NINE HUNDRED THOUSAND AND 00/100 DOLLARS - (\$900,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-24

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR PROGRAM AND PROJECT MANAGEMENT ASSISTANCE between THE SECANT GROUP, 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 CONTRACT FOR PROGRAM AND PROJECT MANAGEMENT ASSISTANCE by and between THE SECANT GROUP, 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:

professional engineering services for assistance with growth, expansion and acquisition activities and programs for City Utilities;:

involving a total cost of ONE HUNDRED FORTY-SEVEN THOUSAND, TWO HUNDRED SEVENTY-TWO AND 00/100 DOLLARS - (\$147,272.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

BILL NO. S-10-11-25

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CSO OUTFALL 052 SATELLITE DISINFECTION ENGINEERING STUDY, RES. #2012-0001, W.O. #75579 between TETRA TECH 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 CSO OUTFALL 052 SATELLITE DISINFECTION ENGINEERING STUDY, RES. #2012-0001, W.O. #75579 by and between TETRA TECH 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:

preliminary engineering work necessary to select the disinfection technology and processes that will best achieve the bacteria reductions from CSO 52 in a manner that is cost-effective and safe and meets the Consent Decree Requirements;

involving a total cost of ONE HUNDRED THIRTY THOUSAND, SEVEN HUNDRED FIFTY-SEVEN AND 00/100 DOLLARS - (\$130,757.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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 Taylor, City Attorney

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2010 (CONCORDIA THEOLOGICAL SEMINARY, INC. PROJECT), TO FINANCE THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING OF AN ECONOMIC DEVELOPMENT FACILITY LOCATED IN THE CITY OF FORT WAYNE, INDIANA, PROVIDING FOR THE PLEDGE AND ASSIGNMENT OF REVENUES FOR THE PAYMENT OF SAID BONDS, AUTHORIZING A BOND PURCHASE AND LOAN AGREEMENT WITH RESPECT TO THE BONDS, AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the City of Fort Wayne, Indiana ("Issuer") is a municipal corporation and political subdivision of the State of Indiana and, by virtue of the constitution and laws of the State, including Indiana Code Title 36, Article 7, Chapters 11.9 and 12, as supplemented and amended ("Act"), is authorized and empowered, among other things, to (a) provide funds for the acquisition, construction, installation and equipping of economic development facilities; (b) issue its revenue bonds for the purpose set forth herein; (c) secure such revenue bonds by a pledge and assignment of revenues and other documents as provided for herein; (d) enact this Ordinance ("Bond Ordinance"); and (e) execute the Loan Agreement (hereinafter identified) and all other documents to be executed by it, upon the terms and conditions provided therein; and

WHEREAS, pursuant to a Bond Purchase and Loan Agreement ("Loan Agreement"), dated the date of issuance of the Bonds, among the Issuer, Concordia Theological Seminary, Inc., an Indiana nonprofit public benefit corporation ("Borrower"), and JPMorgan Chase Bank, N.A., a national banking association ("Original Purchaser"), the Issuer proposes to issue an amount not to exceed \$5,000,000 of its Economic Development Revenue Bonds, Series 2010 (Concordia Theological Seminary, Inc. Project) ("Bonds") to provide funds for the purpose of paying the costs of the acquisition, construction, installation and equipping of an approximately 48,000 square foot addition to the Applicant's existing library facility together with the acquisition of furnishings and equipment to be utilized therein located at 6600 N. Clinton Street, Fort Wayne, Indiana 46825, which such addition will consist of library material, shelving, study and meeting rooms and administrative offices (the "Project"),

by lending such funds to the Borrower pursuant to the Loan Agreement which prescribes the terms and conditions under which the Borrower shall repay such loan and pursuant to which the Borrower will execute and deliver to the Issuer its promissory note ("Project Note") in the principal amount equal to the aggregate principal amount of the Bonds; and

WHEREAS, the Common Council of the Issuer ("Common Council") has found and determined, and does hereby confirm, that the Project will increase business opportunities within the City of Fort Wayne, Indiana (the "City"), and will be to the benefit of the health and general welfare of the citizens of the City, and that the Issuer, by assisting with the financing and refinancing of the Project through the issuance of revenue bonds in the aggregate principal amount not to exceed \$5,000,000, will be acting in a manner consistent with and in furtherance of the provisions of the Act; and

WHEREAS, it is determined by the Issuer that the amount necessary to finance the costs of or related to the Project, will require the issuance, sale and delivery of not to exceed \$5,000,000 of Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL that:

Section 1. Definitions. In addition to the words and terms defined in this Bond Ordinance, the words and terms used in this Bond Ordinance shall have the meanings set forth in the Loan Agreement, the Project Note (as hereinafter defined), and the form of the Bonds unless the context or use indicates another or different meaning or intent, which forms are before this meeting, are hereby incorporated by reference in this Bond Ordinance and the Clerk of the Issuer is hereby directed to insert them into the minutes of the Issuer and to keep them on file as specified in Section 12 hereof.

Any reference herein to the Issuer, or to any officers thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms “hereof,” “hereby,” “hereto,” “hereunder,” and similar terms, mean this Bond Ordinance.

Section 2. Determination of Issuer. At a meeting open to the public held on October 21, 2010 by the City of Fort Wayne Economic Development Commission (“Commission”), the Commission adopted a Resolution, including therein a Report and Findings of Fact, finding, among other things, that the proposed financing will be of benefit to the health and general welfare of the citizens of the City of Fort Wayne, Indiana and complies with the provisions of the Act. The Common Council hereby acknowledges the Commission’s Report and Findings of Fact.

At a public hearing held on November 18, 2010 by the Commission pursuant to the provisions of I.C. 36-7-12-24(a), notice of publication of which was published in *The Journal Gazette* and the *Fort Wayne News-Sentinel*, both being newspapers of general circulation in the City of Fort Wayne, Indiana, on November 9, 2010, the public was given an opportunity to express their views for or against the Project. The Common Council hereby acknowledges the public hearing.

At a public hearing held on December 14, 2010 by the Common Council pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), notice of publication of which was published in *The Journal Gazette* and the *Fort Wayne News-Sentinel*, both being newspapers of general circulation in the City of Fort Wayne, Indiana, on November __, 2010, the public was given an opportunity to express their views for or against the Project.

The Issuer has received from the Commission its Resolution, dated November 18, 2010, wherein the Commission has found that the proposed financing will be of benefit to the health and general welfare of the citizens of the City and that the proposed financing complies with the provisions of the Act, and further recommending this form of Ordinance for approval by the Common Council.

Based upon the Report and Findings of Fact and the Resolutions of the Commission, the Issuer hereby finds and determines that the financing approved by the Commission in its Resolution, dated

November 18, 2010, will be of benefit to the health and general welfare of the citizens of the City and complies with the provisions of the Act.

Section 3. Authorization of the Bonds. It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided and authorized herein and pursuant to the authority of the Act, Bonds in the maximum aggregate principal amount not to exceed \$5,000,000, designated as the “City of Fort Wayne, Indiana Economic Development Revenue Bonds, Series 2010 (Concordia Theological Seminary, Inc.),” the proceeds of which will be loaned to the Borrower to finance the costs of the Project for use as an economic development facility within the meaning of the Act.

Section 4. Terms and Execution of the Bonds. The Bonds shall be issued as fully registered Bonds, without coupons, in the denominations set forth in the Loan Agreement, numbered consecutively as set forth in the Loan Agreement, and shall be payable at the office of the Original Purchaser and mature no later than 25 years from the date of issue. The Bonds shall have such terms, bear interest at such rate or rates (but in no event in excess of 12% per annum) as set forth in the Loan Agreement, and be subject to mandatory and optional redemption as provided in the Loan Agreement heretofore presented to the Issuer. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signatures of the Mayor of the Issuer and attested by the Clerk of the Issuer, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until after that time.

The form of the Bonds submitted to this meeting, subject to appropriate insertions and revisions in order to comply with the provisions of the Loan Agreement, shall be and the same is hereby approved and, when the same shall be executed on behalf of the Issuer by the appropriate officers thereof in the manner contemplated by the Loan Agreement in an aggregate principal amount not to exceed \$5,000,000, shall represent the approved form of Bonds of the Issuer.

The Bonds are special, limited obligations of the Issuer payable solely from payments of principal of, premium, if any, and interest on the Bonds made by Borrower under the Project Note and the Loan

Agreement, except to the extent that the principal of, premium, if any, and interest on the Bonds may be paid out of money attributable to Bond proceeds or from temporary investments thereof.

Section 5. Arbitrage Provisions. Subject to the obligations of the Borrower set forth in the Loan Agreement and the Tax Compliance Certificate, the Issuer will use its best efforts to restrict the use of the proceeds of the Bonds in such a manner and to expectations at the time the Bonds are delivered to the purchasers thereof so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed under that Section. The Mayor of the Issuer and the Clerk of the Issuer, or any other officer having responsibility with respect to the issuance of the Bonds, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the Issuer, to deliver a certificate for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 and regulations thereunder.

Section 6. Loan Agreement, Project Note and all other Documents to be Executed or Accepted by the Issuer. In order to better secure the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable, the Mayor of the Issuer with an attestation by the Clerk of the Issuer is authorized and directed to execute, acknowledge and deliver, in the name and on behalf of the Issuer, the Loan Agreement and the Project Note, and all other material documents and assignments to be executed or accepted by it in substantially the forms submitted to the Issuer or its counsel, which are hereby approved, with such changes therein not inconsistent with this Bond Ordinance and not substantially adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer without further approval of the Common Council or of the Commission if such changes do not affect terms set forth in I.C. 36-7-12-27(a)(1) through (10). The approval of such changes by such officers to the extent they are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution or acceptance of receipt of any of the foregoing documents by such officers.

Section 7. Covenants of the Issuer. In addition to other covenants of the Issuer in this Bond Ordinance, the Issuer further covenants and agrees as follows:

(a) Payment of Principal, Premium and Interest. The Issuer will, solely from the sources herein provided, pay or cause to be paid the principal of, premium, if any, and interest on each and all Bonds on the dates, at the places and in the manner provided herein and in the Bonds, and in all other documents referred to herein.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Loan Agreement executed and delivered, or received, under this Bond Ordinance, and in all other proceedings of the Issuer pertaining to the Loan Agreement. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the laws of the State of Indiana, including particularly and without limitation, the Act, to issue the Bonds and to execute the Loan Agreement and all other documents to be executed or received by it, to provide the security for payment of the principal of, premium, if any, and interest on the Bonds in the manner and to the extent herein set forth; that all actions on its part for the issuance of the Bonds and execution or acceptance and delivery of the Loan Agreement and all other documents to be executed or accepted by it have been or will be duly and effectively taken; and that the Bonds will be valid and enforceable special, limited obligations of the Issuer according to the terms thereof. Each provision of this Bond Ordinance, each Bond and all other documents to be executed by the Issuer is binding upon such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the Issuer and of its officers and employees undertaken pursuant to such proceedings for the Bonds and all other documents to be executed by the Issuer is established as a duty of the Issuer and of each such officer and employee having authority to perform such duty.

Section 8. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Bond Ordinance, or in the Bonds, the Loan Agreement, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution, statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, officer or attorney, as such, past, present, or future, of the Issuer, either directly, through the Issuer or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of the Bonds secured

thereby, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute, constitution or otherwise, of any such member, director, officer or attorney to respond by reason of any act or omission on his or her part for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance of the Bonds.

Section 9. No Debt or Tax Pledge. The Bonds shall not constitute a debt or pledge of the faith and credit of the Issuer, the State or any political subdivision thereof, and the holders or owners thereof shall have no right to have taxes levied by the Issuer, the State or any political subdivision for the payment of the principal thereof or interest thereon. Moneys raised by taxation shall not be obligated or pledged for the payment of principal of or interest on the Bonds, and the Bonds shall be payable solely from the revenues and security interests pledged for their payment as authorized by the Loan Agreement.

Section 10. Severability. If any section, paragraph or provision of this Bond Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Bond Ordinance.

Section 11. Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Bond Ordinance are, to the extent of such conflict, hereby repealed.

Section 12. Public Inspection. Two copies of the Loan Agreement and the form of the Bonds are on file with the Clerk of the Issuer and are available for inspection in compliance with Indiana Code 36-1-5-4.

Section 13. Compliance with Open Door Law. It is hereby determined that all formal actions of the Common Council relating to the adoption of this Bond Ordinance were taken in an open meeting of

the Common Council, that all deliberations of the Town Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as supplemented and amended.

Section 15. Effective Date. This Bond Ordinance shall be in full force and effect upon compliance with Indiana Code 36-4-6.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for certain City Utilities employees of the City of Fort Wayne, Indiana, represented by the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS LOCAL LODGE #2569.

WHEREAS, this Council is required to approve all collective bargaining decisions with regard to annual pay and monetary fringe benefits; and

WHEREAS, an agreement has been reached by and between the City of Fort Wayne, Indiana, and the International Association of Machinists and Aerospace Workers Local Lodge #2569 – City Utilities – through collective bargaining as authorized and envisioned by the City’s ordinances; and

WHEREAS, said agreement is for three (3) years **(2010, 2011 and 2012)**, but pursuant to Indiana law, the compensation provided for therein must be annually ratified; and

WHEREAS, this ordinance is necessary to ratify, fix and establish such compensation for said **City Utilities** employees of the City of Fort Wayne, Indiana, represented by the International Association of Machinists and Aerospace Workers Local Lodge #2569 – City Utilities for the years 2010, 2011 and 2012 and to approve the other provisions of said agreement.

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

SECTION 1. The **2010-2012 Collective Bargaining Agreement City Utilities**) by the between the City of Fort Wayne, Indiana, and the International Association

of Machinists and Aerospace Workers Local Lodge #2569, a copy of which is attached hereto, marked Exhibit "A" and incorporated herein and on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. A-10-11-29

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating monies into certain accounts for the 2010 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2010.

WHEREAS, the budget adjustment policy of the City of Fort Wayne stipulates that all Departments operating on a tax supported and/or City Council approved budget shall submit requests to the Controller for appropriation of additional monies to the 2010 budgets to provide sufficient operating funds for the remainder of 2010;

WHEREAS, adequate funds exist in the unappropriated and unobligated balance of the funds specified and in the appropriations of certain departments as specified;

and;

WHEREAS, such appropriations have been recommended by the City Controller.

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

SECTION 1. That there is hereby appropriated to the 2010 budget accounts of the various departments listed below, the following amounts, respectively, to-wit:

ADDITIONAL APPROPRIATIONS:

<u>FUND:</u>	<u>DEPARTMENT:</u>	<u>TO:</u>	<u>LINE:</u>	<u>AMOUNT</u>
				<u>:</u>
				<u>Increase</u>
GENERA				
L	Finance	&	5369	Contracted Services
	Administration		536M	Mowing
			536P	HVAC Services
				\$ 350,000
				100,000
				50,000
				9,580
	BOPW		5299	Other Supplies
			5369	Contracted Services
			5355	Public Lighting Electricity
			536B	Contracted Street Light
				1,100
				<u>697,570</u>
				\$ 697,570
			TOTAL GENERAL FUND	

<u>FUND:</u>	<u>DEPARTMENT:</u>	<u>TO:</u>	<u>LINE:</u>	<u>AMOUNT:</u>
				<u>Increase</u>
<u>PARKS</u>				
<u>&</u>				
<u>RECREATION</u>	Parks		5369	Contracted Services
				\$ 139,900
			TOTAL PARKS & RECREATION	
				\$ 139,900
<u>MOTOR VEHICLE</u>				
<u>HIGHWAY</u>	Street		5111	Salaries/Wages
			5274	Salt
			5272	Bituminous Liquids
				\$ 215,000
				250,000
				<u>35,000</u>
			TOTAL MVH	
				\$ 500,000
<u>RAINY DAY</u>			539A	Transfer Out
				<u>\$6,503,218</u>
			TOTAL RAINY DAY	
				\$6,503,218

<u>TOTAL</u>	<u>\$</u>
<u>ADDITIONALS</u>	<u>7,840,68</u>
	<u>8</u>

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 Taylor, City Attorney

BILL NO. R-10-11-30

RESOLUTION R-_____

A RESOLUTION authorizing the transfer of funds between certain accounts within the 2010 budgets of certain City Departments.

WHEREAS, it has become necessary to transfer funds to certain accounts in the 2010 budgets of certain accounts of the respective City Departments; and

WHEREAS, adequate funds exist in certain accounts of the respective City Departments; and

WHEREAS, such transfers have been recommended by the City Controller.

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

SECTION 1. That the Controller of the City of Fort Wayne, Indiana, is hereby authorized to transfer the following stipulated sums within the 2010 budgets of the following listed City Departments.

		TO	FROM	Debit Increase	Credit Decrease
<u>GENERAL FUND</u>					
<u>Public Works</u>					
	Construction Ground			\$ 17,600	
	Hydrant Rental	5431		23,000	
	Contracted Street Light Rpr	5376		40,900	
	Purchase of Other Equip	536B		8,200	
	Salaries & Wages	5444			\$ 60,000
	Gasoline		5111		3,000
	Instructional Services		5231		1,700
	In-House Stock		5317		25,000
			52AA		
<u>Weights</u>					
<u>&</u>					
<u>Measures</u>					
	Garage – Non Target			\$ 600	
	Gasoline	536N			\$ 400
	Uniforms		5231		200
			529C		
<u>Law</u>					
	Purchase of Other Equip			\$ 842	
	Other Equip Repair Parts	5444		358	
	Salaries & Wages	5263			\$ 1,200
			5111		
<u>Animal Control</u>					
	Medical Supplies			\$ 4,000	
	Postage	5241		2,000	
	Solid Waste Disposal	5322		3,000	
	Garage – Non Target	5356		9,000	
	Capital Replacements	536N		11,000	
	Salaries & Wages	5453			\$ 29,000
			5111		
<u>FIRE FUND</u>					
	Overtime	5125		\$ 265,000	
	Gasoline		5231		\$ 22,000
	Diesel		5232		38,000
	Building Maintenance Mtls		5261		20,000
	Clothing		529C		45,000
	Computer Supplies		5213		3,500
	Office Supplies		5219		3,000
	Garage Supplies		5239		3,500
	Printing		5331		5,000
	Natural Gas		5352		125,000
<u>PARKING ENFORCEMENT FUND</u>					
	Salaries & Wages	5111		\$ 3,000	
	Contracted Services		5369		\$ 3,000

SECTION 2. That this Resolution 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

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3401 McArthur
Drive, Fort Wayne, Indiana 46809 (Labeca, LLC)**

WHEREAS, Petitioner has duly filed its petition dated November 5, 2010 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 ten full-time and ten part-time, permanent jobs for a total new, annual payroll of \$675,000, with the average new annual job salary being \$33,750 and retain 62 full-time and four part-time, permanent jobs for a total current annual payroll of \$2,035,000, with the average current, annual job salary being \$30,833; and

WHEREAS, the total estimated project cost is \$2,000,000; 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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 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 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 3401 McArthur
Drive, Fort Wayne, Indiana 46809 (Labeca, LLC)**

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 ten full-time and ten part-time, permanent jobs for a total new, annual payroll of \$675,000, with the average new annual job salary being \$33,750 and retain 62 full-time and four part-time, permanent jobs for a current annual payroll of \$2,035,000, with the average current annual job salary being \$30,833; and

WHEREAS, the total estimated project cost is \$2,000,000; 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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 ten 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

**AN ORDINANCE AMENDING CHAPTER 116:
TAXICABS: 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. Chapter 116: TAXICABS is amended as follows:

CHAPTER 116: TAXICABS

§116.01 DEFINITIONS

AMEND:

TAXIMETER. A mechanical or electronic device which records and indicates a charge of fare measured by the distance traveled, a drop or pick-up fee, if any, waiting time, if any, and extra passengers, if any.

**§116.06 UNLAWFUL OPERATION OF TAXICAB FOR
COMPENSATION**

AMEND:

§116.06 (B) (1)

(B) It shall be unlawful for any taxicab driver or person in the business of operating a taxicab for compensation to:

(1) Charge an additional type of fee or higher fee other than those fees posted. With the exception of contracted or special out-of-town fares, it shall be unlawful to charge a fare less than those posted.

ADD:

§116.06 (B) (12)

(12) Divert customers from taxicabs to private vehicles.

§116.20 APPLICATIONS FOR PERMIT; PROOF OF COMPLIANCE WITH MINIMUM STANDARDS.

AMEND:

§116.20 (A) (11) A A statement by the applicant that it intends to own or lease at least one taxicab for use in the business;

§116.23 DENIAL OF PERMIT OR REFUSAL TO RENEW.

AMEND:

§116.23 (A) A taxicab permit may be denied by the Board of Public Safety for failure to comply with §§116.20, 116.21 or 116.22; §§116.24, 116.25, 116.26, 116.27 or 116.28; §§116.70 through 116.72; or §116.74. If a permit is denied, the applicant shall be so notified in writing.

§116.24 GOOD AND REASONABLE SERVICE TO BE PROVIDED AT ALL TIMES.

AMEND:

All persons holding city taxicab permits shall be obligated to provide good and reasonable service to all parts of the city. Companies holding three or more taxicab permits shall be required to operate 24 hours a day each and every day of the year, unless prevented by a labor strike or an act of God. Companies holding three or more taxicab permits shall procure the services of a business office with sufficient employees to answer all calls 24 hours a day each and every day of the year. Taxicab permit holders shall additionally be required to obtain at first opportunity and thereafter to maintain a listing of their trade name and phone number where the public can reach the permit holder's dispatcher in order to obtain service.

§116.41 LICENSE APPLICATION PROCEDURE

AMEND:

§116.41(B) The number of a valid Indiana state public passenger chauffeur or commercial driver's license issued to the applicant, and date of license expiration;

**§116.56 PROCEDURE FOR PERMIT AND/OR LICENSE
DENIAL, REVOCATION OR SUSPENSION**

AMEND:

§116.56 (A) The Board of Public Safety may refuse to issue or may revoke or suspend a taxicab permit or a taxicab driver's license only upon 30 days' written notice to the applicant, business owner or licensee. Such notice shall specifically state the grounds for the proposed action and inform the addressee that said order shall become final within 30 days if said applicant, owner or licensee does not file a petition for reconsideration with the Board of Public Safety within said time frame, requesting a hearing on the matter. At the hearing, to be held by the Board of Public Safety, the applicant, owner or licensee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. The Director of the Board of Public Safety shall mail or otherwise furnish to the applicant, owner or licensee a written order stating the grounds for the Board's decision following a hearing in the case. Said order shall be considered a final order for the purpose of IC 4-21.5-3.

**§116.73 REQUIRED EQUIPMENT AND CONDITION OF
TAXICABS**

AMEND:

The Board of Public Safety is hereby empowered to promulgate rules and regulations consistent with the provisions of this chapter as may be necessary or desirable to aid in attaining compliance with the provisions and purposes of this chapter. The rules and regulations shall include, but shall not be limited to, the following minimum standards:

AMEND:

§116.73 (C) (1) (d) Any surcharges added to the fare for fuel costs, service to specific locations, or during specific hours.

AMEND:

§116.73 (E) (1) Seat covers shall be permanently attached or fixed to the seats of the vehicle and have no exposed wire or sharp edges either from metal or hardened vinyl. No broken springs, sagging or horizontal slippage is allowable in any seat.

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 Taylor, City Attorney

#1224

BILL NO. G-10-11-12

Deed Book: 145
Page No: 44

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.**

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

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

SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

The 10 foot wide east-west alley right-of-way located on the north side of Lot 134 in Ormiston Heirs' Addition to the City of Fort Wayne, as recorded in Deed Book 145, page 44, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the northeast corner of said Lot 134 in Ormiston Heirs' Addition; thence north a distance of 10.0 feet along the west right-of-way line of South Lafayette Street; thence west a distance of 107.0 feet parallel to the north line of said Lot 134 in Ormiston Heirs' Addition; thence south a distance of 10.0 feet parallel to the right-of-way of South Lafayette Street to a point on the north property line of said Lot 134 in Ormiston Heirs' Addition; thence east a distance of 107.0 feet along the north property line of said Lot 134 in Ormiston Heirs' Addition to the point of beginning, containing 1,070 square feet of land, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1225

BILL NO. Z-10-11-13

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. D-02 (Sec. 7 of Wayne 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:

Lot Number 22 in Walnut Hills Terrace Addition, recorded in Plat Record 16, page 139, excepting therefrom the East 15 feet thereof conveyed to the County of Allen for widening of Getz Road, by deed recorded October 7, 1976 as Document Number 76-25144 in the Office of the Recorder of Allen County, Indiana, containing 0.654 acres.

and the symbols of the City of Fort Wayne Zoning Map No. D-02 (Sec. 7 of Wayne 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.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

BILL NO. S-10-11-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3193 - PURCHASE OF BULK ROAD SALT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and CARGILL SALT CO for the STREET DEPARTMENT.

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

SECTION 1. That ITB #3193 - PURCHASE OF BULK ROAD SALT between the City of Fort Wayne, by and through its Department of Purchasing and CARGILL SALT CO for the STREET DEPARTMENT, respectfully for:

purchase of Bulk Road Salt for the remainder of 2010 and the first half of 2011;

involving a total cost of ONE HUNDRED TWENTY-SIX THOUSAND AND 00/100 DOLLARS - (2010 - \$126,000); SIX HUNDRED THOUSAND AND 00/100 - (2011 - \$600,000.00) all as more particularly set forth in said ITB #3193 - PURCHASE OF BULK ROAD SALT 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 Taylor, City Attorney

BILL NO. S-10-11-17

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of CONTRACT FOR RESOLUTION NUMBER: 339-2010 - EAST WASHINGTON BOULEVARD STREET LIGHT IMPROVEMENT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and LIGHTS & SIGNALS, INC. for the PLANNING & POLICY/COMMUNITY DEVELOPMENT.

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

SECTION 1. That CONTRACT FOR RESOLUTION NUMBER: 339-2010 - EAST WASHINGTON BOULEVARD STREET LIGHT IMPROVEMENT between the City of Fort Wayne, by and through its Board of Public Works and LIGHTS & SIGNALS, INC. for the DEPARTMENT OF PLANNING & POLICY/DIVISION OF COMMUNITY DEVELOPMENT, respectfully for:

installation of 48 decorative gaslight facsimile or "acorn" style street light fixtures on both sides of East Washington Blvd., from University Street, at the western end of Indiana Tech, into downtown at Clay Street

involving a total cost of ONE HUNDRED NINETY-EIGHT THOUSAND, TWO HUNDRED THIRTY AND 75/100 DOLLARS - (\$198,230.75) all as more particularly set forth in said CONTRACT FOR RESOLUTION NUMBER: 339-2010 - EAST WASHINGTON BOULEVARD STREET LIGHT IMPROVEMENT 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 Taylor, City Attorney

BILL NO. S-10-11-31

SPECIAL ORDINANCE NO. A-_____

AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of recycle carts by the City of Fort Wayne Solid Waste Department; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto.

WHEREAS, the City of Fort Wayne, Board of Public Works needs to acquire recycle carts for use by the City of Fort Wayne Solid Waste Department for continued effective operations; and

WHEREAS, the Board of Public Works has, in the past, generally coordinated such leasing and has let bids therefore; and

WHEREAS, various bids have been let for the acquisition of the recycle carts and Common Council approval of the acquisition of said recycle carts is pending; and

WHEREAS, this Common Council now deems it in the public interest to lease said recycle carts rather than purchase said items; and

WHEREAS, sufficient net revenues are available from the City's Solid Waste fund to make lease rental payments on a timely basis as required for the leasing of the recycle carts; and

WHEREAS, a form of lease with option to purchase has been reviewed and is deemed appropriate for the lease of said recycle carts by the City; and

WHEREAS, notices have been published requesting proposals from lessors to acquire the recycle carts and to lease same to the City, pursuant to the terms and conditions contained in the form of lease; and

WHEREAS, the proposed lease provides for fair and reasonable rental and other equitable terms and conditions and, further, that the execution of said lease will permit the use and acquisition of said recycle carts within the present financial capabilities of the City and therefore same is in the public interest.

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

SECTION 1. This Common Council finds that the Board of Public Works should be and hereby is designated as the leasing agent for the City of Fort Wayne, Indiana, for the transaction herein contemplated.

SECTION 2. The Common Council of the City of Fort Wayne hereby authorizes the City to lease, as lessee, those recycle carts listed on the attached Exhibit "A", made a part hereof. It is understood that the exact lessor purchase costs for such recycle carts listed on the Exhibit "A" shall be determined in accordance with bidding procedures of this City and accordingly subject to approval by this Common Council; however, the gross cost for such purchases excluding financing costs shall not exceed Two Million Seven Hundred Thousand and no/100 Dollars (\$2,700,000).

SECTION 3. The form of the lease, with option to purchase for said lease is attached hereto as a part hereof, as Exhibit "A". The City shall use this form of lease, with option to purchase, for the transactions herein contemplated and said form of lease is hereby approved and ratified. This lease form may be modified only to the extent that such

modifications are not material in form or consideration. Authority is hereby given for the Board of Public Works to enter into the lease upon the determination by the Corporation Counsel.

SECTION 4. The Board of Public Works of the City of Fort Wayne is hereby empowered and authorized to award lessor rights to the most responsive and responsible bidder.

SECTION 5. The Mayor and the Board of Public Works are empowered and authorized to execute, on behalf of the City, leases and other documents as contemplated herein with lessor so selected.

SECTION 6. This ordinance shall be in full force and in effect from and after its passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

