

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
FEBRUARY 22, 2011**

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**CITY UTILITIES COMMITTEE**

*Glynn A. Hines - Chair  
Marty Bender - Co-Chair  
All Council Members*

**ACTION**

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**S-11-02-12**

**AN ORDINANCE approving the awarding of ITB #3320 – annual Requirements for the purchase of large (commercial) water meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco Water Inc. for the Water Maintenance & Service Department  
Total cost of \$282,020**

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**S-11-02-14**

**AN ORDINANCE approving General Open Cut Sewers Res. #2201-2009, W.O. #75395 between T-E Incorporated and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$298,500**

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**S-11-02-17**

**AN ORDINANCE approving construction reimbursement agreement City Utilities Construction and Relocation Diebold Road Reconstruction Project Phase 1 – Improvement Resolution No. 2385-2010 between Parkview Health System, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$249,128 - Estimated**

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## CITY UTILITIES COMMITTEE CONTINUED

### ACTION

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**S-11-02-21**

**AN ORDINANCE approving Pontiac Street Sewer Separation; Res. #2343-2010, W.O. #75494 between Miller Contracting Group and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$752,100.25**

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## FINANCE COMMITTEE

*Thomas E. Smith - Chair  
Elizabeth M. Brown - Co-Chair  
All Council Members*

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**S-11-02-03**

**AN ORDINANCE approving the purchase and installation of data cabling for the building at 200 E. Berry by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Martell Electric for the Information Systems Department**

**Total cost of \$570,000**

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**S-11-02-05**

**AN ORDINANCE approving the awarding of purchase of network equipment for the building at 200 East Berry Street by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and NETech Corporation for the Information Systems Department**

**Total cost of \$456,000**

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## FINANCE COMMITTEE

## CONTINUED

### ACTION

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#### **S-11-02-22**

**AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the International Brotherhood of Electrical Workers AFL-CIO, Local 723**

**The agreement is for (3) years, but by Indiana Law, must be annually ratified**

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#### **S-11-02-23**

**AN ORDINANCE of the Common Council fixing establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the IAM AW Lodge 2569 – City Utilities**

**This ordinance is necessary to establish compensation for the year 2011 for said employees for the year 2010**

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#### **S-11-02-24**

**AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the IUOE #399 – Street Department**

**The agreement is for (3) years, but by Indiana Law, must be annually ratified**

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#### **S-11-02-25**

**AN ORDINANCE of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by Chauffeurs, Teamsters and Helpers Local Union #414**

**This ordinance is necessary to establish compensation for the year 2011 for said employees for the year 2010**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**S-11-02-26**

**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 Union of Operating Engineers, Local Union No. 19/399 (City Utilities)**

**This agreement is for (4) years (2010, 2011, 2012, and 2013), but Indiana law, must be annually ratified**

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**S-11-02-13**

**AN ORDINANCE approving the awarding of ITB #3329 – Demolitions/Lot Restorations for properties throughout the City of Fort Wayne by and through its Department of Purchasing and Oxendine, Martin’s and Lunz for the Neighborhood Code Enforcement Department**

**Total cost of \$123,729.49**

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**S-11-02-18**

**AN ORDINANCE approving the awarding of ITB #3331 – mowing of residential, & commercial properties by the city of Fort Wayne, Indiana, by and through its Department of Purchasing and Diamond Green, Galaxie, Get Green, Homescapes, Lawscape, OEM Landscaping and Yard Jobs for the various City of Fort Wayne, Departments**

**Total cost of \$466,340**

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**S-11-02-19**

**AN ORDINANCE approving the awarding of first year extension of RFP #2765 – annual contract for Street Tree Pruning - by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Mudrack Tree Care for the Fort Wayne Parks and Recreation Department**

**Total cost of \$270,000**

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**FINANCE COMMITTEE CONTINUED**

**ACTION**

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**S-11-02-20**

**AN ORDINANCE approving the awarding of ITB #3328 – New Safety Surfacing in all three pods at the Boundless Playground by the City Fort Wayne, Indiana, by and through its Department of Purchasing and Michigan Playgrounds LLC for the Parks and Recreation Departments**

**Total cost of \$180,000**

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**R-11-02-15**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2424 West State Boulevard, Fort Wayne, Indiana 46808 (Press Seal Gasket Corporation)**

**Total cost of \$449,000 – they will purchase and Install new manufacturing equipment - 80 full-time jobs will be retained as a result of the Project**

**To be passed this evening**

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**R-11-02-16**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2424 West State Boulevard, Fort Wayne, Indiana 46808 (Press Seal Gasket Corporation)**

**Total cost of \$449,000 – they will purchase and Install new manufacturing equipment – 80 full-time jobs will be retained as a result of the project**

**Public Hearing 3-8-11 -- 5:30 P.M.**

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## REGULATIONS COMMITTEE

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

### ACTION

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**G-11-02-10**

**AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way**  
Right-of-way to be vacated is located on  
the Taylor University Campus - within the  
1000 to 1100 block of West Foster Parkway

Public Hearing 3-8-11 -- 5:30 P.M.

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## PUBLIC WORKS COMMITTEE

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**No Ordinances or Resolutions up for introduction**

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**BILL NO. S-11-02-12**

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

**AN ORDINANCE** approving the awarding of ITB #3320 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELSTER AMCO WATER INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT.

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

**SECTION 1.** That ITB #3320 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS between the City of Fort Wayne, by and through its Department of Purchasing and ELSTER AMCO WATER INC. for the WATER MAINTENANCE & SERVICE DEPARTMENT, respectfully for:

annual purchase of large water meters for Fort Wayne's commercial and industrial accounts;

involving a total cost of TWO HUNDRED EIGHTY-TWO THOUSAND, TWENTY AND NO/100 DOLLARS - (\$282,020.00) all as more particularly set forth in said ITB #3320 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LARGE (COMMERCIAL) WATER METERS 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 Helton, City Attorney

**BILL NO. S-11-02-14**

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

AN ORDINANCE approving GENERAL OPEN CUT SEWERS RES. #2201-2009, W.O. #75395 between T-E INCORPORATED 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 GENERAL OPEN CUT SEWERS RES. #2201-2009, W.O. #75395 by and between T-E INCORPORATED 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 Approx. 585 LF of sewer excavation/replacement, 83 LF of sewer point repairs and 5 manhole replacement by means of open-cut excavation to the City as described by project drawings and specifications. Alternates include an additional of 487 LF of sewer excavation/replacement, and 1 manhole replacement by means of open-cut excavation;

involving a total cost of TWO HUNDRED NINETY-EIGHT THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS - (\$298,500.00).

**SECTION 2.** Prior Approval has been requested from Common Council on JANUARY 25, 2011. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

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

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**BILL NO. S-11--02-17**

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

AN ORDINANCE approving CONSTRUCTION REIMBURSEMENT AGREEMENT CITY UTILITIES CONSTRUCTION AND RELOCATION DIEBOLD ROAD RECONSTRUCTION PROJECT PHASE I – IMPROVEMENT RESOLUTION NO. 2385-2010. between PARKVIEW HEALTH SYSTEM, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

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

**SECTION 1.** That the CONSTRUCTION REIMBURSEMENT AGREEMENT CITY UTILITIES CONSTRUCTION AND RELOCATION DIEBOLD ROAD RECONSTRUCTION PROJECT PHASE I – IMPROVEMENT RESOLUTION NO. 2385-2010. between PARKVIEW HEALTH SYSTEM, 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:

Diebold Rd. will be reconstructed and widened from SR-1 to Union Chapel Rd. Certain water mains must be relocated for the road work to be completed including alternate bids for new water and sanitary sewer work to support future new development in the area;

involving a total cost of TWO HUNDRED FORTY-NINE THOUSAND, ONE HUNDRED TWENTY-EIGHT AND N0/100 DOLLARS – (\$249,128.00-ESTIMATED). A copy said Construction Reimbursement Agreement 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 Helton, City Attorney

**BILL NO. S-11-02-21**

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

AN ORDINANCE approving PONTIAC STREET SEWER SEPARATION; RES. #2343-2010, W.O. #75494 between MILLER CONTRACTING GROUP 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 PONTIAC STREET SEWER SEPARATION; RES. #2343-2010, W.O. #75494 by and between MILLER CONTRACTING GROUP and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for: the construction of approximately 4,200 LF of 8, 12, 15 & 24-inch storm sewers with all appurtenant manholes and inlets structures associated with sewer separation along Pontiac St., Oxford St., Drexel Ave., Redwood Ave., and Shadybrook Dr.;

involving a total cost of SEVEN HUNDRED FIFTY-TWO THOUSAND, ONE HUNDRED AND 25/100 DOLLARS - (\$752,100.25). 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 Helton, City Attorney

**BILL NO. S-11-02-03**

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

**AN ORDINANCE** approving the PURCHASE AND INSTALLATION OF DATA CABLING FOR THE BUILDING AT 200 E. BERRY by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MARTELL ELECTRIC for the INFORMATION SYSTEMS DEPARTMENT.

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

**SECTION 1.** That PURCHASE AND INSTALLATION OF DATA CABLING FOR FOR THE BUILDING AT 200 E. BERRY between the City of Fort Wayne, by and through its Department of Purchasing and MARTELL ELECTRIC for the INFORMATION SYSTEMS DEPARTMENT, respectfully for:

purchase of IT Services, specifically the purchase and installation of data cabling to ensure the proper operation of networks and telephones at the building at 200 East Berry;

involving a total cost of FIVE HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS - (\$570,000.00) all as more particularly set forth in said PURCHASE AND INSTALLATION OF DATA CABLING FOR FOR THE BUILDING AT 200 E. BERRY 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 Helton, City Attorney

**BILL NO. S-11-02-05**

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

**AN ORDINANCE** approving the awarding of PURCHASE OF NETWORK EQUIPMENT FOR THE BUILDING AT 200 EAST BERRY STREET by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and NETech CORPORATION for the INFORMATION SYSTEMS DEPARTMENT.

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

**SECTION 1.** That PURCHASE OF NETWORK EQUIPMENT FOR THE BUILDING AT 200 EAST BERRY STREET between the City of Fort Wayne, by and through its Department of Purchasing and NETech CORPORATION for the INFORMATION SYSTEMS DEPARTMENT, respectfully for:

purchase of Network Equipment to ensure the proper operation of networks and telephones at the building on 200 East Berry Street;

involving a total cost of FOUR HUNDRED FIFTY-SIX THOUSAND AND NO/100 DOLLARS - (\$456,000.00) all as more particularly set forth in said PURCHASE OF NETWORK EQUIPMENT FOR THE BUILDING AT 200 EAST BERRY STREET 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 Helton, City Attorney

**BILL NO. S-11-02-22**

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

**AN ORDINANCE** of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the **INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AFL-CIO, LOCAL 723.**

**WHEREAS**, Common Council previously passed Special Ordinance No. S-08-10 approving collective bargaining agreement for employees of the City of Fort Wayne, Indiana, represented by the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AFL-CIO, LOCAL 723; and

**WHEREAS**, said agreement is for three (3) years, 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 the year 2011 for said employees of the City of Fort Wayne, Indiana, represented by the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AFL-CIO, LOCAL 723 for the year 2010.

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

**SECTION 1.** The 2011 Wage Agreement by the Between the INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AFL-CIO, LOCAL 723 and the City of Fort Wayne, a copy of which is on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified in all respects

**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 Helton, City Attorney

**BILL NO. S-11-02-23**

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

**AN ORDINANCE** of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the IAM AW LODGE 2569 – CITY UTILITIES.

**WHEREAS**, Common Council previously passed Special Ordinance No. S-105-10 approving collective bargaining agreement for employees of the City of Fort Wayne, Indiana, represented by the IAM AW LODGE 2569 – CITY UTILITIES; and

**WHEREAS**, said agreement is for three (3) years, 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 the year 2011 for said employees of the City of Fort Wayne, Indiana, represented by the IAM AW LODGE 2569- CITY UTILITIES for the year 2010.

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

**SECTION 1.** The 2011 Wage Agreement by the Between the IAM AW LODGE 2569 – CITY UTILITIES and the City of Fort Wayne, a copy of which is on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified in all respects

**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 Helton, City Attorney

**AN ORDINANCE** of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the IUOE #399 - STREET DEPARTMENT.

**WHEREAS**, Common Council previously passed Special Ordinance No. S-108-10 approving collective bargaining agreement for employees of the City of Fort Wayne, Indiana, represented by the IUOE #399 - STREET DEPARTMENT; and

**WHEREAS**, said agreement is for three (3) years, 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 the year 2011 for said employees of the City of Fort Wayne, Indiana, represented by the IUOE #399 - STREET DEPARTMENT for the year 2010.

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

**SECTION 1.** The 2011 Wage Agreement by the Between the IUOE #399 - STREET DEPARTMENT and the City of Fort Wayne, a copy of which is on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified in all respects

**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 Helton, City Attorney

**BILL NO. S-11-02-25**

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

**AN ORDINANCE** of the Common Council fixing, establishing and ratifying compensation for the year 2011 for certain City employees of the City of Fort Wayne, Indiana, represented by the CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION #414.

**WHEREAS**, Common Council previously passed Special Ordinance No. S-105-10 approving collective bargaining agreement for employees of the City of Fort Wayne, Indiana, represented by the CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION #414; and

**WHEREAS**, said agreement is for three (3) years, 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 the year 2011 for said employees of the City of Fort Wayne, Indiana, represented by the CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION #414 for the year 2010.

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

**SECTION 1.** The 2011 Wage Agreement by the Between the CHAUFFEURS, TEAMSTERS AND HELPERS LOCAL UNION #414 and the City of Fort Wayne, a copy of which is on file in the Office of the City Clerk and available for public inspection, is hereby approved and ratified in all respects

**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 Helton, City Attorney

**BILL NO. S-11-02-26**

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

**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 UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 19/399 (CITY UTILITIES).**

**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 UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 19/399 (CITY UTILITIES) – City Utilities – through collective bargaining as authorized and envisioned by the City’s ordinances; and

**WHEREAS**, said agreement is for four (4) years (**2010, 2011, 2012 and 2013**), 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 the year 2011 for said **City Utilities** employees of the City of Fort Wayne, Indiana, represented by the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 19/399 (CITY UTILITIES) – 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 2010-2013 Collective Bargaining Agreement (City**

**Utilities)** and such compensation for 2011 by the between the City of Fort Wayne, Indiana, and the INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL UNION NO. 19/399 (CITY UTILITIES), 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

**AN ORDINANCE** approving the awarding of ITB #3329 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT DEPARTMENT.

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

**SECTION 1.** That ITB #3329 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT DEPARTMENT, respectfully for:

demolition and lot restoration of twenty (20) properties throughout the City of fort Wayne through Neighborhood Code Enforcement Department;

involving a total cost of ONE HUNDRED TWENTY-THREE THOUSAND, SEVEN HUNDRED TWENTY-NINE AND 49/100 DOLLARS - (\$123,729.49) - (OXENDINE (5) - \$64,372.00; MARTIN'S (6) - \$29,987.49; LUNZ (9) - \$29,370.00) all as more particularly set forth in said ITB #3329 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE 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 Helton, City Attorney

**BILL NO. S-11-02-18**

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

**AN ORDINANCE** approving the awarding of ITB #3331 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and DIAMOND GREEN, GALAXIE, GET GREEN, HOMESCAPES, LAWSCAPE, OEM LANDSCAPING, AND YARD JOBS for the VARIOUS CITY OF FORT WAYNE DEPARTMENTS.

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

**SECTION 1.** That ITB #3331 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES between the City of Fort Wayne, by and through its Department of Purchasing and DIAMOND GREEN, GALAXIE, GET GREEN, HOMESCAPES, LAWSCAPE, OEM LANDSCAPING, AND YARD JOBS for the VARIUS CITY OF FORT WAYNE DEPARTMENTS, respectfully for:

mowing and weed control contracts for City owned and Allen County Community Development Corp. properties;

involving a total cost of FOUR HUNDRED SIXTY-SIX THOUSAND, THREE HUNDRED FORTY AND NO/100 DOLLARS - (\$466,340.00) - (DIAMOND GREEN - \$106,280.00; GALAXIE - \$100,000.00; GET GREEN - \$60,000.00; HOMESCAPES \$73,143.00; LAWNSCAPE - \$43,700.00; OEM - \$27,940.00; YARD JOBS - \$55,277.31) all as more particularly set forth in said ITB #3331 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES 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 Helton, City Attorney

**BILL NO. S-11-02-19**

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

**AN ORDINANCE** approving the awarding of FIRST YEAR EXTENSION OF RFP #2765 - ANNUAL CONTRACT FOR STREET TREE PRUNING –by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MUDRACK TREE CARE for the FORT WAYNE PARKS AND RECREATION DEPARTMENT.

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

**SECTION 1.** That FIRST YEAR EXTENSION OF RFP #2765 - ANNUAL CONTRACT FOR STREET TREE PRUNING between the City of Fort Wayne, by and through its Department of Purchasing and MUDRACK TREE CARE for the FORT WAYNE PARKS AND RECREATION DEPARTMENT, respectfully for:

pruning of 5000 street trees throughout the City of Fort Wayne during 2011; involving a total cost of TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS - (\$270,000.00) all as more particularly set forth in said RFP #2765 - ANNUAL CONTRACT FOR STREET TREE PRUNING 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 Helton, City Attorney

**BILL NO. S-11-02-20**

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

**AN ORDINANCE** approving the awarding of ITB #3328 - NEW SAFETY SURFACING IN ALL THREE PODS AT THE BOUNDLESS PLAYGROUND by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MICHIGAN PLAYGROUNDS LLC 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 #3328 - NEW SAFETY SURFACING IN ALL THREE PODS AT THE BOUNDLESS PLAYGROUND between the City of Fort Wayne, by and through its Department of Purchasing and MICHIGAN PLAYGROUNDS LLC for the PARKS AND RECREATION DEPARTMENT, respectfully for:

new safety surfacing in all three (3) pods at the Boundless Playground; involving a total cost of ONE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS - (\$180,000.00) all as more particularly set forth in said ITB #3328 - NEW SAFETY SURFACING IN ALL THREE PODS AT THE 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**A DECLARATORY RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 2424 West State  
Boulevard, Fort Wayne, Indiana 46808 (Press Seal  
Gasket Corporation)**

**WHEREAS**, Petitioner has duly filed its petition dated February 3, 2011 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

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

and

**WHEREAS**, said project will retain 80 full-time, permanent jobs for a total current annual payroll of \$4,054,295, with the average current, annual job salary being \$50,679; and

**WHEREAS**, the total estimated project cost is \$449,000; 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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**A CONFIRMING RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 2424 West State  
Boulevard, Fort Wayne, Indiana 46808 (Press Seal  
Gasket Corporation)**

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

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

**WHEREAS**, said project will retain 80 full-time, permanent jobs for a current annual payroll of \$4,054,295, with the average current annual job salary being \$50,679; and

**WHEREAS**, the total estimated project cost is \$449,000; 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 \$2.8601/\$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 \$2.8601/\$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 \$2.8601/\$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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

#1231

**BILL NO. G-11-02-10**

**Plat Book: 11A**

**Page No: 24**

**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:

Unimproved right-of-way of Beaver and Boerger Avenue as platted in Wiebke's Homestead Addition, Section A as recorded in Plat Book 11A, page 24 and more particularly described as follows:

Beginning at the intersection of the west right-of-way line of Beaver Avenue and the north right-of-way line of Boerger Avenue as platted and also being described as the southeast corner Lot 43 in the recorded plat of Wiebke's Homestead Addition, Section A as marked by a five-eighths inch diameter steel pin set with D&A Firm No. 0026 identification cap; thence east on the extension of the north right-of-way line of Boerger Avenue, a distance of 60.02 feet, said line being the southern line of the vacation of Beaver Avenue in General Ordinance G-03-87 to the east right-of-way line of Beaver Avenue as marked by a MAG nail set with 2 inch aluminum disk stamped D&A Firm No. 0026; thence by a deflection right of 87 degrees 58 minutes 06 seconds along the east right-of-way of Beaver Avenue, a distance of 117.20 feet, measured to a MAG nail set with 2 inch aluminum disk stamped D&A Firm No. 0026 at the southeast corner of the intersection of Beaver Avenue and Boerger Avenue; thence by a deflection right of 91 degrees 44 minutes 44 seconds along the south right-of-way line of Boerger Avenue as platted, a distance of 340.30 feet (measured and platted) to a five-eighths inch diameter steel pin set with D&A Firm No. 0026 identification cap, said point being at the intersection of the south right-of-way line of Boerger Avenue and the east right-of-way line of Kimmel Drive; thence by a deflection right of 89 degrees 43 minutes 10 seconds along the northerly projection of the east right-of-way line of Kimmel Drive, a distance of 119.0 feet (measured and platted) to a five-eighths inch diameter steel pin with Firm No. 0012 identification cap, 0.90 feet east, to a point on the north right-of-way line of Boerger Avenue as patted; thence by a deflection right of 90 degrees 34 minutes 00 seconds along said right-of-way line, also being the south line of lots 39,

40, 41, and 43 in said addition, a distance of 277.29 feet to the point of beginning, containing 0.918 acres 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.

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

