

# **CITY COMMISSION AGENDA**

City Hall Commission Chambers

Tuesday, March 6, 2012

7:00 p.m.

MEETING #4880

## **CALL TO ORDER**

## **ROLL CALL**

**INVOCATION** by Pastor Joel Tuche of Nueva Esperanza Church

## **PLEDGE OF ALLEGIANCE**

## **PETITIONS & PROCLAMATIONS**

Problem Gambling Awareness Week Proclamation

**VISITORS** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

## **CONSENT CALENDAR**

1. Approval of City Commission Work Session minutes, February 20, 2012;
2. Approval of City Commission Meeting minutes, February 20, 2012;
3. Approval of Joint City/County Meeting minutes, February 29, 2012;
4. Appropriation Ordinance No. 5, March 6, 2012
5. Approval of Disadvantage Business Enterprise Program.

## **UNFINISHED BUSINESS**

## **NEW BUSINESS**

1. Approval of Lobbying Funds for Amtrak's Southwest Chief. Report by City Manager, Ken Strobel.
2. Approval of Final Plat for Gladden Homes Addition. Report by Director of Developmental Services, Dennis Veatch.

## **OTHER BUSINESS**

## **ADJOURNMENT**

## PROCLAMATION

**WHEREAS**, on behalf of the citizens of Dodge City, we join the Southwest Kansas Problem Gambling Task Force in promoting March 4-10, 2012, as National Problem Gambling Awareness Week in Dodge City; and

**WHEREAS**, promoting the awareness week provides individuals in the problem gambling community an opportunity to educate the public and policymakers about the social and financial effectiveness of services available for problem gambling; and

**WHEREAS**, problem gambling is a public health issue affecting millions of Americans of all ages, races, and ethnic backgrounds in all communities and which has a significant societal and economic cost; and

**WHEREAS**, problem gambling is treatable and treatment is effective in minimizing the harm to both individuals and society as a whole; and

**WHEREAS**, numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment; and

**WHEREAS**, the Southwest Kansas Problem Gambling Task Force invite all residents of Dodge City and Southwest Kansas to participate in National Problem Gambling Awareness Week.

**NOW, THEREFORE**, by virtue of the authority vested in me as the Mayor of the City of Dodge City, do hereby proclaim the week of March 4-10, 2012 as

### **National Problem Gambling Awareness Week**

and encourage all citizens to help spread the message that there is help for problem gamblers through treatment.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Dodge City to be affixed, this 6<sup>th</sup> day of March, 2012.

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Rick Sowers, Mayor

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Nannette Pogue, City Clerk

# **CITY COMMISSION WORK SESSION MINUTES**

City Hall Commission Chambers

Monday, February 20, 2012

6:00 p.m.

MEETING #4877

**ROLL CALL:** Mayor Rick Sowers, Commissioners Michael Weece, Kent Smoll, Monte Broeckelman and Jim Sherer.

## **WORK SESSION**

1. YMCA Programming was presented by Assistant City Manager, Cherise Tieben. Those on the panel to answer questions regarding the YMCA were Jim Lembright, Chad Knight, Don Wiles and Doug Keller.
2. Discussion of adoption of new building codes, fees and licensing was presented by Director of Developmental Services, Dennis Veatch.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **CITY COMMISSION MINUTES**

City Hall Commission Chambers

Monday, February 20, 2012

7:00 p.m.

MEETING #4878

## **CALL TO ORDER**

**ROLL CALL:** Mayor Rick Sowers, Commissioners Michael Weece, Monte Broeckelman, Kent Smoll and Jim Sherer.

**INVOCATION** by Pastor Anthony Beville of Family Life – Dodge City Church of the Nazarene

**PLEDGE OF ALLEGIANCE** colors presented by Dodge City Boy Scout Troop 162

**VISITORS** (Limit of five minutes per individual and fifteen minutes per topic. Final action may be deferred until the next City Commission meeting unless an emergency situation does exist).

Dan Reichenborn asked the City not to turn the Sheridan over to the YMCA.

## **CONSENT CALENDAR**

1. Approval of City Commission Meeting minutes, February 6, 2012;
2. Approval of City Commission Work Session minutes, February 6, 2012;
3. Appropriation Ordinance No. 4, February 20, 2012
4. Cereal Malt Beverage License
  - a. Tres Amigos Mexican Grill, Inc., 1301 W. Wyatt Earp Blvd
5. Approval of Contracts for Water and Sewer Service for the Expo Building

Commissioner Kent Smoll moved to approve the Consent Calendar as presented, seconded by Commissioner Jim Sherer. The motion carried unanimously.

## **ORDINANCES & RESOLUTIONS**

**Ordinance No. 3526:** An Ordinance Amending and Adopting Revisions to Chapter IV, Building and Construction, of the Dodge City Code; and Amending Ordinance No. 3435 of the City of Dodge City; Adopting Building and Construction Codes By Reference and Providing for the Issuance of Permits and the Collection of Fees for Said Permits; Providing for Licensing of Contractors and Trades and Providing for Penalties for the Violation of the Provisions of the Ordinance was approved on a motion by Commissioner Kent Smoll with changes to 4-101.1(c) 4-501 (2009), seconded by Commissioner Jim Sherer. Motion carried unanimously.

**Resolution No. 2012-06:** A Resolution By the City of Dodge City, Kansas, Modifying the Schedule of Fees for Services, Licenses, Permits and Programs for Building Permits, Subdivision and Zoning Activities was approved on a motion by Commissioner Jim Sherer, seconded by Commissioner Michael Weece. Motion carried 4-1, Commissioner Broeckelman opposed.

**Resolution No. 2012-07:** A Resolution Authorizing City Staff to Enter Into Negotiations of an Operating Agreement with Dodge City Family Y.M.C.A. and Establishing Expectations of Such Negotiations was approved on a motion by Mayor Rick Sowers, seconded by Commissioner Michael Weece. Motion carried 4-0, Commissioner Smoll abstained.

**Resolution No. 2012-08:** A Resolution Endorsing Efforts to Maintain the Southwest Chief Passenger Service Through Dodge City, Kansas was approved on a motion by Commissioner Kent Smoll, seconded by Commissioner Jim Sherer. Motion carried unanimously.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

### **OTHER BUSINESS**

City Manager, Ken Strobel:

- STAR Bond Districts approved by the Kansas Department of Commerce;
- Wednesday, February 22<sup>nd</sup> 1:30 p.m. – 3:30 p.m. is the CVB Administrative Open House;
- Thursday, February 23<sup>rd</sup> 4:00 p.m. – 6:00 p.m. is the Volunteer Reception at the Hoover;
- February 29<sup>th</sup> 2:00 p.m. – 6:00 p.m. is the Open House at the Airport for Great Lakes
- Public Officials Exchange is March 1 at the Blue Hereford in Ford;
- Dodge City Night in Topeka is March 5<sup>th</sup>, this will result in rescheduling of the City Commission Meeting to Tuesday, March 6<sup>th</sup>;
- Fortunate to have the Staff we have; and
- Thanks to Brian Weber for his representation.

Commissioner, Michael Weece:

- In reference to the YMCA discussion, two words stood out while listening to Commission Meeting...Enhancement for the citizens of Dodge City and Communication; and
- Great news for STAR Bonds.

Commissioner, Jim Sherer:

- Had opportunity to attend Tourism Coalition Meeting, was pleased and appreciative of all the good things these organizations are doing.

Mayor, Rick Sowers:

- Congratulations on STAR Bond work; and
- Thanked Staff for keeping abreast of Legislative happenings in Topeka.

Commissioner, Kent Smoll:

- Congratulate Staff for all hard work on STAR Bonds.

Commissioner, Monte Broeckelman:

- What is the status of 4<sup>th</sup> Street repairs? Cherise will check and get back to Commission;
- Congratulations to Current Commission.

**ADJOURNMENT:** Commissioner Jim Sherer moved to adjourn the meeting;  
Commissioner Michael Weece seconded the motion. The motion carried unanimously.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk

# **JOINT CITY/COUNTY COMMISSION MINUTES**

Ford County Rose Room  
Wednesday, February 29, 2012  
5:30 p.m.  
MEETING #4879

## **CALL TO ORDER**

## **ROLL CALL:**

*City of Dodge City:* Mayor Rick Sowers, Commissioners Jim Sherer, Monte Broeckelman, Michael Weece and Kent Smoll.

*Ford County:* Chairman Jerry King, Commissioners Terry Williams and Kim Goodnight.

## **NEW BUSINESS**

1. Discussion and Adoption of City/County Memorandum of Understanding which includes:
  - a. Approval of CFAB Organizational Funding and 2012 Project Budgets;
  - b. Approval of 2012/2013 Expo Center payments; and
  - c. Approval of City/County Interlocal Agreement Review Committee

*City Action:* Commissioner Kent Smoll suggested on the Memorandum of Understanding regarding the Interlocal Committee add the Vice Mayor, however, it was resolved that he could be invited. Mayor Rick Sowers commented, as did Commissioner Monte Broeckelman. Commissioner Jim Sherer moved to Adopt the City/County Memorandum of Understanding, Commissioner Michael Weece seconded the motion. The motion carried 3-2, with Commissioners Kent Smoll and Monte Broeckelman opposing.

*County Action:* Commissioner Kim Goodnight moved to Adopt the City/County Memorandum of Understanding, Chairman Jerry King seconded the motion. The motion carried 3-0.

## **ADJOURNMENT**

*City Action:* Commissioner Michael Weece moved and Commissioner Jim Sherer seconded the motion to adjourn the meeting. The motion carried 5-0.

*County action:* Chairman Jerry King moved and Commissioner Terry Williams seconded the motion to adjourn the meeting. The motion carried 3-0.

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Rick Sowers, Mayor

ATTEST:

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Nannette Pogue, City Clerk



## Memorandum

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Mike Klein, Airport Manager*

*Date: March 1, 2012*

*Subject: Disadvantage Business Enterprise  
Program DBE*

*Agenda Item: Consent Calendar*

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**Recommendation:** It is staffs recommendation to approve the Disadvantage Business Enterprise Program (DBE) as required by FAA to receive federal funds for airport improvement projects.

**Background:** The City of Dodge City / Dodge City Regional Airport has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Dodge City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract.

The City of Dodge City has received Federal financial assistance from the Department of Transportation for airport improvements and as a condition of receiving this assistance the city is required to have an approved DBE program.

The City of Dodge City has established overall DBE goals for prime contracts exceeding \$250,000 in FAA funded projects for airport improvements. The 2000 DBE program had a goal of 3.5%; the 2012 DBE program has a goal of 4.00%. The attached 2012 DBE program is an updated version of the 2000 DBE program.

The Airport Manager has been delegated as the DBE Liaison Officer. In that capacity the Airport Manager is responsible for implementing all aspects of the DBE program.

**Justification:** To meet requirements of the FAA to have an approved DBE program.

**Financial Considerations:** In order to receive federal funds for airport improvements the DBE program is a requirement of the FAA.

**Purpose/Mission:** To provide a safe and secure airport for commercial and general aviation and to meet current guidelines as directed by the federal government.

**Legal Considerations:** DOT / FAA requirements to receive federal funds for airport improvements.

**Attachments:** 2012 DBE program.

City of Dodge City

Dodge City  
Regional Airport  
DDC

**DISADVANTAGED  
BUSINESS ENTERPRISE  
PROGRAM**

FY 2012 / 2015

City of Dodge City DBE Program

**POLICY STATEMENT**

**Section 26.1, 26.23 Objectives/Policy Statement**

The City of Dodge City, Kansas has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City of Dodge City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Dodge City has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City of Dodge City to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT–assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Airport Manager has been delegated as the DBE Liaison Officer. In that capacity, the Airport Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Dodge City in its financial assistance agreements with the Department of Transportation.

The City of Dodge City has disseminated this policy statement to the City Commission and other components of our organization. We have distributed this statement to DBE and non-DBE companies that perform work for us on DOT-assisted contracts by publishing in the publication of notice announcing the proposed goal in the Dodge City Daily Globe local news paper.

**ADOPTED** by the Governing Body of the City of Dodge City, Kansas, the 6 th day of March, 2012.

Attest:

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Nannette Pogue, City Clerk

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Rick Sowers, Mayor

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

The objectives are found in the policy statement on the first page of this program.

### **Section 26.3 Applicability**

The City of Dodge City is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The City of Dodge City will use terms in this program that have the meaning defined in Section 26.5.

### **Section 26.7 Non-discrimination Requirements**

The City of Dodge City will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the City of Dodge City will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

### **Section 26.11 Record Keeping Requirements**

#### **Reporting to DOT: 26.11(b)**

We will report DBE participation to DOT as follows:

We will submit annually the Uniform Report of DBE Awards or Commitments and Payment Form, as modified for use by FAA recipients.

#### **Bidders List: 26.11(c)**

The City of Dodge City will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the DBE and non-DBE contractors and subcontractors who seek to work on DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways: The bidder/offer or will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offer or commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

### **Section 26.13 Federal Financial Assistance Agreement**

The City of Dodge City has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The City of Dodge City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The City of Dodge City DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the City of Dodge City of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

Since the City of Dodge City has received grants of \$250,000 or more for airport planning or development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### **Section 26.23 Policy Statement**

The Policy Statement is elaborated on the first page of this program.

### **Section 26.25 DBE Liaison Officer (DBELO)**

We have designated the following individual as our DBE Liaison Officer:

Mike Klein, Superintendent of Public Works / Airport Manager

or

Corey Keller, Assistant Superintendent of Public Works

806 Second Ave.

Dodge City Kansas 67801

Office: 620-225-8170

[mikekl@dodgecity.org](mailto:mikekl@dodgecity.org) [coreyk@dodgecity.org](mailto:coreyk@dodgecity.org)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Dodge City complies with all provision of 49 CFR Part 26. The DBELO has direct,

independent access to the Airport Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has access to staff of legal counsel and engineers to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes City of Dodge City progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the governing body on DBE matters and achievement.
9. Participates with engineer to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Participates in DBE training seminars.

#### **Section 26.27 DBE Financial Institutions**

The City of Dodge City has not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in the community or area at this time.

#### **Section 26.29 Prompt Payment Mechanisms**

The City of Dodge City will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from the City of Dodge City. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City of Dodge City. This clause applies to both DBE and non-DBE subcontractors.

#### **Section 26.31 Directory**

The City of Dodge City utilizes the Kansas Department of Transportation DBE Directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We will make the directory available to prospective bidders through the Airport Manager Office to assist them in identifying certified DBEs. Copies of the directory will also be available at pre-bid meetings. The Directory may be found in Attachment 3 to this program document.

#### **Section 26.33 Over-concentration**

The City of Dodge City has not identified that over-concentration exists in the types of work that DBEs perform.

### **Section 26.35 Business Development Programs**

The City of Dodge City has not established a business development program.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

The City of Dodge City will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. This will be accomplished by review and comparison of all applicable documents.
4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT reporting form.

### **Section 26.39 Small Business Participation**

The City of Dodge City has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses). The City of Dodge City will take all reasonable steps to eliminate obstacles to Small Business participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. Bidders for federally funded projects will make attempts to contact both DBEs and non-DBE small businesses by advertising in the local paper, direct contact by mail and phone calls.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

The City of Dodge City does not use quotas in any way in the administration of this DBE program.

### **Section 26.45 Overall Goals**

The City of Dodge City will establish overall goals if we anticipate that we will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Dodge City does not anticipate awarding more than \$250,000 in FAA funds in prime contracts within the Federal fiscal year, we will not develop an overall goal; however the existing DBE program will remain in effect and the City of Dodge City will seek to fulfill the objectives outlined in 49 CFR Part 26.1.



City of Dodge City will establish overall goals in accordance with the 2-Step process as specified in 49 CFR Part 26.45. The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program.

In accordance with Section 26.45(f) the City of Dodge City will submit its 3-year overall goal to DOT on August 1, 2012 for FY 2013/2014/2015. The next 3-year overall goal will be submitted on August 1, 2014 for FY 2016/2017/2018. In establishing the overall goal, the City of Dodge City will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Dodge City efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Dodge City Regional Airport Administrative Office for 30 days following the date of the notice, and informing the public that City of Dodge City and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority- focus media and trade publications, websites. Normally, we will issue this notice by June 1. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

#### **Section 26.49 Vehicle/Equipment Manufacturers Goals**

The City of Dodge City will require each vehicle/equipment manufacturer, as a condition of being of an authorized to bid or propose on FAA assisted vehicle/equipment procurements, to certify that it has complied with the requirements only if required by FAA.

#### **Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated when the goal calculation is updated.

#### **Section 26.51(d-g) Contract Goals**

The City of Dodge City will use contract goals to meet any portion of the overall goal. The City of Dodge City does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals

will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of total amounts of a DOT-assisted project.

### **Section 26.53 Good Faith Efforts Procedures**

#### Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offer or is to make good faith efforts. The bidder/offer or can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

The Airport Manager is responsible for determining whether a bidder/offer or who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offer or's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

#### Information to be submitted (26.53(b))

The City of Dodge City treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

#### Administrative reconsideration (26.53(d))

Within 5 business days of being informed by the City of Dodge City that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

#### Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The City of Dodge City will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the

extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the City of Dodge City may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the City of Dodge City to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 4.11% percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offer's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

**Section 26.55 Counting DBE Participation**

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

**SUBPART D and E – CERTIFICATION STANDARDS/PROCEDURES**

**Section 26.61 – 26.91 Certification**

The City of Dodge City does not certify DBE firms. We will accept DBE firms certified by the State of Kansas and surrounding states with proof of certification from such state.

**SUBPART F – COMPLIANCE AND ENFORCEMENT**

**Section 26.109 Information, Confidentiality, Cooperation**

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

#### Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Dodge City or DOT. This reporting requirement also extends to any certified DBE subcontractor.

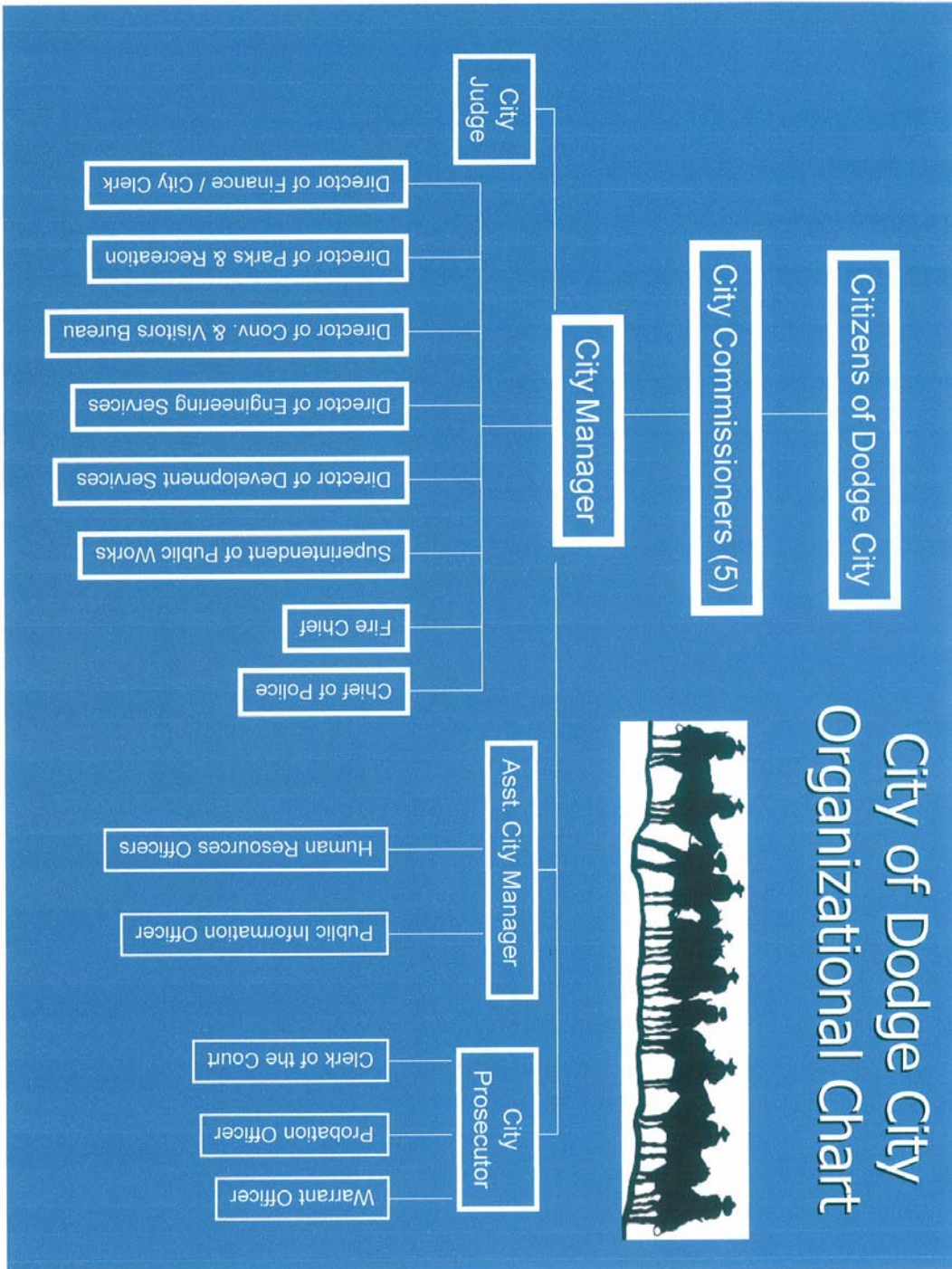
We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

## **ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment 1 | Regulations: 49 CFR Part 26   |
| Attachment 2 | Organizational Chart  |
| Attachment 3 | DBE Directory   |
| Attachment 4 | Overall DBE Goal (Include Breakout of Estimated Race-Neutral & Race-Conscious Participation, Public Participation, and Contract Goal) |
| Attachment 5 | Forms 1 & 2 for Demonstration of Good Faith Efforts or Good Faith Effort Plan   |
| Attachment 6 | Uniform Report of DBE Awards & Commitment   |

**Attachment 1**

Regulations: 49 CFR 26  
(Regulations will be available for public distribution)



**Attachment 3**

**DBE Directory**

**NOTE:** A current **DBE** listing is available for public distribution, from the Kansas Department of Transportation at:

<http://www.ksdot.org/divadmin/civilrights/>

And

<http://www.ksdot.org/divAdmin/DBEConstruction/dbedir.aspx>



**Attachment 4**

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**DBE GOAL for FY-2012 - 2015**  
DODGE CITY REGIONAL AIRPORT, DODGE CITY, KANSAS

Section 26.45: Overall DBE 4-Year Goal

**Name of Recipient:** City of Dodge City

**Goal Period:** FY-2012-2013-2014-2015 – October 1, 2012 through September 30, 2015

**DBE Overall Goal:** 4.00%

**Step 1. Analysis:** Actual relative availability of DBEs

| NAICS  | Type of Work   | Total DBE's | Total All Firms |
|--------|----------------|-------------|-----------------|
| 23     | Construction   | 1           | 90              |
| 48-484 | Transportation | 2           | 70              |
|        | Total          | <b>3</b>    | <b>160</b>      |

Divide the total number of DBE's by the total number of All Firms = 1.88%

**Step 2. Analysis:** Adjustment to Step 1 base figure to make it more precise.

Median of past 3 years accomplishments = 3.34%

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figure and then averaged the total arriving at an overall goal of 2.60%. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during FY-13/14/15. However, the City of Dodge City is increasing its overall goal by 1.4% for a total overall goal of **4.00%** for FY-2013/2014 and 2015.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the State of Kansas to show any evidence of barriers to entry or competitiveness of DBEs in Dodge City or Southwest Kansas counties.

**Breakout of Estimated Race Neutral (RN) and Race Conscious (RC) Participation. 26.51(b)(1-9)**

The recipient will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors

The recipient estimates that in meeting its overall goal 4.00%, it will obtain 4.00% from RN participation and 0% through RC measures.

The City of Dodge City does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, we are applying the entire goal of 4.00 to race-conscious participation.

The City of Dodge City will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the

following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

**Public Participation - Consultation:** Section 26.45(g)(1).

The City of Dodge City submits its overall 4-year goal to DOT on August 1 as required.

Before establishing the overall goal, the City of Dodge City will consult with the Chamber of Commerce, Community Development Office, and KDOT, without limiting consultation to these persons or groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Dodge City's efforts to establish a level playing field for the participation of DBEs

Following the consultation, we will publish a notice in the local news paper of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport administration building for 30 days following the date of the notice, and informing the public that the City of Dodge City and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses, if any.

**Contract Goals**

The City of Dodge City will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the recipient's overall goal that is not projected to be met through the use of RN means.

The City of Dodge City will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. It need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work and availability of DBE's to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

PUBLIC NOTICE

The City of Dodge City – Dodge City Regional Airport hereby announces its four-year overall goal for federal fiscal years 2012 - 2015 of 4.00% for Disadvantaged Business Enterprise (DBE) participation on airport construction projects. The proposed goal and rationale are available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at the Airport Manager's Office, 703 West Trail Street, Dodge City, KS and at the Dodge City Regional Airport Administration Office, 100 Airport Road Road, Dodge City KS for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Mike Klein, Superintendent of Public Works / Airport Manager  
Dodge City Regional Airport  
806 Second Ave.  
Dodge City KS 67801

or

*Patricia A. Wright, AWP-9  
Federal Aviation Administration  
Office of Civil Rights Staff  
P.O. Box 92007  
Los Angeles, CA 90009-2007*

**Attachment 5**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

The undersigned bidder has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

\_\_\_\_\_ The bidder is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract.

\_\_\_\_\_ The bidder (if unable to meet the DBE goal of \_\_\_\_\_%) is committed to a minimum of \_\_\_\_\_% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title

**FORM 2: LETTER OF INTENT**

Name of bidder firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

.....  
.....  
.....  
.....

The bidder is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ \_\_\_\_\_.

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_  
(Signature) Title

**If the bidder does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.**

## Attachment 6

### Uniform Report of DBE Awards & Commitment

| <b>UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS</b>  |                                     |  |   |  |   |  |  |  |                                     |
|--|-------------------------------------|--|---|--|---|--|--|--|-------------------------------------|
| <b>**Please refer to the Instructions sheet for directions on filling out this form**</b>  |                                     |  |   |  |   |  |  |  |                                     |
| 1. Submitted to (check only one):  |                                     | <input type="checkbox"/> FHWA  |   | <input type="checkbox"/> FAA               |   | <input type="checkbox"/> FTA--Vendor Number _____                        |  |  |                                     |
| 2. AIP Numbers (FAA Recipients Only):  |                                     |  |   |  |   |  |  |  |                                     |
| 3. Federal fiscal year in which reporting period falls:  |                                     | FY _____   |   | 4. Date This Report Submitted:             |   |  |  |  |                                     |
| 5. Reporting Period  |                                     | <input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31) |   |  |   | <input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30) |  |  |                                     |
| 6. Name of Recipient:  |                                     |  |   |  |   |  |  |  |                                     |
| 7. Annual DBE Goal(s): Race Conscious Goal _____ % Race Neutral Goal _____ % OVERALL Goal _____ %  |                                     |  |   |  |   |  |  |  |                                     |
|  | A                                   | B  | C   | D  | E                                       | F  | G  | H  | I                                   |
| <b>AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD</b><br><small>(total contracts and subcontracts awarded or committed during this reporting period)</small> | Total Dollars                       | Total Number   | Total to DBEs (dollars)                         | Total to DBEs (number)                     | Total to DBEs /Race Conscious (dollars) | Total to DBEs/Race Conscious (number)                                    | Total to DBEs/Race Neutral (dollars)                   | Total to DBEs/Race Neutral (number)            | Percentage of total dollars to DBEs |
| 8. Prime contracts awarded this period   |                                     |  |   |  |   |  |  |  |                                     |
| 9. Subcontracts awarded/committed this period  |                                     |  |   |  |   |  |  |  |                                     |
| <b>TOTAL</b>   |                                     |  |   |  |   |  |  |  |                                     |
|  | A                                   | B  | C   | D  | E                                       | F  | G  | H  | I                                   |
| <b>DBE AWARDS/COMMITMENTS THIS REPORTING PERIOD-BREAKDOWN BY ETHNICITY &amp; GENDER</b>  | <b>Black American</b>               | <b>Hispanic American</b>   | <b>Native American</b>                          | <b>Subcont. Asian American</b>             | <b>Asian-Pacific American</b>           | <b>Non-Minority Women</b>  | <b>Other (i.e. not of any other group listed here)</b> | <b>TOTALS (for this reporting period only)</b> | <b>Year-End TOTALS</b>              |
| 10. Total Number of Contracts (Prime and Sub)  |                                     |  |   |  |   |  |  |  |                                     |
| 11. Total Dollar Value   |                                     |  |   |  |   |  |  |  |                                     |
|  | A                                   | B  | C   | D  | E                                       |  |  |  |                                     |
| <b>ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD</b>  | Number of Prime Contracts Completed | Total Dollar Value of Prime Contracts Completed                        | DBE Participation Needed to Meet Goal (Dollars) | Total DBE Participation (Dollars)          | Percentage of Total DBE Participation   |  |  |  |                                     |
| 12. Race Conscious   |                                     |  |   |  |   |  |  |  |                                     |
| 13. Race Neutral   |                                     |  |   |  |   |  |  |  |                                     |
| 14. Totals   |                                     |  |   |  |   |  |  |  |                                     |
| 15. Submitted by (Print Name of Authorized Representative)   |                                     |  |   | 16. Signature of Authorized Representative |   |  |  |  |                                     |
| 17. Phone Number:  |                                     |  |   | 18. Fax Number:                            |   |  |  |  |                                     |

## *Memorandum*

To: City Commissioners  
From: Ken Strobel  
Date: February 28, 2012  
Subject: Amtrak's Southwest Chief  
Agenda Item: New Business

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**Recommendation:** Staff is seeking authorization for funding up to \$20,000 to support federal lobbying efforts through the Southwest Kansas Coalition in order to assist in retaining the rail service provided by Amtrak's Southwest Chief.

**Background:** In November of 2011 La Junta, Colorado hosted members of several communities along the present Amtrak route to discuss the future of the Southwest Chief. As a result of the meeting, a loosely formed coalition including communities along the route of the Southwest Chief was created. Some of the communities along the threatened route which are included in this coalition are: La Junta, Co., Garden City, Dodge City, Hutchinson and Newton. The primary goal of the coalition is to find short term and long term solutions for preserving passenger rail service along the current route.

**Justification:** Amtrak and BNSF are at a stalemate regarding the responsibility for maintenance of the line to a level that will accommodate passenger rail service. Lack of action to correct these maintenance issues will result in the rerouting of the Southwest Chief and loss of a viable transportation program for both citizens and tourists all along the present route.

**Financial Considerations:** The law firm of Alston & Bird, with offices in Washington D.C., has offered the coalition of communities a reduced rate for their assistance in seeking federal funding to address these maintenance issues. Former Senator Bob Dole, partner in the firm, has graciously offered to waive his fee for personal representation on the matter. The fee being proposed is \$12,000 per month, which will cover the cost of Alston & Bird staff that are assigned to this project and would be shared among communities along the threatened line. While we are not sure of how many communities are participating at this time we anticipate between 5-10 other partners to share in this cost. Staff is recommending that funding for our share of these fees come from CVB reserves.

**Purpose/Mission:** The City of Dodge City values progress, growth and new opportunities.

**Legal Considerations:** None at this time.

**Attachments:** None



# *Memorandum*

*To: City Manager  
Assistant City Manager  
City Commissioners*

*From: Dennis Veatch*

*Date: February 29, 2012*

*Subject: Gladden Homes Plat  
Agenda Item: New Business*

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**Recommendation:** The Dodge City Zoning Board met January 24, 2012 to review the final plat of Gladden Homes. They are recommending approval of this plat.

**Background:** Kevin Noll submitted an application, on behalf of Kenneth Gladden, for this plat which will create additional lots for proposed future housing.

**Justification:** This plat conforms to the Dodge City Subdivision Regulations, Dodge City Zoning Regulations and the City Comprehensive Plan.

**Financial Considerations:** None

**Purpose/Mission:** This plat will provide additional property for proposed future housing development.

**Legal Considerations:** None

**Attachments:** Gladden Homes

