



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, JULY 23, 2019
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

Council President Brady called the meeting to order at 5:02 p.m.

2. ROLL CALL

Council President Brady asked Clerk Schmotzer to call the roll. Councilmembers Tuma, Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller and Brady were in attendance and a quorum was determined.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

There was no moment of silent meditation.

5. PUBLIC COMMENT

Ms. Loh addressed Council regarding various homelessness concerns.

6. APPROVAL OF MINUTES

- a) July 11, 2019 Committee of the Whole Meeting
- b) July 11, 2019 Regular Meeting
- c) July 18, 2019 Committee of the Whole Meeting/Work Session

A motion was made by Ms. Conwell, seconded by Mr. Tuma and approved by unanimous vote to approve the minutes from the July 11, 2019 Committee of the Whole and Regular meetings and the July 18, 2019 Committee of the Whole meeting/work session.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

There were no announcements from Council President Brady.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Budish reported on the microgrid project and asked for Council's support of Resolution No. R2019-0152.

9. LEGISLATION INTRODUCED BY COUNCIL

a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2019-0161: A Resolution adopting various changes to the Cuyahoga County Non-bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmember Brown on behalf of Cuyahoga County Personnel Review Commission

Council President Brady referred Resolution No. R2019-0161 to the Human Resources, Appointments & Equity Committee.

b) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution No. R2019-0144.

- 1) R2019-0134: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to repeal Section 5.08 and enact Article XVI of the County Charter providing for the election of the Sheriff, including the powers, duties, qualifications, and compensation of the office; and declaring the necessity that this Resolution become

immediately effective. [Pending Committee Recommendation]

Sponsors: Councilmembers Brady and Gallagher

Committee Assignment and Chair: Committee of the Whole – Brady

[Clerk’s Note: Resolution No. R2019-0134 did not receive a recommendation by the Committee of the Whole to be considered by the full Council. The item was not read into the record and there was no further legislative action taken.]

- 2) R2019-0144: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to repeal Section 5.08 and enact Article XVI of the County Charter to provide for additional requirements of the Sheriff, including the powers, duties, qualifications, term, and removal process of the office; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation]

Sponsors: Councilmembers Tuma, Simon, Jones and Conwell

Committee Assignment and Chair: Committee of the Whole – Brady

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2019-0144 was considered and adopted by majority vote with Councilmembers Tuma, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller and Brady voting in the affirmative and Councilmember Gallagher casting a dissenting vote.

In accordance with Rule 6B of the County Council Rules, a motion was made by Mr. Brady, seconded by Ms. Conwell and approved by unanimous vote to add Resolution No. R2019-0170 to the agenda as an additional item before No. 10 for consideration for first reading adoption under suspension of rules.

A motion was then made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2019-0170.

The item was then read into the record by the Clerk of Council:

R2019-0170: A Resolution issuing a subpoena, pursuant to Section 3.12 of the Cuyahoga County Charter, to compel Cuyahoga County Sheriff Clifford

Pinkney to testify before the Committee of the Whole, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Brady, Simon and Conwell

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2019-0170 was considered and adopted by unanimous vote.

10. LEGISLATION INTRODUCED BY EXECUTIVE

a) CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2019-0162 and R2019-0163.

- 1) R2019-0162: A Resolution amending the 2018/2019 Biennial Operating Budget for 2019 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts and for cash transfers between budgetary funds, to meet the budgetary needs of various County departments, offices and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer/Office of Budget and Management

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2019-0162 was considered and adopted by unanimous vote.

- 2) R2019-0163: A Resolution approving a proposed settlement in the matter of Maria Cordaro vs. Cuyahoga County Executive, United States District, Eastern Division, Court Case No. 1:18-CV-1827; authorizing the County Executive and/or his designee to execute the settlement agreement and any related documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Law

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2019-0163 was considered and adopted by unanimous vote.

b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

1) R2019-0164: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County for various terms; and declaring the necessity that this Resolution become immediately effective:

i) Appointment:

a) Crystal L. Bryant for an unexpired term ending 6/30/2020.

ii) Reappointment:

a) Max M. Rodas for the term 7/1/2019 - 6/30/2023.

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0164 to the Human Resources, Appointments & Equity Committee.

2) R2019-0165: A Resolution confirming the County Executive's appointment of various individuals to serve on the Cuyahoga County Monument Commission for various terms beginning 9/1/2019, and declaring the necessity that this Resolution become immediately effective:

i) ending 2/28/2021:

- a) Judith G. Cetina, PhD
- b) Jill Marie Paulsen
- c) Juan Quirarte

ii) ending 8/31/2022:

- a) Patti Choby
- b) Patrick W. Hewitt
- c) Otilio Morales

Sponsor: County Executive Budish

Council President Brady referred Resolution No. R2019-0165 to the Human Resources, Appointments & Equity Committee.

- 3) R2019-0166: A Resolution fixing the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2019-0166 to the Public Works, Procurement & Contracting Committee.

- 4) R2019-0167: A Resolution approving and confirming the 2020 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works

Council President Brady referred Resolution No. R2019-0167 to the Public Works, Procurement & Contracting Committee.

- 5) R2019-0168: A Resolution authorizing the County Executive to accept dedication of land for Ethan Circle in Gates Village Subdivision (Phase 2), located in Olmsted Township, as a public street (1.3775 total acres) with established setback lines, rights-of-way and easements; authorizing the County Executive to accept dedication of easements for construction, maintenance and operation of public facilities and appurtenances in Gates Village Subdivision (Phase 2) to public use granted to the County of Cuyahoga and its corporate successors; authorizing the County Executive to execute the final Plat in connection with said dedications; and declaring

the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish on behalf of Cuyahoga County Planning Commission

Council President Brady referred Resolution No. R2019-0168 to the Public Works, Procurement & Contracting Committee.

- 6) R2019-0169: A Resolution authorizing an amendment to Contract No. CE1500160-13 (formerly Contract No. CE1300543-01) with AT&T Mobility National Accounts LLC for wireless communication services and equipment for the period 11/1/2013 - 12/31/2018 to extend the time period to 12/31/2021, to change the scope of services, effective 1/1/2019, and for additional funds in the amount not-to-exceed \$4,500,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Information Technology

Council President Brady referred Resolution No. R2019-0169 to the Finance & Budgeting Committee.

- c) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- 1) R2019-0150: A Resolution authorizing an amendment to Contract No. CE1400135-2 with Alto 55 Erievue, LLC, as successor in interest to BZT Acquisition, LLC, for lease of space located at 75 Erievue Plaza, Cleveland, for operation of the Family Justice Center for the period 6/1/2014 - 10/31/2019 to extend the time period to 10/31/2023, and for additional funds in the amount not-to-exceed \$780,360.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Departments of Public Works and Public Safety and Justice Services/Division of Witness Victim Services and Councilmember Conwell

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

Clerk Schmotzer read Resolution No. R2019-0150 into the record.

This item will move to the August 6, 2019 Council meeting agenda for consideration for third reading adoption.

- d) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Brown and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2019-0149, R2019-0153, R2019-0154, R2019-0155, R2019-0156, R2019-0157, R2019-0158, R2019-0159 and R2019-0160.

- 1) R2019-0149: A Resolution authorizing an amendment to Contract No. CE1700002-01 with Mott MacDonald, LLC for design engineering services for repair and resurfacing of Sprague Road from Webster Road to York Road in the Cities of Middleburg Heights, North Royalton, Parma and Strongsville, to change the scope of services, effective 6/25/2019, and for additional funds in the amount not-to-exceed \$726,761.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works/Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Ms. Stephens, Resolution No. R2019-0149 was considered and adopted by unanimous vote.

- 2) R2019-0153: A Resolution authorizing a Memorandum of Understanding and Agreement among Cuyahoga County, Say Yes to Education Inc. and Cleveland Municipal School District to establish funding responsibilities for year one of the Say Yes Cleveland Strategy Program for the period 7/24/2019 - 7/23/2020; authorizing a Governance Agreement with various Say Yes to Education partners; accepting a payment in the amount not-to-exceed \$493,000.00 from Cleveland Municipal

School District for said Program; authorizing a payment in the amount not-to-exceed \$1,415,000.00 to College Now Greater Cleveland, Inc. as fiscal agent of Say Yes to Education Inc.; authorizing the County Executive to execute the Memorandum of Understanding and Agreement and Governance Agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Health and Human Services **and Councilmembers Simon, Miller, Jones and Brown**

Committee Assignment and Chair: Education, Environment & Sustainability – Simon and Health, Human Services & Aging – Conwell

On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2019-0153 was considered and adopted by unanimous vote.

- 3) R2019-0154: A Resolution authorizing an amendment to Contract No. CE1700230-01 with Emerald Development and Economic Network, Inc. for the Rapid Re-housing Program for homeless individuals and families for the period 1/1/2018 - 12/31/2019 for additional funds in the amount not-to-exceed \$630,826.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services

Committee Assignment and Chair: Health, Human Services & Aging – Conwell

On a motion by Ms. Conwell with a second by Ms. Brown, Resolution No. R2019-0154 was considered and adopted by unanimous vote.

- 4) R2019-0155: A Resolution confirming the County Executive's appointment of Prentis Jackson Jr. to serve on the Cuyahoga County Tax Incentive Review Council for an unexpired term ending 12/31/2022, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish

Committee Assignment and Chair: Human Resources,
Appointments & Equity – Brown

On a motion by Ms. Brown with a second by Mr. Gallagher Resolution No. R2019-0155 was considered and adopted by unanimous vote.

- 5) R2019-0156: A Resolution authorizing a Real Estate Transfer Agreement with The MetroHealth System for the transfer of certain excess County-owned real property no longer needed for public use, located on the Southeast quadrant of the intersection of West 25th Street and Sackett Avenue in the City of Cleveland, to CCH Development Corporation for redevelopment for low-income housing; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Works **and Council President Brady**

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2019-0156 was considered and adopted by unanimous vote.

- 6) R2019-0157: A Resolution approving Right-of-Way Exhibits as set forth in Plat No. M-5039 for replacement of Lindbergh Boulevard Culvert No. C-00.93 over a creek to the West Branch of the Rocky River in the City of Olmsted Falls; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Public Works/Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Tuma

On a motion by Mr. Tuma with a second by Mr. Schron, Resolution No. R2019-0157 was considered and adopted by unanimous vote.

- 7) R2019-0158: A Resolution authorizing an amendment to Contract No. CE1800132-01 with Main Sail, LLC for staff augmentation for the Enterprise Resource Planning Project for the period 9/17/2018 - 9/16/2019 to extend the time period to 3/31/2020 and for additional funds in the amount not-to-exceed \$1,453,899.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Information Technology

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2019-0158 was considered and adopted by unanimous vote.

- 8) R2019-0159: A Resolution authorizing a revenue generating agreement with City of Cleveland in the amount not-to-exceed \$771,900.00 for operation of the Family Justice Center for the period 6/1/2019 - 5/31/2023 in connection with a lease for space located at 75 Erieview Plaza, Cleveland; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive Budish/Department of Public Safety and Justice Services/Division of Witness Victim Services **and Councilmember Simon**

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. R2019-0159 was considered and adopted by unanimous vote.

- 9) R2019-0160: A Resolution authorizing an amendment to Contract No. CE1700145-01 with US Together, Inc. for interpretation and translation services for the period 9/1/2017 - 8/31/2019 to extend the time period to 8/31/2020

and for additional funds in the amount not-to-exceed \$628,411.50; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Health and Human Services/Cuyahoga Job and Family Services

Committee Assignment and Chair: Health, Human Services & Aging – Conwell

On a motion by Ms. Conwell with a second by Ms. Brown, Resolution No. R2019-0160 was considered and adopted by unanimous vote.

e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION

- 1) R2019-0151: A Resolution designating Dollar Bank, Federal Savings Bank an eligible institution as a public depository of active and interim funds of Cuyahoga County; authorizing a bank depository agreement for deposits of said public funds in the deposit limit amount not-to-exceed \$200,000,000.00 for the period 7/1/2019 - 8/23/2021, in accordance with the Uniform Depository Act of Ohio; authorizing the County Executive and/or County Treasurer to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Fiscal Officer/County Treasurer

On a motion by Mr. Miller with a second by Ms. Brown, Resolution No. R2019-0151 was considered and adopted by unanimous vote.

- 2) R2019-0152: A Resolution authorizing a contract with Middough, Inc. in the amount not-to-exceed \$235,000.00 for consultant services for development of a Request for Proposals for operation of a local microgrid for the period 5/3/2019 - 12/31/2020; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive Budish/Department of Sustainability

Ms. Stephens introduced a proposed amendment on the floor to Resolution No. R2019-0152. Discussion ensued.

A motion was then made by Ms. Stephens, seconded by Ms. Brown and approved by unanimous vote to amend Resolution No. R2019-0152 by inserting “*However, Middough will use best efforts to require the selected vendor to reimburse the County and other partners for pre-development costs, including the costs associated with this contract*” in the third WHEREAS clause.

On a motion by Ms. Simon with a second by Mr. Brady, Resolution No. R2019-0152 was considered and adopted by unanimous vote, as amended.

f) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- 1) O2019-0009: An Ordinance enacting Chapter 724 of the Cuyahoga County Code to authorize an increase by one percent of the bed tax for the purpose of paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive Budish and Councilmembers Brady and Miller

Committee Assignment and Chair: Committee of the Whole – Brady

Clerk Schmotzer read Ordinance No. O2019-0009 into the record.

This item will move to the August 6, 2019 Council meeting agenda for consideration for third reading adoption.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, July 29, 2019 at 1:00 p.m.

Ms. Brown reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, July 30, 2019 at 10:00 a.m.

Mr. Brady reported that the Committee of the Whole will meet on Tuesday, July 30, 2019 at 1:00 p.m.

Ms. Baker reported that the Council Operations, Intergovernmental Relations & Public Transportation Committee will meet on Tuesday, July 30, 2019 at 3:00 p.m.

Mr. Tuma reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, July 31, 2019 at 10:00 a.m.

12. MISCELLANEOUS BUSINESS

Ms. Simon reported that the County Planning Commission will be conducting interviews for a new Executive Director.

13. ADJOURNMENT

With no further business to discuss, Council President Brady adjourned the meeting at 5:45 p.m., without objection.