

AGENDA ACTIONS
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 8, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 6:01 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally requested there be a moment of silent meditation to reflect on the recent gun violence at Youngstown State University and to offer condolences to families of the victims and to students injured during that incident.

4. ROLL CALL

Council President Connally asked the Clerk to call the roll. Councilmembers Connally, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Jones were in attendance and a quorum was determined.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) January 25, 2011 Meeting

On a motion by Mr. Schron with a second by Mr. Rogers, the minutes of the January 25, 2011 meeting were unanimously approved.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive Ed FitzGerald reported the following:

- 1) **He and Councilwoman Conwell attended the Museum of Contemporary Art groundbreaking ceremony;**

- 2) **Council will soon receive official notification of his nominee for Law Director, Greg Clifford;**
- 3) **He is working on integration of the corporate community through the Loaned Executive Program; and**
- 4) **Financial and information technology functions will be overhauled.**

8. **CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING ADOPTION**

A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 7E, 9D and 13A for Motion Nos. M2011-0005 and M2011-0006.

- a) M2011-0005: A Motion confirming the County Executive's appointment of Robert Reid upon his taking the oath of office as the Sheriff of Cuyahoga County.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Mr. Greenspan, Motion No. M2011-0005 was considered and adopted by unanimous vote.

- b) M2011-0006: A Motion designating nonprofit and educational organizations that are engaged in the promotion of economic development of the County who shall collectively select one member to the Economic Development Commission:

- 1) University Hospitals Case Medical Center
- 2) Manufacturing Advocacy & Growth Network
- 3) The George Gund Foundation
- 4) Cleveland State University
- 5) The Presidents' Council, LLC

Sponsor: Schron

On a motion by Mr. Schron with a second by Mr. Greenspan, Motion No. M2011-0006 was considered and adopted by unanimous vote.

At this time County Executive Ed FitzGerald administered the oath of office to Sheriff Reid. Sheriff Reid then thanked the Council and said that he looks forward to this historic moment and to working with the County Executive, Council and staff and establishing new programs and partnerships.

CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- c) M2011-0007: A Motion adopting permanent Rules of Cuyahoga County Council.

Sponsors: Miller, Greenspan, Conwell, Jones and Rogers

Council President Connally referred Motion No. M2011-0007 to the Rules, Charter Review, Ethics & Council Operations Committee.

9. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0008: An Ordinance adopting permanent Code of Ethics.

Sponsors: Greenspan, Miller and Conwell

Council President Connally referred Ordinance No. O2011-0008 to the Rules, Charter Review, Ethics & Council Operations Committee.

10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2011-0002: A Resolution opposing House Bill No. 3 of the 129th Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2011.

Sponsor: Conwell, Miller and Germana

Council President Connally referred Resolution No. R2011-0002 to the Intergovernmental Relations & Collaboration Committee.

11. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Rogers, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A for Resolutions No. R2011-0042, No. R2011-0043, No. R2011-0044, No. R2011-0045, No. R2011-0046, No. R2011-0047, No. R2011-0048, No. R2011-0049, No. R2011-0050, No. R2011-0052, No. R2011-0053, No. R2011-0054, No. R2011-0055, No. R2011-0056, No. R2011-0057, No. R2011-0058, No. R2011-0059, No. R2011-0060, No. R2011-0061, No. R2011-0062, No. R2011-0063, No. R2011-0064 and No. R2011-0065.

- a) R2011-0042: A Resolution authorizing the County Executive to enter into an agreement of cooperation with City of North Royalton

for reconstruction of Royalton Road, with additional turning lanes, from West 130th Street to York Road, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2011-0042 was considered and adopted by unanimous vote.

- b) R2011-0043: A Resolution authorizing the Department of Purchasing to issue Addendum No. 1 to the specifications on RQ18868 for the County Courthouse Americans with Disabilities Act Improvements Project, to make technical changes and to change the bid due date from 1/11/2011 to 2/14/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Rogers with a second by Mr. Greenspan, Resolution No. R2011-0043 was considered and adopted by unanimous vote.

- c) R2011-0044: A Resolution authorizing the County Engineer on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$229,442.31 for improvement of Pleasant Valley Road/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0044 was considered and adopted by unanimous vote.

- d) R2011-0045: A Resolution authorizing the County Engineer on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$117,578.00 for reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Ms. Simon with a second by Mr. Greenspan, Resolution No. R2011-0045 was considered and adopted by unanimous vote.

- e) R2011-0046: A Resolution accepting the construction of County Improvement No. 1406, Cook Road/MacKenzie Road Sanitary Sewer in Olmsted Township, County Sewer District No. 14, as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0046 was considered and adopted by unanimous vote.

- f) R2011-0047: A Resolution accepting the construction of County Improvement No. 1319-02, Echo Hills Sanitary Sewer Force Main and Pump Station in the City of Brecksville, County Sewer District No. 13, as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0047 was considered and adopted by unanimous vote.

- g) R2011-0048: A Resolution accepting the construction of County Sewer Improvement No. 3-TA-1, Thornapple Pump Station Relocation, in the Village of Mayfield, County Sewer District No. 3, as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2011-0048 was considered and adopted by unanimous vote.

- h) R2011-0049: A Resolution declaring the necessity to construct, maintain, operate and repair the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1; authorizing the Director of the Department of Public Works and the County Engineer/Sanitary Engineer to negotiate with a property owner for the acquisition of a permanent sewer easement in connection with said improvement, in accordance with Ohio Revised Code Section

6117.39, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2011-0049 was considered and adopted by unanimous vote.

- i) R2011-0050: A Resolution making an award on RQ18532 and authorizing the County Executive to enter into a contract with C & K Industrial Services, Inc. in the amount of \$704,200.00 for inspecting, cleaning and repairing sanitary sewers located in various County Sewer Districts for the period 1/1/2011 - 12/31/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2011-0050 was considered and adopted by unanimous vote.

- j) R2011-0051: A Resolution authorizing the County Executive to prepare an amendment (Change Order No. 2) to Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to approve pending Construction Change Directives; to increase the Unforeseen Conditions Cash Allowance amount from \$223,617.78 to \$391,335.90 and for additional funds in the amount of \$167,718.12, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

Council President Connally referred Resolution No. R2011-0051 to the Public Safety Committee.

- k) R2011-0052: A Resolution approving an amendment to a collective bargaining agreement with Cleveland Building and Construction Trades Council, covering 88 employees in 16 classifications in the Department of Public Works/Department of Central Services for the period 7/1/2009 - 6/30/2012, by changing Article 31: Wages, effective 7/1/2010, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources/Labor Relations Division

On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0052 was considered and adopted by unanimous vote.

- l) R2011-0053: A Resolution approving an amendment to a collective bargaining agreement with Ohio and Vicinity Regional Council of Carpenters, United Brotherhood of Carpenters and Joiners of America, covering 9 employees in 2 classifications in the Department of Public Works/Department of Central Services for the period 7/1/2009 - 6/30/2012, to change Article 31: Wages, effective 7/1/2010, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources/Labor Relations Division

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0053 was considered and adopted by unanimous vote.

- m) R2011-0054: A Resolution amending the 2011 Annual Appropriation Measure by providing additional fiscal appropriations from the General Fund and other funding sources for appropriation transfers between budget accounts and for cash transfers between budgetary funds in order 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 FitzGerald/Office of Budget & Management

On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2011-0054 was considered and adopted by unanimous vote.

- n) R2011-0055: A Resolution accepting the installation of emergency generators at the Brooklyn and Rocky River Adult Activities Centers as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Cuyahoga County Board of Developmental Disabilities

On a motion by Mr. Germana with a second by Mr. Rogers, Resolution No. R2011-0055 was considered and adopted by unanimous vote.

- o) R2011-0056: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0400154-03 with dck North

America, LLC, for construction management and construction support services to assign the interest to Hill International, Inc., effective 7/6/2010; no additional funds required, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2011-0056 was considered and adopted by unanimous vote.

- p) R2011-0057: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0700741-03 with dck North America, LLC, for construction inspection services for various County projects for the period 7/1/2007 - 9/30/2010 to assign the interest to Hill International, Inc., effective 7/6/2010; no additional funds required, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Schron with a second by Mr. Brady, Resolution No. R2011-0057 was considered and adopted by unanimous vote.

- q) R2011-0058: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE08166-01 with Euthenics, Inc. for consultant services for improvement of Pleasant Valley Road/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma to change the scope of services, effective 11/3/2010, and for additional funds in the amount not-to-exceed \$229,442.31, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Germana with a second by Mr. Gallagher, Resolution No. R2011-0058 was considered and adopted by unanimous vote.

- r) R2011-0059: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900324-01 with CH2M Hill, Inc. for reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn to change the scope of services, effective 2/8/2011, and for additional funds in the amount not-to-exceed \$117,578.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0059 was considered and adopted by unanimous vote.

- s) R2011-0060: A Resolution authorizing the Common Pleas Court/Corrections Planning Board to enter into a contract with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$593,465.00 for residential substance abuse treatment services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Common Pleas Court/Corrections Planning Board

On a motion by Ms. Conwell with a second by Mr. Brady, Resolution No. R2011-0060 was considered and adopted by unanimous vote.

- t) R2011-0061: A Resolution authorizing the County Executive to enter into a contract with Starting Point in the amount not-to-exceed \$1,832,782.00 for administration of the Special Needs Child Care Program for the Invest in Children Program for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Early Childhood

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2011-0061 was considered and adopted by unanimous vote.

- u) R2011-0062: A Resolution authorizing the County Executive to enter into a contract with Adoption Network Cleveland in the amount not-to-exceed \$315,000.00 for child-centered recruitment services for the Adopt Cuyahoga's Kids Initiative for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Services/Department of Children & Family Services

On a motion by Ms. Simon with a second by Mr. Brady, Resolution No. R2011-0062 was considered and adopted by unanimous vote.

- v) R2011-0063: A Resolution authorizing the County Executive to enter into contracts with various providers for placement services for the

period 1/1/2011 - 9/30/2011, and declaring the necessity that this Resolution become immediately effective:

- 1) BHC Belmont Pines Hospital, Inc. in the amount not-to-exceed \$510,000.00.
- 2) Alliance Human Services, Inc. in the amount not-to-exceed \$2,362,500.00.
- 3) Christian Children's Home of Ohio, Inc. in the amount not-to-exceed \$510,000.00.
- 4) Continue Life in the amount not-to-exceed \$215,625.00.
- 5) Applewood Centers, Inc. in the amount not-to-exceed \$1,286,250.00.
- 6) Beech Brook in the amount not-to-exceed \$3,825,000.00.
- 7) Berea Children's Home in the amount not-to-exceed \$4,350,000.00.
- 8) House of New Hope in the amount not-to-exceed \$845,250.00.
- 9) In Focus of Cleveland, Inc. in the amount not-to-exceed \$517,500.00.
- 10) Parenthesis Family Advocates, Incorporated in the amount not-to-exceed \$279,000.00.
- 11) The Village Network in the amount not-to-exceed \$1,395,000.00.
- 12) National Youth Advocate Program, Inc. in the amount not-to-exceed \$921,450.00.
- 13) Pathway Caring for Children in the amount not-to-exceed \$219,750.00.
- 14) START - Support To At-Risk Teens in the amount not-to-exceed \$851,250.00.
- 15) Options for Families and Youth in the amount not-to-exceed \$1,164,000.00.
- 16) Pressley Ridge in the amount not-to-exceed \$1,526,250.00.
- 17) Specialized Alternatives for Families & Youth of Ohio, Inc. in the amount not-to-exceed \$2,687,250.00.
- 18) The Bair Foundation in the amount not-to-exceed \$1,498,125.00.
- 19) The Twelve of Ohio, Inc. in the amount not-to-exceed \$945,000.00.
- 20) Bellefaire Jewish Children's Bureau in the amount not-to-exceed \$3,600,000.00.
- 21) Catholic Charities Services Corporation (Parmadale) in the amount not-to-exceed \$4,357,500.00.
- 22) The Cleveland Christian Home Incorporated in the amount not-to-exceed \$2,437,500.00.

Sponsor: County Executive FitzGerald/Department of Human Services/Department of Children & Family Services

A motion was made by Mr. Brady with a second by Mr. Gallagher to approve Resolution No. R2011-0063. Ms. Simon requested to recuse herself from voting on Items No. 12.v5 and No. 12.v20. Discussion ensued. Subsequently, Items No. 12.v1 – No. 12.v4, No. 12.v6 – No. 12.v19, and No. 12.v21 – No. 12.v22 were considered and adopted by unanimous vote. Items No. 12.v5 and No. 12.v20 were considered and adopted with Councilmembers Connally, Rogers, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Jones voting in the affirmative and Councilmember Simon recusing herself from the vote.

- w) R2011-0064: A Resolution authorizing the County Executive to enter into a contract (No. CE1100126-01) with DiGioia-Suburban Excavating, LLC, in the amount not-to-exceed \$2,308,050.00 for Dewey Road Pump Station, Force Main and Tributary Sewer, located in the City of Brecksville, County Sewer District No. 13, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2011-0064 was considered and adopted by unanimous vote.

- x) R2011-0065: A Resolution authorizing the County Executive to enter into a contract (No. CE1100128-01) with Fabrizi Trucking & Paving Company, Inc., in the amount of \$463,115.00 for replacement of sanitary sewers in North Granger Road, located in the City of Garfield Heights, County Sewer District No. 9, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2011-0065 was considered and adopted by unanimous vote.

12. MISCELLANEOUS COMMITTEE REPORTS

No committee reports were given.

13. MISCELLANEOUS BUSINESS

Mr. Rogers requested that departments include the physical address of vendors in their briefing materials. Ms. Schmotzer indicated that she will work with the County Executive's staff to fulfill this request.

14. PUBLIC COMMENT UNRELATED TO AGENDA

Mr. Kevin Cronin, representing Cleveland Bikes, addressed Council regarding issues of concern to him relating to cycling projects, access and programs.

Mr. Ken Rapoport, Shaker Square Area Community Advocate, addressed Council regarding issues of concern to him relating to the closing of Ohio Savings Bank/New York Community Bank on Shaker Square.

15. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Germana, the meeting was adjourned at 7:20 p.m., without objection.