

The City Record

Official Publication of the Council of the City of Cleveland



February the Fifteenth, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

The City Record is available online at
www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1138 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, Executive Assistant to the Mayor, Press Secretary
 Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Interim Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Interim Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – John Christopher Nielson, Commissioner
 Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John Mok, Interim Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Interim Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
 Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
 Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Interim Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Martin Flask, Interim Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Interim Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
 DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Parking Facilities – _____, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Public Auditorium – East 6th Street and Lakeside Avenue
 Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
 Recreation – Kim Johnson, Interim Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim Director, 3rd Floor, City Hall
 DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Interim Director, Room 500
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Interim Director, Room 210

DEPT. OF AGING – Jane Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Theasha A. Danieli, Interim Director;
 Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman;
 Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives;
 Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall,
 Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez,
 Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; _____, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director _____, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director _____, Law Director Robert J. Triozzi; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S. Taylor.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director _____; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman _____.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Yorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair; Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, _____, N. Kurt Wiebusch, Council Member _____, Robert Jackimowicz; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, FEBRUARY 15, 2006

No. 4810

CITY COUNCIL

MONDAY, FEBRUARY 13, 2006

The City Record

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Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Turner.

9:30 A.M. — **Health & Human Services Committee:** Britt, Chair; Cleveland, Vice Chair; Conwell, Kelley, Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Britt, Cleveland, Dolan, Turner.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Britt, Coats, Cummins, Kelley, Polensek, Santiago, Turner.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Dolan, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair, Westbrook, Vice Chair, Conwell, Dolan, Lewis, Reed, Zone.

The following Committees are subject to the Call of the Chair:

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 13, 2006

The meeting of the Council was called to order, The President, Martin J. Sweeney, in the Chair.

Council Members present: Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Reed, Santiago, Sweeney, Turner, Westbrook, White and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff; Darnell Brown, Chief Operation Officer; Valarie J. McCall, Chief of Government Affairs; Maureen Harper, Chief of Communications; Michael A. House, Press Secretary; Debra Linn Talley, Director of Equal Opportunity; Director Triozzi, Interim Directors Dumas, Wasik, Carroll, Flask, Cox, Rush, Rybka, Hutchinson, Huth, Directors Fumich, Guzman, Daniely and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Jerone Gibson. Pledge of Allegiance.

MOTION

On the motion of Council Member Dolan, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Cummins.

COMMUNICATIONS

File No. 1290-05-C.

Response from property owners objecting to Resolution No. 1290-05 — assessment notice. Received.

File No. 273-06.

From Economic Development Department — Cleveland Citywide Development Corporation's certificate of approval — Core City One and Core City Two loan for the Flats East Bank Project. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 274-06.

Re: New Application — 55184350230 — Marc Glassman, Inc., d.b.a. Marcs Lorain, 13693 Lorain Avenue, first floor. (Ward 20). Received.

File No. 275-06.

Re: New Application — 55184350315 — Marc Glassman, Inc., d.b.a. Marcs, 15030 Puritas Road. (Ward 20). Received.

File No. 276-06.

Re: New Application — 84651870005 — Paulette D. Stewart, d.b.a. Ttampas Mini Mart, 9400 Buckeye Road. (Ward 4). Received.

File No. 277-06.

Re: New Application — 3693704 — Hayfa, Inc., d.b.a. Sophia Food Market, 10017 Sophia Avenue. (Ward 4). Received.

File No. 278-06.

Re: Transfer of Ownership Application — 0003182 — A. & A. Convenient Food Mart, Inc., d.b.a. Convenient Food Mart #3-053, 5741 Memphis Avenue. (Ward 16). Received.

File No. 279-06.

Re: Transfer of Ownership Application — 7483542 — Rogmoore, Inc., 783 East 185th Street, rear and patio, 779 East 185th Street, first floor and basement. (Ward 11). Received.

PLAT

File No. 280-06.

Mohican Avenue Extension — Sub-division Plat. Received.

MAYOR'S APPOINTMENTS**File No. 232-06.**

February 6, 2006

The Honorable Martin J. Sweeney
Council President
Cleveland City Council
601 Lakeside Avenue, Room 216
Cleveland, Ohio 44114

Dear Council President Sweeney:

I am sending this letter as notification that I will be submitting nominations for appointment to several Boards and Commissions that require the approval of Cleveland City Council. Therefore, I am requesting that City Council schedule a Mayor's Appointment Committee to hear nominations for the following Boards and Commissions:

- Cleveland Air Pollution Advisory Committee
- Community Relations Board
- Fair Employment Wage Board
- Fair Housing Board
- Housing Advisory Board
- Cleveland Landmarks Commission
- Police Review Board
- Cleveland-Cuyahoga County Port Authority
- Greater Cleveland Regional Transit Authority

Thank you in advance for your consideration.

Sincerely,
Frank G. Jackson
Mayor

Received.

File No. 257-06.

February 10, 2006

The Honorable Martin J. Sweeney
City Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

The Honorable Roosevelt Coats
Chairman, Mayor's Appointments
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney and Council Member Coats:

Included below are the names and term ending dates of the Mayor's nominations to be considered at the Monday, February 13th meeting of Cleveland City Council's Mayor's Appointments Committee.

Cleveland Air Pollution Advisory Committee

Kyle Dreyfuss-Wells, Term Ending 3/10/2007
Robin Holmes, Term Ending 3/10/2007
Elvin Vauss, Term Ending 3/10/2007
Christianne Trepal, Term Ending 3/10/2007
Jim Apicella, Term Ending 3/10/2007

Community Relations Board
Yasir Hamdallah, Term Ending 3/31/2008

Peter Whitt, Term Ending 3/31/2009
John Horton, Term Ending 3/31/2010
Paula Gomez Farrell, Term Ending 3/31/2010
Anton Farmby, Term Ending 3/31/2010
Rev. Charles Lucas, Jr., Term Ending 3/31/2010

Fair Employment Wage Board
John Gallo, Term Ending 5/25/2008
Kathryn Jackson, Term Ending 5/25/2008
Chris Warren, Term Ending 5/25/2009

Fair Housing Board
Daniel Conway, Term Ending 6/1/2009

Housing Advisory Board
Carolyn Gaiter, Term Ending 2/28/2008
Robert Aber, Term Ending 2/28/2007

Cleveland Landmarks Commission
Jennifer Coleman, Term Ending 12/31/2007
Michael Rastatter, Jr., Term Ending 12/31/2007
India Pierce Lee, Term Ending 12/31/2009
John Torres, Term Ending 12/31/2009
Ari Maron, Term Ending 12/31/2009
Thomas Coffey, Term Ending 12/31/2009

Police Review Board
Thomas Jones, Term Ending 8/8/2010
Imam Clyde Rahman, Term Ending 8/8/2010

Cleveland - Cuyahoga County Port Authority
Rose Bardwell, Term Ending 1/28/2010
Steve Williams, Term Ending 1/28/2010

Greater Cleveland Regional Transit Authority Board of Trustees
Mark Mustafa, Term Ending 3/2/2010
Leo Serrano, Term Ending 3/2/2007

Additionally, resumes and/or biographies are attached for each candidate. Any questions can be directed to myself at (216) 664-3544 or Jason Wood at (216) 664-3298.

Thank you in advance for your cooperation.

Sincerely,
Valarie J. McCall
Chief of Government Affairs

Received.
Referred to Committee on Mayor's Appointments.

File No. 257-06.

February 10, 2006

The Honorable Martin J. Sweeney
City Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

The Honorable Roosevelt Coats
Chairman, Mayor's Appointments
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Sweeney and Council Member Coats:

Included below is one additional Mayor's nomination to be considered at the Monday, February 13th meeting of Cleveland City Council's Mayor's Appointments Committee.

Community Relations Board
Gia Hoa Ryan, Term Ending 3/31/2010

Thank you in advance for your cooperation.

Sincerely,
Valarie J. McCall
Chief of Government Affairs

Received.
Referred to Committee on Mayor's Appointments.

MAYOR'S APPOINTMENT COMMITTEE**File No. 257-06-A.**

February 13, 2006

To the Honorable Council of the
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Air Pollution Advisory Committee:

Kyle Dreyfuss-Wells
(New Appointment —
Term expires on March 10, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-B.

February 13, 2006

To the Honorable Council of the
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Air Pollution Advisory Committee:

Robin Holmes
(New Appointment —
Term expires on March 10, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-C.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Air Pollution Advisory Committee:

Elvin Vauss
(New Appointment —
Term expires on March 10, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-D.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Air Pollution Advisory Committee:

Christianne Trepal
(New Appointment —
Term expires on March 10, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-E.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Air Pollution Advisory Committee:

Jim Apicella
(New Appointment —
Term expires on March 10, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-F.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Yasir Hamdallah
(New Appointment —
Term expires on March 31, 2008)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-G.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Peter Whitt
(New Appointment —
Term expires on March 31, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-H.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

John Horton
(New Appointment —
Term expires on March 31, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-I.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Paula Gomez Farrell
(New Appointment —
Term expires on March 31, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-J.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Anton Farmby
(New Appointment —
Term expires on March 31, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-K.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Reverend Charles Lucas, Jr.
(New Appointment —
Term expires on March 31, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-DD.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Community Relations Board.

We have before us the Mayor's Letter wherein he names his appointment to the Community Relations Board:

Gia Hoa Ryan
(New Appointment —
Term expires on March 31, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-L.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Employment Wage Board.

We have before us the Mayor's Letter wherein he names his appointment to the Fair Employment Wage Board:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Employment Wage Board.

We have before us the Mayor's Letter wherein he names his appointment to the Fair Employment Wage Board:

John Gallo
(New Appointment —
Term expires on May 25, 2008)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-M.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Employment Wage Board.

We have before us the Mayor's Letter wherein he names his appointment to the Fair Employment Wage Board:

Kathryn Jackson
(New Appointment —
Term expires on May 25, 2008)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-N.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Employment Wage Board.

We have before us the Mayor's Letter wherein he names his ap-

pointment to the Fair Employment Wage Board:

Chris Warren
(New Appointment —
Term expires on May 25, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-O.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Housing Board.

We have before us the Mayor's Letter wherein he names his appointment to the Fair Housing Board:

Daniel Conway
(New Appointment —
Term expires on June 1, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-P.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

We have before us the Mayor's Letter wherein he names his appointment to the Housing Advisory Board:

Carolyn Gaiter
(New Appointment —
Term expires on February 28, 2008)

The Mayor's Appointment Committee hereby recommends that

Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-Q.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

We have before us the Mayor's Letter wherein he names his appointment to the Housing Advisory Board:

Robert Aber
(New Appointment —
Term expires on February 28, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-R.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

Jennifer Coleman
(New Appointment —
Term expires on December 31, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-S.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

Michael Rastatter, Jr.
(New Appointment —
Term expires on December 31, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-T.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

India Pierce Lee
(New Appointment —
Term expires on December 31, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-U.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

John Torres
(New Appointment —
Term expires on December 31, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-V.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

Ari Maron
(New Appointment —
Term expires on December 31, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-W.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of

the Mayor's Appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland Landmarks Commission:

Thomas Coffey
(New Appointment —
Term expires on December 31, 2009)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-X.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Police Review Board.

We have before us the Mayor's Letter wherein he names his appointment to the Police Review Board:

Thomas Jones
(New Appointment —
Term expires on August 8, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-Y.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Police Review Board.

We have before us the Mayor's Letter wherein he names his ap-

pointment to the Police Review Board:

Imam Clyde Rahman
(New Appointment —
Term expires on August 8, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-Z.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland - Cuyahoga County Port Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland - Cuyahoga County Port Authority:

Rose Bardwell
(New Appointment —
Term expires on January 28, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-AA.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Cleveland - Cuyahoga County Port Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Cleveland - Cuyahoga County Port Authority:

Steve Williams
(New Appointment —
Term expires on January 28, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-BB.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Greater Cleveland Regional Transit Authority Board of Trustees.

We have before us the Mayor's Letter wherein he names his appointment to the Greater Cleveland Regional Transit Authority Board of Trustees:

Mark Mustafa
(New Appointment —

Term expires on March 2, 2010)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

File No. 257-06-CC.

February 13, 2006

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Greater Cleveland Regional Transit Authority Board of Trustees.

We have before us the Mayor's Letter wherein he names his appointment to the Greater Cleveland Regional Transit Authority Board of Trustees:

Leo Serrano
(New Appointment —

Term expires on March 2, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chair
Sabra Pierce Scott
Martin J. Sweeney
Kevin J. Kelley
Jay Westbrook

Received.
Without objection, Mayor's Appointment approved. Yeas 20. Nays 0.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolutions were adopted by a rising vote:

Res. No. 281-06 — Francis Landrum.

Res. No. 282-06—William Hardwick.

Res. No. 283-06—Rosa Lee Gerner.

Res. No. 284-06—Robert Morton.

Res. No. 285-06 — Josephine Stanonik.

Res. No. 286-06—Sam Rocco.

CONGRATULATION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 287-06 — Rosa Patterson Norman.

RESOLUTION OF RECOGNITION

The rules were suspended and the following Resolution was adopted without objection:

Res. No. 288-06—Lithuanian Independence.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 233-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of commercial gases, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year or two year period of the necessary items of commercial gases, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City.

For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118750)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 234-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of fasteners, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of fasteners in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118747)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 235-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of first aid supplies, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of first aid supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director

of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118754)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 236-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lamps, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one or two years for the necessary items of lamps in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118751)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 237-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of landscape materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118757)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 238-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of microfiche and CD-Rom services, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of microfiche and CD-Rom services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118749)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all

documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 239-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paint and paint supplies, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for one or two years of the necessary items of paint and paint supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118755)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 240-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of the rental and laundry of work clothing in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118745)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 241-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of standard wire, for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of standard wire, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118748)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force

from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 242-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts to conduct a study to determine whether to upgrade or replace the City-wide 800 MHz radio system, including a comprehensive study of the City's needs and a technical and financial feasibility analysis; and authorizing the director to apply for and accept grants and other funds for this purpose.

Whereas, the City of Cleveland owns and operates an 800 MHz radio communications system for the benefit of its police, fire, utility, and airport operations and various other departments of the City; and

Whereas, the City intends to upgrade or replace the existing radio system in the near future to take advantage of newer technology, replace obsolete equipment, and integrate the City's radio system with those of the county and other regional agencies to achieve the interoperability mandated by the U.S. Department of Homeland Security; and

Whereas, to proceed with the planning stages of this project it is necessary to conduct a comprehensive study of the City's internal needs and conduct a technical and financial feasibility assessment and analysis; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments to provide professional services necessary to conduct a comprehensive evaluation of the City's internal needs and a technical and financial feasibility analysis and assessment, including evaluating the current usage and performance of the 800 MHz system, conducting a technical and business risk assessment and analysis, recommending an action plan to extend the life of obsolete equipment, conducting an interagency feasibility study on the City, county, and regional interoperability capabilities, assisting in securing Homeland Security and other funding; and assisting in identifying any new federal mandates that may impact the City's short-term and long-term requirements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined by a full and complete canvass by the Director of Finance

for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law and approved and certified by the Director of Finance.

Section 2. That the Director of Finance is authorized to apply for and accept grants and other funds that may become available for the purposes of funding the project authorized by this ordinance and to execute all documents necessary to receive such funds, and that the funds are appropriated for the purposes described in this ordinance.

Section 3. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are deposited, any grants or other funds accepted under this ordinance and from Fund Nos. 11 SF 006, 52 SF 001, 58 SF 001, Fund 54 SF 001, and 60 SF 001. Request No. 146285.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 243-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into agreements for the planning and reconfiguration of the City's 800 MHz radio communications system to comply with federal mandates and to provide for the payment of the City's eligible costs by Sprint Nextel.

Whereas, the City of Cleveland owns and operates a Motorola 800 MHz radio communications system for the benefit of its police, fire, utility, and airport operations and various other departments of the City; and

Whereas, by orders dated August 6, 2004 and December 22, 2004, the Federal Communications Commission (FCC) modified its rules governing use of the 800 MHz band to address the interference to radio communications systems operated by various state and local agencies caused by the wireless operations of Nextel Communications on the same 800 MHz band, and appointed a Transition Administrator; and

Whereas, Nextel subsequently merged with Sprint Corporation, and, under the FCC orders, Sprint Nextel will bear the reasonable, prudent, and necessary costs of planning for and reconfiguring the state and local radio communications systems to relocate the systems to different frequencies on the 800 MHz band to minimize interference and provide comparable technological and operational capabilities; and

Whereas, to participate in the reconfiguration program, the City must apply for planning funding,

conduct various technical studies to analyze the impact on the City's radio system, and implement any necessary activities to reconfigure the City's system; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to enter into such agreements with Sprint Nextel and the Transition Administrator and to execute such other applications, agreements, and other documents as may be necessary for the planning and reconfiguration of the City's 800 MHz radio system under orders and rules issued by the FCC, and for the payment or reimbursement by Sprint Nextel of the City's related costs. Such agreements may authorize the City to transfer to Sprint Nextel legal title to any City equipment replaced at the cost of Sprint Nextel.

Section 2. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments to provide professional services necessary for the planning and reconfiguration of the City's 800 MHz radio system, including requesting planning funding, inventorying subscriber equipment and infrastructure facilities, analyzing the existing 800 MHz system and defining the interoperability environment, evaluating proposed new frequencies, preparing cost estimates, preparing the statement of reconfiguration work, negotiating frequency reconfiguration agreements, assisting in any necessary negotiations and mediation with Sprint Nextel and the Transition Administrator, preparing any necessary FCC license applications or reports, preparing specifications for any equipment and infrastructure necessary to accomplish the reconfiguration, implementing the reconfiguration, and retaining and managing engineering and other technical consultants, contractors, and vendors.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined by a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 3. That if the reconfiguration of the City's 800 MHz radio system requires the upgrade of Motorola equipment or the replacement of such equipment with new

Motorola equipment, such acquisition is non-competitive and cannot be secured from any source other than Motorola because of the proprietary nature of such equipment, and the Director of Public Utilities is authorized to enter into agreements with Sprint Nextel and Motorola to accept such equipment.

Section 4. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and Codified Ordinances of Cleveland, Ohio, 1976, for radio communications equipment necessary for the reconfiguration of the City's 800 MHz system and not supplied under other sections of this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 5. That the contract or contracts authorized by sections 2, 3, and 4 of this ordinance shall provide that to the extent that such costs are eligible to be paid by Sprint Nextel, such costs shall be the responsibility of Sprint Nextel and the City shall have no liability to such vendor(s) for such costs. The City shall retain the right to approve all work performed under such contracts and to review all invoices prior to payment.

Section 6. That the costs, if any, of any contract or contracts authorized by sections 2 and 4 of this ordinance that are not eligible for payment by Sprint Nextel shall be paid by each user department or division based upon such user's proportionate use of the radio system and shall be paid from funds legally available and appropriated for the use of the various departments and divisions to pay such expenses.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 244-06.

**By Council Members Zone and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into a "Long-Term Power Purchase Schedule" with AMP-Ohio that includes authorization to prepay and to temporarily or permanently finance all or a portion of the costs of the purchase of the electricity and the related prepayment and financing costs.**

Whereas, the City of Cleveland owns and operates Cleveland Public Power ("CPP"), a municipal electric utility, to provide electricity to the residents and businesses of Cleveland; and

Whereas, the City is a member of American Municipal Power — Ohio, Inc. ("AMP-Ohio"), a non-profit corporation that generates, transmits, purchases, and sells electricity for

its member municipal electric utilities through master services agreements with each of its members; and

Whereas, the City and AMP-Ohio are negotiating and will execute, upon this Council's authorization through separate legislation, a new master services agreement to provide for the purchase and sale of electricity and the provision of other services; and

Whereas, AMP-Ohio has negotiated an economical long-term wholesale power purchase from J. Aron & Company, an affiliate of the Goldman Sachs Group, on behalf of its members and has proposed to sell up to approximately 100,000 kilowatts of this power to CPP through the new master services agreement for a cost not to exceed \$0.05 per kilowatt-hour (excluding taxes, transmission costs, replacement power costs, AMP-Ohio service fees, and any other costs expressly described in such schedule) for delivery beginning in March 2006 and ending no later than December 31, 2012; and

Whereas, to provide further savings to its member utilities, AMP-Ohio may prepay all or a portion of the wholesale power purchase price and temporarily or permanently finance all or a portion of the prepayment to obtain a discount from the power supplier; and

Whereas, to accomplish the proposed power purchase and possible prepayment, it is necessary for the City and AMP-Ohio to enter into a "Long-Term Power Purchase Schedule" that contains the specific terms and conditions relating to the proposed power purchase and possible prepayment and in other respects prescribes the rights and responsibilities of the parties; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to enter into a "Long-Term Power Purchase Schedule" with AMP-Ohio substantially in the form contained in File No. 244-06-A.

Section 2. That the "Long-Term Power Purchase Schedule" authorized by this ordinance shall have a term ending no later than December 31, 2012, and shall have a price not to exceed \$0.05 per kilowatt-hour (excluding taxes, transmission costs, replacement power costs, AMP-Ohio service fees, and any other costs expressly described in such schedule).

Section 3. That all costs of the power to be acquired and any savings realized through the prepayment financing shall be passed through to CPP's customers at cost as required by Section 523.21 of the Codified Ordinances and shall be payable by CPP as an operating expense consistent with CPP's payments for purchased power generally.

Section 4. That it is found and determined that all formal actions of this Council concerning and relat-

ing to the passage of this ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That the Director of Finance and the Director of Public Utilities are authorized, upon receiving requisite consent of the insurer of the Cleveland Public Power Mortgage Revenue Bonds, to make, execute, acknowledge and deliver to the Trustee, a Sixth Supplemental Trust Indenture, as needed to comply with representations made in the "Long-Term Power Purchase Schedule" authorized by this ordinance and as may be needed to accomplish other transactions.

Section 6. That if any section, subsection, paragraph, clause, or provision of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid in whole or in part, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause, provision, or part adjudicated to be invalid had not, to the extent of such invalidity, been included in this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 245-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into a master services agreement with AMP-Ohio to provide for the purchase and sale of wholesale electricity for Cleveland Public Power; and to terminate Contract No. 35162 with AMP-Ohio.

Whereas, the City of Cleveland is a member of American Municipal Power — Ohio, Inc. ("AMP-Ohio"), a non-profit corporation engaged in generating, transmitting, purchasing, and selling wholesale electricity for its member municipal electric systems and providing various technical services; and

Whereas, under the authority of Ord. No. 2389-84, passed December 10, 1984, the City and AMP-Ohio entered into a master services agreement on February 21, 1985, to provide for the purchase and sale of wholesale electricity for Cleveland Public Power (City Contract No. 35162); and

Whereas, AMP-Ohio and the City desire to enter into a new master services agreement to reflect changes in the electric utility industry and to enable Cleveland Public

Power to acquire engineering services, training, and other technical services and support from AMP-Ohio and its affiliated entities; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That it is determined that the services authorized in this ordinance are non-competitive and cannot be secured from any source other than AMP-Ohio in that AMP-Ohio is the sole agency engaged in providing such services for municipal electric systems in Ohio.

Section 2. That the Director of Public Utilities is authorized to enter into a master services agreement with AMP-Ohio, Inc. and its affiliated entities substantially in the form contained in File No. 245-06-A.

Section 3. That City Contract No. 35162 is terminated with the exception of transactions between the City and AMP-Ohio that have not yet been completed. Such transactions shall continue in full force and effect and be governed by their original terms unless the Director of Law determines that it is in the best interest of Cleveland Public Power to request AMP-Ohio to convert one or more transactions to the new master services agreement.

Section 4. That the costs of the expenditures authorized by this ordinance for wholesale electricity, transmission, and related services shall be paid solely from the revenues derived from the sale of electricity by Cleveland Public Power, and that the costs, if any, of engineering, training, and other technical services and support shall be paid from funds appropriated for such purposes.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 246-06.

By Council Members Zone, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend Section 531.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1661-04, passed January 24, 2005; and to repeal Section 531.50 of the codified ordinances, as amended by Ordinance No. 1661-04, passed January 24, 2005 relating to persons authorized to make water service installation and water main repairs.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 531.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1661-04, passed January 24, 2005, are amended to read as follows:

Section 531.01 Service Line Installations, Connections and Taps by the Division of Water and Authorized Contractors

All service line installations from all distribution mains within the Division of Water's service area to approximately two feet back of the curb line, or proposed curb line, including the stop cock or valve and stop cock or valve box, and all connections and taps made to the main, shall be installed by properly authorized employees or contractors of the Division of Water acting under the direction of the Commissioner of Water, except that, upon written application and prior approval by the Commissioner of Water, an applicant, his agent or contractor, or contractors acting under the authority of inter-governmental agreements to which the Division of Water is a party, may be authorized to make taps in service lines in accordance with the rules and regulations of the division. Upon payment of requisite fees and issuance of a permit or permits, applicants shall install the service line from the corporation of water main to the curb stop. The applicant, his agent, or contractor shall employ a trench safety system in accordance with Occupational Safety and Health Administration Standard 1926.650 or other applicable safety requirements, inclusive of appendices and amendments. All installations shall be inspected by the Division of Water prior to backfill of trenches.

Section 2. That Sections 531.01 and 531.50 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1661-04, passed January 24, 2005, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Legislation, Finance

Ord. No. 247-06.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of bunker gear suits, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years of the necessary items of bunker gear suits, including but not limited to proximity pants, proximity coats, hoods, helmets, suspenders, and boots, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150580)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 248-06.
By Council Members Kelley and Sweeney (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of deicing chemicals, sodium formate, and potassium acetate, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two-year period of the necessary items of deicing chemicals, sodium formate, and potassium acetate in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150582)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 249-06.
By Council Members Kelley and Sweeney (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical motors, pumps, and appurtenances, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain electrical motors, pumps, and appurtenances, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of electrical motors, pumps, and appurtenances, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain electrical motors, pumps, and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above con-

tract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150585)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 250-06.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic, telecommunication, and fiber optic systems, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain the systems, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of electronic, telecommunication, and fiber optic systems, including attachments, parts, equipment, and installation, if necessary, and labor and materials to repair, replace, and maintain the systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combina-

tion of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150586)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 251-06.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of switch gears for various electrical sub-stations, and installation, if necessary, and labor and materials to repair, replace, and maintain switch gears, for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make

one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of switch gears for various electrical sub-stations, and installation, if necessary, and labor and materials to repair, replace and maintain switch gears, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150587)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 252-06.

By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of heavy-duty equipment, snow removal equipment and equipment operators for the various divisions of the Department of Port Control.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years of the necessary items of the rental of heavy-duty equipment, snow removal equipment and equipment operators in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited any federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150583)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency mea-

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 253-06.

By Council Members Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and the Project Clean program for a period of one year.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to employ by contract or contracts one or more temporary employment agency or agencies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties and Project Clean program for a period of one year.

The selection of the agency or agencies shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified agencies available for employment as may be determined after a full and complete canvass by the Director of by the Director of Parks, Recreation and Properties for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 2. That the costs for the services contemplated shall be paid from Fund Nos. 10 SF 054, 13 SF 729, 62 SF 001, 63 SF 001, 01-701217-638000, 01-701207-638000, and from the fund or funds appropriated for this purpose in budget year 2006, Request No. 135790.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force

from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 255-06.

By Council Members Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of Urban Forestry maintenance services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year, with a one-year option to renew.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of Urban Forestry property maintenance services in the approximate amount as purchased during the preceding year, with one option exercisable by the Director of Parks, Recreation and Properties, to renew for an additional one-year consecutive term, and cancelable on thirty days written notice by the director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract duly certified by the Director of Finance. (RL 158754)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

FIRST READING ORDINANCE REFERRED

Ord. No. 272-06.

By Council Member Brady.

An ordinance to change the zoning of parcels on the Southwest corner of Linnet Ave. and West 117th Street from a General Retail Business District to a Multi-Family Residential District (Map Change No. 2175 Sheet No. 2).

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Linnet Avenue and its intersection with the centerline of West 117th Street;

Thence Easterly along said centerline of Linnet Avenue to its intersection with the Northerly prolongation of the Easterly line of Sublot Number 357 in the Dunham Heights Re-Subdivision as shown by the recorded plat in Volume 47 of Maps and Page 26 of the Cuyahoga County Records (said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 018-15-006);

Thence Southerly along said Northerly prolongation of said Easterly line and continuing along the Easterly line of Sublot Number 358 in said Dunham Heights Re-Subdivision (said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 018-15-007) to its intersection with the Northerly line of Sublot Number 359 in said Dunham Heights Re-Subdivision (said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 018-15-008);

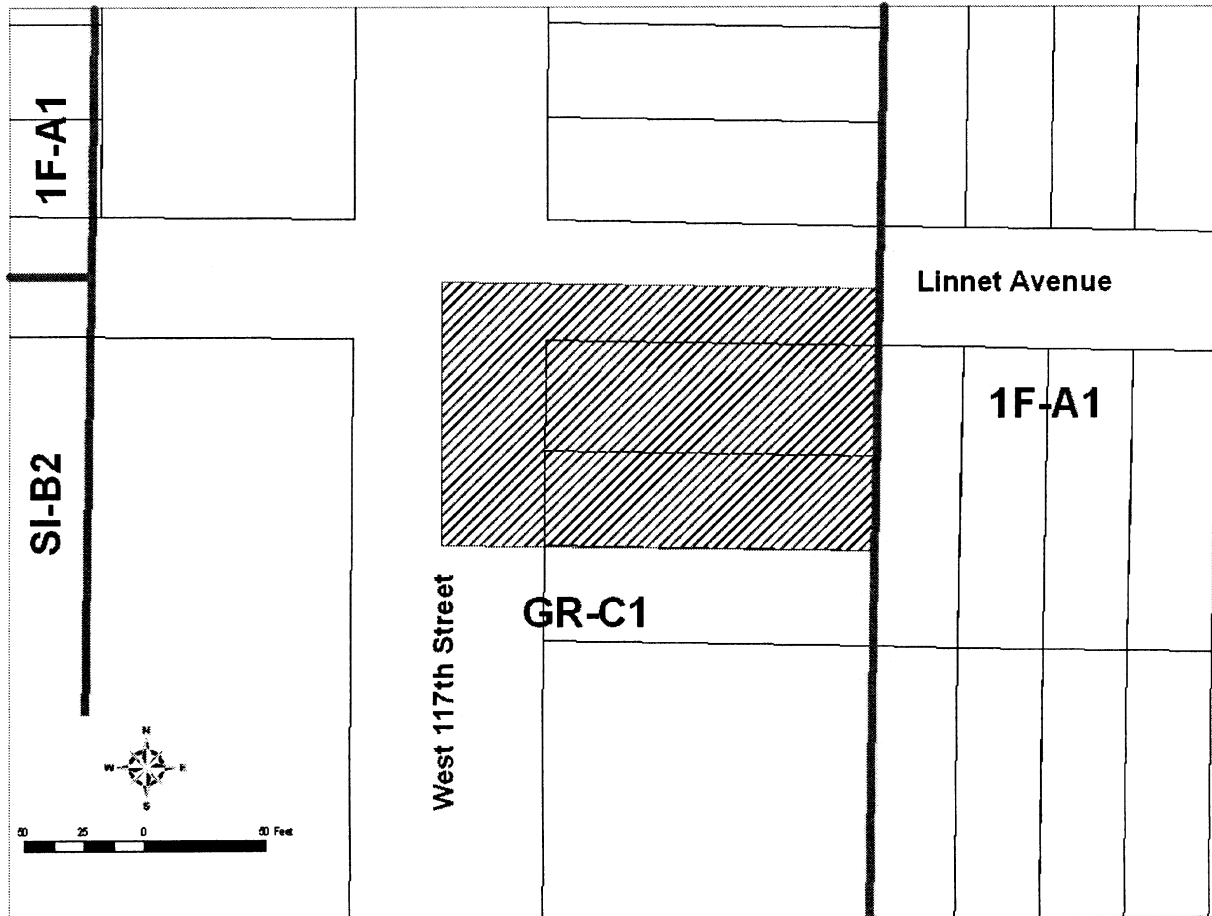
Thence Westerly along said Northerly line of said Sublot Number 359 and its Westerly prolongation to its intersection with the centerline of West 117th Street;

Thence Northerly along said centerline of West 117th Street to its intersection with the centerline of Linnet Avenue and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2175, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Referred to Directors of City Planning Commission, Law; Committee on City Planning.

**FIRST READING EMERGENCY
ORDINANCES READ IN FULL
AND PASSED**

Ord. No. 254-06.

By Council Members Coats, Johnson, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Euclid - St. Clair Development Corporation, for a term of ten years, with one option to renew for an additional ten year period, for the purpose of providing office space.

Whereas, the City of Cleveland owns certain property known as 813 East 152nd Street, which is not needed for public use; and

Whereas, the Euclid - St. Clair Development Corporation has proposed to lease the property from the City; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Euclid - St. Clair Development Corporation ("Lessees"), certain property which is not needed for public use for the term of the lease:

P. P. No. 115-22-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 17, 18 and 38 in W.F. Walworth's Subdivision of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 152nd Street (formerly Collamer Avenue) 60 feet wide at its intersection with the Southerly line of said Sublot No. 18; thence Northerly along the Easterly line of East 152nd Street about 50.023 feet to the Northwesterly corner of land conveyed to The Collinwood Masonic Temple Association by deed filed for record May 31, 1940, and recorded in Volume 5089, Page 25 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to The Collinwood Masonic Temple Association, which is also the Southerly wall of a brick building located on said Sublot No. 17, about 115 feet to the Northeasterly corner of land so conveyed to The Collinwood Masonic Temple Association; thence Southerly along the Easterly line of land so conveyed to the Collinwood Masonic Temple Association; about 0.08 feet to the Northerly line of said Sublot No. 18; thence Easterly along the Northerly line of said Sublot No. 18, 40 feet to the Northwesterly corner of said Sublot No. 38, thence Southerly

along the Westerly line of said Sublot No. 38, 12 feet to a point; thence Easterly and parallel to the Northerly line of said Sublot No. 38, 173 feet 5 inches to the Westerly line of East 154th Street (formerly Clinton Street); thence Southerly along the Westerly line of East 154th Street, 38 feet to the South-easterly corner of said Sublot No. 38; thence Westerly along the Southerly line of said Sublot Nos. 38 and 18, 328 feet 5 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 115-22-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 155 feet of Sublot No. 19 and the Westerly 33 feet of Sublot No. 39 in W.F. Walworth's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records and together forming a parcel of land having a frontage of 50 feet on the Easterly side of East 152nd Street (formerly Collamer Avenue) and extending back of equal width 188 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 115-22-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 12 feet from front to rear of Sublot No. 38 in W. F. Walworth's Subdivision of a part of Original Euclid Township Lot No. 42 as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records, and being 12 feet front on the Westerly side of East 154th Street (formerly Clinton Street) and extending back of equal width 173.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ten years with one option, exercisable by the Director of Parks, Recreation and Properties, to renew for an additional ten year period.

Section 3. That the property described above shall be leased at a rental of \$1.00 per year, and other valuable considerations which is determined to be fair market value.

Section 4. That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City, including the triple net obligation of Lessees.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 258-06.

By Council Members Britt and Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 2006 Hudson Relays, on April 29, 2006, sponsored by Case Western Reserve University.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2006 Hudson Relays sponsored by Case Western Reserve, on April 29, 2006, starting at "The Rock;" next to Fribley, near the bottom of the elephant steps; in front of Carlton Commons, top of stairs; top of Edgell at Overlook; in front of the Greenhouse Restaurant; corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall); in front of the Peter B. Lewis building, corner of Bellflower and Ford; just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road; in front of Pierce house in the Northside Residential Village; in front of Clark Hall on the Mather Quad; back at "The Rock"; President's Last Lap Only; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 259-06.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 18th Annual Walk for Hunger, on May 13, 2006, sponsored by the Hunger Network of Greater Cleveland.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 18th Annual Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 13, 2006, with the Walk beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th, north on East 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 260-06.

By Council Member White.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Bethany Christian Church to stretch banners at Avon Avenue & Martin

Luther King Drive, for the period from February 23, 2006 to March 23, 2006, inclusive, celebrating the church's 50th Anniversary.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Bethany Christian Church to install, maintain and remove banners at Avon Avenue & Martin Luther King Drive for the period from February 23, 2006 to March 23, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 271-06.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Murtis H. Taylor Multi-Service Center for the Congregate Meals Program through the use of Ward 3 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Murtis H. Taylor Multi-Service Center for the Congregate Meals Program for the public purpose of providing meals to senior citizens and low income residents that reside in the city of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not

to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 256-06.

By Council Member Pierce Scott. An emergency resolution objecting to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit to 907 East 105th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Corp., DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 907 East 105th Street, Cleveland, Ohio 44108, Permanent Number 3019386; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure pro-

viding for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Corp., DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 907 East 105th Street, Cleveland, Ohio 44108, Permanent Number 3019386, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 261-06.

By Council Member Lewis.

An emergency resolution supporting the location of a community-based correctional facility at 4801 Chester Avenue, the former Ward Bakery site.

Whereas, plans for a community-based correctional facility in Cuyahoga County are being discussed; and

Whereas, one of the sites being considered for the community based correctional facility is the former Ward Bakery location at 4801 Chester Avenue; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council supports the location of a community-based correctional facility at 4801 Chester Avenue, the former Ward Bakery site.

Section 2. That the Clerk of Council shall transmit a copy of this resolution to the Commissioners of Cuyahoga County and to Lee Trotter, Deputy County Administrator.

Section 3. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 262-06.

By Council Member Brancatelli.

An emergency resolution declaring this Council's support of the proposal of Slavic Village Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Slavic Village Homes LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Slavic Village Homes LP proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Slavic Village Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 263-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, South Pointe Commons LP is proposing to develop up to 95 housing units at 3315 West 25th Street, located northeast of the intersection of West 25th Street and Sackett Avenue, Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will serve a special needs population - permanent supportive housing for homeless individuals with disabilities; and

Whereas, support services will be made available, both on and off-site to these individuals; and

Whereas, the South Pointe Commons LP proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 264-06.

By Council Member Pierce Scott.
An emergency resolution declaring this Council's support of the proposal of Cleveland New Construction Limited Partnership IV to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland New Construction Limited Partnership IV is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland New Construction Limited Partnership IV proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Cleveland New Construction Limited Partnership IV to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 265-06.

By Council Member Pierce Scott.
An emergency resolution declaring this Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII - SC to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates

housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland Housing Network Limited Partnership XXII - SC is proposing to develop up to 60 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland Housing Network Limited Partnership XXII - SC proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of the Cleveland Housing Network Limited Partnership XXII - SC to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 266-06.

By Council Member Pierce Scott.
An emergency resolution declaring this Council's support of the proposal of Cleveland West Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cleveland West Homes LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the

West submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland West Homes LP proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Cleveland West Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 267-06.

By Council Member Pierce Scott.
An emergency resolution declaring this Council's support of the proposal of Erieview Homes II LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Erieview Homes II LP is proposing to develop up to 60 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to house-

holds whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Erieview Homes II LP proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of the Erieview Homes II LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 268-06.

By Council Member Santiago.

An emergency resolution declaring this Council's support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, South Pointe Commons LP is proposing to develop up to 95 housing units at 3315 West 25th Street, located northeast of the intersection of West 25th Street and Sackett Avenue, Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will serve a special needs population - permanent supportive housing for homeless individuals with disabilities; and

Whereas, support services will be made available, both on and off-site to these individuals; and

Whereas, the South Pointe Commons LP proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 269-06.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Cogswell Hall to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funding.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits and Housing Development Assistance Program (HDAP) funds for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cogswell Hall, Inc. is proposing to develop 42 housing units at 7200 Franklin Boulevard; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 60% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, 10% of these housing units will serve households with incomes at or below 35% of the area median income; and

Whereas, this project will not target special needs populations; and

Whereas, the Cogswell Hall, proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Cogswell Hall to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funds.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Cogswell Hall, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 270-06.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Detroit Avenue Greens to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funding.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits and Housing Development Assistance Program (HDAP) funds for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Detroit Shoreway Community Development Organization is proposing to develop 47 housing units located at 7306, 7312, 7918, and 8003 Detroit Avenue; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 60% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, 10% of these housing units will serve specifically households with incomes at or below 35% of the area median income; and

Whereas, this project will not target special needs populations; and

Whereas, the Detroit Avenue Greens proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Detroit Avenue Greens to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funds.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Detroit Shoreway Community Development Organization.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1266-05.

By Council Members Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Mayor and Directors of Parks, Recreation and Properties and other City officers to enter into an amendment to Common Area Maintenance Agreement No. 48828 between the Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc. the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC, the Cleveland Browns Football Company LLC, and the Cleveland Browns Holdings LLC for maintenance of the common areas of the North Coast Harbor.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Relieved of Committee on Public Parks, Property and Recreation; Passage recommended by Committee on Finance; when amended as follows:

1. In Section 1, at item (a), lines 1 and 2, strike "and make the City solely responsible for all capital improvements".

2. In Section 1, at item (b), strike lines 2, 3, and 4 in their entirety and insert "above, the City will be responsible for all capital repairs".

3. In Section 1, strike items (c), (d), and (e) in their entirety and insert:

"(c) Removing the parking area on East 9th Street Pier from the currently defined CAM area; and

(d) Removing the skate park area from the currently defined CAM area."

4. Insert new Section 3 to read as follows:

"Section 3. That commencing at three years after the passage of this ordinance and every three years thereafter, the Director of Public Service shall cause an inspection to be made of the bulkhead at North Coast Harbor and the common areas of the North Coast Harbor and report the findings to this Council."

5. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Those voting yea: Council Members Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Reed, Santiago, Turner, Westbrook, White and Zone. Absent: Council Member Pierce Scott.

Council Member Sweeney recused himself.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1302-05.

By Council Member Polensek.

An emergency ordinance to change the name of Devon Road to Lakeport Road.

Approved by Directors of Public Service, City Planning Commission,

Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1515-05.

By Council Members Cintron, Pierce Scott, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the Northeast Chemical site located at 3301 Monroe Avenue; and authorizing the Director to enter into one or more contracts with West Monroe LLC to implement the project.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1516-05.

By Council Members Zone, Pierce Scott, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the Acorn Chemical Co. located at 8001 Franklin Boulevard; and authorizing the Director to enter into one or more contracts with 8001 Franklin LLC to implement the project.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1641-05.

By Council Members Pierce Scott, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located on the northwest corner of Rockefeller Park at Superior Avenue and declaring certain easement rights no longer needed for public use.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 1892-05.

By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Flats East Development, LLC, to provide development assistance to partially finance the development of entertainment and retail space located in downtown Cleveland at the mouth of the Cuyahoga River on Lake Erie, and certain other costs necessary to redevelop the property.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development City Planning; Passage recommended by Committee on Finance; when amended as follows:

1. In the title, line 4, after "LLC," insert "and/or the Cleveland-Cuyahoga County Port Authority"; and strike lines 5, 6, 7, 8, and 9 in their entirety and insert "assistance to partially finance the acquisition of land for retail, multifamily rental housing and/or parking facilities at the Project Site and the construction at the Project Site of parking facilities to support retail and/or multifamily rental housing uses at the Project Site."

2. In the third whereas clause, line 3, strike "October 13th, 2005" and insert "February 10th, 2005".

3. After the third whereas clause, insert the following new whereas clause:

"Whereas, it is found and determined that the acquisition of land by Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority for retail, multi-family rental housing and/or parking facilities at the Project Site and the construction at the Project Site by Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority of parking facilities to support retail and/or multifamily rental housing uses at the Project site constitute a project in accordance with the Plan, as prepared and approved by the Cleveland Citywide Development Corporation and confirmed by the legislative authority of the City and is approved by the Board; and"

4. In Section 1, line 1, after "LLC" insert "and/or the Cleveland-Cuyahoga County Port Authority"; in line 2, after "bond counsel," insert "and provides the Director of Law with evidence of suitable project financing commitments,,"; in line 3, strike "contract with Flats East Development, LLC" and insert "one or more contracts with Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority"; and strike lines 4, 5, and 6 in their entirety and insert "development assistance to partially finance the acquisition of land for retail, multifamily rental housing and/or parking facilities at the Project Site and the construction at the Project Site of parking facilities to support retail and/or multifamily rental housing uses at the Project Site."

5. In Section 2, line 1, after "loan" insert "**or loans**"; and in line 2, strike "File No. 1892-05-A" and insert "**File No. 1892-05-B**".

6. In Section 3, line 1, after "contract" insert "**or contracts**"; in line 2, between "\$6,000,000" and the comma, insert "**in the aggregate**"; and also in line 2, strike "**Fund No. 10 SF 541**" and insert "**Fund Nos. 10 SF 541 and 10 SF 552**".

7. In Section 4, line 3, between "loan" and the period, insert "**or loans**"; and also in line 3, strike "document" and insert "**documents**".

8. Strike Sections 5 and 6 in their entirety and insert:

"Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan or loans, is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations, and to deposit the monies in Fund Nos. 10 SF 542 and 10 SF 553."

9. Renumber existing sections 7, 8, and 9 to new "**Section 6**", "**Section 7**", and "**Section 8**".

10. In existing Section 7, line 1, after "contract" insert "**or contracts**".

11. In existing Section 8, line 1, after "contract" insert "**or contracts**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1989-05.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Hines Company to encroach into the public right-of-way of Superior Avenue by installing, using, and maintaining 16 bollard lights and 7 planters at 1100 Superior Avenue.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2070-05.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of reconstructing the Eagle Avenue pedestrian access way; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2071-05.

By Council Members Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, bridge approaches and appurtenances and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2072-05.

By Council Members Brady, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing the West 121st Street extension between Sector Avenue and Berea Road; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2085-05.

By Council Member Cimperman.

An emergency ordinance to designate that section of Prospect Avenue from Medical Mutual Plaza at the corner of Prospect Avenue and Huron Road to East 4th Street as "Medical Mutual Way" as a secondary and honorary designation.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2091-05.

By Council Member Lewis.

An emergency ordinance to name the new tennis wall at the Thurgood Marshall Recreation Center as the "Anita Ashford Tennis Wall".

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the title, lines 3 and 4; in the first whereas clause, line 1; and in Section 1, line 2, strike "Anita Ashford" and insert in all three places "**Benita Ashford**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 2092-05.

By Council Member Lewis.

An emergency ordinance to name the refurbished baseball field at the Thurgood Marshall Recreation Center as the "John Roscoe Baseball Field".

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2141-05.

By Council Members Dolan, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the acquisition of certain easement interests from The City Bank Investment Company for the public improvement of constructing a sidewalk on the corner of Rocky River Drive and Lorain Road, for the Department of Public Service.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2142-05.

By Council Members Polensek, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the acquisition of certain easement interests from William E. Dagg for the public improvement of constructing a fire lane turnaround at East 185th Street and Mozina Drive, for the Department of Public Service.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2143-05.

By Council Members White, Brancantelli, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating the Broadway/Miles/Turney intersection and associated improvements; authorizing the Director of

Public Service to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2144-05.

By Council Members Zone, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Augustine Health Campus to encroach into the public right-of-way of 7801 Detroit Avenue by installing, using, and maintaining overhead and underground communication cables.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2153-05.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to ICI Inc., Inter City Investors.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2190-05.

By Council Members Cummins, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 64708 for improvements to Valley Road with Perk Company, Inc. for the Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2198-05.

By Council Members Cimperman, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases

and Supplies to sell City-owned property no longer needed for public use located at West 13th Place and Abbey Avenue to Katherine L. Gluntz.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2202-05.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to K & D Enterprises, Inc., Managing Member of Stonebridge Towers Ltd., to encroach into the public rights-of-way above Washington Avenue and Elm Street by installing, using, and maintaining street level building overhangs at their apartment/condominium building, Phase V to be located at 2020 Center Street.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2230-05.

By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement to lease to Green Energy Ohio property located on the Kirtland Intake Crib for the purpose of conducting a wind study and maintaining a wind monitoring tower for a period of two years and to grant ownership of the lessee's property and associated equipment to the City upon expiration of the lease; determining the method of making the public improvement of installing a wind turbine and associated equipment; authorizing one or more public improvement contracts to construct the improvement; authorizing the employment of one or more professional consultants to design the improvement; and authorizing one or more requirement contracts of labor and materials necessary to maintain the wind turbine, the wind monitoring tower and associated equipment.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Utilities, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2233-05.

By Council Members Polensek, Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the

public improvement of constructing and installing manually controlled pumps and equipment at the Nottingham Plant into the new Plant Computer Control System; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Utilities, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2242-05.

By Council Members Cummins, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance to supplement Ordinance No. 821-05, passed June 6, 2005, by adding new Sections 4a and 4b relating to the reconstruction of Jennings Road, and authorizing an agreement with First Interstate Development Company, Ltd.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2249-05.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 146th and 147th Streets to Cleveland Municipal School District.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 2250-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood Avenue to Tajydeen Bankole and Anita Bankole.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on Community and Economic Development; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 15-06.

By Council Members Cimperman, Lewis, Brady and Sweeney (by departmental request).

An emergency ordinance to amend Resolution No. 2372-04, adopted February 28, 2005, relating to declaring

it necessary to reconstruct or abandon sidewalk vaults encroaching upon the public right-of-way of Euclid Avenue between Public Square and East 70th Street; and revoking any and all existing encroachment permits for all sidewalk vaults in the assessment area.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 88-06.

By Council Member Polensek. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair to Collinwood and Nottingham Village Development Corporation or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 108-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept funds from the United States of America to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of a major disaster for Hurricane Katrina.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 195-06.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from Neighborhood Progress Inc. to evaluate and analyze the operations of the Department of Building and Housing; and authorizing the Director to enter into one or more contracts with The Lean Firm for professional services necessary to implement the grant.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 3, line 2, after "contracts" insert "**collectively shall not exceed \$75,000.00 and**".

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 2145-05.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Penn Court N.W.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

LAI D ON THE TABLE

Ord. No. 1511-05.

By Council Members Cimperman, Westbrook, Johnson and Jackson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 966-05, passed June 6, 2005, relating to the lease of certain properties located on Dock 32 and the East 9th Street pier to the Cleveland-Cuyahoga County Port Authority.

Without objection, Ordinance No. 1511-05 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 1511-05 laid on the table.

MOTION

By Council Member Dolan, seconded by Council Member Cummins, and unanimously carried that the absence of Council Member Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:00 p.m. to meet Monday, February 20, 2006 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

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BOARD OF CONTROL

February 8, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 8, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 36-06.

By Interim Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 515-05, adopted by the Board on September 21, 2005, approving the conditional bid of Electric Laboratories and Sales Corporation, A Hughes Supply Co. for meters and metering Equipment item nos. 1 thru 70, except for such terms and conditions as are unacceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, is hereby amended by deleting item nos. "1 thru 70" and the amount of the total award, "\$3,979,597.60" and substituting "4 thru 70" and "\$3,902,057.60".

Be it further resolved that all other provisions of said Resolution No. 515-05 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: None.

Resolution No. 37-06.

By Interim Director Ciaccia.

Whereas, under authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, and Board of Control Resolution No. 619-05, adopted November 2, 2005, the City, through the Director of Public Utilities, selected Environmental Associates Ltd. as the contractor to provide an estimated quantity of laboratory services for protozoa and biological analysis, for the Division of Water, Department of Public Utilities; and

Whereas, after recommendation and award to Environmental Associates Ltd., the awarded contractor and the only other bidder, Analytical Services, Inc. was unable to meet performance bond requirements now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 619-05, adopted by this Board November 2, 2005, approving Environmental Associates Ltd. as the lowest responsible bidder to provide an estimated quantity of

laboratory services for protozoa and biological analysis, for the Division of Water, Department of Public Utilities, is rescinded.

Be it further resolved that all bids received on September 16, 2005 for an estimated quantity of laboratory services for protozoa and biological analysis, for the Division of Water, Department of Public Utilities, under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 38-06.

By Interim Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultant by URS under City Contract No. 62435 to provide professional services for the, design of storm and sanitary cross connection systems for the Department of Port Control, authorized by Ordinance No. 234-03, passed by the Council of the City of Cleveland on May 12, 2003, and Board of Control Resolution No. 584-03, adopted October 1, 2003, and amended by Board of Control Resolution Nos. 194-04 and 690-05, adopted April 7, 2004 and December 7, 2005, respectively, is approved.

Subconsultant	Contract % Amount
KS Associates	FBE .58% \$9,037

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 39-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on December 15, 2005, for an estimated quantity of trailers, for the various divisions of City government under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 40-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Waste Removal Equipment, Inc. for an estimated quantity of roll-off hoist bodies, including the trade-in of one used cab/chassis with roll-off hoist body,

for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on December 15, 2005, under to the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity, less an allowance of \$2,000.00 for the value of the trade-in, would amount to \$34,251.00 (1%-10), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154382

which shall be certified against the contract in the sum of \$34,251.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 41-06.

By Interim Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on December 22, 2005, for an estimated quantity of compact, hybrid, station wagons/SUVs (Item 1), for the various divisions of City government, under the authority of Ordinance No. 829-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 42-06.

By Interim Director Wasik.

Resolved, by the Board of Control of the City of Cleveland that the bid of Midwest Industrial Supply Inc. for an estimated quantity of Emulsion and Purging Solution (all items) for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of this contract, received on January 11, 2006, under the authority of Ordinance No. 466-05, passed April 25, 2005, which on the basis of the estimated quantity would amount to \$105,092.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, and shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 160015

which shall be certified against the contract in the sum of \$28,276.80.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 43-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the conditional bid of Excellence, Inc. except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of emergency medical bodies and equipment, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on November 30, 2005, under the authority of Ordinance No. 762-05, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$939,620.82 (1%-5, Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide, for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154381

which shall be certified against the contract in the sum of \$939,620.82.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

Resolution No. 44-06.

By Interim Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Bob McDorman Chevrolet Inc. for an estimated quantity of cab/chassis with paint body, for the various divisions of City government, for the period of one year beginning with the date of execution of a contract, received on December 15, 2005, under the authority of Ordinance No. 76205, passed by the Council of the City of Cleveland on May 9, 2005, which on the basis of the estimated quantity would amount to \$188,596.65 (Net-30), is af-

firmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154383 which shall be certified against the contract in the sum of \$188,596.65.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Bob McDorman Chevrolet Inc. for the above-mentioned purchase is hereby approved:

Monroe Truck Equipment, Inc.
\$5,989.00 per unit - 3.18%

JCL Equipment Company
\$149,284.00 per unit - 79.16%

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 27, 2006

9:30 A.M.

Calendar No. 05-388: 16410-16416 Westview Avenue (Ward 1)

Melanie Chapman-Bowen, owner, appeals to establish a Type A Day Care on the premises of two adjacent, single family dwellings, situated on a 45' x 140' parcel and a 40' x 140' parcel in an A1 One-Family District on the south side of Westview Avenue at 16410-16416 Westview Avenue; the proposed Type A Day Care being subject to the limitations of Sections 337.02(f)(3)(C) that require the Board of Zoning Appeals approval, if it is located less than 30' from an adjoining premises in a residential district not used for a similar purpose, to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely effecting the neighborhood.

Calendar No. 06-18: 1319 West 111th Street (Ward 18)

Erik Polyak, owner, appeals to change the use of a two dwelling unit residence to three dwelling units, situated on a 50' x 139' parcel in a B1 Two-Family District on the east side of West 111th Street at 1319 West 111th Street; subject to the limitations of Section 337.03, the proposed three dwelling units are not permitted in a Two-Family District but are first allowed in a Multi-Family District and contrary to Section 349.02, no off-street parking is provided and three spaces are required; with a minimum lot area of 2,400 square feet required per unit, and a total of 6,937.5 square feet provided where 7,200 square feet is required; and there is no interior side yard provided, where an 8' distance is required in Section 357.09(c) of the Codified Ordinances.

Calendar No. 06-20: 1795 Crawford Road (Ward 7)

Benita Martinez, owner, appeals to establish use as a Type A Day Care in an existing two-story building, situated on a 50' x 124' parcel in a Multi-Family District on the east side of Crawford Road at 1795 Crawford Road; subject to the limitations of a Multi-Family District, the proposed day care and uses may not be less than 15' from an adjoining premises in a residential district not used for a similar purpose as stated in Section 337.08(e)(3) of the Codified Ordinances; and the Board of Zoning Appeals approval is required to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely effecting the neighborhood.

Calendar No. 06-26: 1400 East 55th Street (Ward 13)

Goodrich-Gannett Neighborhood Center, owner, and Thomas Graveno, agent, appeal to change the use of

a two-story restaurant to a day care, situated on a triangular shaped corner parcel located in split zoning between Semi-Industry and Two-Family Districts on the southwest corner of East 55th Street and Starnard Avenue at 1400 East 55th Street; the proposed day care being subject to the limitations of Section 337.03 and by reference as regulated in Section 337.02(f)(3)(C), a day care and its uses are required to be 30' from any adjoining premises in a residential district not used for a similar purpose and the playground, the dumpster area and some parking spaces for the proposed day care are located within the Two-Family District; and the Board of Zoning Appeals approval is required to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided and that the use is appropriately located and designed to meet a community need without adversely effecting the neighborhood.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 13, 2006

At the meeting of the Board of Zoning Appeals on Monday, February 13, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-5: 1031 Superior Avenue

The Catholic Diocese of Cleveland appealed to demolish an existing structure and establish a parking lot in its place in a Semi-Industry District.

Calendar No. 06-9: 1611 West 117th Street

Don Ponyicky appealed to construct a surface parking lot in a General Retail Business District.

Calendar No. 06-10: 1373 East 51st Street

Jordan Brenner and Ohio Technical College appeal to construct a surface parking lot in a Two-Family District.

Calendar No. 06-11: 1374 East 51st Street

Marc Brenner and Ohio Technical College appeal to install 350 square feet of 8' tall ornamental fence on a corner parcel in a Semi-Industry District.

Calendar No. 06-16: 17603 Fairville Avenue

The Cuyahoga Metropolitan Housing Authority appealed to construct 90 new dwelling units in a Two-Family District; subject to conditions.

The following appeals were **Denied:**

None.

The following appeal was **Withdrawn:**

Calendar No. 05-303: 6501-09 Lorain Avenue

Carlo Gutierrez appealed to change the use of a store to a day care in the first floor of a mixed use building in a Local Retail Business District.

The following appeal was **Postponed:**

Calendar No. 05-384: 12115 Euclid Avenue postponed to March 6, 2006.

In Executive Session on February 13, 2006, the following appeals heard by the Board on February 6, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-162: 2603 Scranton Road

Eugene Staiger, owner and Rebecca Riker, tenant, appealed to extend the use of a dog day care business to include a rear 30' portion of a parcel in split zoning between Semi-Industry and Multi-Family Districts.

Calendar No. 05-302: 1623 Allman Court

Eugene Staiger, owner and Rebecca Riker, tenant, appealed to use an "L" shaped parcel in a Multi-Family District as an accessory outside area for a dog day care business.

The following appeals were **Denied:**

Calendar No. 06-2: Appeal of Kashmir Singh

Kashmir Singh appealed from the suspension of a City of Cleveland Hack License.

Calendar No. 06-3: Appeal of Joseph H. Singh

Joseph Singh appealed from the suspension of a City of Cleveland Hack License.

Calendar No. 06-8: Appeal of Sucha Singh

Sucha Singh appealed from the suspension of a City of Cleveland Hack License.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of February 8, 2006

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-2-06.

RE: Appeal of Palik Properties, Inc. (Meyers Corbox), Owner of the

Property located on the premises known as 6701 Hubbard Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated November 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled in sixty (60) days, April 5, 2006.

* * *

Docket A-5-06.

RE: Appeal of Roy Middlebrooks, Owner of the Two Story Masonry Property located on the premises known as 3695 East 131st Street from a NOTICE OF VIOLATION — PLUMBING, of the Director of the Department of Building and Housing, and from a NOTICE OF VIOLATION — FIRE CODE, of the Chief of the Division of Fire, both dated January 6, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-5-06 has been POSTPONED; to be rescheduled for February 22, 2006.

* * *

Docket A-6-06.

RE: Appeal of Zaclon, LLC, Owner of the Property located on the premises known as 2981 Independence Road from an EMERGENCY CEASE OPERATIONS, VACATE and FIRE WATCH ORDER — FIRE CODE of the Chief of the Division of Fire, dated January 25, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to issue a Restraining Order to the Certification Under C.C.O. 3013.20(e)(3) filed by the Fire Prevention Bureau for a period of two (2) weeks to be acted upon at the February 22nd, 2006 meeting. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-7-06.

RE: Appeal of Charles Eadeh, Owner of the Property located on the premises known as 15803 Lorain Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 23, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances required and permit the awning to be installed as proposed. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

Docket A-8-06.

RE: Appeal of University Hospitals of Cleveland, Owner of the Property located on the premises known as 2040 University Hospital Drive from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 31, 2006, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances and permit the space to be constructed as proposed without extending the sprinkler system or elaborating on the one-hour separation other than using the ceiling and the wall below the ceiling. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-124-05—Gregory G. Huth.
A-3-06 — Parish Church Of The Transfiguration.
A-4-06—Forest City.

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

January 25, 2006

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, FEBRUARY 23, 2006

Labor and Materials Necessary to Service and Maintain Elevators, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1830-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 3:00 P.M., 3RD DISTRICT, 1ST FLOOR COMMUNITY ROOM, 2001 PAYNE AVENUE, CLEVELAND, OHIO 44114.

Cold Mix Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1876-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 10:00 A.M., DIVISION OF STREETS, ROOM 25, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

SSI Tack Coat, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 1877-05, passed by the Council

of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 17, 2006 AT 10:30 A.M., DIVISION OF STREETS, ROOM 25, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 8, 2006 and February 15, 2006

FRIDAY, FEBRUARY 24, 2006

Various Delco and Leece Neville Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 16, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Various Vehicle Remanufactured Transmission Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 470-04, passed by the Council of the City of Cleveland, April 26, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 16, 2006 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Standard Wire, for the Various Divisions City Government, Department of Finance, as authorized by Ordinance No. Pending Passage.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 16, 2006 AT 10:00 A.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 8, 2006 and February 15, 2006

THURSDAY, MARCH 2, 2006

6th Floor Justice Center and District Jail Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02, passed by the Council of the City of Cleveland, June 10, 2002.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 23, 2006 AT 10:00 A.M., 9TH FLOOR CONFERENCE ROOM, JUSTICE CENTER, 1300 ONTARIO AVENUE, CLEVELAND, OHIO 44113.

2006 Concrete Requirements Contract, for the Division of Engineering and Construction, Depart-

ment of Public Service, as authorized by Ordinance No. 2071-05, pending passage.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 23, 2006 AT 11:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 3, 2006

Unarmed, Uniformed Security Guards Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2133-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 24, 2006 AT 12:00 P.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

February 15, 2006 and February 22, 2006

WEDNESDAY, MARCH 8, 2006

Employee Uniforms, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 1875-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 24, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 24, 2006

Nottingham Water Works Plant Administration Building Project No. 457, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2295-04, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 28, 2006 AT 1:30 P.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 31, 2006

Laboratory Services for Water Quality, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.
THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 10, 2006 AT 1:30 P.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 207-06.

By Council Member Zone.

An emergency resolution objecting to a New C1 Liquor Permit at 5105 Franklin Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, Permanent Number 2714703; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 5105 Franklin Avenue, Inc., 5105 Franklin Avenue, Cleveland, Ohio 44102, Permanent Number 2714703; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 6, 2006.

Effective February 10, 2006.

Ord. No. 1867-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of cellular wireless and paging equipment, including maintenance, training, and monthly and maintenance services, including installation, if necessary, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two one-year options to renew.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period, with two consecutive one-year options to renew, exercisable by the Director of Finance of the necessary items of cellular wireless and paging equipment, including maintenance, training, and monthly and maintenance services, including installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 141985)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be

made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 2208-05.

By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Medical Mutual to encroach into the public right-of-way of East 9th Street and Prospect Avenue by installing, using, and maintaining planter boxes, planting beds and other streetscape obstructions to be approved by the Director of Public Service.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to Medical Mutual, 2060 East 9th Street, ("Permittee") to encroach into the public right-of-way of East 9th Street and Prospect Avenue by installing, using, and maintaining concrete planter boxes, planting beds and other streetscape obstructions to be approved by the Director of Public Service, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Numbers 107 and 108 said parcel being further bounded and described as follows:

Beginning at the intersection of the northerly line of Prospect Avenue, 82.5 feet wide, and the westerly line of East 9th Street, 99 feet wide; and being a 20 foot strip from the building face, to the curb face, northerly along the westerly side of East 9th street to the southerly line of Benjamin Rose Court 15 feet wide and westerly along the northerly side of Prospect Avenue about 266 feet.

Legal Description approved by Greg Esber, Acting Section Chief, Plats, Surveys and House Numbering Section.

Permittee may assign the permit only with the prior written consent of the Director of Public Service.

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Build-

ing Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as that director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 157-06.

By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2231-05, passed December 5, 2005; to supplement the ordinance by adding new Sections 2, 3, 4, 5, 6, 7, 8, and 9; and renumbering existing Sections 2 and 3 to new Sections 10 and 11, sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas.

Whereas, Hurricane Katrina caused catastrophic damage to the Sewerage and Water Board System (SWBS) of New Orleans, Louisiana; and

Whereas, the SWBS requested aid of other utilities through the Louisiana Office of Homeland Security and Emergency Preparedness, and through the Emergency Management Assistance Compact (EMAC), to support SWBS in restoring its water system, and various municipal utilities across the country are sending crews to assist in relief efforts; and

Whereas, the Division of Water is able to provide support with two self-contained teams of up to a total of 35 employees, complete with vehicles and equipment, to assist with meter reading, meter installation, meter repairs, and other critical tasks for a period of approximately four to six weeks in two rotations of approximately two or three weeks for each team; and

Whereas, the conditions caused by Hurricane Katrina constitute an emergency requiring immediate purchases without formal competitive bidding to prevent the interruption of public service endangering public health, safety or welfare; and

Whereas, the City may apply for reimbursement of eligible costs from funds provided by or through the Federal Emergency Management Agency (FEMA) and other agencies; and

Whereas, this Council determines that providing the assistance described in this ordinance is a proper public purpose; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the title and Section 1 of Ordinance No. 2231-05, passed December 5, 2005, are amended to read as follows:

An emergency ordinance authorizing the Mayor and/or the Director of Public Utilities to apply for and accept funds from the United States of America and from other agencies for costs incurred as a result of sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas; authorizing the Mayor and/or the director to accept gifts and cash donations from public and private entities to assist with the support; authorizing the Mayor and/or the director to enter into one or more contracts with various vendors to purchase or lease equipment, labor and/or materials, supplies, and other items and services, including travel, necessary to implement the relief effort; and authorizing the Director of Finance to procure credit cards for use by City personnel on location in Louisiana for purchases authorized by this ordinance when it is impracticable to accomplish such purchases locally.

Section 1. That the Mayor and/or the Director of Public Utilities are authorized to apply for and accept funds from the United States of America, acting through the Federal Emergency Management Agency, and from other agencies to reimburse the Department of Public Utilities' costs incurred as a result of sending Department of Public Utilities' employees to the State of Louisiana to assist with restoring utilities to flood-damaged areas. The Mayor and/or the Director of Public Utilities are authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the Department of Public Utilities.

Section 2. That the existing title and Section 1 of Ordinance No. 2231-05, passed December 5, 2005, are repealed.

Section 3. That Ordinance No. 2231-05, passed December 5, 2005, is supplemented by adding new Sections 2, 3, 4, 5, 6, 7, 8, and 9 to read as follows:

Section 2. That the Director of Public Utilities is authorized to accept gifts and cash donations from public and private entities for the purpose of providing additional support to the Department of Public Utilities' employees going to the State of Louisiana to assist with restoring utilities to flood-damaged areas. The Director of Public Utilities is authorized to file all papers and execute all documents necessary to receive the gifts and cash donations under this ordinance, and the cash donations are appropriated for this purpose.

Section 3. That the Director of Public Utilities is authorized to submit proposals to respond to requests to perform the services described in this ordinance, and to accept funds as payment for performance of such services.

Section 4. That the Commissioner of Purchases and Supplies is authorized to purchase by direct award to Bennett International Group each or

all of the following items: equipment, labor and/or materials, supplies, and other items and services necessary to procure transportation and related services to deliver vehicles and related equipment to and from New Orleans, including loading and unloading services, on the basis of Bennett International Group's proposal dated January 12, 2006.

Section 5. That the Commissioner of Purchases and Supplies is authorized to purchase temporary lodging for City employees at the base camp established through the State of Louisiana and/or FEMA or other agencies on the basis of the fee schedule applicable to other responding utilities generally.

Section 6. That the Commissioner of Purchases and Supplies is authorized to purchase by direct award to Continental Airlines round-trip airfare for the City employees assisting in the relief effort on the basis of Continental Airlines' proposal dated January 25, 2006.

Section 7. That, notwithstanding and as an exception to Section 181.08 of the Codified Ordinances, for purchases or contracts involving an expenditure of not more than \$10,000, procurements of such articles, commodities, supplies, material, or equipment by noncompetitive purchase in the market for the best price obtainable may be made using procedures and policies approved by the Director of Finance.

Section 8. That the Director of Finance is authorized to procure credit cards for use by City personnel on location in Louisiana for purchases authorized by this ordinance when it is impracticable to accomplish such purchases locally. The credit limits of such credit cards shall not exceed the sum certified for that purpose, and the use of the credit cards shall conform to policies issued by the Director of Finance.

Section 9. That the costs of all purchases authorized by this ordinance shall be paid from Fund 52 SF 001 and from the fund or funds to which are credited cash donations accepted for the purposes described in this ordinance, and from the fund or funds to which are credited reimbursement funds received from FEMA or from other agencies for the purposes described in this ordinance. (RL 161501)

Section 4. That existing Sections 2 and 3 of Ordinance No. 2231-05, passed December 5, 2005, are renumbered to "Section 10" and "Section 11".

Section 5. That in the event that the Mayor and/or the Director of Public Utilities are unable by June 12, 2006 to execute the papers and documents necessary to secure a commitment of funding for this work from the United States of America as described in Section 1, then this ordinance shall expire and be of no further force and effect.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 201-06.**By Council Member Sweeney.****An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, relating to fees for publications and services.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance publications reflecting amendments passed by Cleveland City Council through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I. Administrative Code	\$ 28.10
Part II. Health Code	\$ 17.04
Part III. Land Use Code, Planning and Housing	\$ 14.94
Part III. Zoning Code	\$ 10.40
Part III. Land Use Code, Housing Code	\$ 14.25
Part III. Land Use Code, Fire Prevention Code	\$ 19.60
Part III. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 28.10
Part VI. Offenses and Business Activities Code	\$ 19.75
Complete Set	\$323.12

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from January 1, 2005 through December 31, 2005:

<u>Supplement Unit</u>	<u>Cost</u>
Charter	\$ 12.95
Part I.	\$ 19.76
Part II.	\$ 14.75
Part IIIa.	\$ 12.95
Part IIIb.	\$ 6.15
Part IIIc.	\$ 14.00
Part IIId.	\$ 12.95
Part IIIe.	\$ 7.00
Part IV.	\$ 4.70
Part V.	\$ 16.55
Part VI.	\$ 8.75
Complete Bound Set	\$113.75

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 353-05, passed March 7, 2005, is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 202-06.**By Council Member Britt.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Restoration Society to stretch a banner across the intersection of Carnegie and Stokes Boulevard, for the period from February 7, 2006 to March 7, 2006, inclusive, publicizing the 2006 Annual Benefit and Silent Auction at John Hay High School.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove a banner across the intersection of Carnegie and Stokes Boulevard for the period from February 7, 2006 to March 7, 2006, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 203-06.**By Council Member Cleveland.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Sylvester Hardy)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Sylvester Hardy.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 204-06.**By Council Members Cimperman and Sweeney.**

An emergency ordinance authorizing the Director of Finance to provide payment to the Greater Cleveland Partnership to assist with the efforts of the Cleveland Defense Industry Alliance to retain the Defense Department's Defense Finance and Accounting facility in the City of Cleveland.

Whereas, in May, 2004, the Department of Defense recommended that the Defense Finance and Accounting (DFAS) facility in Cleveland be closed; and

Whereas, after this announcement, the Greater Cleveland Partnership created the Cleveland Defense Industry Alliance in an effort to convince the Department of Defense and the Base Closure and Realignment Commission to maintain a DFAS facility in Cleveland;

Whereas, the Cleveland Defense Industry Alliance has been supported financially by the State of Ohio, the Cuyahoga County Board of Commissioners and the business community in its efforts to keep the DFAS Cleveland facility open; and

Whereas, the Cuyahoga County Board of Commissioners has agreed to provide an additional \$25,000, if the City of Cleveland would match that contribution; and

Whereas, maintaining a DFAS facility in Cleveland is essential to the economic future of the City of Cleveland, as it represents more than 1,000 jobs in downtown Cleveland; and

Whereas, DFAS Cleveland has the potential to expand its workforce in the future; and

Whereas, Cleveland City Council agrees that the DFAS Cleveland facility is important to the City's economic vitality and agrees to provide a contribution in order to assist in the efforts to retain the DFAS Cleveland facility in the City; and

Whereas, payment to assist with the efforts to retain the DFAS Cleveland facility is a proper public purpose; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to provide a payment in an amount not to exceed \$25,000 to the Greater Cleveland Partnership to assist with the efforts of the Cleveland Defense Industry Alliance to retain the Defense Department's Defense Finance and Accounting facility in the City of Cleveland. Said funds shall be paid from Fund 632000-010100-01001. That said director is hereby authorized to execute any documents necessary in order to carry out this transaction.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 205-06.**By Council Member Cimperman.**

An emergency ordinance to amend the Title and Section 1 of Ordinance No. 2159-05 passed December 5, 2005, relating to a grant agreement to assist with costs related to the development of the Ohio and Erie Towpath Trail.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Title and Section 1 of Ordinance No. 2159-05, passed December 5, 2005, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with North Cuyahoga Valley Corridor, Inc. to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with North Cuyahoga Valley Corridor, Inc. to assist with costs related to the development of the Ohio and Erie Towpath Trail through the City of Cleveland, and promoting the City as a tourist destination along the trail.

Section 2. That the existing Title and Section 1 of Ordinance No. 2159-05, passed December 5, 2005 are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.

Effective February 10, 2006.

Ord. No. 206-06.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to enter into contract or contracts with Fathom IT Solutions, Inc. professional services to implement changes to the computer network infrastructure and servers in Cleveland City Council, to document technical infrastructure and provide general training and migration, and to provide all related technical network infrastructure and computer services for Cleveland City Council.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Clerk of Council is hereby authorized to enter into a contract or contracts with Fathom IT Solutions, Inc. for the professional services necessary to implement changes to the computer network infrastructure and servers in Cleveland City Council, to document technical infrastructure and provide general training and migration, and to provide all related technical network infrastructure and computer services for Cleveland City Council. Said agreement shall be for a period of one

year, commencing upon the execution of such agreement, with two options, exercisable by the Clerk of Council, to renew all or any portion of these services for additional one-year periods, and cancelable upon thirty days written notice by the Clerk of Council.

Section 2. That the cost of said contract or contracts shall be payable from Fund No. 11006.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 6, 2006.
 Effective February 10, 2006.

COUNCIL COMMITTEE MEETINGS

**Monday, February 13, 2006
 11:00 a.m.**

Mayor's Appointment Committee:
 Present: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Britt, Zone, Coats, Conwell, Pierce Scott, Westbrook, White.

**Tuesday, February, 14, 2006
 9:30 a.m.**

Community and Economic Development Committee: BLOCK GRANT BUDGET HEARINGS: Present: Pierce Scott, Chair; Brancatelli, Vice Chair; Cummins, Coats, Westbrook, Brady, Zone, Lewis, Cimperman.

**Wednesday, February, 15, 2006
 9:30 a.m.**

Community and Economic Development Committee: BLOCK GRANT BUDGET HEARINGS: Present: Pierce Scott, Chair; Brancatelli, Vice Chair; Cummins, Coats, Westbrook, Brady, Zone, Lewis, Cimperman.

**Thursday, February, 16, 2006
 9:30 a.m.**

Community and Economic Development Committee: BLOCK GRANT BUDGET HEARINGS: Present: Pierce Scott, Chair; Brancatelli, Vice Chair; Cummins, Coats, Westbrook, Brady, Zone, Lewis, Cimperman.

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