

# The City Record

Official Publication of the Council of the City of Cleveland



July the Twentieth, Two Thousand and Eleven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Jeffrey D. Johnson
- 9 Kevin Conwell
- 10 Eugene R. Miller
- 11 Michael D. Polensek
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Jay Westbrook
- 17 Dona Brady
- 18 Martin J. Sweeney
- 19 Martin J. Keane

The City Record is available online at  
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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

- 1 Terrell H. Pruitt 3877 East 189th Street 44122
- 2 Zachary Reed 3734 East 149th Street 44120
- 3 Joe Cimperman P.O. Box 91688 44101
- 4 Kenneth L. Johnson 2948 Hampton Road 44120
- 5 Phyllis E. Cleveland 2369 East 36th Street 44105
- 6 Mamie J. Mitchell 12701 Shaker Boulevard, #712 44120
- 7 TJ Dow 7715 Decker Avenue 44103
- 8 Jeffrey D. Johnson 9024 Parkgate Avenue 44108
- 9 Kevin Conwell 10647 Ashbury Avenue 44106
- 10 Eugene R. Miller 13615 Kelso Avenue 44110
- 11 Michael D. Polensek 17855 Brian Avenue 44119
- 12 Anthony Brancatelli 6924 Ottawa Road 44105
- 13 Kevin J. Kelley 5904 Parkridge Avenue 44144
- 14 Brian J. Cummins 3104 Mapledale Avenue 44109
- 15 Matthew Zone 1228 West 69th Street 44102
- 16 Jay Westbrook 1278 West 103rd Street 44102
- 17 Dona Brady 1272 West Boulevard 44102
- 18 Martin J. Sweeney 3632 West 133rd Street 44111
- 19 Martin J. Keane 15907 Colletta Lane 44111

City Clerk, Clerk of Council – Patricia J. Britt, 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

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

**OFFICE OF CAPITAL PROJECTS** – Jonmarie Wasik, Director

**DIVISIONS:**

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – \_\_\_\_\_, Manager

Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106; Michael Ruffing, Law Librarian, Room 100

**DEPT. OF FINANCE** – Sharon Dumas, 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 – \_\_\_\_\_, 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** – Barry A. Withers, Director, 1201 Lakeside Avenue

**DIVISIONS:**

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – \_\_\_\_\_, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – \_\_\_\_\_, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins

International Airport, 5300 Riverside Drive

**DIVISIONS:**

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

**OFFICES:**

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

**DIVISIONS:**

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – \_\_\_\_\_, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

**DEPT. OF PUBLIC HEALTH** – Karen Butler, Interim Director, Mural Building, 75

Erievue Plaza

**DIVISIONS:**

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

**DIVISIONS:**

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

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 COMMUNITY DEVELOPMENT** – Daryl Rush, Director

**DIVISIONS:**

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager

Neighborhood Development – \_\_\_\_\_, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

**DEPT. OF BUILDING AND HOUSING** – Edward W. Rybka, Director, Room 500

**DIVISIONS:**

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

**DEPT. OF HUMAN RESOURCES** – Deborah Southerington, Director, Room 121

**DEPT. OF ECONOMIC DEVELOPMENT** – Tracey A. Nichols, Director, Room 210

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

**COMMUNITY RELATIONS BOARD** – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Fluckinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, 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 Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L.

Render, Genesis O. Brown.

**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 Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey,

Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert

Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Iutu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

## CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

### JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J.

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, JULY 20, 2011

No. 5093

## CITY COUNCIL

MONDAY, JULY 18, 2011

The City Record  
Published weekly by the City Clerk,  
Clerk of Council under authority  
of the Charter of the  
City of Cleveland  
The City Record is available  
online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

11:00 A.M. — **Public Service Committee:** Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

11:00 A.M. — **Legislation Committee:** Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

#### WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

#### WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

1:30 P.M. — **City Planning Committee:** Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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

**Rules Committee:** Sweeney, Chair; Cleveland, Keane, Polensek, Pruitt.

**Personnel and Operations Committee:** Westbrook, Chair; Conwell, K. Johnson, Kelley, Mitchell, Sweeney, Zone.

**Mayor's Appointment Committee:** Dow, Chair; Cleveland, Kelley, Miller, Sweeney.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

### BOARD OF CONTROL

July 13, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 13, 2011, at 10:31 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Absent: Mayor Jackson.

Natoya Walker-Minor, Interim Director Office of Equal Opportunity.

James Hardy, Commissioner, Purchases & Supplies.

On motions, the following resolutions were adopted, except as may be otherwise noted:

#### Resolution No. 320-11.

By Director Dumas.  
Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Pur-

chases and Supplies for the sale of scrap, personal property, and by-products during the month of June, 2011 in the amount of \$8,836.22, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### Resolution No. 321-11.

By Director Dumas.  
Resolved, by the Board of Control of the City of Cleveland that the bid of QuadMed Inc., for an estimated quantity of medical supplies, for group E all items, for various divisions of City government, for a period of one year beginning with the date of execution of the contract, with an option to renew for one additional year, received on April 14, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$134,239.38, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$6,711.97.

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 delivery orders, separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### Resolution No. 322-11.

By Director Dumas.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Penn Care, Inc., for an estimated quantity of medical supplies, for group I all items, for various divisions of City government, for a period of one year beginning with the date of execution of the contract, with an option to renew for one additional year, received on April 14, 2011, under the authority of Section 181.101 of the Codified Ordinances of

Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$47,235.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$2,361.75.

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 delivery orders, separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 323-11.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on April 14, 2011 for an estimated quantity of medical supplies, groups A and H, for various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 324-11.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Independence Office & Business Supply Co., Inc., for an estimated quantity of office supplies, all items, for various divisions of City government, for a period of two years beginning with the date of execution of the contract, with two one-year options to renew, received on May 19, 2011, under the authority of Ordinance No. 867-10 passed by Cleveland City Council on August 18, 2010, which on the basis of the estimated quantity would amount to \$73,895.55, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$3,694.78.

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 delivery orders, separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 325-11.**

By Director Withers.

Whereas, under the authority of Ordinance No. 456-10, passed by the Council of the City of Cleveland on May 10, 2010, and Resolution No. 293-10, adopted by this Board of Control on July 21, 2010, the City through its Director of Public Utilities, entered into Contract No. PS2010\*241 with EnergyCAP, Inc. ("Consultant"), to provide professional services necessary to acquire one or more software licenses or to develop an energy data management system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues, for Cleveland Public Power, Department of Public Utilities for a fee of \$130,000.00; and

Whereas, Ordinance No. 456-10 authorizes this Board of Control to fix the compensation paid to Consultant; and

Whereas, the total compensation to be paid to Consultant for services rendered to Cleveland Public Power under Contract No. PS2010\*241 has been exhausted and the Division of Cleveland Public Power requires additional products and services; and

Whereas, the City desires to have Consultant provide additional products and services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a first modification to Contract No. PS2010\*241 with EnergyCAP, Inc. to provide certain additional products and services for Cleveland Public Power, for a fee of \$45,000.00, thereby increasing the total compensation under Contract No. PS2010\*241 from \$130,000.00 to \$175,000.00. The first modification shall be prepared by the Director of Law and shall include such additional provisions as that Director deems necessary to benefit and protect the public interest.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 326-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of East Jordan Iron Works, Inc. for an estimated quantity of casting items, items 29, 30 & 34, 33 & 36, 37 through 48, 49 through 61, 65 through 69, and 73, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities, for a period of one year starting upon execution of the contract, received on March 3, 2011 under the authority of Sections 129.25, 129.26, and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$511,659.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$25,582.95.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent delivery orders separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 327-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Neenah Foundry Company for an estimated quantity of casting items, items 31, 32 & 35, 62 through 64, and 70 through 72, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities, for a period of one year starting upon execution of the contract, received on March 3, 2011 under the authority of Sections 129.25, 129.26, and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$51,048.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$2,552.40.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent delivery orders separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 328-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company for an estimated quantity of pullbox items, items 74 through 75, and 83 through 84, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities, for a period of one year starting upon execution of the contract, received on March 3, 2011 under the authority of Sections 129.25, 129.26, and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$17,987.50 (2%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$899.37.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent delivery orders separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 329-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of RA STRAUSS Electric Supply Co. for an estimated quantity of pullbox items, items 76 through 82, for the Divisions of Cleveland Public Power, Water, and Water Pollution Control, Department of Public Utilities, for a period of one year starting upon execution of the contract, received on March 3, 2011 under the authority of Sections 129.25, 129.26, and 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$68,242.50 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$3,412.12.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent delivery orders separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 330-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of WESCO Distribution, Inc. for an estimated quantity of the purchase of various types of safety equipment required for OSHA/PERRP compliance, Group 1, items A-D and Group 3, items C, D, G, I, N, O, P, R, S, T and W, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on May 19, 2011 under the authority of Ordinance No. 870-10, passed August 18, 2010, which on the basis of the estimated quantity would amount to \$366,600.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or

services, which shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$18,330.00.

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 delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 331-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Allstate Industrial, Inc. for an estimated quantity of the purchase of various types of safety equipment required for OSHA/PERRP compliance, Group 3, item B, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on May 19, 2011 under the authority of Ordinance No. 870-10, passed August 18, 2010, which on the basis of the estimated quantity would amount to \$27,000.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$1,350.00.

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 delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 332-11.**

By Director Withers.  
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 19, 2011 for the purchase of various types of safety equipment required for OSHA/PERRP compliance, Group 3, items E and X, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 870-10, passed August 18, 2010, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 333-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Delta Industrial Services, Inc. for an estimated quantity of labor and materials for air duct cleaning, items 1, 2 and 3, for the Division of Water, Department of Public Utilities, received on May 19, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to \$38,975.00 is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a contract for the items.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 334-11.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland, that under Section 139.07 of the Codified Ordinances of Cleveland, Ohio, 1976, the fee for marine craft wishing to moor at the East 9th Street Pier, Inner Harbor and Dock 32 (collectively "Docks") that the Commissioner of Harbor proposes to assess and collect from parties for the use of the Docks is set as follows:

	Docking Fee (Not to Exceed)
Per Day Charge	\$1.50 per linear foot

Be it further resolved that the fee shall be in force and effect for a period not to exceed one year from June 1, 2011 to May 31, 2012.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 335-11.**

By Director Smith.  
Be it resolved by the Board of Control of the City of Cleveland, that under Section 571.88 of the Codified Ordinances of Cleveland, Ohio, 1976, the schedule of fees that the Director of Port Control proposes to assess and collect from parties for use and rental of meeting room space at Cleveland Hopkins International Airport, excepting those parties that Section 571.88 permits to be excepted, is set as follows:

CLEVELAND HOPKINS  
INTERNATIONAL AIRPORT

	Event Charges (Not to Exceed)
1 to 500 square feet meeting room	\$250.00 per day \$125.00 per half day \$ 50.00 per hour
501 to 1,000 square feet meeting room	\$300.00 per day \$150.00 per half day \$ 60.00 per hour
Over 1,000 square feet meeting room	\$450.00 per day \$225.00 per half day \$ 75.00 per hour

Be it further resolved by the Board of Control of the City of Cleveland, that under Section 571.88 of the Codified Ordinances of Cleveland, Ohio, 1976, the schedule of fees that the Director of Port Control proposes to assess and collect from parties for use and rental of meeting room space at Burke Lakefront Airport, excepting those parties that Section 571.88 permits to be excepted, is set as follows:

**BURKE LAKEFRONT AIRPORT**

	Event Charges (Not to Exceed)
Main Lobby/ West Concourse	\$1,000.00 per day
Small Conference room	\$ 200.00 per day \$ 100.00 per half day
Large Conference room	\$ 250.00 per day \$ 150.00 per half day

Be it further resolved that Resolution No. 255-10, adopted June 23, 2010, is rescinded effective April 30, 2011, and that the rental rates shall be in force and effect for a period not to exceed one year from April 30, 2011 to April 30, 2012.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 336-11.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultant by Science Applications International Corporation, under City Contract No. PS2010\*039 to provide professional services necessary to provide management of sampling and analytical service needs at Cleveland Hopkins International and Burke Lakefront airports, authorized by Ordinance No. 2103-04, passed by the Council of the City of Cleveland on December 13, 2004 and Board of Control Resolution No. 521-09, adopted November 18, 2009 is approved.

Subconsultant	CSB/MBE/FBE%	Amount
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EnviroScience, Inc.	1.66% Non CSB/MBE/FBE	\$10,000.00
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Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 337-11.**

By Director Smith.

Resolved by the Board of Control of the City of Cleveland that that all bids received for automotive parts, supplies and services necessary for vehicle maintenance, including labor and materials for repair and installation, if necessary, Items 12, 12(a) and 12(b) for the Department of Port Control received on March 25, 2011, under the authority of Ordinance No. 190-07, passed

March 12, 2007, be and the same are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 338-11.**

By Director Cox.

Whereas, under the authority of Ordinance No. 808-09, passed by the Cleveland City Council on June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, Ordinance No. 306-10, passed June 7, 2010, and Ordinance No. 683-11, passed May 23, 2011, the Director of Public Works entered into a Lease By Way of Concession with Downtown Cleveland Alliance for the operation of the bike station in the Gateway North Garage for a period of one year, with two three-year options to renew; and

Whereas, Ordinance No. 808-09, as amended, provides that the Board of Control shall fix the maximum rates for user registration and passes for the bike station; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under authority of Ordinance No. 808-09, passed by the Cleveland City Council on June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, Ordinance No. 306-10, passed June 7, 2010, and Ordinance No. 683-11, passed May 23, 2011, the maximum rates for user registration and passes for the Gateway North Garage bike station are fixed as follows:

- User Registration Fee: A maximum rate of \$30/year
- Monthly Passes: A maximum rate of \$35/month
- Daily Passes: A maximum rate of \$8/day.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 339-11.**

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Spectra Contract Flooring, for the public improvement of 2011 Safety Surface and Signage Improvements, for Base Bid Items 1-27 including the 5% contingency for the Department of Public Works, received on June 10, 2011, under the authority of Ordinance No. 452-11, passed on May 16, 2011, upon a unit basis for the improvement in the aggregate amount of \$99,832.32, is affirmed and approved as the lowest responsible bid; and the Director of Department of Public Works is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Spectra Contract Flooring for the aforementioned public improvement is approved:

**SUBCONTRACTOR**                      **AMOUNT**  
**PERCENTAGE**

Playground Equipment	
Services (other)	\$15,000.00 15.025%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 340-11.**

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 004-09-107 located at West 11th Place in Ward 3; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Tremont North, LLC or designee, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for new construction; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Tremont North, LLC or designee for the sale and development of Permanent Parcel No. 004-09-107 located at West 11th Place, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$100.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 341-11.**

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel No. 004-05-019 located at 1614 Willey Avenue in Ward 3; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Marcelino Colon and Monserrate Colon, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of the parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Marcelino Colon and Monserrate Colon for the sale and development of Permanent Parcel No. 004-05-019 located at 1614 Willey Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$1.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 342-11.**

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Penuanet Parcel No. 015-09-039 located at 3346 West 33rd Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Diane Maruschak and Michael Mays, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of the parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Diane Maruschak and Michael Mays for the sale and development of Permanent Parcel No. 015-09-039 located at 3346 West 33rd Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$1.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

#### **Resolution No. 343-11.**

By Director Nichols.

Whereas, under the authority of Ordinance No. 225-11, passed April 11, 2011, the Commissioner of Purchases and Supplies is authorized to sell City-owned property located at 11905 Superior Avenue ("Tops/Superior Property"), as further described in the ordinance, to Market Redevelopment, LLC and/or Market Redevelopment II, LLC, or designee, ("Market Redevelopment") for purposes of redeveloping the former Tops Supermarket property in accordance with a project agreement described in File No. 225-11-A; and

Whereas, Ordinance No. 225-11 provided that the price for the Tops/Superior Property shall be not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 225-11, passed April 11, 2011, the Commissioner of Purchases and Supplies is directed to convey the Tops/Superior Property subject to restrictive covenants including the environmental covenant currently on the property and reversionary interests specified by the Director of Law to protect the public interest, to Market Redevelopment for the following consideration, which this Board determines to be not less than fair market value:

1. Payment of \$100,000 to the City;

and

2. Payment to the City of a Sales Component Price equal to twenty-five percent (25%), increasing 5% each year beginning on the earlier of the second anniversary of the completion of construction activities on the existing building on the Tops Supermarket Parcel or December 31, 2014, of:

a. Any Ground Lease Income generated from the Outlot Parcel during Market Redevelopment's ownership of the Outlot Parcel, and

b. Any Net Proceeds from Market Redevelopment's sale of the Outlot Parcel; subject to the following conditions:

i. The Outlot Parcel must be sold/leased within 10 years of the date of conveyance of the Outlot Parcel from the City to Market Redevelopment

ii. The Sales Price of the Outlot Parcel shall be determined based on the capitalization of a ground lease at a Cap Rate of no more than 9.5%

iii. Developer will not encumber the Outlot Parcel via mortgage or any other encumbrance; and,

Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the property, which shall contain such additional terms and conditions as the Director of Law and the Director of Economic Development shall deem necessary to protect the public interest.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Butler, Flask, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

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.

ROBERT BENNETT,  
President

**CIVIL SERVICE NOTICE****ANNOUNCEMENTS — 2011  
7/22/11 - 7/28/11**

Announ- cement No.	Exam Method	Classi- fication	Exam Type
68	WR	Accountant I	Open
69	WR	Accountant II	Open
70	WR	Accountant III	Open
71	WR	Accountant IV	Open

**PROOF OF CITY RESIDENCY**

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 68****ACCOUNTANT I (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an OPEN examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$19.61 per hour.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATION WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, JULY 22, 2011 UNTIL 4:30 P.M. ON THURSDAY, JULY 28, 2011.**

**NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JULY 28, 2011.**

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**EXAMINATION INFORMATION**

**TYPE: WRITTEN EXAMINATION**

**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

**DUTIES OF THE POSITION**

Under direct supervision, performs accounting functions in the preparation of financial statements, accounting records, and documents in accordance with established accounting systems. May be required to supervise Accountant Clerks. Performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or G.E.D. is required. An Associate's Degree in Accounting or related field from an accredited college or university is required. Must be able to operate a ten key calculator and be proficient in

various software programs (Substitution: Two years of accounting experience may substitute for each year of college education lacking.) Must be able to lift and carry at least 30 pounds.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

**AN EQUAL OPPORTUNITY EMPLOYER****APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 69****ACCOUNTANT II (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an OPEN examination for the above mentioned classification.

**SALARY**

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$21.52 per hour.

**FILING OF APPLICATION**

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, JULY 22, 2011 UNTIL 4:30 P.M. ON THURSDAY, JULY 28, 2011.**

**NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JULY 28, 2011.**

**THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.**

**EXAMINATION INFORMATION**

**TYPE: WRITTEN EXAMINATION**



**NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.**

#### DUTIES OF THE POSITION

Under direct supervision, performs accounting functions in the preparation of financial systems. Analyzes and reports financial data. May be required to instruct and/or supervise Accountant I's and Accountant Clerks. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or GED from an accredited institution is required. A Bachelor's Degree in Accounting, Finance, Business Administration, or related field from an accredited four year college or university is required. (Substitution: Two years of accounting experience may be substituted for each year of college education lacking.) Must have a working knowledge of various software packages.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 70

#### ACCOUNTANT III (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleve-

land, Ohio of an OPEN examination for the above mentioned classification.

#### SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$23.86 per hour.

#### FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, JULY 22, 2011 UNTIL 4:30 P.M. ON THURSDAY, JULY 28, 2011.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JULY 28, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

#### EXAMINATION INFORMATION

**TYPE:** WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

#### DUTIES OF THE POSITION

Under general supervision, is responsible for performing accounting functions in accordance with established accounting systems. Analyzes reports and data and advises in the procedures of accounting and the preparation of financial data. May be required to instruct and/or supervise Accountants I's & II's and Accountant Clerks. Performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

**MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:**

A High School Diploma or G.E.D. from an accredited institution is required. A Bachelor's Degree in Accounting, Finance, or Business Administration from an accredited four year college or university is required. (Substitution: Two years of accounting experience may be substituted for each year of college education lacking.) Must have at least two (2) years of full

time paid accounting experience. Must have a working knowledge of various software packages.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

#### AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES  
ANNOUNCEMENT NO. 71

#### ACCOUNTANT IV (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an OPEN examination for the above mentioned classification.

#### SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$57,688.76 per year.

#### FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATION WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, JULY 22, 2011 UNTIL 4:30 P.M. ON THURSDAY, JULY 28, 2011.

**NOTE:** APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, JULY 28, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

#### EXAMINATION INFORMATION

**TYPE:** WRITTEN EXAMINATION

**NOTE:** THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY

AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under general supervision, performs complex or specialized accounting functions in accordance with established accounting procedures. Analyzes reports and data. Provides advice concerning accounting and financial data preparation. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or G.E.D. is required. A Bachelor's Degree in Accounting, Finance, or Business Administration is required. Three years of full time paid accounting experience, one of which must be in a supervisory capacity, is required. (Substitution: Two years of accounting experience may substitute for each year of college education lacking.) Individual must be computer literate and have knowledge of various computerized accounting software packages.

**NOTE:** Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

**NOTE:** Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

**NOTE:** Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,  
President

July 20, 2011

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 1, 2011**

**9:30 A.M.**

**Calendar No. 11-106:** 1971 Carter Road (Ward 3)

Carter Peninsula, Inc., owner, and Independence Excavating, Inc., lessee, appeal for a temporary storage (use until 2013) of construction material and waste concrete, and for crushing of concrete on acreage located in a General Industry District; contrary to Section 345.04(b) of the Industrial Districts Regulations, the proposed rock crushing may be only permitted as accessory or incidental to a permitted use and only if approved by the Board of Zoning Appeals through a Special Permit in accordance with the standards of division(c) of this section; and by definition under Section 325.571, "rock crushing" means any activity that uses mechanical processes to break down any man-made or naturally formed, consolidated or coherent and relatively hard mass of material, including but not limited to stone, concrete, cement, asphalt, conglomerate or any similar material into gravel or other small particulate matter; and pursuant to Section 345.04(c) the Board of Zoning Appeals in evaluating applications for Special Permits required by division (b) of this section shall act to ensure that the proposed use or development does not adversely impact other properties and uses located on them and under sub-section (1) the Board shall consider among others the following factors:

A. the degree to which dust, smoke, cinders, heat, flares, odor, fumes, gases, radioactive materials, glare, noise, vibration and other potentially harmful emissions or externalities are effectively confined to the premises of the proposed use;

B. the nature and proximity of nearby uses with respect to their vulnerability to the off-site impacts of the proposed use;

C. the extent to which impacts of the proposed use are comparable to the impacts typically associated with uses permitted in the General Industry District without the requirement for issuance of a Special Permit;

D. hours of operation of the proposed use;

E. hazards associated with combustible, flammable or explosive materials on the property of the proposed use;

F. the potential for adverse impacts to streams, rivers and lakes; and

G. potentially mitigating effects of landscaping, buffering or topographical features;

and by the provisions in sub-section (2) the applicant for a Special Permit in a General Industry District shall submit to the Board of Zoning Appeals an application demonstrating that the use will not adversely impact other properties, specifically with respect to the factors previously listed in Section 345.04(c)(1) of the Cleveland Codified Ordinances.

**Calendar No. 11-108:** 2580 East 93rd Street (Ward 6)

Kash Properties LLC, owner, appeals for a change of use from office and storage to a motor vehicle service garage (pursuant to Cleveland Zoning Code Section 325.487) an existing one-story building located on an 84' x 80' corner lot in a Semi-Industry District; subject to Section 349.07(a & b) accessory off-street parking spaces, driveways and maneuvering areas shall be hard surfaced, striped, properly graded for drainage and be provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond such parking spaces; and under Section 347.08(a) trash areas shall be screened with opaque fencing not lower than the height of the refuse container it encloses; and where the parking abuts the street along East 93rd Street a landscape strip 6 feet wide is required in accordance with Section 352.10 of the Cleveland Codified Ordinances.

**Calendar No. 11-113:** 833 Superior Avenue (Ward 3)

Orange Barrel Media appeals from a decision of the Building and Housing Department dated May 26, 2011 to return their application and filing fee for installation of two (2) wall murals submitted to the Cleveland Department of Building and Housing according to Section 350.161 of the Cleveland Codified Ordinances.

**Calendar No. 11-114:** 1350 West Third Street (Ward 3)

Stark 1350 appeals from a decision of the Building and Housing Department dated May 26, 2011 to return their application and filing fee for installation of two (2) wall murals submitted to the Cleveland Department of Building and Housing according to Section 350.161 of the Cleveland Codified Ordinances.

**Calendar No. 11-115:** 4122 Euclid Avenue (Ward 3)

Orange Barrel Media appeals from a decision of the Building and Housing Department dated May 26, 2011 to return their application and filing fee for installation of two (2) wall murals submitted to the Cleveland Department of Building and Housing according to Section 350.161 of the Cleveland Codified Ordinances.

**Calendar No. 11-116:** 662 Euclid Avenue (Ward 3)

Orange Barrel Media appeals from a decision of the Building and Housing Department dated May 26, 2011 to return their application and filing fee for installation of two (2) wall murals submitted to the Cleveland Department of Building and Housing according to Section 350.161 of the Cleveland Codified Ordinances.

**Calendar No. 11-117:** 1133 West 9th Street (Ward 3)

Orange Barrel Media appeals from a decision of the Building and Housing Department dated May 26, 2011 to return their application and filing fee for installation of two (2) wall murals submitted to the Cleveland Department of Building and

Housing according to Section 350.161 of the Cleveland Codified Ordinances.

**Calendar No. 11-118:** 11101 Magnolia Drive (Ward 8)

The Magnolia Club House, owner, appeals to replace a parking surface to the rear of the property and to add a drop-off loop in the front of a 177.02' x 219.06' parcel located in an AA1 Limited One-Family District; contrary to Cleveland Codified Ordinance 352.09, no transition strip is proposed at the rear where the parking abuts the residential district and a minimum width of 4 feet is required; and the expansion/addition to an existing nonconforming use requires approval from the Board of Zoning Appeals in accordance with Section 359.01 of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JULY 18, 2011**

At the meeting of the Board of Zoning Appeals on Monday, July 18, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 11-97:** 2067 Random Road

Lotus Ventures LLC appealed to erect two dwelling units, one of which will have a home occupation use in a C1 Multi-Family District.

**Calendar No. 11-101:** 9703 Laird Avenue

City of Cleveland Department of Community Development, owner, and Carl Wood, prospective tenant, appealed to construct a parking lot in a C1 Multi-Family District; subject to conditions.

**Calendar No. 11-102:** 5328 Broadway Avenue

Abdul Maji, owner, and John Dranos, tenant, appealed to establish use as a motor vehicle repair garage in a C2 General Retail Business District; subject to conditions.

**Calendar No. 11-103:** 1342 West 78th Street

Cleveland Housing Network appealed to erect a two-story frame dwelling with detached garage in a B3 Semi-Industry District.

**Calendar No. 11-119:** 4308 Franklin Boulevard

Michelle Heimburger appealed to change use of an existing rear carriage house to a single family residence and an existing front single dwelling to a two family residence in a B1 Two-Family District.

**Calendar No. 11-76:** 3800 East 151st Street

Samuel Smith appealed to erect a one-story 33' x 28' garage in an A1 One-Family District.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**

None.

The following appeal was **Postponed:**

**Calendar No. 11-32:** 961 Jefferson Avenue postponed to 9/12/2011.

The following appeals heard by the Board on July 11, 2011 were adopted and approved on July 18, 2011.

The following appeals were **Approved:**

**Calendar No. 11-86:** 1103 Rowley Avenue

Brian Jones, owner, and Steve Siedlecki, agent, appealed to change use from a two-family dwelling to a museum devoted to motion picture Christmas Story in a B1 Local Retail Business District.

**Calendar No. 11-93:** 10015 Walford Avenue

Walford Industrial Park LLC aka Midwest Box Company, owner, and Ray Petro dba Ray's Indoor Mountain Bike Park LLC, tenant, appealed to expand use for a recreation center into an existing structure in a Semi and General Industry District.

**Calendar No. 11-99:** 16001 Holmes Avenue

Valerie Brown, owner, and Dana Fort prospective tenant, appealed to establish use as a beauty salon in the first floor of a two-story building in a B1 Two-Family District.

**Calendar No. 11-104:** 720-754 East 155th Street

The Catholic Diocese of Cleveland, owner, and St. Mary Parish, tenant, appealed to construct a parking lot on property located in a B1 Two-Family District.

The following appeal was **Denied:**

**Calendar No. 11-91:** 10904-08 Clifton Boulevard

Wynmar Building LLC, owner, and Anthony DeRigo, prospective tenant, appealed to establish use for piercing and tattooing in a G3 Multi-Family District.

Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

1183

**VENDOR DEBARMENT AND SUSPENSION POLICY**

**MAYOR FRANK G. JACKSON**

EFFECTIVE DATE: July 20, 2011

Prepared by: Department of Finance  
Sharon Dumas, Director of Finance  
James Hartley, Assistant Director of Finance  
James E. Hardy, Commissioner of Purchases and Supplies

Direct Questions to: The Commissioner of Purchases and Supplies at (216) 664-2629

**Vendor Debarment and Suspension Policy**

**1. General; Purpose of Policy**

a) In contracting with private parties to carry out its usual daily operations, the City of Cleveland (the "City") has legal and ethical responsibilities to its citizens to secure the best bargain for the goods, services, labor and materials it needs. For that reason, the City strives to solicit bids and proposals from and award contracts only to responsible and qualified firms or persons. From time to time, the exercise of due care requires the City to suspend or debar, either temporarily or permanently, a defaulting, unfaithful, or non-performing party to a City contract. The purpose of this document is to set forth the policies and procedures to be followed in all cases to determine when and how to suspend or debar a contracting party (generally, a "Contractor") and what conditions apply to a suspension or debarment.

b) Debarred and suspended Contractors are not eligible to submit bids, offers, or proposals to, or to receive any contract from, the City. Accordingly, a City department may not solicit or accept a bid, offer, proposal, or other contract prerequisite from, recommend an award to, or execute a contract with any debarred or suspended contractor.

**2. Authority to Debar or Suspend**

a) Under Charter Section 108 and Sections 181.08 and 181.10 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O."), the City may award contracts for the purchase of goods and services only to a *lowest and best bidder*. Under Charter Section 167 and Section 185.01 C.O., contracts for Public Improvements may be awarded only to the *lowest responsible bidder*. Sections 181.27 and 185.08 C.O. both prohibit a contract award to any person, firm, or corporation *that is in arrears to the City, has defaulted on any debt, contract or obligation owed to the City, or has failed to perform faithfully any previous City contract.*

b) To carry out the letter and spirit of those sections, the City may need to investigate the background and qualifications of persons or firms doing business with the City to obtain all information necessary to make reasoned administrative decisions, after due process, and take administrative actions necessary to protect the best interests of

the City, up to and including debarment.

c) Debarment and suspension have serious consequences for the debarred or suspended person or firm and, therefore, should be taken only when required for protection of the City's best interests. These actions are not to be construed as punishment. Rather, they are remedies available to the City in addition to, but not as substitutes for, other remedies such as the rejection of bids, cancellation of contracts for non-responsive or irresponsible performance, or filing a claim or an action for recovery under a contract or the bond(s) guaranteeing contract performance. The City will also retain all other rights and remedies it has under any federal, state, or local statutes or ordinances and under the contract.

d) Debarment is available with respect to any type of City contract or transaction, including but not limited to public improvement, procurement of goods or services, professional services, concession agreement, or lease, irrespective of the form, e.g., written contract, purchase order, electronic, or authorized verbal order. In addition, the City may debar a firm for a period of up to 2 years for violation or default of its obligations under the *Cleveland Area Business Code* (see C.O. Chapter 187) and for a period of up to 5 years if a Contractor is convicted of violating the *Fannie M. Lewis Cleveland Resident Employment Law* (see C.O. Chapter 188).

### 3. Authority: The Commissioner of Purchases and Supplies

a) The Commissioner of Purchases and Supplies ("Commissioner") may suspend or debar a Contractor from eligibility for award of a City contract as provided in this Policy.

b) When an emergency occurs or exists requiring an immediate purchase under the authority of Section 181.12 C.O. to prevent an interruption of public service that would endanger public health, safety or welfare, the Commissioner may solicit a bid or an offer from, or enter into contract with a debarred or suspended Contractor when no other reasonably available course of action is possible.

### 4. Imputed Liability

a) The City will impute to the Contractor all liability, and hold a Contractor liable to the City, for all acts of an owner, officer, principal, director, shareholder, partner, agent, employee, associate, representative, affiliate, subcontractor, or supplier of the Contractor, or other person(s) acting on behalf of the Contractor in performance of a City contract. The City will consider a Contractor's receipt and acceptance of any benefit derived under or arising out of performance of a City contract including, but not limited to, compensation, as evidence of its approval, ratification, knowledge of and/or acquiescence in the act of any of the above-mentioned persons that may be a basis for debarment or suspension.

b) Partnerships/Joint Ventures. The City will consider the act of one Contractor in a partnership or a joint venture or any person in a

relation to it named in sub-section a) above acting on behalf of that Contractor as the act of every other partner or joint venturer.

c) Affiliates. Debarment of a Contractor shall include debarment of any of its divisions, organizational elements, or any wholly-owned or controlled affiliate or subsidiary that participated in performance of the City contract.

### 5. Restrictions on Contracting and Subcontracting

a) The City will not accept or approve a bid, proposal, or other communication intended to be the basis of a City contract, or enter into any contract for goods or services, including professional services, or a public improvement, or granting a concession, permission, privilege, or license, or other privilege or right, with a bidder, proposer, or other Contractor, person, or firm that is debarred or suspended by the City, the state of Ohio, or the federal government.

b) The City will not approve for participation in the performance or benefits of a City contract or for grant of a concession, permission, privilege, or license, or other privilege or right, whether as partner, affiliate, subcontractor, supplier, or otherwise, any firm that is debarred or suspended by the City, the state of Ohio, or the federal government.

c) The list of *Vendors Ineligible to Contract or Subcontract with the City* may be accessed at:

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Business/BusinesswithCOC>

or may be furnished in other form upon request to the Commissioner.

The State of Ohio *Certified Search for Unresolved Findings for Recovery* may be accessed at:

[www.auditor.state.oh.us/resources/findings/certified/default.aspx](http://www.auditor.state.oh.us/resources/findings/certified/default.aspx).

The Federal government *Excluded Parties List System (EPLS)* may be accessed at:

<https://www.epls.gov>.

d) The City shall neither accept nor be liable for any increase in costs, or other expenses, delay, loss, or subsequent ineligibility to contract with the City, incurred by a Contractor as a result of the City rejecting any proposed person, firm, partner, affiliate, subcontractor or supplier that is debarred or suspended after the submission of a bid, proposal, or other communication leading to a contract, but before the approval or award of the contract.

### 6. Reasons for Suspension or Debarment

a) The City may suspend or debar a person or firm if any of the following occur within the three (3) years immediately prior to the City's determination to suspend or debar the person or firm:

1. Conviction of a crime or misdemeanor incident to seeking, executing, or performing a public or private contract or any subcontract to the public or private contract;

2. Conviction, whether under federal, state or local law, of embezzlement, theft, perjury, forgery, falsification or destruction of records, receiving stolen property, conflict of interest or any other offense of moral turpitude, business ethics, integrity or honesty;

3. Conviction under federal, state or local law pertaining to submission of bids or proposals for a public contract;

4. Violation of the ethical standards set forth in the Ohio Revised Code or any rules, regulations or code of ethics applicable to the person or firm;

5. Filing of a lawsuit against the City that a court finds to be frivolous or filed in bad faith;

6. Violation of contract terms, conditions, or provisions, as set forth below, of a character which the Commissioner, in consultation with the contracting department director, determines to be so serious as to justify debarment;

7. Failure, absent good cause, to perform any City contract according to its specifications, terms, and conditions, including the time to complete performance. A finding of non-compliance by the Director of OEO, with subsequent notification of the contractor by OEO and then a failure to correct may be considered a failure to perform on the contract;

8. A record of repeated failure within the last three years to perform or of unsatisfactory performance under one or more contracts, or a recurrence of marginal performance in one or more contracts, except when the failure to perform or unsatisfactory performance is determined by the City to have been caused by acts beyond control of the Contractor;

9. Breach of contract or default or failure to cure deficiencies or discrepancies in performance after notice and opportunity to cure under the contract terms; or

10. Any other cause the Commissioner determines to be sufficiently serious and compelling as to represent lack of good faith or responsibility by a City Contractor including, but not limited to, debarment by any other governmental entity.

b) The City may suspend or debar, without additional review, a Contractor or prospective Contractor currently suspended or debarred by any of the following:

1. The United States Government or any agency thereof;

2. The State of Ohio; or

3. Any of the 50 states or any department, political subdivision, agency, district, or other authority thereof having jurisdiction and control over Contractor.

### 7. Period of Debarment

a) The Commissioner shall fix the debarment period at a specific duration not exceeding five (5) years from the debarment determination, according to the guidelines in sub-section b) of this section, unless the reason(s) for debarment remain(s) fundamentally unchanged after expiration of the debarment period. In that case, the Commissioner may extend the debarment period until occurrence of an event set forth in Section 15 a) below.

b) Except when the Commissioner determines that mitigating or

aggravating circumstances existed that justify deviation from the following guidelines, the Commissioner shall fix the debarment period according to the reason in sub-section 6. a), as follows:

1. Reason 1, 2, or 3 - five (5) years;
2. Reason 4 or 5 - three (3) years;
3. Reason 6, 7, 8 or 9 - two (2) years; and,
4. Reason 10 - two (2) to five (5) years, depending upon the circumstances and the gravity of the cause.

#### 8. Suspension

a) The Commissioner, upon concurrence of the Director of Law, may immediately suspend a Contractor from eligibility for award of a City contract upon finding probable cause for debarment, pending the debarment determination. "Probable cause", as used in this Policy, means a preponderance of evidence that demonstrates a reasonable probability that the facts upon which suspension is based are true. The Contractor will be suspended for the lesser of an initial period of 90 calendar days or until the Commissioner makes a final determination with respect to the debarment. The Commissioner may extend the initial suspension period by up to three (3) additional 30 calendar-day periods. During the period of suspension, the City will not solicit bids or proposals from or approve or award a contract to the suspended person or firm, and will not open or consider for a contract any bid or proposal received.

b) The Commissioner shall send written notice of suspension, with a copy of his/her determination, to the suspended Contractor or prospective Contractor by certified mail, return receipt requested, or other method providing proof of receipt. The notice shall inform the Contractor of the provisions in sub-section a) above.

#### 9. Request for Hearing

A Contractor or prospective Contractor receiving a *Notice of Suspension* and/or a *Notice of Proposed Debarment* may, within 10 calendar days after receipt of a *Notice*, submit a written objection and request for a hearing to the Commissioner. If the Contractor or prospective Contractor submits a timely request, the Commissioner will hold a hearing on the objection within a reasonable time after receipt of the request, but not more than 30 days, unless the Contractor and the Commissioner agree otherwise. If the Contractor does not submit a timely objection and request, it waives any right to objection or a hearing, and the City may make a final decision as set forth in Section 11, Decision.

#### 10. Hearing

The Commissioner shall send a written notice, by certified mail, return receipt requested, or other method providing proof of receipt, stating the date, time, and place of the hearing. The Commissioner or his/her designee shall be the hearing officer. A hearing shall be informal and shall afford the Contractor a reasonable opportunity to show why the City should not suspend or

debar Contractor from eligibility to bid or propose to, or enter into contract with, the City. The Commissioner shall permit the Contractor to furnish, at a time before or during the hearing, as the Commissioner determines, such other documentation as the Contractor wishes to establish facts relevant to the determination of suspension or debarment.

#### 11. Decision

a) Within ten (10) calendar days after the hearing, unless circumstances require otherwise or the Commissioner needs time to investigate further, the Commissioner shall issue a final written determination to the Contractor including a recommendation of any action(s) the City should take consistent with the determination and the reasons for the determination and recommended action(s). If unable to issue a determination within 10 days, the Commissioner shall give the Contractor a written notice of delay stating the reason and when the determination will issue. The Commissioner shall concurrently copy the determination or the delay notice to the contracting department director(s) and the Director of Law.

b) Existence of reason for debarment of a Contractor does not necessarily require the City to determine to suspend or debar. In determining whether to suspend or debar a Contractor, the City shall consider the seriousness of the Contractor's actions or failure to act together with any mitigating factors.

#### 12. Appeal

The decision of the Commissioner shall be final. The decision may be appealed in writing to the Board of Zoning Appeals within ten (10) calendar days after receipt of the decision.

#### 13. List of Vendors Ineligible to Contract or Subcontract with the City

a) The Commissioner shall maintain, disseminate, and make publicly available a current list of debarred and suspended persons and firms (*List of Vendors Ineligible to Contract or Subcontract with the City* (the "List")). The List shall clearly state the name of each suspended or debarred person or firm(s), the date of the debarment or suspension determination, and the term of debarment or suspension.

b) The Commissioner will update the List within three (3) working days after any official debarment, suspension or reinstatement action.

c) Publication on the City of Cleveland website will satisfy the publication requirements of subsection a) above of this Section.

d) The Commissioner shall establish procedures for the internal distribution and use of the List to ensure adherence to the policy set forth in Section 5 above precluding soliciting, accepting offers from, or contracting with a debarred or suspended Contractor.

e) The Commissioner may, with concurrence of the contracting department director, respond to inquiries concerning the List.

#### 14. Reduction or Termination of Debarment Period; Reinstatement

Upon occurrence of an event set forth in sub-section a) below, a debarred Contractor may, in writing, request that the Commissioner reduce or terminate the debarment period and, subject to Contractor first satisfying the requirements of sub-section b), reinstate the Contractor to eligibility.

a) Upon a debarred Contractor's request, the Commissioner, with concurrence of the contracting department director, may reduce or terminate a debarment period by reason of:

1. Discovery of new material evidence pertaining to the reason(s) for debarment;

2. Reversal of a conviction or civil judgment that was the basis for debarment;

3. *Bona fide* change in business ownership; and

4. Cure or elimination of all reasons for which debarment was imposed.

b) Expiration of the debarment alone does not reinstate a Contractor's eligibility to contract with the City. Before granting a Contractor's reinstatement request, the Commissioner shall require, as applicable:

1. Prompt and complete financial restitution to the City, including all expenses the City incurred to complete any contract on which Contractor has defaulted or breached, and all interest computed on late payments;

2. Written proof of completion of all criminal sentences and payment of all penalties;

3. Written proof of payment of all civil penalties imposed, such as fines or damages;

4. Payment of all currently due City taxes;

5. Elimination of current suspension or debarment by any other public entity;

6. If a Contractor has had a complete or significant (over 50%) change of ownership since debarment, proof that all debarred parties have no financial or management participation in control or conduct of Contractor's business;

7. Three (3) references, at least one of which must be a public entity, confirming that Contractor has satisfactorily performed a similar contract within the immediately preceding two (2) years; and,

8. Evidence of the Contractor's financial capacity to perform a City contract of the type it customarily would seek, including but not limited to, two (2) years' audited financial statements or comparable business documents. Access to the Contractor's place(s) of business must be provided to City representatives during usual business hours to visit, inspect, and evaluate Contractor's conduct of business and operational capacity.

#### 15. Contract Requirement

The Commissioner and all contracting departments shall distribute and disseminate this Policy to all present and prospective Contractors and subcontractors by reference in *Invitations to Bid* and *Requests for Proposals*, at all Pre-bid, Pre-proposal, or other similar meetings preceding a City contract, by or

through the City's website, official City publications, with all notices of suspension or debarment, or other means sufficient to enable compliance. After notice of the Policy, a Contractor is responsible for conforming to the Policy. A Contractor's failure or refusal to apprise itself of or to understand this policy shall not excuse compliance where it is required to establish, preserve, or implement any right or privilege afforded or sought under it.

**CITY OF CLEVELAND BIDS**

**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, AUGUST 18, 2011**

**File No. 118-11 — Purchase the Necessary Items of Electrical Parts and Equipment, Including Labor, Materials and Installation, if Necessary to Maintain Repair and Modify Electrical Systems,** for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 323-11, passed by the Council of the City of Cleveland, May 2, 2011.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, AUGUST 4, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.**

**File No. 119-11 — Purchase Necessary Items of Janitorial Maintenance Cleaning,** for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, AUGUST 5, 2011 AT 10:00**

A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

**File No. 120-11 — Labor and Materials to Refurbish the Supervisory Control and Data Acquisition System SCADA and the Plant Computer Control Systems (PCCS) for the Division of Water Part One,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 629-11, passed by the Council of the City of Cleveland, June 6, 2011.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JULY 28, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.**

July 20, 2011 and July 27, 2011

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Tuesday, July 19, 2011 9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Westbrook, Zone. *Authorized Absence:* Cimperman, Pruitt.

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O—Ordinance; R—Resolution; F—File  
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