

The City Record

Official Publication of the Council of the City of Cleveland



June the Sixth, Two Thousand and Twelve

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

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www.clevelandcitycouncil.org

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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
 Jenita McGowan, 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 – Barbara A. Langhenry, Interim Director, _____, 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 – Lonya Moss Walker, Interim 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 – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, 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, Director, Mural Building, 75 Erieview Plaza

DIVISIONS:
 Air Quality – George Baker, Commissioner
 Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza
 Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview 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 – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – _____, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:
 Code Enforcement – Thomas E. Vanover, 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 Flickinger.

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: Mary Haas McGraw, 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 – Interim Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jonmarie Wasik, Interim Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Interim Law Director Barbara A. Langhenry; 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 Lochr, 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 – Interim Law Director Barbara A. Langhenry; 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. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Interim Law Director Barbara A. Langhenry.

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

Judge Courtroom
 Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 12A
 Judge Marilyn B. Cassidy – Courtroom 12B
 Judge Michelle Denise Earley – Courtroom 12C
 Judge Emanuella Groves – Courtroom 14B
 Judge Anita Laster Mays – Courtroom 14C
 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

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Vol. 99

WEDNESDAY, JUNE 6, 2012

No. 5139

CITY COUNCIL

MONDAY, JUNE 4, 2012

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
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.

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins, J. Johnson, Mitchell.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, June 4, 2012

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen R. Harper, Chief of Communications, Andrea Taylor, Press Secretary, Jenita McGowan, Chief of Sustainability, and Interim Law Director Langhenry, Directors Withers, Dumas, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, Ambroz, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Father Douglas Brown, of Mary Queen of Peace Church, 4423 Pearl Road located in Ward 13. Pledge of Allegiance.

MOTION

On the motion of Council Member J. Johnson, the reading of the minutes of the last meeting was dis-

pensed with and the journal approved. Seconded by Council Member Cummins.

COMMUNICATIONS

File No. 857-12.

From Director of Building and Housing — Cleveland Citywide Development Corporation — \$2,325.00 — acceptance of Grant, pursuant to Section 121.06 of the Codified Ordinance. Received.

File No. 858-12.

From Council Member Jeffrey D. Johnson, Ward 8 — Pursuant to Rule 19 of the Rules of Cleveland City Council, Memo recusing himself from voting on Ordinance No. 666-12. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 785-12.

Re: 0827561 — D3A New Application — Bon Vivant Larchmere, LLC, d.b.a. Vine & Bean Café, 1st floor, basement, and porch, 12706 Larchmere Boulevard. (Ward 6). Received.

File No. 786-12.

Re: 0827561 — D3A Transfer of Ownership Application — Bon Vivant 12706 Larchmere, LLC, d.b.a. Vine & Bean Café, 1st floor, basement, and porch, 12706 Larchmere Boulevard. (Ward 6). Received.

File No. 790-12.

Re: 6212913 — D5H New Application — Museum of Contemporary Art Cleveland, 11400 Euclid Avenue. (Ward 9). Received.

File No. 859-12.

Re: 1414124 — D1, D2 Transfer of Ownership Application — Charkha Enterprises, LLC, 1265 West 9th Street. (Ward 3). Received.

STATEMENT OF WORK ACCEPTANCE

File No. 787-12.

From Director of Port Control — Contract PI 696398A with Kokosing Construction Co., for 10/28 RSA Improvements Phase 1. Date of completion and acceptance: September 30, 2011. (Received.)

File No. 788-12.

From Public Utilities — Contract PI 68733 with Shook, Inc. for Morgan Pretreatment and Residuals No. 414. Date of completion and acceptance: April 30, 2012. (Received.)

File No. 789-12.

From Public Utilities — Contract PI 00000008 with Shook, Inc. for

Morgan Chemical Facilities Project #119. Date of completion and acceptance: April 30, 2012. (Received.)

CONDOLENCE RESOLUTIONS

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

Res. No. 860-12—Jean Ellen Garrett.

Res. No. 861-12—Margaret Ann "Peggy" Shea.

Res. No. 862-12—Marrine Washington.

Res. No. 863-12—Janet L. Kronenberg.

Res. No. 875-12—Michael "Fitz" Fitzpatrick.

CONGRATULATIONS RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 864-12—Judge Jean Murrell Capers.

Res. No. 865-12—Joyce Marie Buford.

Res. No. 866-12—Pastor Henry Brown, Sr.

Res. No. 867-12—Dr. Natasha Atanaskova Mesinkovska.

Res. No. 872-12—Brenda L. Jones.

Res. No. 873-12—Sharon R. Deininger.

Res. No. 874-12—Rev. Dr. Larry W. Howard.

RECOGNITION RESOLUTION

The rules were suspended and the following Resolutions were adopted without objection:

Res. No. 868-12—Dr. Carter G. Woodson.

Res. No. 869-12—Rick Bertram.

Res. No. 870-12—The Calfee Building.

WELCOME RESOLUTION

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

Res. No. 871-12—Mayor Elias Bou Saab of Dhour Choueir and Ain Al Sindyaneh, The Republic of Lebanon.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 791-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more concession agreements for the operation of soft drink, candy, snack, and other vending machines throughout various City-owned and City-leased buildings, for a period not to exceed two years with a one-year option to renew, exercisable by the Director of Public Works.

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

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

Section 1. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to

the contrary, the Director of Public Works is authorized to enter into one or more concession agreements on the basis of competitive proposals for the operation of soft drink, candy, snack, and other vending machines throughout various City-owned and City-leased buildings under the control of the Department of Public Works and other City departments when the director of the department authorizes participation in the concession agreement or agreements for a period not to exceed two years, with a one-year option to renew, exercisable by the Director of Public Works. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Public Works.

Section 2. That, to the extent provided by law, fifty percent (50%) of the City revenues derived from the vending machines shall be deposited into the appropriate fund and sub-funds for the improvement of, use of, and maintenance of City of Cleveland recreation centers.

Section 3. That the Director of Public Works is authorized to extend the existing concession agreements for the operation of the vending machines described in Section 1 for a period not to exceed six months, or until such earlier time as new contracts, let pursuant to a request for proposals, are entered into under the authority of Section 1 of this ordinance.

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

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

Ord. No. 792-12.

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

An emergency ordinance determining the method of making the public improvement for the grinding of pavement for the local resurfacing of city streets and authorizing the Director of Public Works to enter into one or more public improvement requirement contracts for the making of the improvement, for a period up to eighteen months.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement for the grinding of pavement for the local resurfacing of city streets, for the Division of Streets, Department of Public Works, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codi-

fied Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of up to eighteen months for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and from the fund or funds to which are deposited the proceeds from the sale of 2012 general obligation bonds, authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 7016, RL 2012-19)

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Referred to Directors of Public Works, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, City Planning, Finance, Law.

Ord. No. 793-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Center for Community Solutions for the Title X Program; authorizing the director to charge and accept fees for this program; and to enter into one or

more agreements necessary for the City to receive payments from Medicare, Medicaid and Medicaid HMO programs.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$257,909 and any other funds that may become available during the grant term, from the Center for Community Solutions to conduct the Title X Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 793-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income from first and third party billings.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more agreements necessary for the City to receive payments from Medicare, Medicaid and Medicaid HMOs to implement the grant as described in the file.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 7. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the first and third party billings, and from the Medicaid reimbursements accepted under this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take

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

Referred to Directors of Public Health, Finance, Law; Committees on Public Health and Human Services, Finance.

Ord. No. 794-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Office of Juvenile Justice Delinquency Prevention, for the FY 12 Community Based Violence Prevention Program; and authorizing the Director to enter into one or more contracts with various agencies and entities to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,500,000, and any other funds that may become available during the grant term from the United States Department of Justice, Office of Juvenile Justice Delinquency Prevention, to conduct the FY 12 Community Based Violence Prevention Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application package for the grant contained in the file described below.

Section 2. That the application package for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 794-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with a Partnership for a Safer Cleveland, Cleveland Peacemakers Alliance, the Cuyahoga County Court of Common Pleas - Juvenile Division, Adcom Communications, and the Louis Stokes Consortium on Youth Violence Prevention to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the

grant proceeds accepted under this ordinance.

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

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

Ord. No. 795-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the FY 2012 Ohio Drug Use Prevention Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$43,793.20 and other funds that become available during the grant term, from the Ohio Attorney General to conduct the FY 2012 Ohio Drug Use Prevention Program; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the checklist for the grant acknowledgement and authorization contained in the file described below.

Section 2. That the grant acknowledgement and authorization for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 795-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$43,793.20 from Fund No. 01-6002-5005, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

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

Ord. No. 796-12.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the National Council on Aging for the Senior Community Service Employment Program; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$1,700,000, and any other funds that may become available during the grant term from the National Council on Aging to conduct the Senior Community Service Employment Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 796-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Aging is authorized to enter into one or more contracts with or make payments to agencies, entities, or individuals to implement the grant as described in the file.

Section 4. That the Director of Aging is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

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

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter,

purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Aging may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Referred to Directors of Aging Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 797-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, COPS Office, for the FY 12 COPS Community Policing Development Program; and authorizing the Director to enter into one or more contracts with Duquesne University to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term from the United States Department of Justice, COPS Office to conduct the FY 12 COPS Community Policing Development Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the budget narrative for the grant contained in the file described below.

Section 2. That the budget narrative for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 797-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Duquesne University to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through

cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 798-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice, Bureau of Justice Assistance for the FY 2012 Byrne Justice Assistance grant; and authorizing one or more contracts with the County of Cuyahoga, the Cities of Euclid and Garfield Heights, and Fingerprint USA, LLC to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$625,302, and any other funds that may become available during the grant term from the United States Department of Justice, Bureau of Justice Assistance for the FY 2012 Byrne Justice Assistance grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in

File No. 798-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with the County of Cuyahoga, the Cities of Garfield Heights and Euclid, and Fingerprint USA, LLC to implement the grant as described in the file.

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter,

purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 799-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the FY 11 Staffing for Adequate Fire and Emergency Response Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$3,961,584, and any other funds that may become available during the grant term from the United States Department of Homeland Security to conduct the FY 11 Staffing for Adequate Fire and Emergency Response Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 799-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts

with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

Ord. No. 800-12.

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

An emergency ordinance authorizing the Secretary of the Civil Service Commission to employ one or more professional consultants to perform a job analysis and to develop, administer, and grade an examination for patrol officer, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Secretary of the Civil Service Commission is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform a job analysis and to develop, administer, and grade an examination for patrol officer for the Division of Police, Department of Public Safety.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Secretary of the Civil Service Commission from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Secretary of the Civil Service Commission for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Secretary of the Civil Service Commission, and certified by the Director of Finance. The City and the Consultant may enter into separate contracts for the separate phases of the services necessary.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 01-0108-6320, RQS 0801, RL 2012-90.

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

Referred to Secretary of Civil Service Commission, Directors of Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 803-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. for the lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.

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

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

Section 1. That notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is authorized to enter into a rental agreement with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc., for the rental of space for the storage of records of the Cleveland Municipal Court. The rental agreement shall be for a period of one year commencing January 1, 2013, with one option to renew for an additional one-year period, exercisable by the Director of Finance.

Section 2. That the rental agreement shall be prepared by the Director of Law and shall contain such terms and conditions as the Director deems necessary to protect and benefit the public interest.

Section 3. That it is determined that the within commodities are non-competitive and incidental to the lease of space authorized by Section 1 of this ordinance, and cannot be secured from any source other than Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to make a written requirement contract with Iron Mountain/National Underground Storage, a division of Iron Mountain Information Management, Inc. for miscellaneous services related to the storage of records, such as the provision of storage boxes, filing, file retrieval, file delivery, faxing, photocopying, data entry, the destruction of records, and other file request services, for a period of one year, with one option to renew for an additional one-year period, exercisable by the Director of Finance, and cancelable on thirty days written notice by the director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Cleveland Municipal Court.

Section 4. That the cost of the rental agreement and related services and the other contract or contracts authorized by this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the con-

tract or contracts certified by the Director of Finance. (RQS 0116, RL 2012-85)

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

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

Ord. No. 804-12.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general engineering, architectural, and other services needed for the Division of Water, Department of Public Utilities, on an as-needed basis, for a period up to four years, and executed on or before October 2014.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide general engineering, architectural, and other services, including but not limited to design services, construction inspection services, structural and geotechnical analysis services, permit application services, materials testing and analysis services, risk assessment services, cost-benefit analysis services, laboratory and monitoring services, environmental and safety consulting services, remediation and disposal services, hazardous material remediation and disposal services, water quality and treatment process assessments and analysis services, and other related professional consulting services needed for the Division of Water, Department of Public Utilities, on an as-needed basis for a period up to four years. The contract or contracts shall be executed on or before October, 2014.

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

Section 2. That the cost of the contract or contracts authorized in this ordinance shall be paid from Fund No. 52 SF 001, 52 SF 229, 52 SF 231, 52 SF 235 and from the fund or subfunds which are credited the proceeds of the

sale of future waterworks revenue bonds issued for this purpose. Request No. RQS 2002, RL 2012-75.

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

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

Ord. No. 805-12.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Branch Group Inc., dba Rexel for repair or replacement of Rockwell Automation parts, components, and equipment used in the water plant systems, for software, support, implementation, system configurations, changes, and integration, programming, upgrades, maintenance and training services provided by Branch Group Inc., for the Division of Water, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Branch Group Inc., dba Rexel. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Branch Group Inc., dba Rexel under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for repair or replacement of Rockwell Automation parts, components, and equipment used in the water plant systems, for software, support, implementation, system configurations, changes, and integration, programming, upgrades, maintenance and training services provided by Branch Group Inc., for the Division of Water, Department of Public Utilities, for a period up to two years.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2012-24)

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

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

Ord. No. 806-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2010 Law Enforcement Terrorism Protection Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$259,700, and any other funds that may become available during the grant term, from Cuyahoga County to conduct the 2010 Law Enforcement Terrorism Protection ("LETPP") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter and budget for the grant contained in the file described below.

Section 2. That the award letter and budget for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 806-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

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

Ord. No. 807-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Public Works is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2012-24.

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

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

Ord. No. 809-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Second Amendment to Contract No. 66839 with In-Ter-Space Services, Inc., dba Clear Channel Airports to redefine the leasehold premises, remove the cap on the number of outdoor advertising signage, and to authorize the vendor to market, sell and contract for opportunities for non-traditional advertising.

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

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

Section 1. That the Director of Port Control is authorized to enter into a Second Amendment to Contract No. 66839 with In-Ter-Space Services, Inc., dba Clear Channel Airports to redefine the leasehold premises, remove the cap on the number of outdoor advertising signage, and to authorize the vendor to market, sell and contract for opportunities for non-traditional advertising.

All other terms and conditions contained in Contract No. 66839 shall remain the same.

Section 2. That the amendment to Contract No. 66839 shall be prepared by the Director of Law.

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

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

Ord. No. 810-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Con-

tract No. NF2010-013 with AvAirPros to provide for maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 859-08, passed October 6, 2008, the Director of Port Control entered into Contract No. NF2010-013 with AvAirPros for maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 859-08 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF2010-013 for an additional two years with AvAirPros at a cost not to exceed \$92,500 for maintenance, operation, and management of the City-owned common use facilities at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 859-08 to exercise this option. (RQS 3001, RL 2012-74)

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

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

Ord. No. 811-12.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director Public Works to execute a deed of easement granting to the Cleveland-Cuyahoga County Port Authority certain easement rights in property located at Gordon Park in Cleveland Lakefront State Park, and declaring that the easement rights granted are not needed for public use; authorizing the Director to enter into an amendment to the City's Master Lease with the State of Ohio, Contract No. 29762, regarding the Cleveland Lakefront State Park to remove overlapping boundaries between the State Park and the Cleveland Lakefront Nature Preserve; authorizing the Director to lease certain property formerly known as Dike 14 to the Cleveland-Cuyahoga County Port Authority located within the Cleveland Lakefront Nature Preserve; and executing an affidavit of ownership for the State of Ohio in order to satisfy State requirements for the Cleveland-Cuyahoga County Port Authority's submerged land lease application for the Cleveland Lakefront Nature Preserve.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

City of Cleveland to Cleveland Cuyahoga County Port Authority
0.7311 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100-acre Lot No. 367. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 563, Page 196 of the Cuyahoga County Records, being more definitely described as follows.

Beginning at the intersection of the centerline of Martin Luther King Jr. Drive and the northerly limited access line of the Cleveland Memorial Shoreway East;

Thence, along the northerly limited access line of the Cleveland Memorial Shoreway East, North 87° 07' 29" West, 196.93 feet;

Thence, leaving said northerly limited access line, North 02° 52' 31" East, 42.83 feet;

Thence North 14° 57' 17" East, 34.61 feet;

Thence North 05° 02' 43" West, 328.60 feet;

Thence North 12° 26' 24" East, 81.03 feet;

Thence North 12° 01' 31" West, 36.41 feet;

Thence North 36° 29' 27" West, 31.35 feet to the Original 1876 shoreline of Lake Erie as shown on "Survey of N. & N.W. Lakes" prepared by Major C.B. Comstock, Corps of Engineers, dated 1876;

Thence, along the Original 1876 shoreline of Lake Erie the following three courses;

North 49° 25' 16" East, 49.41 feet;

Thence North 42° 31' 43" East, 63.00 feet;

Thence North 19° 23' 05" East, 25.11 feet;

Thence, leaving the Original 1876 shoreline of Lake Erie, South 37° 30' 43" East, 58.66 feet;

Thence South 31° 38' 52" West, 123.20 feet;

Thence South 12° 26' 24" West, 94.97 feet;

Thence South 05° 02' 43" East, 328.93 feet;

Thence South 30° 02' 43" East, 39.20 feet;

Thence South 87° 07' 29" East, 45.96 feet;

Thence North 52° 52' 31" East, 18.67 feet;

Thence South 87° 07' 29" East, 65.30 feet to the northerly limited access line of the Cleveland Memorial Shoreway East;

Thence, along the northerly limited access line of the Cleveland Memorial Shoreway East, South 09° 51' 41" East, 56.39 feet to the point of beginning.

Containing within said bounds 0.7311 acres (31,846 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September of 2011.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Section 2. That the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to the Cleveland-Cuyahoga County Port Authority subject to any conditions stated in this ordinance, at a price of \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to allow ingress and egress through Gordon Park to the Cleveland Lakefront Nature Preserve commonly known as Dike 14.

Section 4. That the duration of the easement shall not exceed the term of the Lease between the Director of Public Works and Cleveland-Cuyahoga County Port Authority for the Cleveland Lakefront Nature Preserve; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that the Cleveland-Cuyahoga County Port Authority provide reasonable insurance, maintain any Cleveland-Cuyahoga County Port Authority improvements located within the easement; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

Section 5. That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the improvement.

Section 6. That, any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary notwithstanding, the Director of Public Works is authorized to enter into an amendment to the City's Master Lease with the State of Ohio, Contract No. 29762, regarding the Cleveland Lakefront State Park to remove overlapping boundaries between the State Park and the Cleveland Lakefront Nature Preserve. All other terms and conditions contained in the original Master Lease shall remain the same.

Section 7. That the amendment to the City's Master Lease authorized above, shall be prepared by the Director of Law and shall contain such terms and conditions as the Director determines necessary to protect and benefit the City.

Section 8. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease to the Cleveland-Cuyahoga County Port Authority, certain property which is suitable for lease by another party for a public use more fully described as follows:

City of Cleveland to Cleveland
Cuyahoga County Port Authority
4.5151 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100-acre Lot No. 367. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 563, Page 196 of the Cuyahoga County Records, being more definitely described as follows.

Commencing at the intersection of the centerline of East 88th Street and the northerly limited access line of the Cleveland Memorial Shoreway East;

Thence, along the centerline of East 88th Street and its northerly extension, also being the line between Original 100 Acre Lot Numbers 367 and 360, North 00° 30' 39" West, 1389.67 feet to the True Point of Beginning for the easement herein described;

Thence, leaving said centerline, South 23° 14' 00" West, 130.25 feet;

Thence South 55° 43' 50" West, 135.47 feet;

Thence South 07° 23' 13" East, 67.58 feet;

Thence South 51° 54' 40" West, 297.19 feet;

Thence South 60° 14' 51" West, 210.74 feet;

Thence South 63° 57' 35" West, 154.86 feet;

Thence South 51° 16' 28" West, 268.97 feet;

Thence South 63° 57' 57" West, 368.28 feet to the Original 1876 shoreline of Lake Erie as shown on "Survey of N. & N.W. Lakes" prepared by Major C.B. Comstock, Corps of Engineers, dated 1876;

Thence, along the Original 1876 shoreline of Lake Erie, the following twenty courses;

North 42° 31' 43" East, 34.09 feet;

Thence North 19° 23' 05" East, 161.59 feet;

Thence North 71° 34' 30" East, 42.59 feet;

Thence North 58° 15' 18" East, 166.29 feet;

Thence North 47° 55' 38" East, 93.74 feet;

Thence North 64° 27' 10" East, 114.44 feet;

Thence North 54° 15' 42" East, 69.14 feet;

Thence North 62° 45' 29" East, 83.31 feet;

Thence North 54° 37' 17" East, 104.62 feet;

Thence North 50° 36' 54" East, 81.32 feet;

Thence North 26° 34' 46" East, 40.14 feet;

Thence North 50° 12' 40" East, 70.11 feet;

Thence North 69° 41' 12" East, 64.62 feet;

Thence North 51° 09' 46" East, 103.74 feet;

Thence North 35° 00' 27" West, 27.39 feet;

Thence North 56° 44' 23" East, 85.90 feet;

Thence North 61° 12' 13" East, 102.46 feet;

Thence North 54° 18' 32" East, 88.44 feet;

Thence North 56° 19' 28" East, 89.01 feet;

Thence North 48° 49' 51" East, 48.09 feet to the northerly extension of the centerline of East 88th Street;

Thence, along the northerly extension of the centerline of East 88th Street, South 00° 30' 39" East, 52.34 feet to the point of beginning.

Containing within said bounds 4.5151 acres (196,676 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September of 2011.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Section 9. That the term of the lease authorized by this ordinance shall not exceed fifty years.

Section 10. That the property authorized by this ordinance shall be leased at a rental of \$1.00, and other valuable considerations, which is determined to be fair market value, exclusive of utilities.

Section 11. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 12. That the lease shall be prepared by the Director of Law.

Section 13. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 14. That the Director of Public Works is authorized to execute an affidavit of ownership for the State of Ohio in order to satisfy State requirements for the Cleveland-Cuyahoga County Port Authority's submerged land lease application for the Cleveland Lakefront Nature Preserve.

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, City Planning Commission, Finance, Committees on Public Service, City Planning, Finance.

Ord. No. 829-12.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by 3600 Properties LLC, or its designee, located at 6555 Carnegie Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with 3600 Properties LLC, or its designee.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to 3600 Properties LLC, or its designee, for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Real property in the City of Cleveland, County of Cuyahoga, State of Ohio, and is described as follows:

Beginning on the Southerly line of Euclid Avenue as now established, 80 feet in width, at a point distant South 85° 52' 30" East 8.18 feet, as measured along said Southerly line from its point of intersection with the Southerly prolongation of the center line of East 66th Street, said beginning point being also the Northwesterly corner of land conveyed to Mary E. Hamilton by deed dated September 26, 1917 and recorded in Volume 1978, Page 51 of Cuyahoga County Records; Thence due South along the Westerly line of land so conveyed to Mary E. Hamilton, a distance of 305.00 feet to the most Northerly corner of a triangular parcel of land conveyed to Monmouth Products Company by deed dated April 4, 1947 and recorded in Volume 6410, Page 735 of Cuyahoga County Records; Thence South 35° 35' 44" East along the Northeasterly line of land so conveyed to Monmouth Products Company, a distance of 54.60 feet to the principal place of beginning of the premises herein intended to be described;

Course No. 1: Thence South 89° 56' 30" East, a distance of 39.98 feet to the Westerly line of land conveyed to The Cleveland Trust Company by deed dated January 31, 1923 and recorded in Volume 2748, Page 352 of Cuyahoga County Records;

Course No. 2: Thence North 00° 03' 30" East along the Westerly line of land so conveyed to The Cleveland Trust Company, a distance of 48.50 feet to a point being distant South 00° 03' 30" West 295.74 feet as measured along the Westerly line of land so conveyed to The Cleveland Trust Company from the Southerly line of Euclid Avenue, as aforementioned;

Course No. 3: Thence North 89° 59' 45" East, a distance of 54.80 feet;

Course No. 4: Thence South 00° 12' 00" West, a distance of 20.01 feet;

Course No. 5: Thence South 89° 58' 15" East, a distance of 39.99 feet to the Easterly line of land conveyed to the Cleveland Trust Company by deed dated January 6, 1925 and recorded in Volume 3280, Page 10 of Cuyahoga County Records;

Course No. 6: Thence South 00° 03' 30" West along said last mentioned Easterly line of land conveyed to The Cleveland Trust Company, a distance of 337.45 feet to the Northerly line of land conveyed to Warren L. Warden by deed dated March 29, 1916 and recorded in Volume 1749, Page 188 of Cuyahoga County Records;

Course No. 7: Thence South 89° 15' 30" West along the Northerly line of land so conveyed to Warren L. Warden, a distance of 0.75 feet to the Northwesterly corner thereof;

Course No. 8: Thence South 00° 03' 30" West along the Westerly line of land so conveyed to Warren L. Warden, a distance of 230.00 feet to the Northerly line of Carnegie Avenue, S.E. (formerly East Prospect Street), 80 feet in width;

Course No. 9: Thence South 89° 15' 30" West along the Northerly line of Carnegie Avenue, S.E., a distance of 94.00 feet to the Easterly line of land conveyed to Mary E. Hamilton, as aforementioned;

Course No. 10: Thence North 00° 03' 30" East along the Easterly line of land so conveyed to Mary E. Hamilton, being also the Westerly line of land conveyed to The Cleveland Trust Company by deed dated January 31, 1923 and recorded in Volume 2748, page 352 of Cuyahoga County Records, as aforementioned, a distance of 484.48 feet to the Southeasterly corner of a triangular parcel of land conveyed to Monmouth Products Company, as aforementioned;

Course No. 11: Thence North 35° 35' 44" West along the Northeasterly line of land so conveyed to Monmouth Products Company, a distance of 68.59 feet to the principal place of beginning and containing 55.858 square feet of land or 1.2823 acres according to the survey of Garrett and Associates, Inc., Registered Professional Engineers and Surveyors, be the same more or less, but subject to all legal highways.

PARCEL NUMBER: 118-13-006

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose and are in accordance with ORC Section 5709.41 and the urban redevelopment plan described in File No. 829-12-A.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with 3600 Properties LLC, or its designee, which shall include the terms and conditions of the transaction authorized by this ordinance.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, City Planning Commission, Finance, Law; Committees on

Community and Economic Development, City Planning, Finance.

Ord. No. 830-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design the relocation and improvement of the computed tomography explosive detection system, also known as the in-line baggage system, at Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the relocation and improvement of the computed tomography explosive detection system, also known as the in-line baggage system, at Cleveland Hopkins International Airport, Department of Port Control.

Section 2. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 3. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 126, 60 SF 141, passenger facility charges if authorized, and from the fund or sub-funds to which are credited the proceeds of any grant received for this project, Request No. RQS 3001, RL 2012-107.

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

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

Ord. No. 831-12.

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

An emergency ordinance authorizing the Director of Public Works to

enter into an agreement with Ohio City Inc. for the placement and storage of tables and chairs in Market Square Park located at Lorain Avenue and West 25th Street.

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

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

Section 1. That notwithstanding the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into an agreement with Ohio City Inc. for the placement and storage of tables and chairs in Market Square Park located at Lorain Avenue and West 25th Street, for a period of one year, renewable for additional one-year periods by the Director. The agreement will also state that Ohio City Inc. will purchase the tables and chairs and store them when not being used. That the agreement shall be at no cost to the City.

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

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

Ord. No. 840-12.

By Council Member Miller.

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 208-12, passed May, 21, 2012, relating to the use of automated cameras to impose civil penalties upon red light and speeding violators.

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

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

Section 1. That Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 208-12, passed May 21, 2012, is amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (p). This civil enforcement system imposes monetary liability on the "owner" of a vehicle as defined in division (p) for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red Light Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) *Speeding Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability Does Not Constitute a Conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other Offenses and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of Camera Sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Locations.* The following are the locations for the Automated Traffic Enforcement Camera System:

Locations

Shaker Boulevard at Shaker Square
Chester Avenue at Euclid Avenue
West Boulevard at North Marginal Road

Shaker Boulevard at East 116th Street

West Boulevard at I-90 Ramp
Chester Avenue at East 71st Street
East 55th Street at Carnegie Avenue

Woodland Avenue in the 4500 to 4700 block

Euclid Avenue between Cliffview Road and Torbenson Road

East 131st Street at Harvard Avenue

Carnegie Avenue at East 30th Street

Cedar Avenue at Murray Hill Road
Grayton Road at I-480 Ramp

Euclid Avenue at Mayfield Road
Warren Road at I-90 Ramp

Prospect Avenue at East 40th Street
East 116th Street at Union Avenue

Pearl Road at Biddulph Road
Carnegie Avenue at East 100th Street

Carnegie Avenue at Martin Luther King Jr. Drive

Memphis Avenue at Fulton Road
Lakeshore Boulevard at East 159th Street

St. Clair Avenue at London Road
Clifton Boulevard between West 110th Street and West 104th Street
Chester Avenue between East 55th Street and East 40th Street

Woodland Avenue between East 66th Street and East 71st Street

West Boulevard between I-90 Ramp and Madison Avenue

Lee Road between Tarkington Avenue and I-480 Ramp

I-90 and West 41st Street
I-90 and West 44th Street

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully-operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Works shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of Liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by RC 4507.021 ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket Evaluation, Public Service, and Appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Lia-

bility may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

(1) The motorist stops in time to avoid violating a red light indication;

(2) The motorist proceeds through a red light indication as part of funeral procession;

(3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

(4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report.

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Ohio Revised Code.

(1) *Evidence of Operation.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, or in the case of a leased or rented vehicle, the "lessee" as defined in division (p), was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program Oversight.* The Director of Public Safety shall oversee the program authorized by this section. The Director of Public Works shall

oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

(n) *Rules and Regulations.* The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the City Record.

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

413.031(b)		
All violations		\$100.00
13.031(c)		
Up to 24 mph over the speed limit:		\$100.00
25 mph or more over the speed limit:		\$200.00
Any violation of a school or construction zone speed limit:		\$200.00

Late penalties: for both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

(p) *Definitions.* As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "Lessee" includes renter and means:

A. the person identified as a vehicle lessee or renter by a motor vehicle leasing dealer or motor vehicle renting dealer pursuant to RC 4511.092 and further identified by the dealer as the person having care, custody or control of the vehicle at the time of a violation of divisions (b) or (c); or

B. the person identified as the lessee or as an additional owner of a vehicle in the records of the Ohio Bureau of Motor Vehicles or the records of any other State motor vehicle bureau.

(3) "System location" means the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(4) "Vehicle owner" or "owner" means the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle, or in the case of a leased or rented vehicle, the "lessee".

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 208-12, passed May 21, 2012 is repealed.

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

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

Ord. No. 846-12.

By Council Member Reed.

An emergency ordinance to amend Section 350.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 452-01, passed June 19, 2001, relating to application of sign permits.

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

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

Section 1. That Section 350.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 452-01, passed June 19, 2001, is amended to read as follows:

Section 350.04 Application for Permits

Application for permits to erect, structurally alter, move or display a sign shall be made to the **Department of Building and Housing** by the owner (or owner's agent) of the property for which a sign is proposed, on forms provided by the City, in accordance with the following regulations:

(a) *Exemptions from Permit Requirement.* City permits shall be required for all permanent and temporary signs except as listed below:

(1) Normal maintenance, repainting, or change of message or sign face **as long as none of those alters the size, placement, or structure of a sign. Except that a permit shall be required for signs located in a Design Review District, a Landmark District, or on a designated Landmark property for normal maintenance, repairing of a structure, or change of sign face of a structure.**

(2) Nameplates and information signs for residential uses;

(3) Temporary window signs mounted on the inside window surface;

(4) Temporary real estate and development signs not exceeding forty-eight (48) square feet in area;

(5) Political signs not exceeding forty-eight (48) square feet in area;

(6) Garage sale and real estate open house signs as regulated in division (c) of Section 350.13.

(b) *Applicability.* Regardless of exemptions from the requirement for a permit, all permanent and temporary signs shall be subject to applicable regulations of this Code except for signs listed in Section 350.21.

(c) *Submission Requirements.* With the exception of any requirements determined to be inapplicable in a particular instance by the Director of Building and Housing, the applicant shall submit accurately-scaled elevation drawings and a site plan at a

minimum scale of one (1) inch - fifty (50) feet, indicating, in narrative or plan form, the following information:

(1) All sign dimensions and sign height;

(2) Placement of signs in relation to building edges, roof lines, tenant party walls, windows, doors and other building features as well as in relation to all lot lines, street lines, sidewalks and drives;

(3) Construction materials for the signs and sign structure, as well as method of attachment; and

(4) Type, intensity, placement and shielding of illumination.

(d) **Billboards.** For billboard applications requiring approval by the State of Ohio, no permit shall be issued by the City prior to submission by the applicant of the approved State permit. In addition, an application for a billboard shall indicate all existing billboards located within a distance of one thousand (1,000) feet or, for a billboard to be placed along a freeway, all existing billboards within a distance of two thousand (2,000) feet. Any application for placement of a billboard along a freeway shall include the name, address and phone number of the company that owns the billboard, including the owners of said company, the name of the company that owns the land where the billboard is located and the name and phone number of a contact person responsible for maintenance of the sign and its site. This information shall be updated and sent to the Clerk of Council by January 31 and July 31 of every year.

(e) **Temporary Signs.** Where required, a permit for a temporary sign shall be issued for a period not exceeding six (6) months unless another display period is specified in Section 350.12 or in other applicable sections of the Codified Ordinances. Permits for real estate and development signs shall be issued for a period not exceeding one (1) year but may

be renewed while construction or marketing is pursued diligently. Development signs shall be removed immediately upon placement of a permanent identification sign.

Section 2. That existing Section 350.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 452-01, passed June 19, 2001, is repealed.

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

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

Ord. No. 848-12.

By Council Member Sweeney.

An emergency ordinance to amend Section 555.111 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1291-11, passed December 5, 2011 relating to setting out excessively large quantities of waste.

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

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

Section 1. That Section 555.111 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1291-11 passed December 5, 2011 is hereby amended to read as follows:

Section 551.111 Setting out an Excessively Large Quantity of Waste for Collection Prohibited; Applicability; Penalty

(a) No person shall set out for collection on a parcel's tree lawn or other

designated place for collection a quantity of solid waste exceeding **six (6)** cubic yards but not exceeding ten (10) cubic yards in volume including special waste, if any, as described in Section **551.05**.

(b) No person shall set out for collection on a parcel's tree lawn or other designated place for collection a quantity of solid waste exceeding ten (10) cubic yards in volume including special waste, if any, as described in Section **551.05**.

(c) **Applicability.** The offenses established in this section are applicable without regard to whether the offender:

(1) Sets the waste out due to an eviction, a house or garage cleanout, or for any other reason;

(2) Uses or intends to use a public or private vendor or entity for its disposal;

(3) Sets out the waste for the purpose of staging it for eventual disposal.

(d) **Penalty.** Any person who violates this section is liable for the civil infraction established under Section **551.991** and is guilty of a special misdemeanor for which the maximum penalty shall be two hundred fifty dollars (\$250.00).

Section 2. That existing Section 555.111 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1291-11, passed December 5, 2011 is hereby repealed.

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

Referred to Directors of Public Works, Finance, Law; Committees on Public Service, Legislation, Finance.

FIRST READING ORDINANCES REFERRED

Ord. No. 839-12.

By Council Member Mitchell.

An ordinance to change the Use and Height Districts of land located on the south side of Sophia Avenue west of Woodhill Road shown shaded on the attached map to a Semi-Industry Use District and a '2' Height District (Map Change No. 2395, Sheet Number 5).

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

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

Beginning in the centerline of Woodhill Road and its intersection with the easterly prolongation of the centerline of Sophia Avenue;

Thence westerly along said easterly prolongation and said centerline to its intersection with the northerly prolongation of the easterly line of a parcel of land conveyed to Rose M. McCall by Deed dated April 15, 1986 and recorded in Auditor's File Number V86622590053; said parcel also being known as Cuyahoga County's Permanent Parcel Number 126-37-044;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

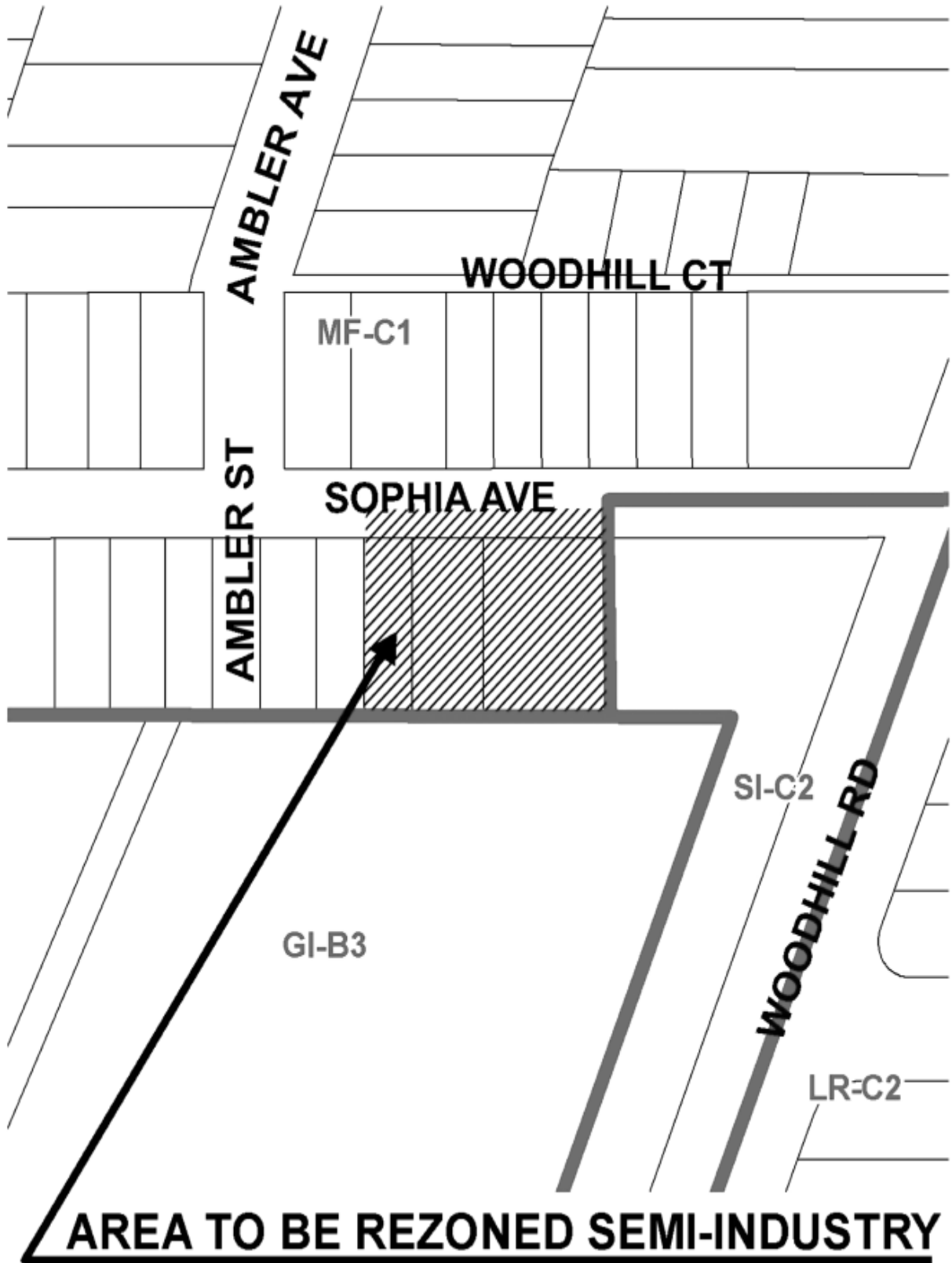
Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of Woodhill Road;

Thence northeasterly along said centerline of Woodhill Road to its intersection with the easterly prolongation of the centerline of Sophia Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Semi-Industry District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2395, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

Ord. No. 842-12.

By Council Member Reed.

An ordinance changing the Use and Area Districts of land on the southwest side of Turney Road between Warner Rd. and Macomb Avenue as shown shaded on the attached map to a Two Family Residential District and a 'B' Area District. (Map Change No. 2397, Sheet Number 6).

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

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

Beginning in the centerline of Turney Road at its intersection with the easterly prolongation of the centerline of Macomb Avenue;

Thence westerly along said easterly prolongation of said centerline of Macomb Avenue and along its westerly prolongation to its intersection with the centerline of East 86th Street;

Thence northerly along said centerline of E. 86th Street and along its northerly prolongation to its intersection with the centerline of Connecticut Avenue;

Thence southwesterly along said centerline of Connecticut Avenue to its intersection with the southerly prolongation of the centerline of E. 85th Street;

Thence northerly along said southerly prolongation of said centerline and continuing along its northerly prolongation in a straight line to its intersection with the centerline of Force Avenue;

Thence easterly along said centerline of Force Avenue to its intersection with the southwesterly prolongation of the southeasterly line of the Newburgh Village Subdivision shown on the Recorded Plat in Volume 2, Page 20 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said southeasterly line and along its northeasterly prolongation to its intersection with the southwesterly line of Sublot Number 6 in the Webb Subdivision shown on the Recorded Plat in Volume 3, Page 10 of Cuyahoga County Map Records;

Thence northwesterly along said southeasterly line and along its northwesterly prolongation to its intersection with the centerline of Warner Road;

Thence northeasterly along said centerline of Warner Road to its intersection with the northwesterly prolongation of the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated December 21, 2005 and recorded in Auditor's File Number 200512210670; said parcel also being known as Cuyahoga County's Permanent Parcel Number 134-15-001;

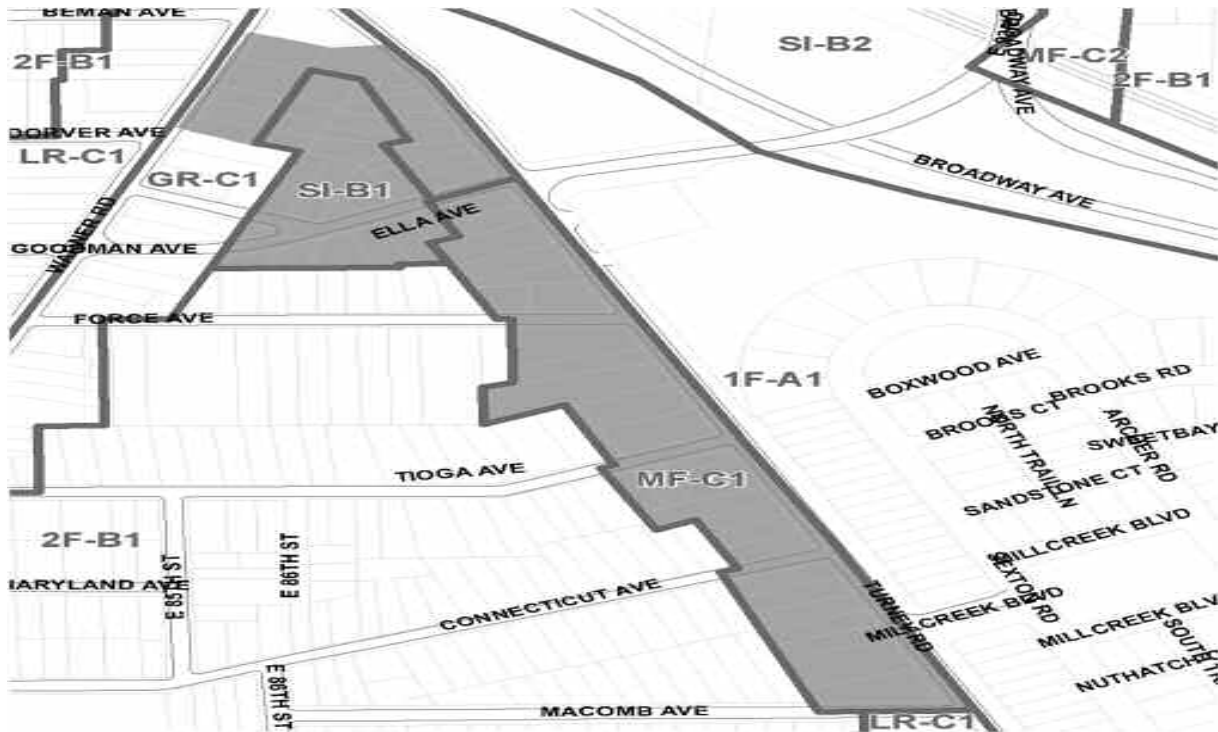
Thence southeasterly along said northwesterly prolongation and said southerly line, continuing along its southeasterly prolongation to its intersection with the centerline of Turney Road;

Thence southeasterly along said centerline of Turney Road to its intersection with the easterly prolongation of the centerline of Macomb Avenue and the principal place of beginning.

and as identified on the attached map is changed to a Two Family Residential District and a 'B' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2397, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED TWO-FAMILY

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

Ord. No. 843-12.

By Council Member Reed.

An ordinance changing the Use Districts of land on the south side of the intersection of Warner Road and Turney Road as shown shaded on the attached map to Open Space and Recreation (Map Change No. 2396, Sheet Number 6).

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

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

Beginning in the centerline of Warner Road at its intersection with the northwesterly prolongation of the centerline of Turney Road;

Thence southeasterly along said prolongation of said Turney Road to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated December 21, 2005 and recorded in Auditor's File Number 200512210670; said parcel also being known as Cuyahoga County's Permanent Parcel Number 134-15-001;

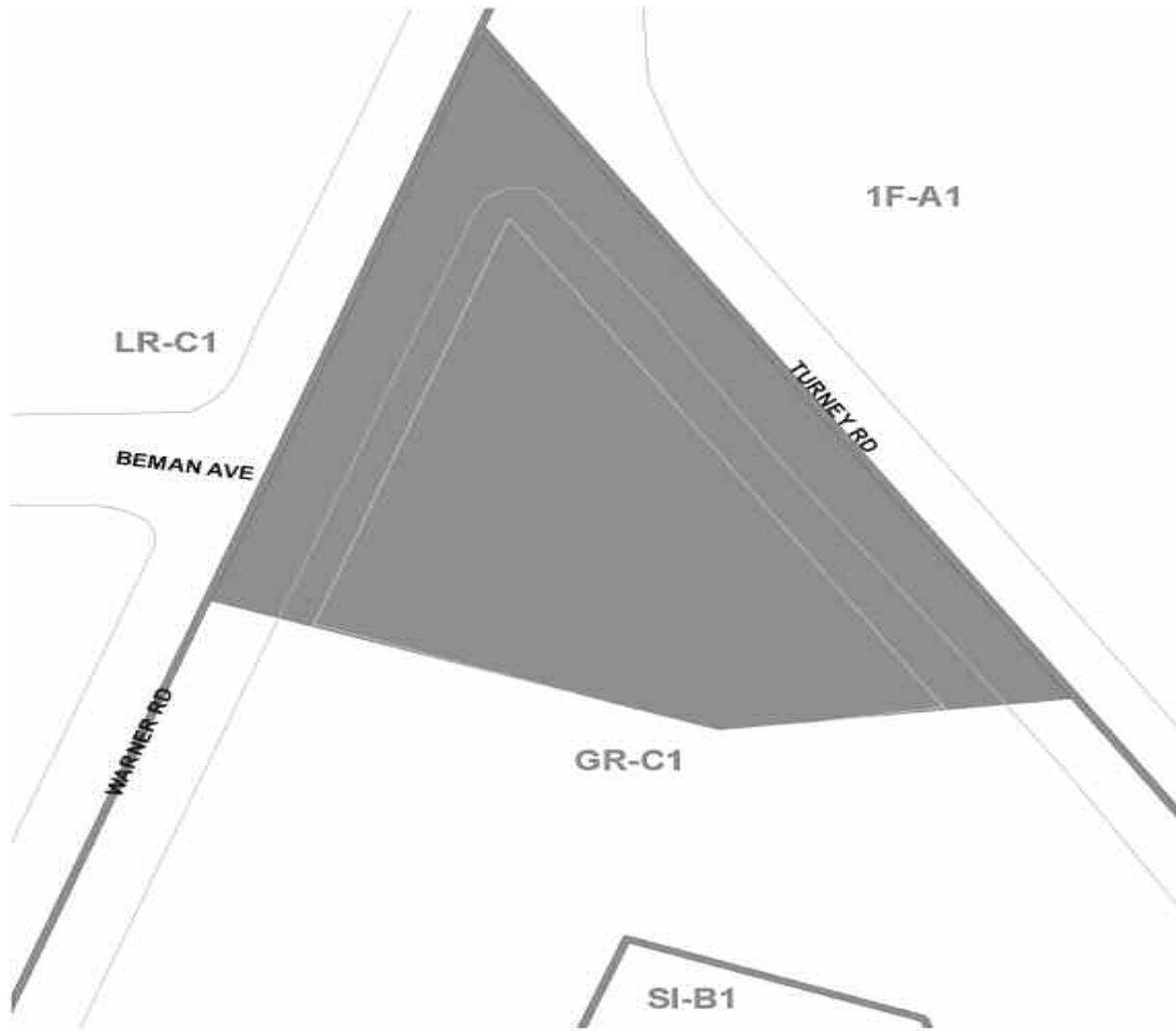
Thence westerly along said easterly prolongation of said southerly line and along its northwesterly prolongation to its intersection with the centerline of Warner Road;

Thence northeasterly along said centerline of Warner Road to its intersection with the northwesterly prolongation of the centerline of Turney Road and the principal place of beginning;

and as identified on the attached map is changed to an Open Space and Recreation District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2396, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED OPEN SPACE

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

Ord. No. 844-12.**By Council Member Reed.****An ordinance changing the Use District of lands located on the east side of Warner Road south of Turney Road to Grand Division Avenue from General Retail to Local Retail (Map Change No. 2398, Sheet Number 6).**

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

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

Beginning in the centerline of Warner Road at its intersection with the westerly prolongation of the centerline of Grand Division Avenue;

Thence easterly along said westerly prolongation and said centerline of Grand Division Avenue to its intersection with the southerly prolongation of the westerly line of Sublot No. 4 in the Davis & Judson Subdivision shown on the Recorded Plat in Volume 8, Page 8 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said westerly line to its intersection with the northerly line thereof;

Thence easterly a long said northerly line to its intersection with the westerly line of Sublot number 66 in the aforementioned Davis and Judson Subdivision;

Thence northerly a long said westerly line of Sublot number 66 and along its northerly prolongation to its intersection with the centerline of Bancroft Avenue;

Thence easterly a long said centerline of Bancroft Avenue to its intersection with the southerly prolongation of the westerly line of Sublot number 73 in the aforementioned Davis and Judson Subdivision;

Thence northerly along said southerly prolongation of said westerly line to its intersection with the northerly line thereof;

Thence easterly a long said northerly line to its intersection with the westerly line of Sublot number 127 in the aforementioned Davis and Judson Subdivision;

Thence northerly along said westerly line of Sublot number 127 and a long its northerly prolongation to its intersection with the centerline of Rosewood Avenue;

Thence easterly a long said centerline of Rosewood Avenue to its intersection with the southerly prolongation of the westerly line of Sublot number 134 in the aforementioned Davis and Judson Subdivision;

Thence northerly along said southerly prolongation and said westerly line to its intersection with the northerly line thereof;

Thence easterly along said northerly line to its intersection with the westerly line of Sublot number 180 in the aforementioned Davis and Judson Subdivision;

Thence northerly a long said westerly line and along its northerly prolongation to its intersection with the centerline of Vineyard Avenue;

Thence easterly a long said centerline of Vineyard Avenue to its intersection with the southerly prolongation of the westerly line of Sublot number 187 in the aforementioned Davis and Judson Subdivision;

Thence northerly along said southerly prolongation of said westerly line to its intersection with the northerly line thereof;

Thence easterly along said northerly line to its intersection with the westerly line of Sublot number 225 in the aforementioned Davis and Judson Subdivision;

Thence northerly along said westerly line and a long its northerly prolongation to its intersection with the centerline of Jeffries Avenue;

Thence easterly a long said centerline of Jeffries Avenue to its intersection with a line drawn approximately 165ft. easterly of and parallel to the centerline of Warner road;

Thence northeasterly along said parallel line to its intersection with the centerline of Connecticut Avenue;

Thence westerly along said centerline of Connecticut Avenue to its intersection with the southerly prolongation of the easterly line of a parcel of land conveyed to Richard a Kurman by deed dated August 08, 2007 and recorded an Auditor's File Number 200708080673; said parcel also been known as Cuyahoga County's Permanent Parcel Number 134-20-007;

Thence northerly a long said southerly prolongation of said easterly line to its intersection with the southerly line of Sublot Number 58 in the E. T. Hamilton ET AL Subdivision shown on the recorded Plat in Volume 4, Page 20 of Cuyahoga County Map Records;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of East 83rd Place;

Thence northerly along said centerline of E. 83rd Place and along its a northerly prolongation to its intersection with the centerline of Maryland Avenue;

Thence easterly along said centerline of Maryland Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 2 in the A. Hughes EST Subdivision shown on the Recorded Plat in Volume 33, Page 2 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the southerly line of Sublot No. 55 in the aforementioned E.T. Hamilton ET AL Subdivision shown on the Recorded Plat in Volume 4, Page 20 of Cuyahoga County Map Records;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the westerly line of Sublot Number 32 in the aforementioned E.T. Hamilton ET AL Subdivision;

Thence northerly along said westerly line of Sublot No. 32 and along its northerly prolongation to its intersection with the centerline of Tioga Avenue;

Thence easterly along said centerline of Tioga Avenue to its intersection with the southerly prolongation of the easterly line of Sublot No. 30 in the aforementioned E. T. Hamilton ET AL Subdivision;

Thence northerly along said southerly prolongation and said easterly line to its intersection with the northerly line of the aforementioned E.T. Hamilton ET AL Subdivision;

Thence easterly along said northerly line to its intersection with the southerly prolongation of the easterly line of a parcel of land conveyed to Jerry P. Tretera by deed dated May 12, 2003 and recorded in Auditor's File Number 200305121551; said parcel also being known as Cuyahoga County's Permanent Parcel Number 134-16-003;

Thence northerly along said southerly prolongation of said easterly line and continuing along its northerly prolongation to its intersection with the centerline of Force Avenue;

Thence easterly along said centerline of Force Avenue to its intersection with the southwestly prolongation of the southeasterly line of the Newburgh Village Subdivision shown on the Recorded Plat in Volume 2, Page 20 of Cuyahoga County Map Records;

Thence northeasterly along said southwestly prolongation of said southeasterly line and along its northeasterly

prolongation to its intersection with the southwesterly line of Sublot Number 6 in the Webb Subdivision shown on the Recorded Plat in Volume 3, Page 10 of Cuyahoga County Map Records;

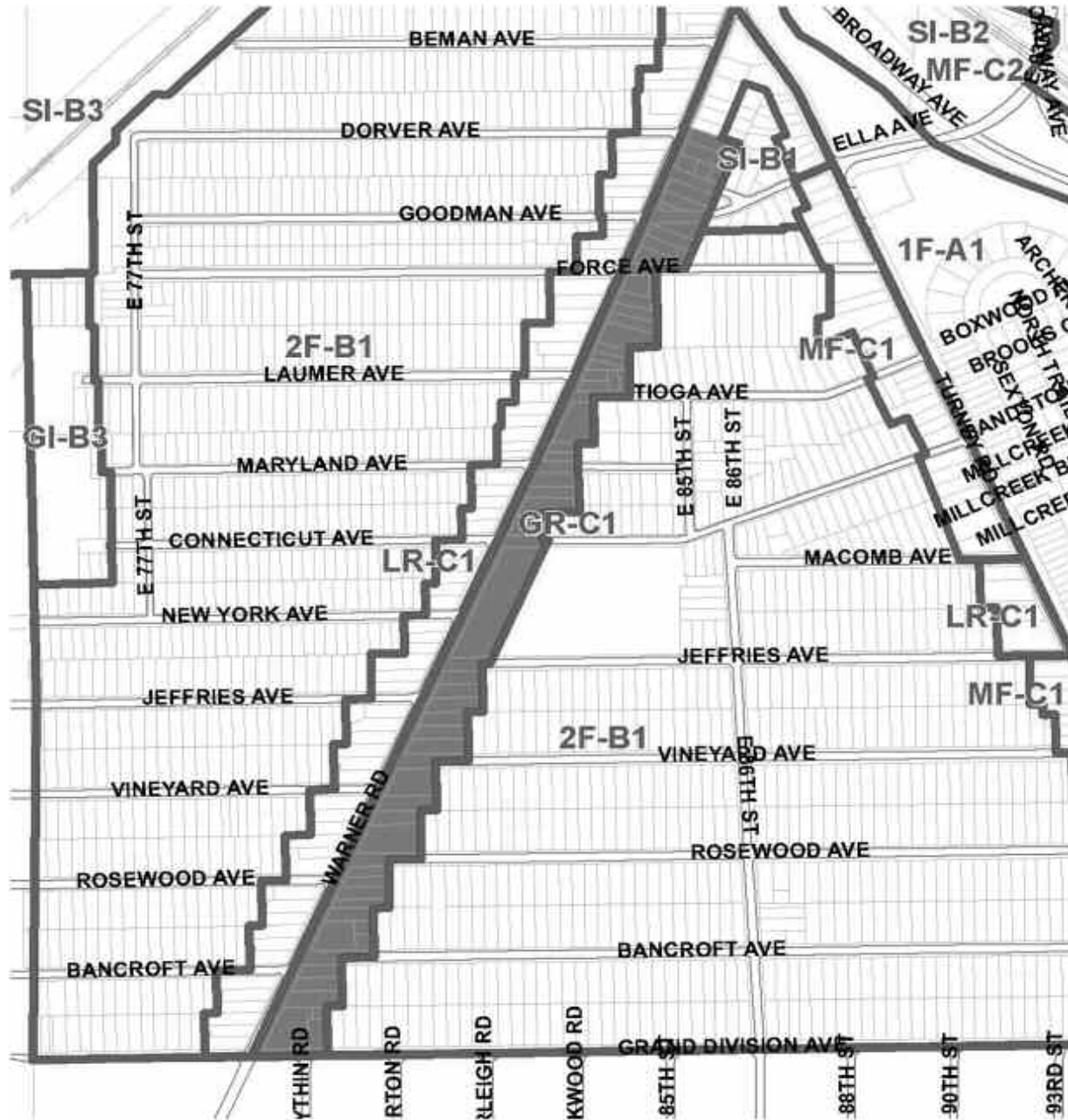
Thence northwesterly along said southeasterly line and along its northwesterly prolongation to its intersection with the centerline of Warner Road;

Thence southwesterly along said centerline of Warner Road to its intersection with the westerly prolongation of the centerline of Grand Division Avenue and the principal place of beginning.

and as identified on the attached map is changed to a Local Retail Business District .

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2398, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED LOCAL RETAIL

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

Ord. No. 845-12.

By Council Members Zone and Cimperman.

An ordinance establishing a Pedestrian Retail Overlay Special Sign (PRO-S) District on the north and south sides of Lorain Road between West 52nd Street and Gehring Street and the east and west sides of West 25th Street between Jay Avenue and Chatham Avenue as shown shaded on the attached map (Map Change No. 2394, Sheet Number 1)

Whereas, the City Planning Commission, after survey and analysis, has determined that the proposed District meets the criteria contained in section 343.23(j) of Chapter 343, of the Codified Ordinances of the City of Cleveland, Ohio, 1976; that the shaded land area shown on the attached map is characterized by a preponderance of restaurants and small independent stores for which signs placed near the street curb would provide useful information to pedestrians seeking goods and services and would enhance the pedestrian-oriented image of the district, now, therefore.

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

Section 1. That the lands generally located on the north and south sides of Lorain Road between West 52nd Street and Gehring Street and generally located on the east and west sides of West 25th Street between Jay Avenue and Chatham Avenue shown shaded on the attached map are hereby designated as a Pedestrian Retail Overlay Special Sign District (PRO-S).

Section 2. That the designation of the area described in Section 1 shall be identified as Map Change Number 2394, Sheet Number 1, noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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



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

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

Ord. No. 783-12.

By Council Member J. Johnson.

An emergency ordinance to add the name Lillian Walker Burke Boulevard as a secondary name to East Boulevard between Superior Avenue and Wade Park Avenue

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the name Lillian Walker Burke Boulevard shall be added as a secondary name to East Boulevard between Superior Avenue and Wade Park Avenue.

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

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

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

Ord. No. 784-12.

By Council Member Cimperman.

An emergency ordinance authorizing Ivan Platt to engage in mobile peddling in Ward 3.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3;

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 3. Ivan Platt to peddle frozen desserts at East 12th Street and Walnut Avenue and East 12th Street and Chester Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

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

Ord. No. 801-12.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to the New Day in Hough Committee to stretch banners at the southeast and northeast corners of East 79th & Hough, for the period from July 12, 2012 to August 12, 2012, inclusive, publicizing the New Day in Hough.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the New Day in Hough Committee to install, maintain and remove banners at the southeast and northeast corners of East 79th & Hough, for the period from July 12, 2012 to August 12, 2012, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 802-12.

By Council Member Dow.

An emergency ordinance consenting and approving the issuance of a permit for the New Day in Hough 2K Run/Walk/Bicycle and Parade, on Saturday, August 4, 2012, sponsored by the New Day in Hough Committee.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of New Day in Hough 2K Run/Walk/Bicycle and Parade on Sunday, August 4, 2012 the 2K Run/Walk & Bicycle assembling at Thurgood Marshall Recreation Center, go west on Hough Avenue to E. 55th to Hough, and turn around back to Thurgood Marshall, and the Parade route also assembling at Thurgood Marshall Recreation Center, from Thurgood Marshall west on Hough Avenue, North Bound on E. 79th, cont. Northwest on Addison to Superior, East on Superior to E. 79th, South on E. 79th to Hough, East on Hough back to Thurgood Marshall, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 808-12.

By Council Member Reed.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to the Mystic Knights Motorcycle Club to stretch banners in front of 11417 Miles Avenue, for the period from July 2, 2012 to August 3, 2012, inclusive, publicizing Mystic Knights Motorcycle Club Big Three Day Weekend, July 27, 28th and 29th.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Mystic Knights Motorcycle Club to install, maintain and remove banners in front of 11417 Miles Avenue for the period from July 2, 2012 to August 3, 2012, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the

requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 812-12.

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

An emergency ordinance to amend Section 5 of Ordinance No. 652-11, passed July 20, 2011, relating to a contract with RCC Consultants, Inc. to provide project management services necessary to implement the City-wide 800 MHz P25 trunked radio system and to authorize one or more contracts with Motorola Solutions, Inc. for professional services necessary to implement and complete Phases One, Two, Three, and Four of the project.

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

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

Section 1. That Section 5 of Ordinance No. 652-11, passed July 20, 2011, is amended to read as follows:

Section 5. The contract or contracts shall be paid from Fund No. 19 SF 904, 20 SF 532, 20 SF 533, and 20 SF 539, **52 SF 001, 60 SF 001, from the fund or funds to which are credited the proceeds from the sale of general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, from the fund or funds to which are credited the proceeds from the sale of general obligation bonds for 2013, if authorized by this Council and sold by the City for a purpose that includes this project, and any other funds approved by the Director of Finance, Request No. RQS 6001, RL 2011-86.**

Section 2. That existing Section 5 of Ordinance No. 652-11, passed July 20, 2011, is repealed.

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

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

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

Ord. No. 813-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS2010-0140 with URS Corporation to provide professional services to provide construction management and administrative services for the various divisions of the Department of Port Control.

Whereas, under the authority of Ordinance No. 185-07, passed March 12, 2007, the Director of Port Control entered into Contract No. PS2010-0140 with URS Corporation to provide professional services to provide construction management and administrative services for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 185-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS2010-0140 for an additional year with URS Corporation to provide professional services to provide construction management and administrative services for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 185-07 to exercise this option.

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

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

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

Ord. No. 814-12.

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

An emergency ordinance determining the method of making the public improvement of replacing boilers and related facilities at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of

replacing boilers and related facilities at Cleveland Hopkins International Airport (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a unit price for the Improvement.

Section 2. That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a unit price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a unit price.

Section 3. That the Director of Port Control is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 5. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 6. That the costs of the requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 122, 60 SF 126, 60 SF 141, 60 SF 160, passenger facility charges if authorized, and from the fund or subfunds to which are credited the proceeds of any grant received for this project and from the fund or subfunds to which are credited the proceeds from the sale of any airport revenue bonds if authorized for this purposes of this ordinance, Request No. RQS 3001, RL 2012-108.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 815-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide general planning, engineering, and design services, for a period of one year, executed by 2014, with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide general planning, engineering, and design services, for a period of one year, executed by 2014, with three one-year options to renew, on an as-needed basis, for the various divisions of the Department of Port Control. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 122, 60 SF 126, 60 SF 141, 60 SF 160, passenger facility charges if authorized, and from the fund or subfunds to which are credited the proceeds from the sale of any airport revenue bonds if authorized for this purposes of this ordinance, Request No. RQS 3001, RL 2012-78.

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

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

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

Ord. No. 816-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide financial consulting services, for a period of one year with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide financial consulting services for a period of one year, beginning June 2012, with three one-year options to renew, for the various divisions of the Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port

Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 122, 60 SF 126, 60 SF 141, 60 SF 160, passenger facility charges if authorized, and from the fund or subfunds to which are credited the proceeds of any grant received for this project and from the fund or subfunds to which are credited the proceeds from the sale of any airport revenue bonds if authorized for this purposes of this ordinance, Request No. RQS 3001, RL 2012-73.

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

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

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

Ord. No. 817-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS2010-255 with Inland Waters of Ohio to provide professional services to perform professional spent aircraft deicing fluid management services at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 446-10, passed May 10, 2010, the Director of Port Control entered into Contract No. PS2010-255 with Inland Waters of Ohio to provide professional services to perform professional spent aircraft deicing fluid management services at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 446-10 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS2010-255 for an additional one year with Inland Waters of Ohio at a cost not to exceed \$990,000 to provide professional services to

perform professional spent aircraft deicing fluid management services at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 446-10 to exercise this option. (RQS 3001, RL 2012-77)

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

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

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

Ord. No. 819-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 63158 with OneCommunity to provide additional services needed to supply the City of Cleveland buildings and the Cleveland Municipal Court with high-speed digital data access to the Internet and to enter into a non-exclusive subscriber services agreement with OneCommunity, for a period up to five years.

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

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

Section 1. That the Director of Finance is authorized to enter into an amendment to Contract No. 63158 with OneCommunity to provide additional services needed supply the City of Cleveland buildings and the Cleveland Municipal Court with high-speed digital data access to the Internet for a period up to five years.

Section 2. That the Director of Finance is authorized to enter into a non-exclusive subscriber services agreement with OneCommunity. The agreement will also include the City's obligation to pay a one-time subscription fee and also ongoing subscription and service fees for the term of the agreement, for a period up to five years.

Section 3. That the contracts amendment and subscription and service fees shall be paid from the fund or funds appropriated for this purpose in budget years 2013, 2014, 2015, 2016, and 2017 and subject to annual appropriation. (RQN 1511, RL 2012-38)

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

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

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

Ord. No. 820-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with the owner of a certain site in the Cleveland business district of the city to provide for service payments for the purpose of developing such site; and to declare certain improvements to such site to be a public purpose under Section 5709.41 of the Ohio Revised Code.

Whereas, the City of Cleveland, Ohio (the "City") has indicated its willingness to provide a tax increment financing under Section 5709.41 of the Ohio Revised Code in order to assist 800 Superior, LLC, a Delaware limited liability company (the "Current Owner"), an affiliate of Amtrust Financial Services, Inc., a Delaware corporation ("Amtrust"), and Integon National Insurance Company, a North Carolina corporation ("Integon"), or another affiliate of Amtrust or Integon to which the Site (as defined below) has been or will be conveyed by the Current Owner (either one, the "Owner"), in the financing of a portion of the costs of the redevelopment of the 800 Superior Building (the "Project") located on the land described on Exhibit A attached hereto (the "Site"), which is in the business district of the City; and

Whereas, pursuant to the authority of Ordinance No. 209-12 passed March 19, 2012, and in order to create or preserve jobs and improve the economic welfare of the people of the City, the City acquired fee title to the Site from the Owner, prior to adoption of this Ordinance and then conveyed it back to the Owner; and

Whereas, to assist the Owner in financing a portion of the costs of the Project, including relocation costs, and thereby help Amtrust, Integon and the Owner redevelop the Site, attract jobs to the business district of the City and help reduce the high commercial vacancy rates at the Site, the City desires to declare certain improvements with respect to the Site to be a public purpose and exempt 100% of such improvements from real property taxes for a period of thirty (30) years under Section 5709.41 of the Ohio Revised Code;

Whereas, the City and the Owner will enter into a Tax Increment Financing Agreement (the "TIF Agreement"), pursuant to which the Owner will agree to make service payments in lieu of the exempted real property taxes (the "Service Payments"), and the City will make the Service Payments received by the City available to or at the direction of the Owner to assist the Owner in financing a portion of the costs of the Project;

Whereas, the City has determined that a portion of the Service Payments shall be paid to the Cleveland City School District (the "District") by the Cuyahoga County Auditor in an amount equal to the real property taxes that the District would have been paid if improvements to the Site located in the District had not been exempted from taxation pursuant to this Ordinance; and

Whereas, this Council finds and determines that notice of this proposed Ordinance has been delivered to all affected city, local, exempted village or joint vocational school dis-

tricts in accordance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code and hereby ratifies the giving of that notice; and

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

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

Section 1. That this Council hereby finds and declares that 100% of the "Improvements" ("Improvements" has the same meaning herein as defined in Section 5709.41 of the Ohio Revised Code) with respect to the Site, but excluding any and all residential Site Improvements located within the Site, to be a public purpose, and 100% of the Improvements are hereby declared to be a public purpose and exempt from real property taxation for a period of thirty (30) years, which exemption period shall commence on the effective date of this Ordinance and extend until the 30th anniversary of such effective date, all in accordance with Ohio Revised Code Sections 5709.41 to 5709.43.

Section 2. That pursuant to Section 5709.42 of the Ohio Revised Code, the Owner or any future owners of the Site shall be required to make annual service payments in lieu of taxes (the "Service Payments") to the Cuyahoga County Treasurer on or before the final dates for payment of real property taxes; and such Service Payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvement not been exempt from taxation.

Section 3. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established the 800 Superior Building Urban Redevelopment Tax Increment Equivalent Fund (the "Fund").

Section 4. That a portion of the Service Payments collected pursuant to Section 2 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 5. That the balance of the Service Payments collected pursuant to Section 2 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund to be applied to financing a portion of the costs of the Project pursuant to the TIF Agreement.

Section 6. That the Director of Economic Development is hereby authorized to enter into the TIF Agreement to provide for the exemption and Service Payments described herein, including agreements securing the Service Payments described in Section 2 of this Ordinance, and the terms and conditions under which the Service Payments deposited in the Fund shall be applied to in financing a portion of the costs of the Project, which agreement or agreements shall contain such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 7. That a copy of the legislative summary and the urban redevelopment plan in accordance with

ORC Section 5709.41, are placed in File No. 820-12-A.

Section 8. That the Clerk is hereby directed to forward a copy of this Ordinance to the County Auditor of Cuyahoga County and, not later than fifteen (15) days after the passage of this Ordinance, to the Director of the Department of Development of the State of Ohio. On or before March 31 of each year that the exemption set forth herein remains in effect, the Clerk or other authorized officer of the City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.41(E) of the Ohio Revised Code.

Section 9. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 10. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Exhibit A

Description of Land

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Original Two Acre Lots Nos. 95 and 96, bounded and described as follows:

Beginning on the southeasterly line of Superior Avenue, N.E., 132 feet wide, at its intersection with the southwesterly line of East 9th Street, 99 feet wide;

Course No. 1: thence South 33° 49' 40" East along said southwesterly line of East 9th Street, 320.34 feet to its intersection with the northwesterly line of Vincent Avenue, N.E., 56 feet in width, as shown by the Dedication Map in Volume 226 of Maps, Page 96 of Cuyahoga County Records;

Course No. 2: thence South 55° 58' 10" West along a northwesterly line of Vincent Avenue N.E., 132.74 feet;

Course No. 3: thence South 67° 45' 10" West along a northwesterly line of Vincent Avenue, N.E., 83.23 feet to a point in the southwesterly line of land conveyed to J.J. Sullivan by deed dated January 31, 1900 and recorded in Volume 754, Page 43 of Cuyahoga County Records;

Course No. 4: thence North 33° 50' 30" West along said southwesterly line of land so conveyed to J.J. Sullivan, 163.34 feet;

Course No. 5: thence South 55° 58' 10" West, parallel with the aforementioned southeasterly line of Superior Avenue, N.E., 18.17 feet to a point in the southwesterly line of land conveyed to Charles D. Williams by deed dated September 10, 1847 and recorded in Volume 41, Page 49 of Cuyahoga County Records;

Course No. 6: thence North 33° 50' 30" West along said southwesterly line of land so conveyed to Charles D. Williams, 140.00 feet to a point in the southeasterly line of Superior Avenue, N.E.,

Course No. 7: thence North 55° 58' 10" East along said southeasterly line of Superior Avenue, N.E. 232.51 feet to the place of beginning, containing 70,500 square feet of land (1.6185 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 1988 and updated August, 1996, be the same more or less, but subject to all legal highways.

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

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

Ord. No. 821-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Arti Maggiori 1469 LLC, or its designee, to provide for a ten-year, sixty percent tax abatement for certain tangible real property improvements located at 1265 West 65th Street in the Cleveland Area Enterprise Zone.

Whereas, by letter dated May 21, 2012, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.83 of the Revised Code; and

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics described in division (A) of Section 5709.61 of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Arti Maggiori 1469 LLC, or its designee (the "Enterprise") has proposed to develop the Werks Building located at 1265 West 65th Street in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain tangible real property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland

Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for certain tangible real property improvements at 1265 West 65th Street; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 821-12-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That any contract authorized by this legislation must require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts. The identification process shall place special emphasis on the hard to employ, including people who are disabled and people who have been convicted or who have pled guilty to a criminal offense which is unrelated to the duties of the job opportunity.

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

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

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

Ord. No. 822-12.

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

An emergency ordinance to amend Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and Ordinance No. 460-11, passed April 25, 2011, relating to the Job Creation Incentive Grant Program to increase available funding by \$630,000.

Whereas, under Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and Ordinance No. 460-11, passed April 25, 2011, this Council authorized the creation of the Job Creation Incentive Grant Program and

provided additional funding for the program; and

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

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

Section 1. That Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and Ordinance No. 460-11, passed April 25, 2011, is amended to read as follows:

Section 4. That the Incentive Payments shall be drawn from Fund Nos. 10 SF 526, 17 SF 006, and 17 SF 652 and paid to the Employers no later than March 31, of each year following the effective date of the applicable economic development agreement. Total contracts under this Section shall not exceed **\$2,630,000**. All Incentive Payments made under this ordinance shall be subject to appropriation. The Director of Economic Development is authorized to execute economic development agreements in a form similar to that provided in the file and such economic development agreements shall be consistent with the terms of this ordinance. Request No. RQS 9501, RL 2011-63 and **RQS 9501, RL 2012-102**.

Section 2. That existing Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and Ordinance No. 460-11, passed April 25, 2011, is repealed.

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

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

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

Ord. No. 823-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Westside Industrial Retention and Expansion Network to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with The Westside Industrial Retention and Expansion Network ("WIRE-Net") to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative ("CIRI").

Section 2. That the costs of the grant shall not exceed \$317,500 and shall be paid from Fund No. 18 SF 652, Request No. RQS 9501, RL 2012-105

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

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

Ord. No. 824-12.

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

An emergency ordinance to amend Sections 1 and 3 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by various ordinances, relating to administration of the Neighborhood Development Program to increase available funding by \$500,000.

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

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

Section 1. That Sections 1 and 3 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance No. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, Ordinance No. 299-94, passed March 28, 1994, Ordinance No. 644-11, passed May 23, 2011, and Ordinance No. 115-12, passed March 19, 2012, is amended to read as follows:

Section 1. That the Director of Economic Development is authorized to administer the Neighborhood Development Program by making loans and grants, the aggregate of which shall not exceed **\$3,100,000**, with eligible community based neighborhood organizations or for-profit entities sponsored by or subsidiaries of such neighborhood organizations to provide economic development assistance to partially finance the acquisition, construction, renovation and/or pre-development costs of real estate located in the City's neighborhoods.

Section 3. That the cost of said contracts shall be paid from Fund No. 17 SF 634 and **10 SF 526, RQS 9501, RL 2012-1.**

Section 2. That existing Sections 1 and 3 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance No. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, Ordinance No. 299-94, passed March 28, 1994, Ordinance No. 644-11, passed May 23, 2011, and Ordinance No. 115-12, passed March 19, 2012 is repealed.

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

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

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

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

Ord. No. 825-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist in the operations of the organization.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Greater Cleveland Media Development Corporation dba Greater Cleveland Film Commission to assist in the operations of the organization.

Section 2. That the costs of the grant shall not exceed \$200,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2012-103.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents that may be appropriate to complete the transaction.

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

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

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

Ord. No. 826-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Economic & Community Development Institute to provide economic development assistance for lending purposes only associated with the establishment of a micro-lending program to assist small, micro businesses and entrepreneurs.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with the Economic & Community Development Institute to provide economic development assistance

tance for lending purposes only associated with the establishment of a micro-lending program to assist small, micro businesses and entrepreneurs based in or relocating to the City of Cleveland.

Section 2. That the costs of the grant shall not exceed an amount of \$200,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2012-106.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

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

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

Ord. No. 827-12.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Ohio Department of Development to rehabilitate, repair, and maintain the East Side Market and to construct site improvements.

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

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

Section 1. That the Director of Community Development is authorized to apply for and accept a grant in an approximate amount of \$750,000 from the Ohio Department of Development to rehabilitate, repair, and maintain the East Side Market and to construct site improvements; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 827-12-A, is

made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of 25¢ per dollar of grant funds received, which represents a cash match of \$187,000 if \$750,000 in grant funds are received, from Fund No. 10 SF 051, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

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

Ord. No. 828-12.

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

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Cleveland Foundation for the Cleveland Nights Program.

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

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

Section 1. That the Director of Public Works is authorized to apply for and accept a grant in the amount of \$200,000, from the Cleveland Foundation to conduct the Cleveland Nights Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter, agreement, and summary for the grant contained in the file described below.

Section 2. That the award letter, agreement, and summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 828-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the mem-

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

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

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

Ord. No. 832-12.

By Council Member Miller.

An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the Famicos Foundation for a Transportation for Livable Communities Initiative Study for the East 140th Street Corridor for infrastructure improvements through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the City Planning Commission be authorized to enter into an agreement with the Famicos Foundation for a Transportation for Livable Communities Initiative Study for the East 140th Street Corridor for the public purpose of providing infrastructure improvements and redevelopment opportunities for residents residing in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$13,750 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 833-12.

By Council Member Miller.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Famicos Foundation for the Body, Mind and Soul Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an

agreement with the Famicos Foundation for the Body, Mind and Soul Program for the public purpose of providing and promoting healthy lifestyles education and recreational activities to residents in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 834-12.

By Council Member Miller.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Famicos Foundation for the Senior Lawn Care Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Famicos Foundation for the Senior Lawn Care Program for the public purpose of providing grass-cutting services to senior citizens and disabled residents that reside in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 835-12.

By Council Member Miller.

An emergency ordinance authorizing the Director of the Department of Public Works to enter into an agreement with the Famicos Foundation for a Glenville Collinwood Neighborhood Youth Baseball Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Public Works be authorized to enter into an agreement with the Famicos Foundation for the Glenville Collinwood Neighborhood Youth Baseball Program for the public purpose of providing organized youth recreational baseball activities for youths residing in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 836-12.

By Council Member Reed.

An emergency ordinance amending Section 2 of Ordinance Number 501-12 passed April 9, 2012 as it pertains to the Neighborhood Safety and Security Program for the Warner Road Neighborhood Area through the use of Ward 2 Neighborhood Capital Funds.

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

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

Section 1. That Section 2 of Ordinance No. 501-12 passed April 9, 2012 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 177.

Section 2. That Section 2 of Ordinance No. 501-12 passed April 9, 2012 is hereby repealed.

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

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

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

Ord. No. 837-12.

By Council Members Cleveland and J. Johnson.

An emergency ordinance authorizing the Director of Capital Projects to apply to the Northeast Ohio Area-wide Coordinating Agency for funding assistance for the rehabilitation and reconstruction of East 22nd Street from Orange Avenue to Euclid Avenue.

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

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

Section 1. That the Director of Capital Projects is authorized to apply to the Northeast Ohio Area-wide Coordinating Agency ("NOACA") for funding assistance, on behalf of the City of Cleveland, for the rehabilitation and reconstruction of East 22nd Street from Orange Avenue to Euclid Avenue.

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

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

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

Ord. No. 838-12.

By Council Member Westbrook.

An emergency ordinance designating the West Technical High School as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the West Technical High School as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on May 24, 2012 to discuss the proposed designation of the West Technical High School as a landmark; and

Whereas, the Commission has recommended designation of the West Technical High School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the West Technical High School, whose street address in the City of Cleveland is 2201 West 93rd Street, Cuyahoga

County Auditor's Permanent Parcel Number is 005-29-001, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being parcel "A" in the lot consolidation & split for WTech, LP, of part of original Brooklyn Township Lots 13 and 14, as shown by the recorded plat in Volume 313, Page 61 Cuyahoga County Map Records, further bounded as described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State Ohio and known as being all of Sublots 97 through 106, and part of Sublot 96, inclusive in the Second Denison Allotment as shown on the recorded Plat in Volume 17, Page 24 of the Cuyahoga County Records and Sublots 170 through 178, inclusive, and part of Sublot 179, 202, 201, 200, 199, and 225 and all of Sublots 203 through 224, inclusive in the Denison Allotment as shown of the recorded plat in Volume 15, Page 21 of the Cuyahoga County records; and part of a 10 foot strip of West 89th Street as recorded in Volume 3, Page 457 of the City of Cleveland Records and further described as follows:

Beginning at the intersection of the Northerly line of Willard Avenue, 60 feet wide, with the Easterly line of West 93rd Street, 50 feet wide; thence N 0° 10' 50" W, along the Easterly line of West 93rd Street, 360.34 feet to a point; thence N 89° 56' 30" E, 365.22 feet to a point; thence North 119.58 feet to a point; thence S 89° 59' 50" E, 231.06 feet to a point which lies in the Westerly line of West 89th Street, 50 feet wide; thence South, along the Westerly line of West 89th Street, 479.68 feet to a point being the intersection of the Westerly line of West 89th Street and the Northerly line of Willard Avenue; thence S 89° 56' 30" W, 595.14 feet to the place of beginning, containing 242, 258.99 square feet (5.561881 Acres) of land; North is assumed and based on the assumption that West 89th Street bears North and South, according to the survey completed by Carl P Gulla, JR., PE, PS, of Cuyahoga Engineering & Surveying Services in November, 2000, be the same more or less but subject to all legal highways.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

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

Ord. No. 841-12.
By Council Members J. Johnson, Reed and Cimperman.

An emergency ordinance authorizing the Director of the Department of Public Health to enter into an agreement with G2G Consulting, Inc for the Healthy Cleveland Initiative Youth Violence Prevention Program through the use of Ward(s) 2, 3 and 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Public Health enter into an agreement effective January 3, 2012 with the G2G Consulting, Inc. for the Healthy Cleveland Initiative Youth Violence Prevention Program for the public purpose of promoting youth violence prevention in the City of Cleveland through the use of Ward(s) 2, 3 and 8 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$21,735 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 856-12.
By Council Member Cummins.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to the Hispanic Health Committee to stretch banners on the southwest corner of W. 25th Street, in front of the Hispanic Alliance, 3110 W. 25th for the period from July 3, 2012 to August 4, 2012, inclusive, publicizing the Missionary Campaign.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Hispanic Health Committee, to stretch banners on the southwest corner of W. 25th, in front of the Hispanic Alliance, 3110 W. 25th for the period from July 3, 2012 to August 4, 2012, inclusive, publicizing the Missionary Campaign. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to

type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 818-12.

By Council Member Sweeney (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the City of Cleveland for the year 2013 and submit it to the County Budget Commission as required by State Law, Chapter 5705 of the Revised Code.

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

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

Section 1. That the Council, under the provisions of Chapter 5705 of the Revised Code, after public hearings as required by law, does adopt the statements of the year 2013 requirements for the several funds of the City of Cleveland as being the budget required by state law to be submitted to the County Budget Commission, which requirements are contained in File No. 818-12-A.

Section 2. That the Clerk of Council is directed to certify a copy of the resolution to the County Auditor of Cuyahoga County.

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

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

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

Res. No. 847-12.

By Council Member Sweeney.

An emergency resolution supporting the striking Teamsters Local 507 members employed by the American Red Cross.

Whereas, members of Teamsters Local 507 employed by the American

Red Cross Blood Services Division of Cleveland have been on strike since February 14, 2012 in a dispute about staffing levels; and

Whereas, these union members want to preserve their right to collectively bargain, a right that they believe the American Red Cross is trying to take away; and

Whereas, members of Teamsters Local 507 seek to maintain adequate staffing levels so that the blood supply is not endangered; and

Whereas, historically the American Red Cross has served a beneficial public purpose and promoted a high quality work environment; this work stoppage and the resulting conflict jeopardizes the good standing of the American Red Cross; and

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

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

Section 1. That this Council supports the striking Teamsters Local 507 members employed by the American Red Cross.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to Mary-Alice Frank, CEO and Dennis M. Chack, Chairman of the Board, American Red Cross of Greater Cleveland.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Miller, Mitchell, Polensek, Pruitt, Reed, Westbrook, Zone.

Those voting nay: Council Member Kelley.

Res. No. 849-12.

By Council Members J. Johnson, Polensek, Cummins, Kelley, Keane, Pruitt, Zone, Cleveland and Mitchell.

An emergency resolution supporting the MetroHealth System and State of Ohio's Medicaid Waiver Demonstration application to the U.S. Centers for Medicaid and Medicare Services.

Whereas, Cuyahoga County residents have median incomes that are 18 percent below national levels and Cleveland city residents earn about half the national average; and

Whereas, an estimated 158,000 Cuyahoga County adults are estimated to be uninsured, and do not presently qualify for Medicaid programs; and

Whereas, Cleveland is ranked the third poorest city in the nation, and over 60 percent of the region's poor now live in the surrounding suburbs; and

Whereas, as a public hospital, The MetroHealth System provides health care to all, regardless of a patient's ability to pay; and

Whereas, The MetroHealth System provided over 226,000 uninsured patient visits in 2011, which amounts to an increase of 42 percent since 2008; and

Whereas, all eleven MetroHealth primary care practices have achieved the highest level of recognition from the National Center for Quality Assurance; and

Whereas, MetroHealth has been recognized by Better Health Greater Cleveland for providing outstanding care to uninsured and Medicaid patients with diabetes, heart failure, and high blood pressure; and

Whereas, The MetroHealth System, Cuyahoga County, and the U.S. Centers for Medicare and Medicaid Services (CMS) have an opportunity to partner to reduce the uninsured rate in Cuyahoga County, to improve the health status and quality of care for thousands of county and city of Cleveland residents, and help prepare the safety net system and uninsured individuals for the health coverage expansion in 2014 through a waiver of existing rules from CMS, such waivers being the standard practice for demonstrating new and innovative ways of providing health care; and

Whereas, the State of Ohio in conjunction with the MetroHealth System submitted the Medicaid Waiver Demonstration application to CMS on or about April 24, 2012; and

Whereas, it is necessary that this Resolution become immediately effective in order to ensure that Cleveland City Council's support is communicated immediately to CMS.

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

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

Section 1. That the Council of the City of Cleveland supports the MetroHealth System and State of Ohio's Medicaid Waiver Demonstration application to the U.S. Centers for Medicaid and Medicare Services.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the U.S. Centers for Medicaid and Medicare Services.

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

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

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

Res. No. 850-12.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 200 Euclid Avenue and patio, and repealing Resolution No. 1129-11 objecting to said renewal

Whereas, this Council objected to a D5 and D6 Liquor Permit at 200 Euclid Avenue and patio by Resolution No. 1129-11 adopted by the Council on August 17, 2011; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to CR Cleveland, LLC, 200 Euclid Avenue and patio, Cleveland, Ohio 44115, Permanent Number 1173253 be and the same is hereby withdrawn and Resolution No. 1129-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 851-12.

By Council Member Cleveland.
An emergency resolution withdrawing objection to the transfer of liquor license of a C1 and C2 Liquor Permit at 5615 Woodland Avenue and repealing Resolution No. 1238-11 objecting to said renewal

Whereas, this Council objected to the transfer of liquor license of a C1 and C2 Liquor Permit to KBS Oil, Inc., DBA Uncle Sam's Beverage and Deli, 5615 Woodland Avenue, 44104, Permanent No. 44248770001, by Resolution No. 1238-11, adopted by the Council on September 12, 2011; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to KBS Oil, Inc., DBA Uncle Sam's Beverage and Deli, 5615 Woodland Avenue, Cleveland, Ohio 44104, Permanent No. 44248770001 be and the same is hereby withdrawn and Resolution No. 1238-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

and after the earliest period allowed by law.

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

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

Res. No. 852-12.

By Council Member Cummins.

An emergency resolution objecting to a New C1 Liquor Permit at 3238 West 44th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at West 44th Street Food, Inc., 3238 West 44th Street, Cleveland, Ohio 44109, Permanent Number 9555642; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at West 44th Street Food, Inc., 3238 West 44th Street, Cleveland, Ohio 44109, Permanent Number 9555642; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the

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

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

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

Res. No. 853-12.

By Council Member Kelley.

An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2, and D6 Liquor Permit at 4475 Pearl Road and repealing Resolution No. 627-12, objecting to said renewal

Whereas, this Council objected the transfer of ownership of a C1, C2 and D6 Liquor Permit to Ghazawi, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent No. 3174612, by Resolution No. 627-12, adopted by the Council on April 30, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said renewal; and

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

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

Section 1. That objection to a C1 C2 and D6 Liquor Permit to Ghazawi, Inc., DBA Convenient Food Mart #3-098, 4475 Pearl Road, Cleveland, Ohio 44109, Permanent No. 3174612 be and the same is hereby withdrawn and Resolution No. 627-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 854-12.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 9305 Miles Road, and repealing Resolution No. 975-11, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit at 9305 Miles Road by Resolution No. 975-11 adopted by the Council on July 20, 2011; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Ninety-Three Miles, Inc., DBA Convenience Plus Food Mart, 9305 Miles Road, Cleveland, Ohio 44105, Permanent Number 6416088 be and the same is hereby withdrawn and Resolution No. 975-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 855-12.

By Council Member Zane.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 5910 Detroit Avenue, and repealing Resolution No. 1154-11, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit at 5910 Detroit Avenue by Resolution No. 1154-11 adopted by the Council on August 17, 2011; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Two N, Inc., DBA Convenient Food Mart #3112, 5910 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 91255550005 be and the same is hereby withdrawn and Resolution No. 1154-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1290-09.

By Council Member Miller.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 17220 Endora Road to Bernard Lemon and Eloise Lemon.

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

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

Ord. No. 959-11.

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

An emergency ordinance authorizing the purchase by one or more contracts of materials, equipment, supplies, and services needed for managing and maintaining buildings under the control of the Department of Community Development for a period of one year.

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

1. In the title, at the end, strike the period and insert “; and to enter into a grant agreement with the Near West Side Multi-Service Corporation, dba May Dugan Center to make emergency elevator and roof repairs at the May Dugan Multi-Service Center.”.

2. Insert new Section 2 to read as follows:

“Section 2. That the Director of Community Development is authorized to enter into a grant agreement in the amount of \$65,000 with the Near West Side Multi-Service Corporation, dba May Dugan Center to finance emergency elevator and roof repairs at the May Dugan Multi-Service Center located at 4115 Bridge Avenue.”.

3. Renumber existing Sections 2, 3, and 4 to new “Section 3”, “Section 4” and “Section 5”.

4. In existing Section 3, line 1, strike “contract or contracts” and insert “contract, contracts, and grant”.

Amendments agreed to.

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

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

Ord. No. 249-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, aluminum sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, and receiving scrap aluminum sign blank credit, for the Division of Traffic Engineering, Department of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 393-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into contract with the Cleveland Municipal Football Association to conduct a city-wide football program.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties and Recreation, Finance.

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

Ord. No. 402-12.

By Council Member Dow.

An emergency ordinance designating the Richman Brothers Factory as a Cleveland Landmark.

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

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

Ord. No. 404-12.

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

An emergency ordinance authorizing the Director of Public Utilities to execute deeds of easement granting to the Village of Newburgh Heights and the Cleveland Electric Illuminating Company certain easement rights in property located near the intersection of East 42nd Street and Harvard Avenue in the Village of Newburgh Heights in order to facilitate the intersection reconstruction; and declaring that the easement rights granted are not needed for public use.

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

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

Ord. No. 451-12.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2011-12 school year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

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

Ord. No. 453-12.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend the title and Sections 3, 4, and 10 of Ordinance No. 453-11, passed May 16, 2011, relating to constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; and adding new Sections 9a. and 9b. relating to the skatepark.

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

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

Ord. No. 456-12.

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

An emergency ordinance determining the method of making the public improvement of constructing general non-capital repairs and non-capital improvements at Cleveland Hopkins International Airport and Burke Lakefront Airport, on an as-needed basis; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; authorizing design services, if needed; and to enter into various written standard purchase and requirement contracts necessary for the purchase of materials equipment, supplies, and services to implement the repairs and improvements, on an as-needed basis, by contracts executed in 2012, 2013, and 2014.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In the title, lines 15 and 16, strike “in 2012, 2013, and 2014.” and insert “in 2012, with an option to extend the authority for years 2013 and 2014 with additional legislative authority of this Council.”.

2. In Section 1, line 12, strike “in 2012, 2013, and 2014.” and insert “in 2012, with an option to extend the authority for years 2013 and 2014 with additional legislative authority of this Council.”.

3. In Section 2, second paragraph, lines 7 and 8, strike “in 2012, 2013, and 2014.” and insert “in 2012, with an option to extend the authority for years 2013 and 2014 with additional legislative authority of this Council.”.

4. In Section 3, line 6, strike “in 2012, 2013, and 2014.” and insert “in 2012, with an option to extend the authority for years 2013 and 2014 with additional legislative authority of this Council.”.

5. In Section 5, line 4, strike “in 2012, 2013, and 2014.” and insert “in 2012, with an option to extend the authority for years 2013 and 2014 with additional legislative authority of this Council.”.

6. In Section 8, line 1, after “shall” insert “not exceed an aggregate amount of \$500,000 and shall”.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

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

Ord. No. 492-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Rockwell Property, LLC, to encroach into the public right-of-way of Rockwell Avenue and East 6th Street by installing, using, and maintaining 12 concrete light housings.

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

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

Ord. No. 493-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to USA Parking Systems Prospect LLC to encroach into the public right-of-way above certain downtown streets with 20 wayfinding signs to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Ord. No. 494-12.

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

An emergency ordinance to vacate a portion of Allison Avenue N.W.

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

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

Ord. No. 500-12.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (By Request).

An emergency ordinance to vacate a portion of Evarts Avenue S.E. and a portion of East 90th Place.

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

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

Ord. No. 532-12.

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

An emergency ordinance authorizing the Director of Capital Projects to

hire one or more consultants for design, engineering and construction services relating to the resurfacing of East 72nd Street from St. Clair Avenue to the North Marginal Road; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Ord. No. 533-12.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; authorizing the Directors of Public Works and Capital Projects to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to public facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works and the Office of Capital Projects.

Approved by Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Public Service, City Planning, Finance, when amended, as follows:

1. In Section 1, line 4, after "incidental,"; and in Section 3, line 5, after "improvement," insert in both places "**excluding the relocation of Fire Station 36 unless additional legislation is obtained.**"

2. In Section 2, line 3, after "contracts", insert "**excluding the relocation of Fire Station 36 unless additional legislation is obtained.**"

3. In Section 4, line 5, after "ordinance" strike the period and insert "**excluding the relocation of Fire Station 36 unless additional legislation is obtained.**"

4. In Section 5, line 7, after "ordinance" insert "**excluding the relocation of Fire Station 36 unless additional legislation is obtained.**"

Amendments agreed to.

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

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

Ord. No. 534-12.

By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request)

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.

Approved by Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Public Service, City Planning, Finance, when amended, as follows:

1. In Section 10, strike lines 4 and 5 in their entirety and insert "**sells such bonds and Fund Nos. 20 SF 377, 20 SF 381, 20 SF 382, 20 SF 391, 20 SF 392, 20 SF 501, 20 SF 503, 20 SF 504, 20 SF 508, 20 SF 509, 20 SF 516, 20 SF 517, 20 SF 523, 20 SF 524, 20 SF 532, 20 SF 533, 20 SF 535, 20 SF 538, 20 SF 539, 10 SF 039, and any other**".

Amendment agreed to.

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

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

Ord. No. 540-12.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into one or more cooperative agreements with the Greater Cleveland Regional Transit Authority to construct the City of Cleveland's portion of the Clifton Transit Enhancement Project; authorizing the Director to accept cash contributions from public and private entities, for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property

necessary to make the public improvement.

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

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

Ord. No. 564-12.

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

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the director to enter into one or more purchase contracts for various services, equipment and supplies; authorizing the director to enter into one or more contracts with various agencies or entities necessary to operate the Division of Air Quality; determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on city-owned and city-leased property; authorizing the director to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

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

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

Ord. No. 606-12.

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

An emergency ordinance authorizing the Director of Capital Projects to employ by contract or contracts one or more professional consultants or one or more firms of professional consultants necessary to perform geotechnical and environmental engineering services, environmental material and testing, and other consulting services; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such easements as are necessary to perform the geotechnical and engineering services.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

Ord. No. 607-12.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the rehabilitation of Cedar Avenue, Phase III, from East 55th Street to East 89th Street; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction

services; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Ord. No. 608-12.

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

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the reconstruction of Fleet Avenue from I-77 to Broadway Avenue; authorizing the Director of Capital Projects to apply for and accept grants from the Northeast Ohio Areawide Coordinating Agency and the Federal Highway Administration for Federal Transportation Enhancement Funds; authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Ord. No. 609-12.

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

An emergency ordinance to amend Section 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance Nos. 637-08, passed June 9, 2008, 455-09, passed June 8, 2009, and

678-11, passed June 6, 2011, relating to the public improvement of removing and replacing the Longmeade Avenue, St. John Avenue, and Guardian culverts, and repairing, removing, or replacing various bridges under the 2006 Bridge Plan.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

Ord. No. 611-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Relations to apply for and accept a grant from Cuyahoga County Juvenile Court to conduct the 2012 Community Diversion Program.

Approved by Directors of Community Relations, Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 613-12.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Public Works to enter into one or more contracts with various agencies to implement the Program.

Approved by Directors of Community Development, Public Works, Finance, Law; Passage recommended by Committees on Community and Economic Development, Public Parks, Properties, and Recreation, Finance.

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

Ord. No. 624-12.

By Council Members Cimperman, Cummins and Zone.

An emergency ordinance to amend Section 431.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76, passed June 29, 1976, relating to "Don't Block the Box" intersections.

Approved by Directors of Public Safety, Public Works, Finance, Law; Passage recommended by Committees on Public Safety, Public Parks, Properties, and Recreation, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 431.33, strike (b) in its entirety and insert the following:

"(b) At any intersection, the Police Chief and Commissioner of Traffic Engineering, in consultation with the Council Member in whose ward the intersection is located, may place "Don't Block the Box" signs, which signs shall set forth the penalty for violation of this section."

Amendment agreed to.

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

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

Ord. No. 653-12.

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

An emergency ordinance authorizing the Mayor to execute a Release of Covenant and Deed Restrictions for approximately 9.8 acres of land upon which Buildings 500 and 501 of the National Aeronautics and Space Administration's Glenn Research Center are situated.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 657-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Ord. No. 658-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 3.

Those voting yea: Council Members Sweeney, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, K. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Members Brady, J. Johnson and Polensek.

Ord. No. 659-12.

By Council Members Brancatelli, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Develop-

ment to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Public Works to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Member Polensek.

Ord. No. 660-12.

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

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

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

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

Ord. No. 661-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events and to actively market the Public Auditorium as a premier site for the hosting of major events.

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

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

Ord. No. 664-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with the County of Cuyahoga and to enter into or amend a memorandum of understanding with the Department of Aging for administrative costs for the implementation of homeless assistance activities.

Approved by Directors of Community Development, Finance, Law; Pas-

sage recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 665-12.

By Council Members Mitchell, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 60116 with Fairfax Renaissance Development Corporation to change the interest rate of the loan and to extend the loan maturity date.

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

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

Ord. No. 666-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 53903 with LH Development LLC to defer principal and interest payments to November 30, 2013 with a one year option, subject to the review and recommendation of the CCDC Loan Review Committee to defer principal and interest payments until November 30, 2014.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Westbrook and Zone.

Those voting nay: None.

Pursuant to Rule 19 of the Rules of Council, Council Member Dow, recused himself from the vote regarding Ordinance No. 666-12.

Ord. No. 667-12.

By Council Members K. Johnson, Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to transfer property described as Permanent Parcels 126-37-038, 126-37-039, 126-37-040, 126-37-041, 126-37-042, 126-37-043, 126-38-016, 126-38-017, and 126-38-018 to the control, possession, and use of the Department of Public Works for development of the East Side Maintenance Center for the Department of Public Works.

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

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

Ord. No. 671-12.

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

An emergency ordinance to amend the second whereas clause and Section 3 of Ordinance No. 74-12, passed April 9, 2012, relating to granting an easement to the Greater Cleveland Regional Transit Authority on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Public Service, Finance.

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

Ord. No. 672-12.

By Council Members Cimperman, Brancatelli and Zone.

An emergency ordinance to amend Sections 431.03, 431.08, 431.10, and 451.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976, Section 451.03, as enacted by Ordinance No. 2468-83, passed June 11, 1984, and Section 403.99, as amended by Ordinance No. 486-04, passed October 11, 2004, relating to bicycle transportation safety and penalties; to repeal codified ordinance Sections 473.11, Licensing Bicycles; Fee and Transfer and 473.12, Licensing Agents, as enacted by Ordinance No. 2393-02, passed February 3, 2003.

Contents noted by Directors of Public Works, Public Safety and Finance.

Approved by City Planning Commission, Law; Passage recommended by Committees on Public Safety, Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In the title, line 2, after "Sections" insert **"401.73, as amended by Ordinance No. 835-03, passed June 10, 2003,"**.

2. In Section 1, line 1, after "Sections" insert **"401.73, as amended by Ordinance No. 835-03, passed June 10, 2003,"**.

3. In Section 1, between existing lines 4 and 5, insert the following: **"Section 401.73 Vehicle**

"Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility devices, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracts, or any device, other than a bicycle, that is moved by human power. A bicycle is a "vehicle."

4. In Section 2, line 1, after "Sections" insert **"401.73, as amended by Ordinance No. 835-03, passed June 10, 2003,"**.

5. In Section 1, at amended Section 431.03(d), line 1, strike **"(d) The"** and insert **"(d) Except as provided in division (e) of this section, the";** in line 3, strike **","** and shall not

increase the speed of his or her vehicle,"; in line 4, after "operator of a" insert **"commercial car,"**; and in line 5, strike **"truck"** and insert **"tractor"**.

6. In Section 1, at amended Section 431.03(e), at the end of the division, strike the period and insert **"," unless the driver can meet the requirements of division (d) of this section."**

7. In Section 1, at amended Section 431.08(e), strike line 2 in its entirety and insert **"a motor vehicle shall not drive,"**; and at the end, strike the period after "lane" and insert **"unless entering or exiting a legal parking space, alley, private road, driveway, or preparing to make a turn."**

8. In Section 1, at amended Section 431.10, strike division (f) in its entirety.

9. In Section 1, at amended Section 451.03(q), line 1, strike "On" and insert **"Except for bicycles, on";** and in line 2, strike "transportations" and insert **"transportation"**.

10. In Section 1, at amended section 403.99(8), strike lines 2 and 3 in their entirety and insert **"division (e) of Section 431.08, division (e) of Section 431.10, and Section 451.07 is guilty of a minor misdemeanor on a first offense; on each";** and in line five, strike **"forth"** and insert **"fourth"**.

Amendments agreed to.

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

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

Ord. No. 705-12.

By Council Member Polensek, K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to make alterations and modifications in Contract No. CT 7003 PI 2010-18 with Panzica Construction Company for the construction of the new Collinwood Recreation Center, for the Department of Public Works.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

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

Ord. No. 708-12.

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

An emergency ordinance authorizing the implementation of a Cleveland Public Power City-wide LED Giveaway program to promote energy efficiency and conservation; and authorizing the purchase by one or more requirement contracts of various sizes and styles of 60-watt equivalent LED light bulbs, for the Division of Cleveland Public Power, Department of Public Utilities, for a one year period.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Member Polensek.

Ord. No. 709-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 9 of Ordinance No. 1570-11, passed December 5, 2011, relating to the improvement of Professor Avenue; to amend Section 9 of Ordinance No. 1571-11, passed December 5, 2011, relating to the improvement of West 6th Street; and to amend Section 8 of Ordinance No. 1598-11, passed December 5, 2011, relating to the improvement of Larchmere Avenue, to add 2012 general obligation bonds as a funding source.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committee on Finance, when amended, as follows:

1. In Section 5, at amended Section 8, line 4, after "20 SF 540," insert **"52 SF 001,"**.

Amendment agreed to.

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

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

Ord. No. 710-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the Burke Lakefront Airport Runway 6L-24R Safety Area and related facilities in order to comply with mandatory FAA standards; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various requirement contracts needed in connection with the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 711-12.

By Council Member Cimperman. An emergency ordinance designating the East Ohio Gas Company Building and Garage as a Cleveland Landmark.

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

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

Ord. No. 732-12.

By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 591-11, passed June 6, 2011, relating to the rehabilitation of Woodland Avenue, Phase I, to include the resurfacing of Buckeye Road from Woodland Avenue to Ambler Avenue.

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

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

Ord. No. 733-12.

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

An emergency ordinance to amend the title Sections 1 and 9 of Ordinance No. 912-11, passed August 17, 2011, relating to the rehabilitation of Triskett Avenue, Phases 1 and 2 to include asphalt resurfacing on Warren Road from Munn Road to Lorain Avenue.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In the title, line 4; in Section 1, at the amended title, line 2; and in Section 1, at amended Section 1, line 3, after "Triskett Avenue," insert in all three places, "**from Lorain Avenue to West 115th Street**".

2. In Section 1, at amended Section 9, line 4, after "20 SF 540," insert "**52 SF 001**".

Amendments agreed to.

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

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

Ord. No. 734-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to install, design, train, implement, test, integrate, migrate, maintain, and provide technical support and other related services, including any equipment, necessary to implement a web-based payment system, including a vendor-hosted solution to process payments.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 735-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director to employ one or more professional consultants, computer software developers, or vendors to provide various professional services needed to update and improve network infrastructure, and to acquire various software licenses,

peripheral ancillary devices, telecommunications, and City-wide applications; and to enter into various written standard and requirement contracts for the purchase or lease of materials, equipment, supplies and services, for a period of one year.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 736-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 1433-11, passed October 24, 2011 to authorize the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into various contracts necessary to conduct the Adult Treatment Court Collaborative program.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 737-12.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with the Northeast Ohio Regional Sewer District to reimburse them for the immediate repair of the Mary Street Pump Station.

Approved by Directors of Finance, Public Utilities, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 738-12.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Datamatic, Ltd. for professional services necessary to provide maintenance and repair of meter reading, collections, investigations and meter maintenance systems, including hardware and software-support based, for the Division of Water, Department of Public Utilities, for a period of one year, with two one-year options to renew, the second of which will require additional legislative authority.

Approved by Directors of Finance, Public Utilities, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 739-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the East 176th Street area sewer replacement, which may include but not be limited to installing manholes and catch basins, and authorizing the Director

of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 740-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the St. Clair Avenue area sewer replacement, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 741-12.

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

An emergency ordinance determining the method of making the public improvement of constructing the Wakefield Avenue area sewer replacement, which may include but not be limited to installing manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 743-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2010-322 with Kellogg Community College to provide professional services to certify City personnel as airport rescue firefighting basic firefighters.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 745-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber

and any other contaminants from paved surfaces, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 746-12.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the South Cargo Ramp and reconstructing Taxiway N at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; authorizing professional design services, construction management and other related services; and to enter into various requirement contracts needed to implement the improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance.

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

Ord. No. 747-12.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2012 Cleveland Youth Summer Employment Program, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 749-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Commission on Minority Health for the 2012-13 Minority Health Program; and authorizing the Director to enter into one or more contracts with agencies, entities, or individuals to implement the grant.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 750-12.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Cities for Financial Empowerment Fund for the Financial Empowerment Center Program.

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

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

Ord. No. 752-12.

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

An emergency ordinance authorizing the purchase by one or more standard and requirement contracts for the purchase, lease, or lease with option to purchase, of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including vehicle rehabilitation, training, and inspections, as needed, for the various divisions of City government, for a period of one year.

Approved by Directors of Capital Projects, Finance, and Law; Passage recommended by Departments of Public Service, Finance.

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

Ord. No. 753-12.

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

An emergency ordinance to amend Sections 5, 25, 30, 34, 35, and 37 of Ordinance No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.

Approved by Directors of Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action, and Training, Finance.

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

Ord. No. 754-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. MA1511RC2010-118 with Software House International, Inc. to provide Microsoft licenses for the various divisions of City government.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

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

Ord. No. 755-12.

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

An emergency ordinance authorizing the Director of Community Development to enter into a Municipal Agency Agreement with the Cuya-

hoga County Land Reutilization Corporation (CCLRC) to designate the CCLRC as the City's agent in order to acquire certain non-productive land within the City of Cleveland upon which there are buildings or other structures and to remove or demolish such buildings or other structures and to transfer ownership of the vacant, non-productive land to the City Land Reutilization Program, together with the rights and privileges granted under Revised Code Section 5722 and with respect to tax exemption under Revised Code Section 5722.11, all in accordance with the Municipal Agency Agreement and the procedures set forth in Revised Code Sections 5722.02 through 5722.15, inclusive, regarding the reutilization of nonproductive lands within the City of Cleveland.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Member J. Johnson.

LAID ON THE TABLE

Ord. No. 283-12.

By Council Member Cimperman.

An emergency ordinance to amend Section 341.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1827-08, passed February 9, 2009, relating to two-year term limits for Local Design Review Advisory Committee Members.

Without objection, Ordinance No. 283-12 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 283-12. Laid on the Table.

MOTION

The Council Meeting adjourned at 9:30 p.m. to meet on Wednesday, July 11, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 30, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 30, 2012 at 10:36 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Absent: Mayor Jackson, Director Dumas.

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 234-12.

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of the Hylant Group, for Bonds and Fidelity Insurance Coverage, for the various divisions of the City government, Base Bid Form 1A, (Crime Policies \$10,000 Deductibles), Base Bid Form 2, (Public Officials) and Base Bid Form 3, (Court Bonds), for a period of three years beginning with the date of execution with two-one year options to renew each for one year, received on April 4, 2012, under the authority of Section 171.13 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantity would amount to \$28,624.00 is approved as the lowest and best bid, and the Director of Finance is requested to enter into standard contract for the items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by the Hylant Group for the above mentioned standard purchase is approved.

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE</u>
<u>Dollar Amount</u>	<u>Percent</u>
Pinkney-Perry Insurance Agency, Inc.	CSB/MBE
\$2,862.40	10%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

Resolution No. 235-12.

By Director Smith.

Whereas, under the authority of Ordinance No. 1850-06, passed by the Council of the City of Cleveland on April 2, 2007, and Board of Control Resolution No. 72-08, adopted February 6, 2008, the City through its Director of Port Control, entered into City Contract No. 67743 with BAA USA, Inc. to manage all retail merchandise and food and beverage concessions at Cleveland Hopkins International Airport, including the remote rental car facility, and installation of one automated teller machine at Burke Lakefront Airport and set a concession fee for each year of the initial and option terms; and

Whereas, under the authority of Board of Control Resolution No. 386-08, adopted August 6, 2008, this Board consented to the assignment of City Contract No. 67743 from BAA USA, Inc. to BAA Cleveland, Inc. ("BAAC"); and

Whereas, under the authority of Board of Control Resolution No. 116-09, adopted April 8, 2009, this Board amended the concession fees payable by BAAC; and

Whereas, under the authority of Board of Control Resolution No. 47-10, adopted February 10, 2010, this Board amended the concession fees payable by BAAC; and

Whereas, by Board of Control Resolution No. 432-10, adopted October 20, 2010 this Board acknowledged BAAC's change of name from BAA Cleveland, Inc. to AIRMALL Cleveland, Inc.; and

Whereas, due to continued decline in passenger levels the City has determined that the concession fees set forth in Board of Control Resolution No. 47-10, adopted February 10, 2010, should be amended; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the concession fees set forth in Board of Control Resolution No. 47-10, adopted February 10, 2010, are amended effective January 1, 2011 as follows:

CURRENT CONCESSION FEES			AMENDED CONCESSION FEES		
Period	MAG	Percentage Fee	Period	MAG	Percentage Fee
January 1, 2010 through December 31, 2012	The greater of \$4,500,000 or 80% of the prior year's concession payment amount	70%	January 1, 2011 through December 31, 2011	The greater of \$4,000,000 or 80% of the prior year's concession payment amount	70%

Be it further resolved that all other terms of Resolution No. 47-10 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

Resolution No. 236-12.

By Director Smith.

Whereas, under the authority of 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, the City through its Director of Port Control, entered into Contract No. PS2010*039 with Science Applications International Corporation, Inc. ("Consultant"), to provide management of sampling and analytical service

needs at Cleveland Hopkins International and Burke Lakefront airports for a period of two years, with two one-year options to renew, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional sampling and maintenance activities associated with the National Pollutant Discharge Elimination System permit, Modified Consent Order and Section 404 Permit for Cleveland Hopkins International Airport; and

Whereas, the Consultant has proposed by its letter dated March 22, 2012 to perform the additional work necessary for an amount of \$100,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. PS2010*039 between the City of Cleveland and Science Applications International Corporation for additional sampling and maintenance

activities associated with the National Pollutant Discharge Elimination System permit for Cleveland Hopkins International Airport. The amount to be paid for all services shall be increased by \$100,000.00 from \$600,000.00 to a total amount not to exceed \$700,000.00.

Be it further resolved that the amount attributed to the following subconsultant approved in Board of Control Resolution No. 521-09, adopted November 18, 2009, is amended as follows:

<u>Subconsultant</u>	<u>Percentage Amount</u>
Eden Environmental, Inc.	24.45% CSB/FBE \$171,150.00

Be it further resolved that the following additional subconsultant to Science Applications International Corporation under Contract No. PS2010*039 is approved:

<u>Subconsultant</u>	<u>Percentage Amount</u>
EnviroScience, Inc.	1.42% Non-CSB/MBE/FBE \$10,000.00

Be it further resolved that all other terms of Resolution No. 521-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Dumas.

Resolution No. 237-12.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of SONA Construction LLC for the public improvement of McCafferty Health Center Lighting Improvements, for the Base Bid Items A, B, C and Optional Items 1, 2, 3, and 4 for the Division of Architecture and Site Development, Department of Public Works, received on April 11, 2012, under the authority of Ordinance No. 453-11, passed on May 16, 2011, upon a gross price basis for the improvement in the aggregate amount of \$24,200.00, 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 SONA Construction LLC for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
Scharton Electric (CSB/FBE)	\$9,531.00 39.384%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols,

Acting Director Odom and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Dumas.

Resolution No. 238-12.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of SONA Construction LLC for the public improvement of Gym Floor Restoration at Various Recreation Centers, for the Base Bid Items A and B and Optional Items 1 and 4 for the Division of Architecture and Site Development, Department of Public Works, received on March 28, 2012, under the authority of Ordinance No. 922-07, passed on July 11, 2007, upon a gross price basis for the improvement in the aggregate amount of \$91,400.00, 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 SONA Construction LLC for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
Frank Novak & Sons, Inc. (CSB/FBE)	\$25,000.00 27.352%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Dumas.

Resolution No. 239-12.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc. for the public improvement of Emergency Generator Replacement - 5th District Police Headquarters, for the Base Bid Items A and B and Optional Items 1, 2, 3, 5 and 7 for the Division of Architecture and Site Development, Department of Public Works, received on April 11, 2012, under the authority of Ordinance No. 453-11, passed on May 16, 2011, upon a gross price basis for the improvement in the aggregate amount of \$132,700.00, 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 Envirocom Construction, Inc. for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
Work Best Electric (CSB/FBE)	\$40,000.00 30.143%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Dumas.

Resolution No. 240-12.

By Director Cox.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc. for the public improvement of West Side Market Phase Two Mechanical Improvements, for the Base Bid Items and Optional Items 1-7 and 9 for the Division of Architecture and Site Development, Department of Public Works, received on February 22, 2012, under the authority of Ordinance Nos. 489-07 and 1874-07, passed on June 4, 2007 and January 7, 2008, upon a gross price basis for the improvement in the aggregate amount of \$237,700.00, 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 Envirocom Construction, Inc. for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
Imperial Mechanical (CSB/FBE/LPE)	\$72,600.00 30.543%

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Director Dumas.

Resolution No. 241-12.

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

Whereas, under the Land Reutilization Program the City has acquired Permanent Parcel No(s). 129-14-056, 129-14-059 and 129-14-091, located on East 118th Street; and

Whereas, Ordinance Nos. 1107-11 and 1108-11 passed May 7, 2012, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network or its designee has proposed to the City to purchase and develop the parcels for new housing construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance Nos. 1107-11 and 1108-11 passed May 7, 2012, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network or its

designee for the sale and development of Permanent Parcel No(s), 129-14-056, 129-14-059 and 129-14-091, as described in the Ordinance 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 parcels shall be \$100.00 each, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

Resolution No. 242-12.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel Nos. 126-22-001, 126-22-002, 126-22-003, 126-22-004, 126-22-005, 126-22-007, 126-22-011, 126-22-012, 126-22-013, 126-22-061, 126-22-062, 126-22-063, 126-22-064, 126-22-065, 126-22-066, and 126-22-067, 126-22-068, 126-22-069, 126-22-071, located between Tennyson Road and Grand Avenue in Wards 4 and 6; and

Whereas, Ordinance No. 1102-11 passed September 26, 2011, authorized the lease of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Miceli-Lograsso Development Company III, LLC has proposed to the City to lease and develop the parcels for truck delivery and staging areas, and greenspace; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1102-11, passed by the Cleveland City Council September 26, 2011, the Director of Community Development is authorized to execute a lease up to ten years for and on behalf of the City of Cleveland to Miceli-Lograsso Development Company III, LLC for the use and development of Permanent Parcel Nos. 126-22-001, 126-22-002, 126-22-003, 126-22-004, 126-22-005, 126-22-007, 126-22-011, 126-22-012, 126-22-013, 126-22-061, 126-22-062, 126-22-063, 126-22-064, 126-22-065, 126-22-066, 126-22-067, 126-22-068, 126-22-069, and 126-22-071, located between Tennyson Road and Grand Avenue, as described in the Ordinance 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 lease of the parcels shall be \$1.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols,

Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

Resolution No. 243-12.

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. 025-26-043 located at 3929 Rocky River Drive in Ward 19; 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; and

Whereas, Dorothy A. Sirocky has 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 19 has consented to the proposed sale;

2. 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, with Dorothy A. Sirocky for the sale and development of Permanent Parcel No. 025-26-043 located at 3929 Rocky River Drive, 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: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

Resolution No. 244-12.

By Director Nichols.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Precision Environmental Company for the public improvement of the Warner Swasey facility, all items, for the Department of Economic Development, received on April 25, 2012 under the authority of Ordinance No. 756-11, passed by the Cleveland City Council on June 6, 2011, for a gross price for the improvement in the aggregate amount of \$1,454,530, is affirmed and approved as the lowest responsible bid, and the Director of Economic Development is autho-

rized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Precision Environmental Company for the above-mentioned public improvement is approved:

CJL, Inc.
(FBE) — \$101,850 (7.002%)

Dumpsters, Inc.
(CSB/MBE) — \$98,600 (6.779%)

Coleman Trucking
(CSB/MBE) — \$145,500 (10.003%)

Yeas: Interim Director Langhenry, Directors Withers, Smith, Cox, Butler, Acting Director Eckart, Directors Rush, Southerington, Nichols, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Director Dumas.

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

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 18, 2012

9:30 A.M.

Calendar No. 12-88: 3196 Scranton Road (Ward 14)

Rebecca Riker, owner, appeals to erect a two-story frame addition to a garage for a dwelling unit to be located on a 60' x 177.88' parcel in a C1 Multi-Family District; contrary to Section 357.15, there is 11 feet of yard area and 40 feet is required

between a residence building erected in the rear of a main building, with the provision that there are required front, rear and side yards and if there is an unobstructed entranceway provided for access from the street to the rear building; and contrary to the Area Regulations for residence buildings in any use district, a maximum gross floor area of 806 square feet is provided and 906 is required in accordance with the Cleveland Codified Ordinances.

Calendar No. 12-89: 17812 Landseer Road (Ward 11)

Nicholas Underhill, owner, appeals to erect a 15' x 17' wolmanized wooden deck at the rear of a one family dwelling located on a 100' x 115' parcel in an A1 One-Family District, providing a rear yard of 1 foot from the property line, contrary to Section 357.08(b)(1), and the requirement for a rear yard depth of 30 feet.

Calendar No. 12-91: 16114 St. Clair Avenue (Ward 11)

Salvatore Difini, owner, and Rhonda Wynn, tenant, appeal to establish use as a car wash/motor vehicle maintenance shop in an existing building located on a 75' x 105.49' corner parcel in a C2 Local Retail Business District; subject to the limitations in Section 343.01, the use is not permitted and first permitted in a General Retail District according to the provisions in Section 343.14 of the Cleveland Codified Ordinances.

Violation Notice

Calendar No. 12-92: 2232 Murray Hill Road (Ward 9)

Michael Occhionero, Jr. appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on April 19, 2012 for use of property as a parking lot without a Certificate of Occupancy issued by the City of Cleveland Building and Housing Department for the change or substitution of use.

Calendar No. 12-93: 4603 East 147th Street (Ward 1)

Carol Joiner, owner, appeals to erect 100 linear feet of 4 foot high chain link fence and a gate to enclose a 39.98' x 157.62' parcel located in an A1 One-Family District; contrary to Section 358.04(c)(1) in the Fence Regulations that require only ornamental fences in actual front yards in a residential district. The Board of Zoning Appeals may permit such fence if it determines that chain link fence is common in the immediate vicinity of the subject property.

Calendar No. 12-96: 11310 Juniper Drive (Ward 9)

Case Western Reserve University, owner, appeals from the limitation of 30 days duration to erect a 30' x 35' temporary tent for events that will occur during a period of 180 consecutive days, exceeding the limitations of Section 347.10(a) in the Cleveland Codified Ordinances and under the provisions in Section 347.10(b), such temporary use permit shall constitute a temporary waiver of off-street parking requirements.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 4, 2012

At the meeting of the Board of Zoning Appeals on Monday, June 4, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-81: 3400 Carnegie Avenue

The Comella Trust, James Comella, owner, and Anthony Mendolera, tenant, appealed to erect a tent at a farmers' market from May 16 to September 16, 2012 in a Semi-Industry District.

Calendar No. 12-82: 4280 Fulton Road

Phylos Investments Ltd., owner, and O'Reilly Auto Parts, tenant, appealed to erect a double face illuminated shopping center pole sign and two single face wall signs in a C1 Shopping Center District; subject to revised plan.

Calendar No. 12-83: 11327 Bellflower Road

Case Western Reserve University appealed to construct a parking lot in an A1 One-Family District.

Calendar No. 12-90: 4408 Detroit Avenue

Karen O'Malley appealed to change/expand use from bar/restaurant to bar/restaurant with live entertainment, including outdoor live entertainment in a D2 Local Retail Business District; subject to conditions.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

Calendar No. 12-61: 602 East 185th Street

Atlas Financial Services, owner, and Fabian Crawford, prospective tenant, appealed to establish a tattoo parlor in a portion of a store in a C1 Local Retail Business District.

Calendar No. 11-233: 3342 East 119th Street

Covenant Community Church of Cleveland appealed to expand use of a church to accommodate a day center in a B1 Two-Family District.

The following appeals were **POSTPONED:**

Calendar No. 12-62: 1762 East 89th Street postponed to July 16, 2012.

Calendar No. 12-12: 5418 Fleet Avenue postponed to July 9, 2012.

Calendar No. 12-64: 662 East 140th Street postponed to September 17, 2012.

Calendar No. 12-86: 1724 Clark Avenue scheduled for 6-11-12 postponed to 7-9-2012.

The following appeals heard by the Board on May 29, 2012 were adopted and approved on June 4, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-76: 2632 East 128th Street

Mike Majorczyk appealed to change an existing two dwelling residence to a three dwelling residence in a B1 Two-Family District.

Calendar No. 12-79: 5709 Bridge Avenue

Case Development LLC appealed to construct a building with six (6) townhomes on consolidated parcels in a B1 Two-Family District.

Calendar No. 12-80: 6202-6206 Pear Avenue

Joshua Klein and Sasha Ottoson-Deal appealed to keep four (4) goats for up to 30 days on a vacant lot in a B1 Two-Family District.

Calendar No. 12-24: 3662 West 65th Street

Sarah Smith appealed to change use of a mixed use building to a restaurant in a Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minor

ity 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."

FRIDAY, JUNE 22, 2012

File No. 72-12 — Gas Chromatography/Mass Spectrometry (GC/MS) System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 810-10, passed by the Council of the City of Cleveland, July 14, 2010. THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 7, 2012 AT 10:00 A.M. THE JUSTICE CENTER, 1300 ONTARIO STREET, 8TH FLOOR BUDGET UNIT, CLEVELAND, OHIO 44113.

May 30, 2012 and June 6, 2012

WEDNESDAY, JUNE 27, 2012

File No. 73-12 — Trailer Mounted Air Compressors, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance Nos. 1602-10, 902-07 and 943-11, passed by the Council of the City of Cleveland, December 10, 2010, December 6, 2010 and July 20, 2011, respectively. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 8, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105

File No. 74-12 — Purchase of Radiator, Heater Core Air Charged Coolers and Tank Repair and/or Replacement, for the Division of Motor Vehicle Maintenance, Department of Public Works, as

authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 8, 2012 AT 10:30 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 30, 2012 and June 6, 2012

THURSDAY, JUNE 28, 2012

File No. 75-12 — Streetlighting Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 8, 2012 AT 10:30 A.M. THE TOM L. JOHNSON, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2012 and June 6, 2012

FRIDAY, JUNE 29, 2012

File No. 76-12 — Grinding of Pavement, for the Division of Streets, Department of Public Works, as authorized by Ordinance pending. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 15, 2012 AT 9:30 A.M. THE DIVISION OF STREETS, 601 LAKESIDE AVENUE, CONFERENCE ROOM 25, CLEVELAND, OHIO 44114.

File No. 77-12 — Purchase of Labor and Materials to Refurbish and Repair Electric Motors, Controls and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 248-12, passed by the Council of the City of Cleveland, April 9, 2012.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 7, 2012 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2012 and June 6, 2012

FRIDAY, JUNE 22, 2012

File No. 78-12 — Department of Finance Interior Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1737-08, passed by the Council of the City of Cleveland, October 17, 2008.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 14, 2012 AT 10:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, CONFERENCE ROOM, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

June 6, 2012 and June 13, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, June 4, 2012 9:00 a.m.

Committee of the Whole: Present: Sweeney, Chair; Kelley, Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Mitchell, Miller, Polensek, Pruitt, Reed, Westbrook, Zone.

Tuesday, June 5, 2012 2:00 p.m.

Employment, Affirmative Action and Training Committee: TOUR Present: Pruitt, Chair; J. Johnson, Westbrook. Authorized Absence: Miller, Vice Chair; Cummins, K. Johnson, Mitchell.

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O—Ordinance; R—Resolution; F—File

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

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