

The City Record

Official Publication of the Council of the City of Cleveland



August the Seventeenth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

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

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

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

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

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

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

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

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Barry A. Withers, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

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

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner

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

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

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

DIVISIONS:

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

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

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

Michael Fluckinger.

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

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

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

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J.F.

Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

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

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

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

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

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

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

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

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

Render, Genesis O. Brown.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance

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

Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, AUGUST 17, 2011

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CITY COUNCIL

MONDAY, AUGUST 15, 2011

The City Record
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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS

CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

August 10, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 10, 2011, at 10:48 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Absent: Mayor Jackson, Directors Withers and Flask.

Others: Jomarie Wasik, Director Mayor's Office of Capital Projects.

James Hardy, Commissioner Purchases & Supplies.

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

Resolution No. 373-11.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of July,

2011 in the amount of \$6,136.76, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 374-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Pharmed Corporation, for an estimated quantity of medical supplies, group C items 1-12, 14-15, 17-19, 22-29, 32, 35-37, 38-40, 42-47, 49, 51-57, 60-68, 70-78, 83-87, 95, 97, 100-125, 127-134, 136-153, 155, 156, 158-163, 165-170, 173, 176-177, 179, 182, 191-192, group D all items, and group G items 1-7 and 9-35, for the various divisions of City government, for a period of one year beginning with the date of execution of the contract, with an option to renew for one additional year, received on April 14, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$269,233.96, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$13,461.70.

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

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 375-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on April 14, 2011 for an estimated quantity of medical supplies, for groups c, items 34, 41, 58-59, 69, 82 and group g, item 8, for the various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 376-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Gene Ptacek & Sons Fire Equipment Co., Inc., for an estimated quantity of repair and replacement of fire extinguishers, all items, for the various divisions of City government, for a period of two years beginning with the date of execution of a contract, with an option to renew for one additional year, received on June 8, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantities would amount to \$400,000.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$20,000.00.

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

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 377-11.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Survey, Inc. for the public improvement of rehabilitating and relining sewers at various citywide locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on May 11, 2011, under the authority of Section 129.292 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during the period of one (1) year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$683,980.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a requirement contract for the improvement, which contract shall provide for an initial order for performance of work, the cost of which order shall be certified to the contract in an amount not less than \$300,000.00.

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the require-

ment contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to United Survey, Inc. for the above-mentioned public improvement by requirement is approved:

SUBCONTRACTOR CSB/MBE/FBE WORK

MidTown Trucking CSB/MBE
\$60,000.00(8.772%)

Cook Paving CSB/MBE/LPE
\$ 6,250.00(0.914%)

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 378-11.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 777-07, passed by the Council of the City of Cleveland on June 4, 2007, the firm of Michael Benza & Associates, Inc. ("Consultant"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to survey real property, rights of way and/or easements, for a period of two years, with two one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Michael Benza & Associates, Inc. for the above-mentioned services, based upon its proposal dated May 10, 2011, which contract shall be prepared by the Director of Law, shall provide that the compensation to Michael Benza & Associates, Inc. for the services authorized shall not exceed \$50,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by Michael Benza & Associates, Inc. is approved:

Subconsultant Percentage Amount

Euthenics, Inc. 10% CSB
\$5,000.00

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 379-11.

By Director Wasik.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Mr. Excavator, Inc. for the public improvement of Uptown Alley, all items, for the Office of Capital Projects, received on July 14, 2011, under the authority of Ordinance Nos. 702-09, passed by Cleveland City Council on June 8, 2009, upon a unit price basis for the improvement, in the aggregate amount of \$1,634,922.66, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Mr. Excavator, Inc. for the above-mentioned public improvement is approved:

Petty Group, LLC
550 Harvard Avenue
Cleveland, Ohio 44109
(CSB/MBE) — \$261,000.00 — 16.00%

Trafftech, Inc
550 Harvard Avenue
Cleveland, Ohio 44109
(CSB) — \$230,000.00 — 14.00%

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 380-11.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid from Envirocom Construction, Inc., for the public improvement of the Cleveland Public Auditorium Improvements, base bid, alternates 1, 2, 3, 4, 5, 6, 7a, 7b, 7d, 8, 10, 12, 13, 14, 15, 16, 20 and 21 for the Department of Public Works, received on June 28, 2011, under the authority of Ordinance No. 684-08, passed July 2, 2008, for a gross price for the improvement in the aggregate amount of \$3,927,500.00, is affirmed and approved as the lowest responsible bid, and the Director 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. is approved:

Subcontractor MBE/FBE Percentage Amount

W.L. Tucker FBE
0.831% \$ 32,618.00

Landmark Plumbing CSB/FBE
4.532% \$178,000.00

Dependable Painting CSB/FBE/LPE
1.349% \$ 53,000.00

Work Best Electric CSB/MBE/LPE
8.09% \$318,000.00

LB Construction CSB/MBE/LPE
5.092% \$200,000.00

Stuart Dean
0.000% \$ 77,000.00

| | |
|------------------------------|--------------|
| West Roofing | |
| 0.000% | \$200,000.00 |
| Gratton Building Specialties | |
| 0.000% | \$ 60,000.00 |
| Total | |
| | 19.901% |
| | \$781,618.00 |

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 381-11.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of R.W. Clark Co., Inc. for the public improvement of the West Side Market Facility Upgrades for Base Bid Items A, B, C and D and Alternate Items D, E, F, J, K, L and M, for the Department of Public Works, received on June 23, 2011, under the authority of Ordinance No. 489-07, passed on June 7, 2007, for a gross price for the improvement in the aggregate amount of \$193,777.00, is affirmed and approved as the lowest responsible bid; and the Director of the 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 subcontractors by R.W. Clark Co., Inc. for the aforementioned public improvement is approved:

R and R Mechanical
CSB/MBE/LPE — \$38,603.00
(19.921%)

Work Best Electric
CSB/FBE — \$15,506.00 — (8.002%)

Porpoeline Inc.
Other — \$4,500.00(0%)

Lakeland Glass
Other — \$4,000.00(0%)

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 382-11.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Precision Engineering & Contracting, Inc. (CSB/MBE/LPE), for the public improvement of 2011 Ball Diamond Improvements -Package A, for Base Bid Items 1-4, 8-13, 15, 21, 22, 25, 26, 30-34, 37-40, 42, 43, 45, 49-55 and Add Alternate Items 12AA and 13AA including the 5% contingency for the Division of Architecture and Site Development, Department of Public Works, received on July 15, 2011, under the authority of Ordinance No. 452-11, passed on May 16, 2011, upon a unit basis for the improvement in the aggregate amount of \$863,000.36, 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.

ment 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 subcontractors by Precision Engineering & Contracting, Ltd. (CSB/MBE/LPE) for the aforementioned public improvement is approved:

| <u>SUBCONTRACTORS</u> | <u>AMOUNT</u> |
|-------------------------------------|-------------------------|
| <u>PERCENTAGE</u> | |
| Musco Lighting (other) | \$360,600.00 41.784% |
| Dial Electric (CSB/FBE) | \$122,010.00 14.138% |
| Down to Earth Landscaping (CSB/FBE) | \$ 28,358.50 3.286% |
| Ballast Fence (CSB/FBE) | \$ 12,400.00 1.437% |

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 383-11.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Alabasi Construction, Inc., for the public improvement of Gateway East & Gateway North Parking Garage Improvements Re-Bid, Base Bid Items and Alternate Items 1A, 1B, 2, 4, 5, 6 and 7 including all allowances, for the Department of Public Works, received on June 11, 2011, under the authority of Ordinance Nos. 808-09, 617-10 and 306-10, passed on June 8, 2009, May 10, 2010 and June 11, 2010, upon a gross price basis for the improvement in the aggregate amount of \$417,033.00, 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 subcontractors by Alabasi Construction, Inc. for the aforementioned public improvement is approved:

| <u>SUBCONTRACTORS</u> | <u>AMOUNT</u> |
|-----------------------------------|------------------------|
| <u>PERCENTAGE</u> | |
| Fabrication Group (other) | \$ T.B.D. T.B.D. |
| Door Pro (other) | \$ T.B.D. T.B.D. |
| Mason Steel (other) | \$ T.B.D. T.B.D. |
| Farone Plumbing & Heating (other) | \$ T.B.D. T.B.D. |
| KMB Electric (MBE) | \$55,000.00 13.188% |
| Taylor Mitchell, LLC (FBE) | \$55,000.00 13.188% |
| Kates Construction (other) | \$ T.B.D. T.B.D. |

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 384-11.

By Director Cox.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc., for an estimated quantity of various automobile and truck parts, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year, with two options for one year renewals, beginning with the date of execution of a contract, received on May 20, 2011, under the authority of Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$334,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the amount not less than \$50,000.00.

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

Be it further resolved by the Board of Control that the employment of the following subcontractor by Lakefront Automotive Parts, Inc. is approved:

| <u>Subcontractor</u> | <u>Percentage</u> |
|-----------------------|-----------------------------------|
| | <u>Amount</u> |
| Servco Products, Inc. | 5.988% CSB/MBE/LPE \$20,000.00 |

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 385-11.

By Director Rush.
Whereas, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council 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. 113-21-006, located at 16816 Lake Shore Boulevard under the Land Reutilization Program; and

Whereas, Ordinance No. 531-11 passed June 6, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Tuzzan, LTD has proposed to the City to purchase and develop the parcel for parking lot; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 531-11, passed by the Cleveland City Council June 6, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Tuzzan, LTD for the sale and development of Permanent Parcel No. 113-21-006, 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 parcel shall be \$3,000.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 386-11.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 004-01-098 located at West 19th Street in Ward 3; and

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

Whereas, Ward A. Hines, abutting/adjacent landowner, 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 3 has consented to the proposed sale;

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

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

Be it resolved, by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Ward A. Hines for the sale and development of Permanent Parcel No. 004-01-098 located at West 19th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 387-11.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 006-22-118 located at 2149 West 47th Street in Ward 15; and

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

Whereas, Christina Ridings and Timothy Ridings, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

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

Be it resolved, by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Christina Ridings and Timothy Ridings for the sale and development of Permanent Parcel No. 006-22-118 located at 2149 West 47th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 388-11.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel

No. 142-17-007 located at East 156th Street in Ward 1; and

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

Whereas, James A. Frank, abutting/adjacent landowner, 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 1 has consented to the proposed sale;

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

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

Be it resolved, by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to James A. Frank for the sale and development of Permanent Parcel No. 142-17-007 located at East 156th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

Resolution No. 389-11.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Health & Fitness, Inc., for the following: Collinwood Recreation Center Furniture, for Items C-1 - C-19 including shipping, delivery and installation, for the Department of Public Works, received on July 29, 2011, under the authority of Ordinance No. 597-09, passed on June 8, 2009, upon a unit basis for the items in the aggregate amount of \$87,071.00, is affirmed and approved as the lowest and best bid; and the Director of Department of Public Works is authorized to enter into contract for the items with the bidder.

Yeas: Directors Triozzi, Dumas, R. Smith, Cox, Butler, Rush, Southerington, Nichols, Acting Director Odom, Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Flask.

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 stated 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, AUGUST 29, 2011

9:30 A.M.

Calendar No. 11-142: 1989 Moltke Court (Ward 14)

Randy Flachbart, owner, appeals to alter an existing 20' x 34' two-story frame residence to be a 20' x 54' single family dwelling with a second floor room addition on a 32.6' x 93.55' lot in a B1 Two-Family District; contrary to Section 355.04(b) a maximum gross floor area of 2,000 square feet is provided and 1,540 square feet is allowed; and subject to Section 357.06(a) the average setbacks of existing buildings within 100 feet on either side of the lot shall determine the front yard setback location and 7.6 feet is provided where 12.6' is required.

Calendar No. 11-143: 1947 West 25th Street (Ward 3)

The 25th Street Partnership LLC and Mark Priemer appeal to establish use as a restaurant with a brew house and seating in the basement, on the first floor, on a roof deck and patio on a 68.50' x 156.75' lot in a General Retail-Pedestrian Overlay District; subject to Section 349.04(f) accessory off-street parking for the proposed use is required at the rate of one space per employee, plus one space per four seats or one per 100 square feet of patron space, or a total requirement of 91 accessory off-street parking spaces and none is provided on the premises; and by the provisions of Section 343.23(i) the minimum number of parking spaces required by the Zoning Code shall be reduced by thirty-three per-

cent (33%) for retail business uses in a Pedestrian Retail Overlay District and the Board of Zoning Appeals may further reduce parking requirements where it is demonstrated that additional parking is available in common or shared parking facilities or in on-street parking areas located within a reasonable walking distance of the use given the nature of the use and the district.

Calendar No. 11-144: 6707 Morgan Avenue (Ward 12)

David Regetz, owner, appeals to establish use of property for outdoor storage of used building materials, containers, construction equipment and vehicles on a 200' x 142.4' lot in a B3 General Industry District; subject to Section 345.04(a)(3) open yard storage shall be enclosed within a minimum of 7 feet high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence and all vehicle maneuvering areas must be properly graded for drainage so that all water is drained within the lot in accordance with Section 349.07(a) in the Cleveland Codified Ordinances.

Calendar No. 11-145: 6711 Morgan Avenue (Ward 12)

David Regetz, owner, appeals to establish use of property for outdoor storage of used building materials, containers, construction equipment and vehicles on a 200' x 146.08' lot in a B3 General Industry District; and contrary to Cleveland Codified Ordinance 349.07(a) no grading plan or drainage location is provided and all vehicle maneuvering areas must be properly graded for drainage so that all water is drained within the lot.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 15, 2011

At the meeting of the Board of Zoning Appeals on Monday, August 15, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-132: 11706 Iowa Avenue

Alisa Hill appealed to erect a room addition and garage addition to a single family dwelling in a B1 Two-Family District.

The following appeal was **Denied:**

Calendar No. 11-128: 2194 East 80th Street

Charles Ficklin appealed to change use from a single family dwelling to a rooming house in a B1 Two-Family District.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 11-125: 1130 Ivanhoe Road postponed to 9-26-11.

Calendar No. 11-129: 4029-33 St. Clair Avenue postponed to 9-12-11.

Calendar No. 11-130: 4888 Pearl Road postponed to 9-19-11.

Calendar No. 11-133: 4305 Clark Avenue postponed to 9-19-11.

The following appeals heard by the Board on August 8, 2011 were adopted and approved on August 15, 2011.

The following appeals were **Approved:**

Calendar No. 11-120: 695 East 185th Street

Cynthia Gallucci aka Broadwood Company, owner, and Jonathon Hayden, prospective tenant, appealed to establish use for piercing and tattooing in a Local Retail Business District.

Calendar No. 11-126: 3020 West 104th Street

The Lutheran Metropolitan Ministry appealed to install 6 foot high wooden fence and chain link fence in a Local Retail Business District.

Calendar No. 11-127: 13730 Bennington Avenue

Dianne Boomer appealed to erect a pre-manufactured wheelchair ramp in the front yard area of a lot in an A1 One-Family District.

Calendar No. 11-131: 18505 Ponciana Avenue

Denise Mirza appealed to install a wheelchair lift with a landing in the front yard setback of a lot in an A1 One-Family District.

Calendar No. 11-67: 1261 West 76th Street

Gillespie Brothers Ltd. appealed for use and a Certificate of Occupancy as a bar and outdoor patio in a Planned Unit Development District within a G3 Multi-Family District; subject to conditions.

The following appeal was **Denied:**

Calendar No. 11-122: Notice of Violation - 2121 Ontario Street

Clear Channel Outdoor, Inc. appealed from a Notice of Violation issued by the Cleveland Department of Building and Housing.

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 minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, SEPTEMBER 8, 2011

File No. 137-11 — Orthophosphoric Acid, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, AUGUST 18, 2011 AT 11:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 138-11 — Diving and Underwater Inspection Services, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 359-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, AUGUST 18, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 139-11 — Purchase of Various Types of Safety Equipment Required for OSHA/PERRP Compliance (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 870-10, passed by the Council of the City of Cleveland, August 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 19, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

File No. 141-11 — Pap and HPV Testing Services Contract, for the Division of Health Administration, Department of Public Health, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, AUGUST 24, 2011 AT 10:00 A.M. THE MCCAFFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO 44113.

August 10, 2011 and August 17, 2011

FRIDAY, SEPTEMBER 9, 2011

File No. 140-11 — Vitrified Clay and PVC Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 26, 2011 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

File No. 142-11 — Purchase of Street Light Monitoring System, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 544-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **MANDATORY PRE-BID MEETING** MONDAY, AUGUST 22, 2011 AT 10:30 A.M. THE TOM L. BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

August 10, 2011 and August 17, 2011

WEDNESDAY, SEPTEMBER 14, 2011

File No. 136-11 — City Public Safety Buildings Concrete Apron & Platform Replacement MEP Improvements Package General Trades Package, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance Nos. 888-06 and 781-09, passed by the Council of the City of Cleveland, August 9, 2006 and June 5, 2009, respectively.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 12, 2011 AT 2:00 P.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 5TH FLOOR ROOM 517A, CONFERENCE ROOM, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

August 10, 2011 and August 17, 2011

WEDNESDAY, SEPTEMBER 14, 2011

File No. 146-11 — Various Hydraulic Hoses, Hose Ends, Adaptors, Fitting, Brass Tooling, Equipment and Accessories and Labor, 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, AUGUST 26, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 147-11 — Purchase of Various Charging Equipment, Parts and Labor, 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, AUGUST 26, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

August 17, 2011 and August 24, 2011

THURSDAY, SEPTEMBER 15, 2011

File No. 143-11 — Purchase of Automotive Parts, Including Labor, Materials and Installation (Re-Bid), for the Various Divisions of Port Control, Department of Port Control, authorized by Ordinance No. 190-07, passed by the Council of the City of Cleveland, March 12, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, AUGUST 26, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 144-11 — Purchase of Federal Aviation Administration Approved Deicing Chemicals, for the Various Divisions of Port Con-

trol, Department of Port Control, as authorized by Ordinance No. 597-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, AUGUST 29, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

August 17, 2011 and August 24, 2011

FRIDAY, SEPTEMBER 16, 2011

File No. 145-11 — Labor and Materials for Maintenance of Uninterruptible Power Supply Systems, Appurtenance and Specialized Batteries, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1600-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, AUGUST 25, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

August 17, 2011 and August 24, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 809-11.

By Council Member Brancatelli.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3905 East 75th Street to Mary Konopinski.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Mary Konopinski.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 133-17-005

Situated In the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 and a part of two 16.50 feet alleys now vacated in E. T. Hamilton and Others Subdivision of part of Original One Hundred Acre Lot No. 315 as shown by the recorded plat in Volume 3 of Maps, Page 29 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 75th Street (formerly Crosby Street) at its intersection with the center line of a 16.50 foot alley vacated by Ordinance No. 71325; thence Northerly along the Easterly line of East 75th Street, 57.75 feet to the Northwesterly corner of said Sublot No. 98; thence Easterly along the Northerly line of said Sublot No. 98, 198 feet to the Southwesterly line of 16.50 foot alley vacated by Ordinance No. 67894; thence Northeasterly on a line at right angles to the Southwesterly line of said 16.50 foot alley now vacated, as last aforesaid, 8.25 feet to the center line of said alley now vacated; thence Southeasterly along the center line of said alley, now vacated, as last aforesaid, to the Northerly line of the 16.50 foot alley; now vacated, as first aforesaid, thence Southwesterly on a line at right angles to the center line of said alley now vacated as first aforesaid, 8.25 feet to the center line of said alley now vacated; thence Northwesterly along the center line of said alley now vacated, as first aforesaid, to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be \$1.00 and other valuable consideration and shall take into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed July 20, 2011.

Effective July 27, 2011.

REPRINT

Ord. No. 867-11.

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

An emergency ordinance authorizing the Director of Port Control to lease certain property located on the southwest corner of Burke Lakefront Airport between the Lake Erie shoreline and the Aircraft Rescue Fire Fighting Facility service road to No 225 LLC for the purpose of leasing real property adjacent to the former Hornblower's restaurant, for a term of ten years, with two ten-year options to renew, exercisable by No 225 LLC.

Whereas, the City of Cleveland owns certain property located on the southwest corner of Burke Lakefront Airport between the Lake Erie shoreline and the Aircraft Rescue Fire Fighting Facility service road, which is not needed for public use; and

Whereas, No 225 LLC has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to No 225 LLC ("Lessee"), approximately 0.2956 net acres owned by the Cleveland Airport System located at 1151 N. Marginal Road, Cleveland, OH 44114, situated on the southwest corner of Burke Lakefront Airport between the Lake Erie shoreline and the Aircraft Rescue Fire Fighting Facility service road with frontage along Lake Erie and adjacent to the former Hornblower's restaurant.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ten years, with two ten-year options to renew, exercisable by Lessee.

Section 3. That the property authorized by this ordinance shall be leased at a rental rate of \$34,150.00 annually ("Base Rent"), which is determined to be fair market value. The Base Rent shall be subject to Consumer Price Index ("CPI") rent increases every five (5) years. Such CPI rent increases shall not exceed five percent (5%). The City shall reassess the base rental rate by an updated fair market value appraisal upon exercising the relocation provision below and prior to Lessee exercising its first and second ten-year options.

Section 4. That the lease shall contain the following terms:

(a) The City shall have the right to relocate the barge from its present location. If the City proceeds to construct a pier at the current site the City will provide a temporary location with utilities and appurtenances required to safely operate the barge during the construction of approved improvements.

(b) If a relocation of the barge is required within the first ten (10) year lease term the City will provide Lessee with at least one (1) option to relocate the barge to a site meeting the criteria approved by the City, leasable at the scheduled indexed annual base rent at the time of relocation subject to the agreed upon CPI

escalations every five (5) years until the first ten (10) year lease term expires.

(c) The City shall hire a credentialed marine engineer, subject to City approval, within one year of the effective date of the Lease to conduct a wave modeling or similar technical study to establish numerical benchmarks characterizing the wave and wind conditions impacting the barge at its present location. The City will ensure that the selected temporary and permanent relocation sites meet the quantifiable standards at the barge's present location as demonstrated by the study subject to variances based on matters beyond the reasonable control of the City.

(d) City will pay to move the barge to a temporary location, and back to a final location, if the City's waterfront plan is executed and will pay for all capital improvements, marine infrastructure and appurtenances required for the safe operation of a business at both locations that result from the relocations.

(e) City shall pay all expenses associated with the transportation of the barge to the temporary and new locations.

(f) City will provide rental credits in an amount not to exceed seventy-five percent (75%) of the annual rental rate for any physical modification required to the barge necessary to operate at the selected temporary site and permanent location.

(g) City will pay for the initial clean-up of Lake Erie at the current location. Lessee shall be responsible for all cost associated with ongoing maintenance and/or a permanent structural solution.

(h) If Lessee remains at the temporary relocation site longer than six months, Lessee will be assessed a monthly rental rate equal to seventy-five percent (75%) of its monthly rate at the time of relocation until the barge is moved to its permanent site.

(i) Lessee shall be guaranteed thirty (30) parking spaces at Burke Lakefront Airport managed parking facilities ("BLK-managed parking facilities"). Additional parking spaces required by Lessee, except during the annual Cleveland Air Show, annual Grand Prix Car Race and Cleveland Browns game days ("Special Event Days"), shall be reserved upon request at the prevailing monthly parking rate established by BKL-managed parking facilities. During the above-referenced dates, Lessee may reserve, upon one (1) month's advance notice, desired parking spaces subject to Lessee paying the daily special event rate established for BKL-managed parking facilities. The Lessee shall be prohibited from subletting the spaces at a higher parking rate.

(j) Lessee shall have the right to use up to one hundred (100) spaces for six special events per year free of charge within BKL-managed facilities in close proximity to the location

of the barge except during Special Event Days. The Lessee shall be prohibited from charging a fee to any third party for use of the spaces during referenced special events.

Section 5. 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 6. That the lease shall be prepared by the Director of Law.

Section 7. That the Director of Port Control, 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 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 20, 2011.
Effective July 27, 2011.

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NO MEETINGS

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