

# The City Record

Official Publication of the Council of the City of Cleveland



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August the Fourth, Two Thousand and Ten

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**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  
Valerie 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, Interim Director, Office of Equal Opportunity  
DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel,  
Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106  
Pam Benjamin, 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 – 1201 Lakeside Avenue  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – \_\_\_\_\_, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza  
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, 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 PARKS, RECREATION & PROPERTIES – Michael Cox, Director  
Cleveland Convention Center, Clubroom A, 1220 East 6th Street  
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Parking Facilities – Leigh Stevens, Commissioner  
Public Auditorium, East 6th Street and Lakeside Avenue  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Public Auditorium – East 6th Street and Lakeside Avenue  
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard  
Recreation – Kim Johnson, Commissioner, Room 8

Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road  
Burke Lakefront Airport

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

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

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Nycole D. West, Interim Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – John D. Mahone, Interim Director

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

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

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

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.

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

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

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.

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

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

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

FAIR HOUSING BOARD – Charles See, Chair; 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, Verne 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 15A  
Judge Marilyn B. Cassidy 12B  
Judge Emanuella Groves 13A  
Judge Michelle D. Earley 12A  
Judge Kathleen Ann Keough 14B  
Judge Anita Laster Mays 14C  
Judge Lauren C. Moore 14A  
Judge Charles L. Patton, Jr. 13D  
Judge Raymond L. Pianka (Housing Court Judge) 13B  
Judge Michael John Ryan 12C  
Judge Angela R. Stokes 15C  
Judge Pauline H. Tarver 13C  
Judge Joseph J. Zone 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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, AUGUST 4, 2010

No. 5043

## CITY COUNCIL

MONDAY, AUGUST 2, 2010

### The City Record

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Address all communications to

**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

The following measure will be on final passage at the next Council Meeting:

#### Ord. No. 829-10.

By Mayor Jackson  
An emergency ordinance authorizing the purchase by requirement contract of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights as specified for a term of up to 10 years for the various departments of City government.

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

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

**Section 1.** That the Director of Finance is authorized to make a written requirement contract under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of up to 10 years for the various departments of City government of the necessary items of LED streetlights, LED fluorescent tube replacements, LED bulbs, and LED traffic lights (**“LED products”**) that 1) have a UL listing and have completed LM 79 testing to confirm the products' conformance to City standards prior to being furnished to the City; 2) have completed LM 80 testing to confirm the products' conformance to City standards within 24 months after the first LED products are furnished to the City; 3) are lead-free and meet the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations (**“RoHS”**); 4) are designed to fit the City's existing

fixtures without modification other than wiring reconfiguration, with the exception of LED street lights which shall be designed to fit the City's existing street light arms without modification of the maintenance processes and shall in other respects meet the City's street light specifications; 5) are, starting no later than 18 months after execution of the contract, assembled and distributed from the contractor's facility located in Cleveland and used to supply the LED products to the City under the contract throughout the term; 6) are, starting no later than 36 months after execution of the contract, manufactured at one or more facilities located and maintained in Cleveland throughout the remainder of the contract term; 7) are assembled, distributed and manufactured at one or more of its Cleveland facilities that (a) includes, by no later than 60 months after execution of the contract, a research and development function within its Cleveland facility which is maintained in Cleveland throughout the remainder of the contract term, (b) employs within 60 months after execution of the contract and maintains in employment for the remainder of the contract term a minimum of 350 new jobs, and (c) employs Cleveland residents as at least 30% of the total number of Ohio residents employed in the workforce in each year of the contract; and 8) are warranted for full replacement if the furnished products fail at any time during the term to meet the contract specifications, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various departments of City government.

The contract shall provide that the contractor shall 1) comply with the Cleveland Fair Employment Law, Chapter 189 of the Codified Ordinances of Cleveland, Ohio, 1976, as a **“Covered Employer”** as that term is defined in the law; 2) comply with the CSB, MBE, and FBE subcontractor participation goals established by the City's Office of Equal Opportunity (**“OEO”**) under Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976, for like contracts in any contract the contractor enters into (a) for the construction, rehabilitation, improvement, alteration, conversion, extension, demolition or repair of the contractor's Cleveland facilities, and (b) with suppliers and subcontractors employed by the contractor in the performance of its obligations to supply LED products; 3) require its contractors under 2(a) of this paragraph to employ City of Cleveland residents to perform 20% of the total **“Construction Worker Hours”** as that term is defined in Section 188.01 of the Codified Ordinances of

Cleveland, Ohio, 1976; 4) use, to the extent practicable, "Local Producers," "Local-Food Purchasers" and "Local Sustainable Businesses" as defined in Section 187A.01 of the Codified Ordinances of Cleveland, Ohio, 1976, in contracts for goods and services for contractor's Cleveland facilities, increase the number of Local Producers, Local-Food Purchasers and Local Sustainable Businesses in proportion to its decrease in use of component parts obtained outside Cleveland, and purchase a minimum of 25% of component parts from Local Producers meeting the contractor's specifications within 5 years after the contract execution date; 5) enter into a Workforce Development Agreement under which, among other things, the contractor shall notify the City of job openings at contractor's Cleveland facilities, request referrals of potential job candidates for the job openings from the City's workforce agencies, give first consideration to hiring candidates referred by those agencies, and provide reasonable feedback regarding the status and results of the referrals; and 6) pay all royalties, license, or other intellectual property fees required in connection with its products and processes and shall hold and save the City and its officers, agents, servants, and employees harmless from liability of any nature or kind, including costs and expenses, for or on account of any patented or unpatented invention, process, article, or appliance manufactured or used in the performance of the contract, including but not limited to the use by the City, and defend at its own cost all suits or claims for infringement of any patent, license, or other intellectual property right.

The contract shall further provide that 1) the term during which the City is obligated to purchase LED products shall begin upon the contractor filling the City's first order with products assembled and distributed from its Cleveland facilities; 2) the City may provide upgraded requirements for LED products as required to meet technological advancements during the term of the contract; 3) so long as the contractor's unit price for any LED product is at or below that of other providers for a like product, as determined annually by the Commissioner of Purchases and Supplies, the City shall purchase that LED product from the contractor during the term of the contract; 4) if any LED product is available at a lower cost from another firm and the contractor fails to meet that lower cost, the City shall have the right to purchase the lower-priced product(s) from another supplier; and 5) if the contractor cannot meet the quantity or quality requirements of the City for any LED product, the City shall have the right to purchase that LED product from another supplier. **The Director Finance shall provide an annual report to Cleveland City Council regarding the evaluation of product pricing by the Commissioner of Purchases and Supplies and the City's procurement under the contract.**

The contract shall further provide that 1) the contractor is required to develop LED products that meet Energy Star Standards and other national LED standards as those standards may be promulgated and adopted by the lighting industry from time to time during the con-

tract term ("Standards") and to actively work toward achieving LED products that meet the Standards; 2) if the contractor achieves any LED products that meet the Standards, the City shall have the right to purchase that product from the contractor at or below the price of another like LED product that meet the Standards; 3) if the contractor offers a product meeting the Standards, but a like LED product is available from another supplier at a lower price, and the contractor does not at least meet the lower price, the City may purchase that product meeting the Standards from the other supplier; and 4) if the City determines that a LED product meeting the Standards is available for purchase in the marketplace and the contractor does not have a like LED product, the City shall have the right to purchase the LED product(s) meeting the Standards from another supplier.

Notwithstanding any Codified Ordinance to the contrary, 1) each bid shall be accompanied by a bid bond signed by a surety company authorized to do business in Ohio, or by a cashier's check or certified check on a solvent bank, which bond or check shall be five percent (5%) of the amount of the bid for the estimated purchases during the first term year of the contract and shall be given as security that if its bid is accepted, the bidder will enter into a contract and properly secure its performance; and 2) upon execution of the contract, the contractor shall furnish a performance bond or other irrevocable security acceptable to the Director of Law in an amount equal to at least twenty-five percent (25%) of the bid amount for the City's estimated purchases during the first term year of the contract and shall maintain a performance bond or security in that amount in effect during each term year of the contract.

**Section 2.** That the cost of the 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 requisition against the contract or contracts certified by the Director of Finance.

**Section 3.** That the authority to enter into contract under this ordinance shall expire eighteen months after the effective date of this ordinance, excluding any period of time that the City is prevented from proceeding with competitive bidding or entering into a contract for LED products under this ordinance for any reason outside of the control of the City, its officers or employees. **If the City is prevented from proceeding with competitive bidding or enter into a contract for LED products under this ordinance due to a reason outside the control of the City, its officers or employees, the Director of Finance shall notify Council.**

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

## BOARD OF CONTROL

July 28, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 28, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Absent: Mayor Jackson and Acting Director West.

Others: James Hardy, Commissioner, Purchases and Supplies.

Diana Anthony, Director, Office of Equal Opportunity.

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

### Resolution No. 312-10.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on July 7, 2010 for an estimated quantity of exterminating services, for various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.

Absent: Mayor Jackson and Acting Director West.

### Resolution No. 313-10.

By Director Withers.

Whereas, under the authority of Ordinance No. 158-09, passed by the Council of the City of Cleveland on June 1, 2009, and Board of Control Resolution No. 443-09, adopted October 14, 2009, the City of Cleveland entered into City Contract No. 69714 with Fabrizi Trucking & Paving Co., Inc. for the public improvement of the Aurora Road Water Main Improvements in the amount of \$7,789,573.00, and further approved the employment of Cook Paving & Construction Co. Inc. (CSB/MBE) and The Collinwood Shale Brick & Supply Co. (CSB), among others, as subcontractors, for the Division of Water, Department of Public Utilities; and

Whereas, by its May 13, 2010 letter, Fabrizi Trucking & Paving Co., Inc. requested the City's consent to substitute subcontractors for Cook Paving & Construction Co. Inc. and The Collinwood Shale Brick & Supply Co. and to decrease the participation of Friedel Trucking Company, Inc. from \$1,510,000.00 to \$25,500.00; and

Whereas, under Section 187.13 C.O., the Director of the Office of Equal Opportunity has found that Fabrizi has made a good-faith effort to identify and propose certain other CSB/MBE/FBE subcontractors to fulfill Fabrizi's utilization commitment and has approved the requested substitutions; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 443-09, adopted October 14, 2009, under authority of Ordinance No. 158-09, passed by the Council of the City of Cleveland on June 1, 2009, approving Fabrizi Trucking & Paving Co., Inc. for the

public improvement of the Aurora Road Water Main Improvements, for the Division of Water, Department of Public Utilities, is amended by deleting Cook Paving & Construction Co. Inc. (CSB/MBE) \$393,000.00 (5.05%) and The Collinwood Shale Brick & Supply Co. (CSB) \$597,000.00 (7.66%) and by decreasing the participation of Friedel Trucking Company, Inc. (CSB/FBE) from \$1,510,000.00 (19.38%) to \$25,500.00 (0.327%).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractors by Fabrizi Trucking & Paving Co., Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Simplified Alternatives (CSB/FBE)	\$2,075,569.12 26.645%
Mctech Corp dba Tech Ready Mix (MBE)	\$ 200,900.00 2.579%

Be it further resolved that all other provisions of Resolution No. 443-09 not expressly amended above shall remain unchanged and in full force and effect.

Be it further resolved, that the Director of Public Utilities is authorized to execute all documents and to do all things necessary to implement the sub-contractor substitutions authorized above.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

**Resolution No. 314-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Shook, Inc. Northern Division for the public improvement of the Crown Filter Rehabilitation Project No. 601, including a \$199,490.90 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on March 14, 2010, under the authority of Ordinance No. 270-08, passed May 5, 2008, upon a gross price for the improvement in the aggregate amount of \$2,194,399.90, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a 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 Shook, Inc. Northern Division for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
R-CAP, LLC (CSB/MBE/FBE)	\$124,200.00 5.66%
Eric B. Photography (CSB/MBE)	\$ 9,270.00 0.42%
R.L. Cole Enterprises, Inc. (CSB/MBE/FBE)	\$ 15,000.00 0.68%

MSK Cleaning, Inc. (CSB/MBE) \$ 9,000.00  
0.41%

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

**Resolution No. 315-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co., Inc. for an estimated quantity of labor and materials for the sewer test tee inspection, installation and snaking (all items), for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year starting upon the execution of the contract, received on June 10, 2010, under the authority of Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$289,767.50, is affirmed and approved as the lowest and best bid; and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for the initial order, the cost of which shall be certified to the contract in an amount not less than \$100,000.00

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor for the above-mentioned requirement is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE WORK</u>
The Vallejo Co.	CSB/MBE \$58,000.00 (20.016%)

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

**Resolution No. 316-10.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Co. for the public improvement of maintaining detention basin, facilities and structures at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on May 13, 2010, under the authority of Section 129.293 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 \$95,700.00, 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 \$25,000.00.

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 requirement 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 Perk Co. for the above-mentioned public improvement by requirement is approved:

<u>SUBCONTRACTOR</u>	<u>CSB/MBE/FBE WORK</u>
Down to Earth Landscaping	CSB/FBE \$17,710.00 (18.506%)
PGT Construction	CSB/FBE \$11,150.00 (11.651%)

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

**Resolution No. 317-10.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 912-07, passed by the Cleveland City Council June 11, 2007, as amended by Ordinance No. 637-08, passed June 9, 2008, and Ordinance No. 455-09, passed June 8, 2009, and Resolution No. 110-10, adopted by the Board of Control on March 16, 2010, the City, through its Director of Public Service, entered into Contract No. 201000000104 with TranSystems Corporation of Ohio ("Engineer") for professional engineering consulting services necessary for the rehabilitation of the West 3rd Lift Bridge (the "Project"); and

Whereas, the City desires to obtain additional engineering services to prepare a report for the rehabilitation of the West 3rd Lift Bridge; and

Whereas, Engineer has proposed by its March 3, 2010 letter to perform the abovementioned additional services, for an amount not to exceed \$36,857.00; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that the Director of Public Service is authorized to enter into a first modification to Contract No. 201000000104 with TranSystems Corporation of Ohio based on its proposal dated March 3, 2010, for additional engineering services necessary to prepare a report for the rehabilitation of the West 3rd Lift Bridge, for an additional amount not exceeding \$36,857.00, thereby increasing the total compensation under the contract to \$84,812.00.

Be it further resolved that the employment of the following subcontractants for the services to be

performed under the above-mentioned first amendment is approved:

Plotz Mechanical Co.  
(CSB) — \$9,600.00 — (26.06%)

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

**Resolution No. 318-10.**

By Director Cox.  
Whereas, Resolution No. 94-10, adopted by this Board on March 3, 2010, authorized the Director of Parks, Recreation & Properties to enter into a contract with Panzica Construction Company as the lowest responsible bidder for the public improvement of Collinwood Recreation Center in the aggregate amount of \$9,852,150.00, and approved various subcontractors; and

Whereas, the Panzica Construction Company wishes to substitute and delete certain firms as subcontractors for the project; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 94-10, adopted March 3, 2010, is amended by deleting "Miles Mechanical (CSB/MBE)", "VIP Restoration (CSB)", "Comm Steel (CSB/MBE)", "Xtreme Elements", "Start to Finish (CSB/MBE)", "North Electric", "Down to Earth Landscaping (CSB/FBE)", "KLE Construction (CSB/MBE)", "MAC Mechanical (CSB/FBE)", "M. Riveria Construction (CSB/MBE)", "Lakeland Electric" and "JC Sharp (CSB/FBE)" from the list of subcontractors approved for employment by Panzica Construction Company, and substituting the following:

<u>SUBCONTRACTOR</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Miles Mechanical (CSB/MBE)	\$ 1,072,500.00	10.886%
Comm Steel (CSB/MBE)	\$ 498,750.00	5.062%
VIP Restoration (CSB)	\$ 315,000.00	3.197%
North American Cement (CSB)	\$ 295,300.00	2.997%
Start to Finish (CSB/MBE)	\$ 261,350.00	2.653%
Lakeland Electric (CSB/FBE)	\$ 250,000.00	2.538%
Pro Construction (CSB/MBE)	\$ 172,000.00	1.746%
Down to Earth Landscaping (CSB/FBE)	\$ 153,500.00	1.558%
MAC Mechanical (CSB/FBE)	\$ 90,000.00	0.914%
Ruccella Construction, Inc. (CSB/MBE)	\$ 85,000.00	0.863%
Tech Ready Mix (CSB/MBE)	\$ 84,700.00	0.860%

US Communications (CSB/FBE)	\$ 27,680.00	0.281%
JC Sharp (CSB/FBE)	\$ 24,000.00	0.244%

Be it further resolved that all other provisions of Resolution No. 94-10 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Triozzi, Dumas, Withers, Smith, Wasik, Acting Director Butler, Directors Flask, Cox, Rush, Nichols, Fumich, Interim Director Mahoney and Director Rybka.

Nays: None.  
Absent: Mayor Jackson and Acting Director West.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, AUGUST 16, 2010**

**9:30 A.M.**

**Calendar No. 10-102:** 3321 East 119th Street (Ward 4)

Debra Martin, owner, appeals to change a single family dwelling house to an adult care facility, a group home, located on a 40' x 139' parcel in a Two-Family District, where the proposed use is not permitted under Section 337.03 in the Cleveland Zoning Code and is first permitted in a Multi-Family District.

**Calendar No. 10-122:** 10919 Franklin Boulevard (Ward 17)

John McPherson, owner, and American Tower Corporation, prospective tenant, appeal to increase the height of an existing telecommunications tower from 150

feet to 160 feet on an irregular shaped, acreage corner parcel in a General Industry District; contrary to Section 354.13(7) and (8), no statements are provided indicating estimated construction cost of the tower nor the estimated cost for its demolition and removal, nor is there a performance bond sufficient to cover the estimated demolition and removal cost provided; and subject to Section 354.06(b) no portion of a telecommunications tower shall be located closer to a residential district line than a distance equal to three times the height of the tower, which equals 480 feet for the proposed tower height, where the existing tower distance is approximately 120 feet compared to the permitted "Height District" on the zoning map at the tower location which is 115 feet, and the Board of Zoning Appeals approval is required for the addition/expansion of a nonconforming use as stated in Section 359.01 of the Cleveland Codified Ordinances.

**Calendar No. 10-123:** 4806 State Road (Ward 13)

Rai Gurdev and K. Harpaul, owners, and Ray Elder, tenant, appeal to install 10 various size wall signs on a one-story building located on a corner lot in a Local Retail Business District; subject to the limitations of Section 350.12, temporary banners may not exceed 25 percent of the permitted sign area and each business use shall display banners for no more than 4 months during the calendar year; and 42 square feet of sign face area is proposed, contrary to Section 350.14 that limits the maximum sign face area to the width of the building or the equivalent of 17.3 square feet.

**Calendar No. 10-126:** 3036 Vega Avenue (Ward 14)

Jannette Gomez, owner, appeals to install approximately 30 linear feet of wooden fence 4 feet high on the interior side yard of a 40' x 132' parcel in a Two-Family District; contrary to Section 358.04(a), the proposed fence height is greater than its distance from a residence building on an adjoining lot, where it will be generally parallel to and adjacent to the closest wall of the residence.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**TUESDAY AUGUST 3, 2010**

At the meeting of the Board of Zoning Appeals on Tuesday, August 3, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

**Calendar No. 10-116:** 18621 Neff Road Slovene Home for the Aged appealed to construct an accessory parking lot on consolidated parcels in Multi-Family and Two-Family Districts between Bella Drive and Shawnee Avenue.

**Calendar No. 10-118:** 1123 Norwood Road

St. Martin De Pores High School appealed to place a mobile classroom unit on a vacant corner parcel in a Two-Family District; subject to condition.

**Calendar No. 10-119:** 3711 West 138th Street

City of Cleveland, owner and Department of Community Development appealed to install 108 lineal feet of 6 foot high chain link fence in the actual side yard and 58 linear feet of 4 foot high chain link fence in the front yard of a corner parcel in a Two-Family District; subject to conditions.

The following appeals were **Withdrawn:**

**Calendar No. 10-112:** 4363 Jennings Road

Richard Whitt appealed to establish use of property for outdoor storage of contracting and landscaping vehicles and equipment and contracting materials in an A1 One-Family District.

**Calendar No. 10-101:** 16106 Munn Road

Matthew Knotts appealed to install 120 lineal feet of 4 foot high board n board fence on a corner parcel in an A1 One-Family District.

**Calendar No. 10-72:** 4702 Memphis Avenue

Badah Holdings LLC appealed to expand use of a store to include a drive through lane and gas station in a Local Retail Business District.

The following appeal was **Dismissed:**

None.

The following appeal was **Postponed:**

None.

The following appeals heard by the Board on July 26, 2010 were adopted and approved on August 3, 2010.

The following appeals were **Approved:**

**Calendar No. 10-108:** 4464 Pearl Road St. Mark Evangelical Lutheran Church appealed to erect a double faced message ground sign on a corner parcel in a Local Retail Business District; subject to condition.

**Calendar No. 10-115:** 2344 West 5th Street.

Dan Leamon appealed to erect a single family residence in a Two-Family District.

The following appeal heard by the Board on July 19, 2010 was adopted and approved on August 3, 2010.

The following appeal was **Approved:**

**Calendar No. 10-114:** 2030 Fairview Avenue

Frances Mastrandrea appealed to erect a 3-story single family dwelling with an attached garage in a Multi-Family 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 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."**

**WEDNESDAY, AUGUST 25, 2010**

**File No. 132-2010 — Exterminating Services Re-Bid**, for the various Divisions of City government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

There will be a **NON-MANDATORY** Pre-bid meeting Monday, August 16, 2010 at 10:30 a.m. Cleveland City Hall, Division of Purchases and Supplies, Room 128, Cleveland, Ohio 44114

August 4, 2010 and August 11, 2010

**THURSDAY, AUGUST 26, 2010**

**File No. 129-2010 — Cleveland Public Auditorium Interior Door Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 648-08, passed by the Council of the City of Cleveland, July 2, 2008.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, AUGUST 12, 2010 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114 **\*\*\*\*PLEASE MEET IN THE SECURITY DESK INSIDE THE NORTHWEST ENTRANCE\*\*\*\*.**

**File No. 130-2010 — Hydrofluosilicic Acid**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92, Section 129.24 passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 13, 2010 AT 3:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 131-2010 — Corrosion Control Chemical**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92, Section 129.24 passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, AUGUST 13, 2010 AT 2:30 P.M. THE CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

August 4, 2010 and August 11, 2010

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Wednesday, July 28, 2010 10:00 a.m.**

**Public Safety Committee: CANCELLED.**

**Thursday July 29, 2010 9:00 a.m.**

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

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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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