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CITY COUNCIL
MONDAY, APRIL 12, 2010

The City Record
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PERMANENT SCHEDULE
STANDING COMMITTEES OF THE COUNCIL
2010-2013
MONDAY — Alternating

9:30 A.M. — Public Parks, Properties, and Recreation Committee:
Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.
9:30 A.M. — Health and Human Services Committee:
Miller, Chair; Cummins, Dow, Miller, Polensek, Pruitt, Sweeney.
11:30 A.M. — Legislation Committee:
Mitchell, Chair; Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

TUESDAY

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

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. — 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; 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

Cleveland, Ohio Monday, April 12, 2010

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

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

Present also were Mayor Frank J. Jackson; Valarie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Andrew V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; Natoya J. Walker Minor, Chief of Public Affairs; and Directors Triozzi, Withers, Wasik, Carroll, Rush, Rybka, Fumich, Griffin, Interim Directors Nycole D. West and John D. Mahone, and Acting Director Munday Workman.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Jose Marrero of Emmanuel Missionary Church of Christ, 3525 West 25th Street, located in Ward 14. Pledge of Allegiance.

MOTION
On the motion of Council Member Miller, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Cimperman.

COMMUNICATIONS

File No. 470-10.

File No. 495-10.
From Department of Finance, Division of Treasury — Statement of Cash Management and Investment Policy. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 471-10.
Re #26185267 — D1, D2, D3, D5A, D6 Transfer of Ownership Application — Mosaica Grill, LLC, Suite 100 and Patio, 1382 West 9th Street, 1st Floor. (Ward 3). Received.

File No. 472-10.
Re #26172650010 — D5A. D6 Transfer of Ownership Application — Sage Restaurant Manager, LLC, d.b.a. Crowne Plaza Cleveland City Center, 777 St. Clair Avenue, NE. (Ward 3). Received.

File No. 473-10.
Re #25998303 — D5, D6 Transfer of Ownership Application — Space, Inc., d.b.a. West Sixth Market, 1st Floor and Patio, 1313 West 6th Street. (Ward 3). Received.

File No. 474-10.
Re #25982945 — D5A, D6 Transfer of Ownership Application — Zmin LLC, d.b.a. Set, 1st Floor, Basement, 1360 West 9th Street, Suite 100. (Ward 3). Received.

File No. 475-10.
Re #2515391 — D5A, D6 Transfer of Ownership Application — West 6th Street, LKLC, d.b.a. Liquid, 1st Floor and Mezzanine and Patio, 1212-16 West 6th Street. (Ward 3). Received.

File No. 476-10.

File No. 477-10.
Re #26093450 — C1 New Application — Monastery Greetings, Inc., Suite 115, 540 East 105th Street. (Ward 81). Received.

File No. 478-10.
Re #2555482 — D5 Stock Transfer Application — Fat Boys, Inc., 768 East 200th Street, 1st Floor and Basement. (Ward 11). Received.
COMMEMORATION RESOLUTIONS

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunity Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program, which will include painting fire hydrants and other assignments.

Section 2. That the cost of the contract or contracts authorized shall not exceed $482,774.99 and be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002 RL 2010-07.

Ord. No. 480-10

File No. 481-10
Re: #3174230 — D5J, D6 Transfer of Ownership Application — Gideon Total Management Services, LLC, d.b.a. Presidents Club, Concourse C, Gate 16 Upper Level, 5300 Riverside Drive. (Ward 18). Received.

File No. 482-10
Re: #0683891 — Liquor Agency Contract — Bhavana Inc., 15459 Puritas Avenue. (Ward 8). Received.

File No. 483-10
Re: #0683891 — C1, C2, D6 Stock Transfer Application — Bhavana Inc., 15459 Puritas Avenue. (Ward 18). Received.

CONDOLENCE RESOLUTIONS

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

CONEGRATULATION RESOLUTIONS

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

RECOGNITION RESOLUTION

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

MEMORIAL RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:
Res. No. 494-10 — Vietnamese Community In Greater Cleveland (35th Anniversary of the Fall of Saigon).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 443-10
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the unusual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunity Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunity Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program.

Section 2. That the cost of the contract or contracts authorized shall not exceed $482,774.99 and be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002 RL 2010-07.

Ord. No. 444-10
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing or replacing transmission mains and appurtenances for a period up to five years; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the unusual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing or replacing transmission mains and appurtenances for a period up to five years, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

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

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 235, and from the fund or funds which have authorized the proceeds of the sale of future waterworks revenue bonds issued for this purpose. Request No. RQS 2002 RL 2010-09.

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

Ord. No. 445-10
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance to amend Section 11 of Ordinance No. 1659-08, passed December 8, 2008, relating to the establishment of the Energy Efficiency and Conservation Program, to provide for additional funding sources for the program.

Whereas, this ordinance constitutes an emergency measure providing for the unusual daily operation of a municipal department; now, therefore,
Be it ordained by the Council of the City of Cleveland:
Section 1. That, under Section 11 of Ordinance No. 1659-08, passed December 8, 2008, is amended to read as follows:
Section 11. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited any grant proceeds or cash gifts accepted under this ordinance, American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 1103, for the Energy Improvement and Conservation Act (ARRA) funds accepted under Ordinance Nos. 1659-08, 1626-08, 1637-08, 1640-08, and 1648-08, and from any fund or funds deemed appropriate by the Mayor, Finance, and are appropriated for this purpose.
Section 2. That, under Section 11 of Ordinance No. 1659-08, passed December 8, 2008, is repealed.
Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 446-10
By Council Members Keane and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform services to collect, analyze, sample, recycle, and 480
dispose of spent aircraft deicing fluid, and to maintain and monitor pollution control, hazardous waste, and other environmental regulations associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which shall be exercisable through an additional legislative authority; and to replace Ordinance No. 762-09, passed August 5, 2009, relating to require contracts for these services.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which shall be exercisable through additional legislative authority.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 601, 60 SF 104, 60 SF 105, 60 SF 126, 60 SF 140, and 60 SF 141, Request No. RQS 3001 RL 2010-51.

Section 3. That Ordinance No. 762-09, passed August 5, 2009, is repealed.

By Council Members Keane, Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three years.

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

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

Section 1. That this Council has determined that the within 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 2. That the Director of Port Control is authorized to enter into one or more contracts with Siemens Building Technologies, Inc., for labor and materials necessary to maintain, repair and expand the existing Building Automation System, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three years.

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

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

Section 3. That this Council has determined that the within 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 4. That Section 3 shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 448-10. By Council Members Keane, Cleveland Hopkins International Airport, Department of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

An emergency ordinance determining the method of making the purchase of materials, equipment, supplies, and services necessary to make the improvements, including but not limited to labor, equipment, materials, and supplies if necessary, to be purchased by the Commissioner of Purchases and Supplies under a requisition against the city, by contract or contracts certified by the Director of Finance, (RGN 3001 RL 2010-13)

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

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

Ord. No. 417-10. By Council Members Keane and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more improvement contracts with Siemens Building Technologies, Inc., for labor and materials necessary to maintain, repair and expand the existing Building Automation System, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three years.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a runway stop bar and guard light combination (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a unit price for the Improvement.

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

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

Section 4. That the Director of Port Control is authorized to make one or more written standard purchase and supply contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed three years, of the necessary items of labor and materials necessary to maintain, repair, and expand the existing Building Automation System, which includes, but is not limited to, all electrical, light, and air terminal equipment for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 5. That the Director of Port Control is authorized to make one or more written standard purchase and supply contracts with the vendors selected through a cooperative process, under Ordinance No. 448-10, for labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies under a requisition against the city, by contract or contracts certified by the Director of Finance.

Section 6. That this ordinance determines the method of making the purchase of materials, equipment, supplies, and services necessary to make the improvements, including but not limited to labor, equipment, materials, and supplies if necessary, to be purchased by the Commissioner of Purchases and Supplies under a requisition against the city, by contract or contracts certified by the Director of Finance.
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 fail, and be of no further force or effect.

Referred to Directors of Parks, Recreation and Properties, Finance.

Ord. No. 450-10. By Council Member Dow.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8071-8083 Worley Avenue, S.E., (50 feet wide) at its intersection with the Easterly line of the Northerly 64.5 feet of Sublot No. 2 and the Southerly 42.6 feet of Sublot No. 1 in the Eleanor B. Rainey Memorial Institute Subdivision, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and in the Eleanor B. Rainey Memorial Institute Deed Book, L, Page 106, Cuyahoga County Records.

Whereas, the City of Cleveland has elected to adopt the procedure established by 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 sale or disposition of real property for the operation of a municipal department; now, therefore,

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

Section 1. That upon the effective date of this ordinance, all documents are declared to be in force and effect and approved by the Mayor; otherwise it shall fail, and be of no further force or effect.

Section 2. 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. In the event that any of the documents are not executed within six (6) months of the effective date of this ordinance, 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 3. That the conveyance hereunder 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall fail, and be of no further force or effect.

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


An emergency ordinance designating Immaculate Heart of Mary Church, School, Rec-}
Avenue 360 feet to the Easterly line of Sublot number 25 in the Dunbar Ruggles Subdivision as shown by the recorded plat in Volume 30 Page 20 of Cuyahoga County map records; thence Easterly along the Easterly line of Sublot number 25 and Sublot number 26 of said Dunbar Ruggles Subdivision to the Northerly line of Worley Avenue, S. E., (50 feet wide); thence Northwesterly along the Northerly line of said Worley Avenue 360 feet to the Easterly line of the Isaac Reid Estate Subdivision as aforesaid; thence Northerly along the Easterly line of said Subdivision about 280 feet to the place of beginning.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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


An emergency ordinance designating Sacred Heart of Jesus Church, School, and Rectory as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission has proposed to designate Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, a public hearing under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission has proposed to designate Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, the Commission has recommended designation of Sacred Heart of Jesus Church, School, and Rectory as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Sacred Heart of Jesus Church, School, and Rectory whose street addresses in the City of Cleveland are 4310-4322 East 71st Street and 7007-7029 Krakow Avenue, S. E., and 7007-7029 Kazimier Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Number is 132-30-015, and is also known as the following described property:

By Council Member Brancatelli.

An emergency ordinance designating St. Lawrence Church, School, Rectory, and Accessory Buildings as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission") has proposed to designate Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, a public hearing under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission has proposed to designate Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, the Commission has recommended designation of Sacred Heart of Jesus Church, School, and Rectory as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That St. Lawrence Church, School, Rectory, and Accessory Buildings whose street addresses in the City of Cleveland are 3553-3556 East 81st Street and 3553-3555 East 80th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 133-06-058, 133-06-059, 133-06-061, 133-06-062, and 133-06-060, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublot number 7 in the Robert Esber Estate Subdivision as aforesaid; thence Northerly along the Easterly line of Sublot number 7 in the aforesaid E. S. Gillette Allotment of part of Original Lot number 5 in the Robert Esber Estate Subdivision as aforesaid; thence Westerly along the Southern line of said Sublot number 7 in the aforesaid E. S. Gillette Allotment to the Southern line of Sublot number 11 in said Robert Esber Estate Subdivision; thence Southerly along the Southern line of Sublot number 11 in said Robert Esber Estate Subdivision to the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision; thence Westerly along the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision to the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision; thence Westerly along the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision to the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision; thence Westerly along the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision to the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision; thence Westerly parallel with the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision to a point, said point being distant 25 feet from the Southern line of Sublot number 7 in said Robert Esber Estate Subdivision; thence Southerly 25 feet to a point; thence Southerly at right angles to the last described line to theSoutheasterly corner of land conveyed to Barbara Was by deed dated 12/17/76 and recorded in Volume 96-12355 Page 58 of Cuyahoga County deed records; thence Northerly along the Southeasterly line of land conveyed to said Barbara Was about 95.33 feet to the Easterly line of said East 80th Street (50 feet wide); thence Southerly along the Easterly line of said East 80th Street to its intersection with the Northerly line of Sublot number 13 in the Robert Paton Allotment as aforesaid; thence Northerly along theSoutheasterly corner of said Sublot number 13 in the Robert Paton Allotment as aforesaid to the Southern boundary of said Sublot number 12 in the aforesaid E. S. Gillette Allotment; thence Southerly along theNortherly line of said Sublot number 12 about 120 feet to the Northerly line of the aforesaid said Sublot number 12 about 120 feet to the Northerly line of said Robert Paton Allotment as aforesaid; thence Northerly along the Northerly line of said Sublot number 12 about 120 feet to the Westernly line of said East 81st Street to the place of beginning.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 2. That this ordinance is declared to be an emergency measure 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 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Referred to Directors of City Plan-
ing, Commission, Finance, Law, Com-
mittees on City Planning, Finance.

Ord. No. 454-10. By Council Member Brancatelli.
An emergency ordinance designat-
ing St. Hyacinth Church, School (1907), School and Auditorium (1925), Rec-
try, Convent, and Boiler House as a
Cleveland Landmark.

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on January 14, 2010, to discuss the proposed designation of St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Con-
vent, and Boiler House as a land-
mark; and

Whereas, a hearing on the same has set forth herein findings of fact constituting the basis for its decision; and

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Con-
vent, and Boiler House, whose street addresses are located within the City of Cleveland are 6100-6208 Francis Avenue, S. E., and 2971 East 61st Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 125-3-001 and 125-3-
002, and is also known as the fol-
lowing described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being Sublot numbers 1 through 9 both inclusive, 10 through 17 both inclusive, and the Northerly 25 feet of Sublot numbers 18 and 29 of the Horace Kelly Subdivision of part of Original Lot numbers 325, 326, and 329 as shown by the recorded plat in Volume 8, Page 11 of Cuya-
gho County map records and all that part of East 62nd Street (20 feet wide) Vacated by the Council of the City of Cleveland by Ordinance num-
ber 79008 passed June 6, 1927.

Description approved by Greg Estes Chief, Plat, Signs and House Number Section, Division of Building & Construction, which in its entirety is a property having special character or special historic or aesthetic value as part of the development, heritage, or cul-
tural characteristics of the City, State, and the United States, is desig-
nated a landmark under Chapter 161 of the Codified Ordinances of Clevel-
dan, Ohio, 1976.

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

Referred to Directors of City Plan-
ing, Commission, Finance, Law, Com-
mittees on City Planning, Finance.

Ord. No. 455-10. By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authoriz-
ing the Director of Public Safety to enter into an agreement with the Village of Lindale, Ohio to provide emergency medical services within the Village of Lindale, for a peri-
od of one year, with automatic one-
term year period renewals unless cancelled by the Director of Public Safety or the Village of Lindale.

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with the Village of Lindale, Ohio to provide emergency medical services within the Village of Lindale, for a period of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Lindale.

Section 2. That the agreement shall be entered into as of January 1, 2011 and shall be for a term of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Lindale.

Section 3. That the agreement shall be entered into as of January 1, 2011 and shall be for a term of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Lindale.

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

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

Ord. No. 456-10. By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authoriz-
ing the Director of Public Utilities to enter into one or more contracts with computer hardware, servers, or vendors or one or more firms of consultants, computer software developers, or vend-
ors for the purchase or contract of computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

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

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


An emergency ordinance authoriz-
ing the Director of Public Utilities to enter into one or more contracts with computer hardware, servers, or vendors or one or more firms of consultants, computer software developers, or vend-
ors for the purchase or contract of computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

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

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


An emergency ordinance authoriz-
ing the Director of Public Utilities to enter into one or more contracts with computer hardware, servers, or vendors or one or more firms of consultants, computer software developers, or vend-
ors for the purchase or contract of computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

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

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


An emergency ordinance authoriz-
ing the Director of Public Utilities to enter into one or more contracts with computer hardware, servers, or vendors or one or more firms of consultants, computer software developers, or vend-
ors for the purchase or contract of computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

Whereas, this ordinance consti-
tutes an emergency measure provid-
ing for the usual daily operation of a municipal department; now there-
fore,

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with computer hardware, servers, or other materials, equipment, or services needed to implement the management system, for the Division of Cleveland Public Utilities, for a period of two years.

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

Referred to Directors of Public Utilities, Finance, Law, Committees on Public Utilities, Finance.
any other funds deemed appropriate by the Director of Finance, and are approved for this purpose. Request No. EQR 2004 RL 2010-31.

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

Referred to Directors of Public Utilities, Finance, Law & Committee on Public Utilities, Finance.

Ord. No. 457-10.

By Council Member Sweeney (by unanimous consent).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of $11,400,000 for the purpose of providing funds to improve facilities for the charge of governmental functions or for services otherwise benefiting public safety, health and welfare and authorizing related matters.

Whereas, this Council desires to improve and otherwise provide for certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City; therefore, this Ordinance constitutes an emergency measure providing for the immediate improvement of the public peace, property, health and safety, and for the usual daily operation of a municipal department; and therefore,

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

Section 1. Purpose. It is deemed necessary to authorize the Series 2010 Bonds in an aggregate principal amount not to exceed Eleven Million Four Hundred Thousand Dollars ($11,400,000) for the purpose of providing funds for improvements for the charge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for public use, police stations, fire stations, emergency medical centers, service stations, waste collection, street, restroom facilities, correctional facilities, health facilities, centers and other facilities, the purchase of necessary fixtures, furnishings, equipment, information systems, software and utilities, site improvements and appurtenances, and the acquisition of land, including but not limited to any capitalized interest and all expenses incurred in connection therewith and with the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed in pari passu with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2010 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Revised Code, the Charter of the City of Cleveland, and this Ordinance for the purpose stated in Section 1. The Series 2010 Bonds shall be payable from and secured by income tax revenues of the City, and this Ordinance for the levy or collection of its income tax and the sale of the Series 2010 Bonds.

The Series 2010 Bonds shall be numbered as a whole multiple thereof. The Series 2010 Bonds shall be designated "Series 2010 Bonds" and may contain the special identification number, in Book-Entry form, assigned to the Series 2010 Bonds by the Depository or its nominee.

The Series 2010 Bonds shall be payable from income tax revenues of the City, and this Ordinance for the levy or collection of its income tax and the sale of the Series 2010 Bonds shall be signed by the officials of the City of Cleveland:

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date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent per annum. Any Bond may be retired at any time at the option of the City to establish the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Original Purchaser and the Bond Purchase Agreement by the Director of Finance. It is determined by the City in its discretion, the Series 2010 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Indenture and the Second Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 5. Sale of Series 2010 Bonds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;
(b) to the Trustee, for deposit in the Debt Service Reserve Fund, the amount, if any, received by the City upon delivery of the Series 2010 Bonds as accrued interest from their dated delivery date to the date of their delivery to the Original Purchaser;
(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and
(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the proceeds of the Series 2010 Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Second Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2010 Bonds, redemption of Series 2010 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2010 Bonds, defeasance of the Series 2010 Bonds, and other terms consistent with the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City and in compliance with all legal requirements.
City shall be conclusively evidenced by the Director's signing of the Sec-
ond Supplement. As appropriate under the Charter, the Mayor, the
Director of Finance, the Director of Labor, the City Manager, the
Chief of Police, and each of the City's other officers, shall be
considered to be authorized to enter into agreements in
similar fashion as appropriate under the City's laws and
ordinances.

Section 8. Bond Anticipation Notes.
For the purpose of raising money in
anticipation of the issuance of the Series
2010 Bonds for the purpose set forth in
Section 1, notes of the City may be issued in an aggregate
principal amount not to exceed Eleven Million Four Hundred Thous-
and Dollars ($11,400,000) (the 'Notes') upon the direction of the
Director of Finance to be set forth in a certificate providing for the
final terms of the Notes and the sale of the Notes. The certificate
shall be in a form approved by the Director of Finance (the 'Note
Certificate of Award'). The Notes, if sold, shall bear interest at a
variable rate not to exceed twenty-five percent (25%) per year.

The proceeds of the Notes shall be deposited in a Treasury Inves-
tment Account for use as necessary in connection with the
purchase and, if not purchased for such use, in the City's Sinking
Fund. The City shall use the proceeds of the Notes for the purpose
of financing the Series 2010 Bonds for the period of the Note
Certificate of Award. The Notes shall be dated their date of
issuance; shall mature on the date or dates, as shall be determined
by the City in the Note Certificate of Award; shall be signed by the
officials of the City in and in behalf of the City in the Note Certifi-
cate of Award; and shall be payable on the date or dates, as shall be
determined by the Director of Finance, in the City in the Note
Certificate of Award; shall be subject to redemption at any time
prior to maturity without penalty, unless the Director of Finance,
based on the advice of a financial advisor, determines that it is in the
best interest of the City in order to enhance the marketability of the
Notes, that the Notes not be redeemable prior to maturity or that a
premium be paid on their prior redemption; shall be designated "Public
Facilities Improvement Bond Anticipation Notes" or as oth-
erwise provided in the Note Certificate of Award; and shall be
issued in such numbers and denominations as may be necessary.

The proceeds of the Notes shall be used solely for the pur-
pose of financing the Series 2010 Bonds in such manner and to such
extent as may be necessary in connection with the purchase and,
if not purchased for such use, for the purpose of financing the Ser-
ies 2010 Bonds. The City further covenants that (i) it will authorize to be taken any actions that may be required of it for
the purpose of effecting the purchase and sale of the Series 2010
Bonds, the Director of Finance is authorized to prepare, or cause to be
prepared, such certificates and any supplements as may, in the
judgment of the Director of Finance, be necessary or appropriate
to provide for the production and distribution of preliminary and final
Official Statements of the Series 2010 Bonds, the Director of
Finance is authorized and directed to cause to be prepared, and to sign
and deliver, in the name and on behalf of the City, a continuing
disclosure agreement or certificate, which shall constitute the
continuing disclosure agreement made by the City for the benefit of the
holders and beneficial owners of the Notes or the Series 2010 Bonds as
the case may be, in accordance with the SEC Rule. The performance
of that agreement shall be subject to the availability of funds and their
annual appropriation to meet costs and expenses. The City would be permitted to engage an independent public accounting firm to perform it. The Director of Finance shall be authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure obligations under the SEC Rule, including the timely provision of information and notices.

Section 10. Federal Tax Consider-
ations.
(a) Tax-Exempt Bonds. The
City further covenants that (i) with respect to the Notes of a series
sold as Tax-Exempt Bonds, the City will be entitled to, and will,
inure to, the benefit of, the interest, and the exclusion from gross
income of, the tax-exempt interest on such Notes, and, as applicable,
the proceeds of the Series 2010 Bonds, shall not be subject to any
income tax under Title I of the Internal Revenue Code of 1986, as
amended (the "Code") (B) be treated otherwise than as bonds interest on
which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Tax-Exempt Bonds will not be an item of
income for federal income tax purposes.

The City further covenants that (i) it will not, and will cause its officers and agents to not, take any action that may be necessary
so that (i) the Tax-Exempt Bonds will not (A) constitute pri-
vate activity bonds or arbitrage bonds under Sections 141 or 148 of
the Code, (B) be treated other than as bonds interest on which is
excluded from gross income under Section 103 of the Code, and (ii) the
interest on the Tax-Exempt Bonds will not be an item of
income for federal income tax purposes, (iii) its officers and agents will authorize to be taken any actions that would adversely affect that ex-
clusion, and (iii) it, or persons acting for it, will, among other acts of
compliance, apply the proceeds of the Tax-Exempt Bonds to the govern-
mental purpose of the borrowing, (B) restrict the yield on investment prop-
erty, (C) make timely and adequate payments to the federal government, (D) maintain books and records of all transactions that may be necessary to assure such exclusion of that interest under the Code.

BABs. The representations and covenants in subsection (b) shall apply only to series of Notes of a series issued and sold as Tax-
Exempt Bonds. The City covenants that it will use, and will restrict the use and invest-
ment of, the proceeds of such Series 2010 Bonds in such manner

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and to such extent as may be necessary so that such Series 2010 Bonds or Notes shall qualify as Tax Credit BABs or Direct Payment BABs Bonds, as applicable, under the application of the Code.

The City further covenants that (i) to make or effect any election, selection, designation, choice, consent, waiver or action of the City with respect to the Series 2010 Bonds and any Notes as the City may be required to or required by the Code to or required to make or give under the federal income tax laws, including, without limitation, the requirement that the City shall be obligated to issue all or any portion of the Series 2010 Bonds or any Notes as Tax Credit BABs or Direct Payment BABs, as applicable, and any of the elections provided for in Section 14.4A or 14.4(f)(4)(C) of the Code or available under Section 14.8 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2010 Bonds and any Notes or interest thereon or an entitlement to tax credit cash payments, penalties or making payments of special amounts in lieu of making compliance with requirements of the Code, (ii) to take any and all actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2010 Bonds and any Notes, and the tax status of the Series 2010 Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance or any other officer of the City having responsibility for the issuance of the Series 2010 Bonds and any Notes is hereby authorized to make any election, selection, designation, choice, consent, waiver or action of the City with respect to the Series 2010 Bonds and any Notes or the City's entitlement to tax credit or tax status, it is hereby determined and is represented and recited that all such actions, elections, selections, designations, choices, consents, waivers or actions of the City regarding the amount and use of any proceeds of the Series 2010 Bonds and any Notes, the facts, circumstances and estimates on which the same were based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments to tax credits relating to the Series 2010 Bonds and any Notes and the tax status of the Series 2010 Bonds and any Notes, is hereby determined and is represented and recited that all such actions, elections, selections, designations, choices, consents, waivers or actions of the City regarding the amount and use of any proceeds of the Series 2010 Bonds and any Notes, the facts, circumstances and estimates on which the same were based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments to tax credits relating to the Series 2010 Bonds and any Notes, is hereby determined and is represented and recited.

Section 12. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested and independent of the Original Purchasers and any other party interested in the transaction and each part of each section of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in the formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 13. Open Meeting Determination. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested and independent of the Original Purchasers and any other party interested in the transaction and each part of each section of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in the formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 14. Findings and Recitals of Validity. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested and independent of the Original Purchasers and any other party interested in the transaction and each part of each section of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in the formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 15. Delivery to County Auditor. The Director of Finance is hereby directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2010 Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to record the receipt therefor.

Section 16. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the legislative intent that if any such section or part of a section or any provision thereof, or any term or provision thereof, has been declared unconstitutional or invalid, the remainder of this Ordinance and the application of such provisions to any other person or circumstance, other than as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance shall have been and are hereby declared to be independent of such section, or parts of a section, so held to be invalid.

Section 17. Legislative Intent. All terms, conditions, pledges, covenants and agreements of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance are null and not apply to the Series 2010 Bonds or Notes and any exceed, impairs or is null and not applicable provisions of Section 33 with Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to reading days or dispensing with such readings by a two-thirds vote of all members of the Council), and all other applicable provisions of the City's Charter and the rules of this Council have been complied with and this Ordinance was passed in conformity therewith.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided, that the necessary vote of two-thirds of all 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 date by law allowed.

Referred to Directors of Finance, Law; Committee on Finance.
Ord. No. 458-10,
By Council Member Sweeney (by deposit).

An emergency ordinance authorizing the issuance and sale of bonds in the principal amount of $8,900,000 for the purpose of providing funds to improve municipal parks, recreation facilities and authorizing related matters,

Whereas, this Council desires to improve parks and recreation facilities by providing funds to improve municipal parks, greenhouses, stages, bicycle paths, multipurpose trails, playgrounds, play fields and other areas, stands, tracks, fields, dog parks, public artwork, fountains, fitness stations and structures, walkways, pavement and facilities, and providing necessary water systems, bio-filtration areas, drainage, lighting, signage, fixtures, furnishing, landscaping, equipment, safety modifications and site improvements, together with all necessary incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized costs of certain permanent improvements that may be incurred in connection with the issuance of the securities, including all financing costs not to exceed Eight Million Dollars ($8,900,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligations fund; and

Whereas, the American Recovery and Reinvestment Act of 2009 amended Internal Revenue Code of 1986, as amended (the "Code"), to authorize governmental bonds referred to as "Build America Bonds" and meeting the requirements of Section 54A of the Code, of which one type is subsidized through federal tax credits to investors in the bonds ("Tax Credit Bonds") and the other type is subsidized by a refundable credit paid to the issuer of the bonds equal to 35% of the amount of interest paid on the bonds ("Direct Payment BABs"); and

Whereas, the Series 2010 Bonds may be issued in whole or in part as Tax Credit BABs or Direct Payment BABs or as obligations to which Section 103 of the Code applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt BABs"); and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the intended or substantial life or usefulness of the improvements by which the proceeds of the Series 2010 Bonds is at least five (5) years, as evidenced by the certificate contained in File No. 458-10-A; and

Whereas, the authorization for issuance of the Series 2010 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public health, safety, property, health and safety, and for the usual daily operation of the municipal department; now therefore

Be it ordained by the Council of the City of

Section 1. Purpose. It is deemed necessary to issue the Series 2010 Bonds in an aggregate principal amount not to exceed Eight Million Nine Hundred Thousand Dollars ($8,900,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks, buildings, community buildings, recreation centers and areas, pools, spray pads with interactive water features, playgrounds, greenhouses, stages, bicycle paths, multipurpose trails, playgrounds, play fields and other areas, stands, tracks, fields, dog parks, public artwork, fountains, fitness stations and structures, walkways, pavement and facilities, and providing necessary water systems, bio-filtration areas, drainage, lighting, signage, fixtures, furnishing, landscaping, equipment, safety modifications and site improvements, together with all necessary incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized costs of certain permanent improvements that may be incurred in connection with the issuance of the securities, including all financing costs not to exceed Eight Million Dollars ($8,900,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligations fund; and

Whereas, the Series 2010 Bonds may be issued in whole or in part as Tax Credit BABs or Direct Payment BABs or as obligations to which Section 103 of the Code applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt BABs"); and

Whereas, the Series 2010 Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordination of the lien granted under the General Bond Ordinance as security for the General Obligation Bonds of the City and outstanding and under the Series 2010 Bonds, to the full extent required to meet debt charges payable on the Series 2010 Bonds issued and outstanding, from time to time, under the Indenture. The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its assessment taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

Section 4. Terms of the Series 2010 Bonds. The Series 2010 Bonds shall be issued in fully registered form. The Series 2010 Bonds may be issued in one or more series. The Series 2010 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, or as registered owner, and immobi-lized in the custody of the Depository, and shall not be transferable (except for transfer to another Depository or its nominee) without further action by the registered owner and its beneficiaries (as defined in the Indenture and the Second Supplement identified in Section 7). The Series 2010 Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2010" and may contain such further designation as provided in the Certificate of Award identifying the Bond.

Section 10. Sale and Issuance of Series 2010 Bonds. The Series 2010 Bonds shall be sold and issued at the date and place as determined by the Director of Finance, as fiscal officer of the City, with the approval of the City's Board of Directors. The Series 2010 Bonds shall bear interest at the rate or rates per year charged on the Bonds. The Series 2010 Bonds shall be payable on the dates and in the manner set forth in the Indenture. The Series 2010 Bonds shall be dated as of May 15, 2010, or such other date specified in the certificate of award providing for the final terms of the Series 2010 Bonds and the sale of the Series 2010 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2010 Bonds shall be issued in one lot as fully registered Series 2010 Bonds in denominations of $5,000 or any whole multiple thereof. The Series 2010 Bonds shall be issued in one or more series. The Director of Finance, as fiscal officer of the City, shall determine the number of series and the Series 2010 Bonds shall be sold and issued in one or more series. The Series 2010 Bonds shall be sold and issued at the date and place and in the manner set forth in the Indenture. The Series 2010 Bonds shall be sold by competitive bid or request for proposal. The Series 2010 Bonds shall bear interest from their date until the principal amounts are paid at the rate or rates per year specified in the Certificate of Award. The principal amounts of the Series 2010 Bonds shall bear interest from their date until the principal amounts are paid at the rate or rates per year specified in the Certificate of Award. The principal amounts of the Series 2010 Bonds shall be paid at the rate or rates per year specified in the Certificate of Award.
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April 1 and October 1, or such other dates specified in the Certificate of Award, the "Interest Payment Dates".

The Series 2010 Bonds shall mature in whole years and principal amounts set forth in the Certificate of Award, provided that (i) each principal amount shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2010 Bonds shall not be later than December 31, 2031. The Series 2010 Bonds shall be callable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine the Certificate of Award whether any of the Series 2010 Bonds shall be issued as Term Bonds, any dates the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be callable and such other dates as may be determined by the Director of Finance, all in order to comply with the best interests of the City (i) for the purposes specified in the Certificate of Award and approved by the Director of Finance and the City Council, (ii) for the purposes of the City and in compliance with all legal requirements.

Section 5. Sale of Series 2010 Bonds. The Series 2010 Bonds shall be sold to the Original Purchaser; provided that, if not purchased by the Original Purchaser, shall be offered to the Treasury Investment Account for purchase and, if not purchased by that Account, shall be sold to one or more firms that have proposed to underwrite the Series 2010 Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser"). The Series 2010 Bonds shall be advertised with the Original Purchaser in the Certificate of Award which shall specify the final terms of the Series 2010 Bonds, as they may be fixed in accordance with applicable law, the provisions of this Ordinance and theOriginal Purchaser's offer to purchase the Series 2010 Bonds, including: the principal amount of the Series 2010 Bonds, the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to the date of delivery), interest rate or rates, the amounts and years in which principal installments are payable or stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements, terms and conditions under which any Series 2010 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2010 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and necessary for the best interests of the City to establish the terms and requirements for delivery of the Series 2010 Bonds, to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2010 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proof to be taken of the issuance of the Series 2010 Bonds to be delivered to the Original Purchaser, to cause such certificates, financial statements and other documents and instruments to be authenticated and to take such actions as are necessary or appropriate to consummate the purchase from the City and terms and conditions of the bond purchase agreement between the City and the Original Purchaser (the "Second Supplement"), approved as to form and correctness by the Director of Law, the provisions of this Ordinance and the Second Supplement are substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Second Supplement, under the Charter, the Mayor, the Director of Finance, the Clerk of Council and other appropriate officers of the City and each of them is, authorized to sign any and all documents on behalf of the City. The Second Supplement shall be approved as to form and correctness by the Director of Law, the provisions of this Ordinance and the Second Supplement are substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Second Supplement, under the Charter, the Mayor, the Director of Finance, the Clerk of Council and other appropriate officers of the City and each of them is, authorized to sign any and all documents on behalf of the City.

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Second Supplement"), supplementing the Indenture described in Section 4 for the authentication, registration and transfer of the Series 2010 Bonds, redemption of the Series 2010 Bonds, defeasance of the Series 2010 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Second Supplement shall be approved as to form and correctness by the Director of Law, the provisions of this Ordinance and the Second Supplement are substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Second Supplement, under the Charter, the Mayor, the Director of Finance, the Clerk of Council and other appropriate officers of the City and each of them is, authorized to sign any and all documents on behalf of the City.

The Series 2010 Bonds may be secured by a Debt Service Reserve Fund to be held by the Director of Finance as the Indenture. The principal amount of the Series 2010 Bonds may include provision for retirement of Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable law.
turance and Second Supplement as may be necessary or appropriate to issue and sell the Notes and for the purpose of providing liquidity or credit support to the holders of the Notes.

Section 7. Tax Credit BABs. The City further covenants that (i) the Tax Credit BABs will not (A) constitute private activity bonds or arbitrage bonds under Sections 148 and 1482 of the Code or (B) be treated other than as otherwise provided under the Code or (C) be treated other than as otherwise provided in Treasury Regulations, unless it is determined by the Director of Finance, the City would be required to incur any cost, charge, expense, or liability in the case of a failure to so determine, to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including any amendments thereto, to the extent necessary to assure such compliance.

(b) BABs. The representations and covenants in this subsection (b) shall apply only to Series 2010 Bonds or Notes of a series issued and sold as BABs.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 148 and 1482 of the Code or (B) be treated other than as otherwise provided under the Code or (C) be treated other than as otherwise provided in Treasury Regulations, unless it is determined by the Director of Finance, the City would be required to incur any cost, charge, expense, or liability in the case of a failure to so determine, to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including any amendments thereto, to the extent necessary to assure such compliance.

Section 9. Official Statement: Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2010 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an official disclosure document relating to the Notes or the Series 2010 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity any such document with respect to the Notes or the Series 2010 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 148 and 1482 of the Code or (B) be treated other than as otherwise provided under the Code or (C) be treated other than as otherwise provided in Treasury Regulations, unless it is determined by the Director of Finance, the City would be required to incur any cost, charge, expense, or liability in the case of a failure to so determine, to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including any amendments thereto, to the extent necessary to assure such compliance.

The representations and covenants in this subsection (b) shall apply only to Series 2010 Bonds or Notes of a series issued and sold as BABs.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 148 and 1482 of the Code or (B) be treated other than as otherwise provided under the Code or (C) be treated other than as otherwise provided in Treasury Regulations, unless it is determined by the Director of Finance, the City would be required to incur any cost, charge, expense, or liability in the case of a failure to so determine, to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including any amendments thereto, to the extent necessary to assure such compliance.
the applicable provisions of the Code.

The City further covenants that (i) it will take or cause to be taken such actions as may be required of it or made by it pursuant to any other provisions of the Code and (ii) the Bonds and any Notes, the interest on and in the Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments or tax credits relating to the Bonds and any Notes and the tax status of the Bonds and any Notes.

Section 12. Financial Advisor. The Director of Finance may request a rating on the Series 2010 Bonds or Notes from one or more nationally recognized rating organizations and do any and all actions required to secure a rating or ratings on the Series 2010 Bonds or Notes. The Director of Finance is authorized to enter into one or more agreements for Credit Support Instruments containing terms material to the rating of the Bonds or Notes and the tax status of the Bonds or Notes, including, without limitation thereto, the election to issue the Series 2010 Bonds or Notes as Tax Credit BABs or Direct Payment BABs as applicable, and any of the elections provided for in Section 54A and 148(f)(4)(C), of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Bonds and any Notes in order to make them legal, valid and binding obligations of the City which are consistent with the Code and the applicable provisions of the Code.

Section 13. Open Meeting Determination. It is hereby determined, upon the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, credit, or other credit enhancement instrument, which may be a standby bond purchase agreement or other credit enhancement instrument entered into with the City and any other third party, as authorized by the Director of Finance to provide for the payment when due of the principal of, and interest on, any portion of the Bonds and any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2010 Bonds or Notes from one or more nationally recognized rating organizations and do any and all actions required to secure a rating or ratings on the Series 2010 Bonds or Notes. The Director of Finance is authorized to enter into one or more agreements for Credit Support Instruments containing terms material to the rating of the Bonds or Notes and the tax status of the Bonds or Notes, including, without limitation thereto, the election to issue the Series 2010 Bonds or Notes as Tax Credit BABs or Direct Payment BABs as applicable, and any of the elections provided for in Section 54A and 148(f)(4)(C), of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Bonds and any Notes in order to make them legal, valid and binding obligations of the City which are consistent with the Code and the applicable provisions of the Code.

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to the creation, issuance, sale and delivery of the Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments or tax credits relating to the Bonds and any Notes and the tax status of the Bonds and any Notes.
Ord. No. 459-10.
By Council Member Sweeney (by deposit request).

An emergency ordinance authorizing the issuance and sale of Bonds in the aggregate principal amount of not more than $8,700,000 for the purpose of providing funds for bridges and roadway improvements and authorizing related matters.

Whereas, the City desires to issue Bonds in an aggregate principal amount not to exceed Eight Million Seven Hundred Thousand Dollars ($8,700,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City’s general obligation bonds; and

Whereas, the American Recovery and Reinvestment Act of 2009 amended the Internal Revenue Code of 1986, as amended (the "Code"), to authorize two types of obligation bonds that may be issued on or before January 1, 2011 by states and political subdivisions that may provide lower cost of financing for public improvements. The governmental bonds referred to as "Build America Bonds" and meeting the requirements of Section 54AA of the Code ("BABs"), of which one type is subsidized through federal tax credits in the bonds ("Tax Credit BABs") and the other type is subsidized by a refundable credit paid to the issuer of the bonds equal to 35% of the amount of interest paid to the holder of the bond ("Refundable Credit BABs") and taxable governmental bonds referred to as Recovery Zone Economic Development Bonds, meeting the requirements of Section 1400U-2 of the Code subsidized by a refundable credit paid to the issuer of the bonds equal to 45% of the amount of the interest paid on the bond ("Refundable Payment BABs") and taxable governmental bonds referred to as Recovery Zone Economic Development Bonds, meeting the requirements of Section 1400U-2 of the Code subsidized by a refundable credit paid to the issuer of the bonds equal to 45% of the amount of the interest paid on the bond ("Refundable Payment BABs"); and

Whereas, the United States Department of the Treasury, in final terms of the Series 2010 Bonds, as provided in the Certificate of Award identified below. The Series 2010 Bonds shall be designated "Series 2010 Improvement Bonds, Series 2010" and the sale of the Series 2010 Bonds in accordance with this Ordinance as the "Bonds."
nance (the "Certificate of Award"). The Series 2010 Bonds shall be issued at the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Series 2010 Bonds shall bear interest from their date until the principal amount is paid or tendered for payment at the maturity, and (ii) for a premium or such other dates specified in the October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates"). The Series 2010 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final Interest Payment Date of the Series 2010 Bonds shall be no later than December 31, 2027. The Series 2010 Bonds shall mature in any year may be issued as serial Series 2010 Bonds, the Series 2010 Bonds shall be payable prior to stated maturity pursuant to sinking fund redemption (the "Mandatory Redemption Dates"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2010 Bonds shall be issued as Term Bonds, any dates the (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to the Certificate of Award and approved by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser"). The Series 2010 Bonds shall be awarded to the Original Purchaser (the "Bond Purchase Agreement") by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 5. Sale of Series 2010 Bonds. On or before the date of the Series 2010 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2010 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, payments under the Series 2010 Bonds, redemption of the Series 2010 Bonds, and accrued interest from their dated date to the date of their delivery to the Trustee. The proceeds of the sale of the Series 2010 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Trustee for deposit in an evaluation of the qualifications of those firms (collectively, the "Original Purchaser"). The Series 2010 Bonds shall be awarded to the Original Purchaser (the "Bond Purchase Agreement") by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Trustee for deposit in an evaluation of the qualifications of those firms (collectively, the "Original Purchaser"). The Series 2010 Bonds shall be awarded to the Original Purchaser (the "Bond Purchase Agreement") by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement") approved as to form and correctness by the Director of Finance, setting forth the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not materially adverse to the City and that are approved by the Director of Finance. The bond purchase agreement shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 8. Application of Proceeds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Trustee for deposit in an evaluation of the qualifications of those firms (collectively, the "Original Purchaser"). The Series 2010 Bonds shall be awarded to the Original Purchaser (the "Bond Purchase Agreement") by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 9. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement") approved as to form and correctness by the Director of Finance, setting forth the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not materially adverse to the City and that are approved by the Director of Finance. The bond purchase agreement shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and the Indenture, are in the best interest of the City and in compliance with all legal requirements.
as to form and correctness by the Director of Law. The determination by or of Finance that the provisions of the Second Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director’s signing of the Sec-
ond Supplement. As appropriate under the provisions of the Ordinance, the Mayor, the Director of Finance, the Director of Law, the City Council and other appropriate officers of the City are, and each of them is, authorized to sign, pledge and deliver in the name and on behalf of the City, such documents, certifications and instruments in addition to the Inden-
ture and Second Supplement as may be necessary or appropriate to issue and sell the Series 2010 Bonds and to consummate the transactions authorized by this Ordinance.

Section 8, Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Series 2010 Bonds for the purpose set forth in Section 1, notes in an aggregate prin-
cipal amount not to exceed Eight Mil-
lion Seven Hundred Thousand Dol-
lars ($8,700,000) (the “Notes”) may be issued by the direction of the Director of Finance to be set forth in a certifi-
cate the City and in her judgment, be necessary or ap-
propriate to issue and sell the Series 2010 Bonds and to consummate the transactions authorized by this Ordinance.
The City covenants that it will use, and will restrict the use and invest- ment of, the proceeds of such series of 2010 Bonds and Notes in such manner and to such extent as may be neces- sary to (A) make payments, and (B) satisfy and discharge such Bonds or Notes will qualify as Tax Credit BABs or Direct Payment BABs or RZED Bonds, as applicable, under the applicable provisions of the Code. The City covenants that (i) it will take or cause to be taken such actions that may be required of it for the Bonds or Notes to qualify and remain qualified as Tax Credit BABs or Direct Payment BABs or RZED Bonds, as applicable, (ii) it will not take or authorize to be taken any actions that would adversely affect that tax status, and (iii) it, or persons acting for it, will, among other acts of com- pliance, (A) apply the proceeds of such Series 2010 Bonds or Notes to the governmental purpose of the bor- rowing, (B) restrict the yield on investment property, (C) make time- ly and adequate payments to the fed- eral government, (D) maintain books and records and make calculations and reports, and (E) refrain from cer- tain uses of those proceeds, and, as appropriate, of property financed with such proceeds, all in such manner and to the extent necessary to assure such qualification and status under the Code.

(c) Further Actions. The Director of Finance or any other officer of the City having responsibility for the issuance of the Series 2010 Bonds and the Series 2010 Bonds or Notes as Tax Credit BABs or Direct Payment BABs or to issue any of the Series 2010 Bonds or Notes as RZED Bonds, as applicable, and any of the elec- tions provided for in Section 54AA.148(f)(4)(C), 14901-1 or 14902-2 of the Code or available under Section 148(c), for the purpose of securing, assuring, enhancing or protecting property financed with those proceeds, or any of the Series 2010 Bonds or Notes, or interest thereon or any re- duction of, any of the Series 2010 Bonds or Notes or any of the determinations required by this Ordinance to be determined by the Director of Finance, the Director of Finance is authorized to provide for the payment of any such reduction, or to enter into loans or other agreements for the purpose of reducing or waiving any other amounts from the proceeds of the Series 2010 Bonds or Notes to the extent available and otherwise from any other funds of the City, including any other funds available that are appropriated or shall be appropriated to the City or the mayor or any taxing jurisdiction.
Ord. No. 467-10.
By Council Members Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program; authorizing one or more grant agreements with various entities, agencies, and individuals to provide financial assistance to perform various improvements to City-owned eligible properties; and authorizing the lease of the improved land bank lots to various entities, agencies, and individuals for a period up to five years.

Whereas, the Department of Community Development seeks to expend Neighborhood Stabilization II Program funds as set forth below; and

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

Section 1. That the Neighborhood Stabilization II Program in the amount of $4,768,000 be expended for costs of the Department of Building and Housing associated with the demolition and deconstruction programs supported by appropriate staffing and technical assistance, in furtherance of nuisance abatement projects.

Section 2. That the Director of Community Development is authorized to enter into or amend one or more contracts for the purpose of implementing the Neighborhood Stabilization II Program.

Section 3. That Neighborhood Stabilization II Program funds in the approximate amount of $4,768,000 be expended for costs of the Department of Building and Housing associated with the demolition and deconstruction programs.

Section 4. That the leases may be entered into or amended under various projects, naming the City of Cleveland as lessee, and/or any other security instruments, such as mortgages, mortgage guarantees, and/or any other security instruments, as may be necessary to secure repayment of loans made under this program.

Section 5. That the properties are appropriate for administrative expenses.

Section 6. That the properties are appropriate for administrative expenses.

Section 7. That the properties are appropriate for administrative expenses.

Section 8. That the properties are appropriate for administrative expenses.

Section 9. That notwithstanding the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease the improved land bank lots to various entities, agencies, and/or any other security instruments, such as mortgages, mortgage guarantees, and/or any other security instruments, for a period up to five years, which are suitable for for all other purposes necessary to carry out the pilot program.

Whereas, the Department of Community Development seeks to expend Neighborhood Stabilization II Program funds as set forth below; and

Section 1. That the Neighborhood Stabilization II Program in the amount of $4,768,000 be expended for costs of the Department of Building and Housing associated with the demolition and deconstruction programs supported by appropriate staffing and technical assistance, in furtherance of nuisance abatement projects.
es subject to the approval of appropriate City agencies and officials.

Section 12. That the Director of Community Development, 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 complete the transactions authorized by this ordinance.

Section 13. That the grant agreements, contracts, leases, and other appropriate documents needed to complete the transactions authorized by this ordinance shall be prepared by the Director of Law.

Section 14. That the cost of the contracts authorized in this ordinance shall not exceed $21,053,162, and shall be paid from the fund or funds to which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 460-10.
By Council Member Cummins.
An ordinance to change the Use District of land on the northeast corner of Seymour Avenue and W. 30th Street from Two Family Residential to Residence-Industry (Map Change No. 2300; Sheet No. 1).

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

Section 1. That the Use District of lands bounded and described as follows:
Beginning in the centerline of Seymour Avenue at its intersection with the centerline of West 30th Street;
Thence northerly along said centerline of West 30th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 87 in the Hiram Stone Subdivision shown on the Recorded Plat in Volume 1, Page 41 of Cuyahoga County Map Records;
Thence easterly along said westerly prolongation of said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot No. 91 in the aforementioned Hiram Stone Subdivision;
Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Seymour Avenue;
Thence westerly along said centerline of Seymour Avenue to its intersection with the centerline of West 30th Street and the principal place of beginning,
and as shaded on the attached map is changed to a Residence-Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2300, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.
Ord. No. 461-10.
By Council Member Kelley.

An ordinance expanding the Old Brooklyn Design Review District to include lands south of Henritze Avenue along Pearl Road and State Road north of Leopold Avenue (Map Change No. 2301, Sheet Number 2).

Whereas, the City Planning Commission has determined that proposed expansion area of the Old Brooklyn Design Review District established, by Ordinance Number 139-2000, meets the criteria for designation contained in Section 341.04 of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, now, therefore

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

Section 1. That the Old Brooklyn Design Review District is hereby expanded and includes lands located on the east and west sides of Pearl Road and on the west side of State Road south of Henritze Avenue and north of Leopold Avenue, and one parcel on the north side of Colburn as shown outlined on the attached map.

Section 2. That the designation of the area described in Section 1 hereof as the Old Brooklyn Design Review District shall be identified as Map Change Number 2301, Sheet Number 2, noted on the Building Zone Maps of the City of Cleveland, on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Referred to Directors of City Planning Commission, Law; Committee on City Planning.
FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 468-10
By Council Member Brancatelli.
An emergency ordinance consent-
and approving the issuance of a per-
im for the Morgana Run, on June
6, 2010, sponsored by Hermes
Sports & Events, Inc.
Whereas, this ordinance consti-
tuates an emergency measure provid-
ing for the usual daily operation of
a municipal department; now, there-
fore,
Be it ordained by the Council of the
City of Cleveland:
Section 1. That pursuant to Sec-
tion 411.06 of the Codified Ordi-
nances of Cleveland, Ohio 1976, this
Council consents to and approves
the holding of the Morgana Run, on June 6, 2010, sponsored by Hermes Sports & Events, Inc., on June 6, 2010, with the Run beginning at Old TOPS Parking Lot on Morgan Run Trail to East 75th; East 75th to Fleet; Fleet to East 49th; East 49th to Mor-
gana Drive, east on Father Caruso to
tunnel to Edgewater park and fin-
ish, provided that the applicant sponsor shall meet all the require-
ments of Section 411.06 of the Codi-
fied Ordinances of Cleveland, Ohio, 1976, Streets may be closed as deter-
dined by the Chief of Police and safety forces as may be
necessary in order to protect the participants in the event. Said permit shall fur-
ther provide that the City of Cleve-
land shall be fully indemnified from
any and all liability resulting from
the issuance of the same, to the extent and in form satisfactory to the
Director of Law.
Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of
all the members elected to Council, it shall take effect and be in force
immediately upon its adoption and approval by the Mayor; otherwise, it
shall take effect and be in force from and after the earliest period
allowed by law.
Motion to suspend rules, Charter,
and statutory provisions and place
on final passage.
The rules were suspended. Yeas
18, Nays 0. Read second time. Read
third time in full. Adopted. Yeas
18, Nays 0.

Ord. No. 469-10
By Council Members Westbrook
and Zronek.
An emergency ordinance consent-
and approving the issuance of a per-
im for the Morgana Run, on June
6, 2010, sponsored by Hermes Sports & Events Inc.
Whereas, this ordinance constit-
tutes an emergency measure provid-
ing for the usual daily operation of
a municipal department; now, there-
fore,
Be it ordained by the Council of the
City of Cleveland:
Section 1. That pursuant to Sec-
tion 411.06 of the Codified Ordi-
nances of Cleveland, Ohio 1976, this
Council consents to and approves
the holding of the Morgana Run, on June 6, 2010, sponsored by Hermes Sports & Events, Inc., on June 6, 2010, with the Run beginning at Old TOPS Parking Lot on Morgan Run Trail to East 75th; East 75th to Fleet; Fleet to East 49th; East 49th to Mor-
gana Drive, east on Father Caruso to
tunnel to Edgewater park and fin-
ish, provided that the applicant sponsor shall meet all the require-
ments of Section 411.06 of the Codi-
fied Ordinances of Cleveland, Ohio, 1976, Streets may be closed as deter-
dined by the Chief of Police and safety forces as may be
necessary in order to protect the participants in the event. Said permit shall fur-
ther provide that the City of Cleve-
land shall be fully indemnified from
any and all liability resulting from
the issuance of the same, to the extent and in form satisfactory to the
Director of Law.
Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of
all the members elected to Council, it shall take effect and be in force
immediately upon its adoption and approval by the Mayor; otherwise, it
shall take effect and be in force from and after the earliest period
allowed by law.
Motion to suspend rules, Charter,
and statutory provisions and place
on final passage.
The rules were suspended. Yeas
18, Nays 0. Read second time. Read
third time in full. Adopted. Yeas
18, Nays 0.
Section 1. That objection to a New C1 Liquor Permit to Waterloo Gas & Go, Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085, be and the same is hereby withdrawn and Resolution No. 108-18, containing such objection, be and the same is hereby repealed and this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Adopted. Yeas 18, Nays 0.

Ord. No. 465-10
By Council Member Reed.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3744 East 144th Street, 1st floor only.

Whereas, this resolution was notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit to Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177 to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4305.28 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Adopted. Yeas 18, Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1666-09
By Council Members J. Johnson, Brancatelli, Finnegan and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to convey the property to Famicoso Foundation, or its designee, which is not needed for public use; and authorizing the Director of Community Development to enter into a development agreement with Famicoso Foundation, or its designee. Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, City Planning, Finance.

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

Ord. No. 8-10
By Council Members Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the Ohio Environmental Protection Agency to implement Best Management Practices at the Kirby Water Pollution Control Facility. The funds, in the amount of $1,000,000, shall be used to divert away from the combined sewers; determine the method of making the public improvement of constructing the improvement; authorizing the Director to enter into one or more public improvement contracts to construct the improvement; and authorizing the Director to employ one or more professional consultants necessary to design the improvement.

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

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

Ord. No. 13-10
By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Detroit Shoreway Community Development Organization to maintain the Gordon Square parking lots known as Kennedy Lot and CPT Lot.

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

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

Ord. No. 14-10
By Council Members Reed, K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to AT&T certain easement rights in property located near the northeast corner of East 136th Street and Harvard Avenue and declaring the easements rights no longer needed for public use.

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

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Passed. Yeas 18, Nays 0.

Ord. No. 163-10
By Council Members K. Johnson, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a non-disturbance and estoppel agreement with the Cleveland Museum of Natural History and the Ohio Cultural Facilities Commission relating to a grant for the improvement of the Museum’s planetarium.

Ord. No. 199-10. By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 State Byrne Memorial Justice Assistance Grant. Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 201-10. By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 Ohio Drug Law Enforcement Fund Grant. Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 206-10. By Council Member Reed. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4117 East 96th Street to Chriss Cranston. Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 207-10. By Council Member Reed. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4117 East 113th Street to Anand Sahye. Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.


Ord. No. 325-10. By Council Member Sweeney (by departmental request). An emergency ordinance authorizing the procurement by one or more requirement contracts of Group I, II and III copiers and services for the Office of Criminal Justice Services for the period of four years, with one option to renew for one additional year, exercisable by the Director of Finance. Approved by Directors of Finance, Law; Passage recommended by Committee on Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 326-10. By Council Members Kelley and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with FirstEnergy Solutions Corp. for aggregation services and power supply for residential small commercial customers for a period of 36 months and the City's governmental accounts for a period of 36 months. Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance, when amended as follows: 1. In Section 1, at the end, after the period insert "The executive summary describing this program is placed in File No. 326-10-A." 2. In Section 2, at the end, strike "The executive summary describing this program is placed in the above-described file.",. Amendments agreed to. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 360-10. By Council Members Brancatelli and Sweeney (by departmental request). An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 507-09, passed April 20, 2009, relating to authorizing the Director of Economic Development to enter into contract with Alcoa to provide economic development assistance to partially finance the refurbishment of equipment located at their facility located at 1609 Harvard Avenue, and authorizing a development agreement with the Village of Cuyahoga Heights and the City of Independence. Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance. The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

SECOND READING ORDINANCES PASSED


SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 369-10. By Council Member Cimperman. An emergency resolution relating to the Downtown Cleveland Improvement District as a special improvement district within the city; declaring it necessary to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public right-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the
Downtown Cleveland Improvement District; and providing for the assessment at the cost and expense of such work upon benefited property in the Downtown Cleveland Improvement District and declaring an emergency.

Approved by Directors of City Planning Commission, Finance, Law. Adoption recommended by Committee on City Planning, Finance.

The rules were suspended. Yeas 18, Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

MOTION

By Council Member Miller, seconded by Council Member Cimperman, and unanimously carried, that the absence of Council Member TJ Dow be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, April 19, 2010 at 7:00 p.m. in the Council Chambers.

Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 7, 2010

The regular meeting of the Board of Control convened in the Mayor’s office on Wednesday, April 7, 2010, at 16:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natyah Walker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 135-10

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of D. B. Johnsen Company for an estimated quantity of labor and materials needed to repair low pressure steam boiler systems and appurtenances, Option 2, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract, received on January 22, 2010, under the authority of Ordinance No. 900-09, passed August 5, 2009, was approved, on the basis of the estimated quantity would amount to $84,116.00 (1%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of $5,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

Resolution No. 136-10

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Gardiner Service Company dba Gardiner Trane for an estimated quantity of labor and materials to replace heat recovery boilers, if necessitated, for an estimated quantity of labor and materials, Option 2, all items, for the Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract, received on February 4, 2010, under the authority of Ordinance No. 900-09, passed August 5, 2009, was approved, on the basis of the estimated quantity would amount to $614,068.00 (2% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into an agreement (‘Agreement’) granting Innovative Foods, Inc. the privilege, permit and license to operate the concession stand at the Collinwood Athletic Complex on April 10, 2010 to sell food and beverages to the public on April 10, 2010; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is authorized to enter into an agreement (‘Agreement’) granting Innovative Foods, Inc. the privilege, permit and license to operate the concession stand at the Collinwood Athletic Complex on April 10, 2010 to sell food and beverages to the public.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

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.

REYNALDO GALINDO,
President
SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 26, 2010
9:30 A.M.

Calendar No. 10-39: 8214 Cedar Avenue (Ward 6)
Delmar Yarbrough, owner, appeals to build an enclosed patio to an existing tavern located on a 55’ x 244’ lot in a Local Retail Business District, and the expansion of an existing nonconforming use as a night club/dance hall within a Local Retail Business District requires the Board of Zoning Appeals approval in accordance with the provisions in Section 329.01(a), that state no expansion, substitution nor other change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use, in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Cleveland Codified Ordinances.

Calendar No. 10-40: 2901-09 Detroit Avenue (Ward 3)
Richard Husarick, owner, dba A Man’s World, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a recommendation of the Cleveland Fire Prevention Bureau to withhold a Coin Operated Coin or Billiard Room License from being issued for the premises located at 2901-09 Detroit Avenue, as stated in the Notice of Violation issued by the Department of Building and Housing on February 25, 2010 for failure to comply with the provisions of the City of Cleveland Zoning Code, as stated in Section 327.02(c) and Section 346.04 of the Cleveland Codified Ordinances.

Calendar No. 10-42: 1665 East 40th Street (Ward 8)
Cash Miszka, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a recommendation of the Cleveland Fire Prevention Bureau to withhold a Coin Operated Coin or Billiard Room License from being issued for the premises located at 1665 East 40th Street, as stated in the Notice of Violation issued by the Department of Building and Housing on February 25, 2010 for failure to comply with the provisions of the City of Cleveland Zoning Code, as stated in Section 327.02(c) and Section 346.04 of the Cleveland Codified Ordinances.

Calendar No. 10-45: 11633 Clifton Boulevard (Ward 16)
Lee Solding Company, owner, appeals to expand an existing nonconforming use as a bar/nightclub located in proximity to the southwest corner of Clifton Boulevard and West 117th Street, and the expansion of a nonconforming use within a Local Retail Business District nor within 500 feet of a residential district requires 2,225 square feet of parking area, in addition to exceptions from required accessory off-street parking previously granted, and subject to approval by the Board of Zoning Appeals in accordance with the provisions in Section 329.01(a), that state no expansion, substitution nor other change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use, as stated in Section 327.02(c) and Section 337.13(b) of the Cleveland Codified Ordinances.

Calendar No. 10-47: 10427 Clifton Boulevard (Ward 16)
Ronald Marthaller, owner, appeals to establish or provide a restaurant/bar use with a front outdoor patio that measures 900 square feet for 60 seats, located in the middle easterly area of a three-story nonconforming stores and suites building on a 106’ x 125’ irregular shaped corner lot in a One Family District; contrary to the residential limitations of Section 337.02 and the required, additional accessory off-street parking (20 for indoor space and 15 for the patio use) determined according to Section 349.04(f); and an outdoor patio for the restaurant/bar use is not a permitted front yard encroachment in those provisions of Section 357.13(b) and subject to the limitations of Section 359.01(a), a nonconforming use of building or structure which has been discontinued shall not thereafter be returned to such nonconforming use and as stated in Section 359.02(b) a nonconforming use is considered discontinued (1) when the intent of the owner to discontinue is express; or (2) use is voluntarily discontinued for six months or more, implied either from acts or failure to act including but not limited to removal of and failure to replace characteristic equipment and furnishings; or (3) cessation of business operations for two years or more unless the cessation was caused by factors out of the control of the business such as disability or illness of the proprietor or a governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two years, presence of characteristic equipment and furnishings is considered. Or, (4) when the use has been replaced by a conforming use or (5) when the use has been changed to another use permitted by the Zoning Code, subject to condition.

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 12, 2010

At the meeting of the Board of Zoning Appeals on Monday, April 12, 2010, the following appeals were heard by the Board.

The following appeals were Approved:

Calendar No. 10-21: 2491 West 8th Street
West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-22: 2495 West 8th Street
West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-23: 2501 West 8th Street
West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-30: 12502 Larchmere Boulevard
12502 Larchmere Ltd appealed to convert a utility building to a bar and to add a covered patio to a bar/restaurant in a Local Retail Business District; subject to condition.

The following appeal was Withdrawn:

None.

The following appeal was Postponed:

Calendar No. 10-32: 1945 East 97th Street
Postponed to May 17, 2010.

The following appeal was Dismissed:

None.

The following appeals heard by the Board on April 6, 2010 were adopted and approved on April 12, 2010.

The following appeals were Approved:

Calendar No. 10-33: 5702 Franklin Boulevard
Lynnhaven Development Group LLC appealed to erect a one-story frame, attached garage to a one family dwelling in a Two-Family District.

Calendar No. 10-34: 8702 Superior Avenue
Faiz Muntasir appealed to construct a retail building on a parcel in split zoning of Local Retail Business and Two-Family District.

Secretary

Secretary
The City’s investments shall be segregated into distinct portfolios, including portfolios for the General Fund, and the Divisions of Water, Airport Utility, Fire, Safety, and Railroads. Total Average Portfolio, as defined in this policy, shall mean the average of the month-end market values for the prior twelve (12) month period of an individual portfolio.

Investment Objectives

All Portfolios shall be managed to accomplish the following hierarchy of objectives:

1. Preservation of Principal – The single most important objective of the City’s investment program is the preservation of principal of those funds within the Portfolio.

2. Maintenance of Liquidity – The Portfolio shall be managed in such a manner that assures that funds are available as needed to meet those immediate and/or future operating requirements of the City of Cleveland.

3. Maximize Return – The Portfolio shall be managed in such a fashion as to attain a market-average rate of return through-out budgetary and economic cycles, within the context and parameters set forth by objectives 1 and 2 above.

Delegation of Authority

The Treasurer is responsible for the prudent investment of the City of Cleveland and shall oversee the establishment of investment transactions or procedures consistent with this policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all trades undertaken, and shall establish a system of controls to regulate the activities of subordinate officials and shall exercise control over that staff. Investment staff shall be bonded in amounts appropriate to the levels of responsibility and portfolio characteristics.

The City’s Internal Auditor will review the investment program to ensure compliance with this policy.

Standard of Prudence

The standard of prudence to be applied to the investment of the City of Cleveland shall be the industry standard “Prudent Investor Rule”, which states: “Investments shall be made with judgment and care, under circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

Treasury staff acting in accordance with this policy or any other written procedures pertaining to the administration and management of the City of Cleveland and who exercise the proper due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided that these deviations are reported immediately to the Treasurer and that appropriate action is taken to control and prevent any further adverse developments.

Ethics and Conflict of Interest

Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Further, no employee involved in the investment process shall use the authority to influence of office or employment to secure anything of value or the promise or offer of anything of value that would create an improper influence upon the public official or employee with respect to that person’s duties.

Employees and investment officials shall comply fully with the reporting and disclosure requirements of Chapter 162 of the Ohio Revised Code.

Authorized Instruments

The Treasurer is authorized to invest the City of Cleveland in instruments as described in section 178.12 of the Codified Ordinances as summarized and restricted below:

A. U.S. Treasury Obligations, United States Treasury bills, notes, or other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States.

B. Federal Agency Obligations, Bonds, notes, debentures, or other obligations or securities issued by any federal government agency or instrumentality.

C. State and Municipal Bonds and Notes, Bonds and notes of the State of Ohio, and any municipal corporation, village, county, township, or other political subdivision of Ohio for which the full faith and credit of the subdivision is pledged, so long as such subdivision has not defaulted in the payment of principal or interest on its bonds or notes within the last ten (10) years.
D. State Pool, State of Ohio Local Agency Investment Pool (STAR Ohio) authorized under section 135.45 of the Ohio Revised Code.

E. Bank Deposits, Time certificates of deposit (not to exceed one (1) year) or savings or deposit accounts in an eligible institution as defined in Chapter 178 of the Codified Ordinances of the City of Cleveland. Collateralization is required on all deposits of City funds as stated in Chapter 178 of the Codified Ordinances of the City of Cleveland.

F. U.S. Government money market mutual funds, issued by openended investment companies registered with the SEC, with an average maturity of one hundred twenty (120) days or less, which have the objective of maintaining a constant net asset value per share, and which invest exclusively in U.S. Treasury Obligations, Federal Agency Obligations, U.S. Government money market agencies, or U.S. Government mortgage agencies. Such funds are permitted in each security type to a percentage of the Total Average Portfolio permitted in each security type.

G. Repurchase Agreements. Specific agreements shall not exceed a term of one (1) year with any eligible depository or designated securities broker/dealer which has entered into a master repurchase agreement pursuant to Codified Ordinance Section 178.12, division (c), under the terms of which agreement the City Treasurer purchases for the City, and such eligible depository or securities broker/dealer agrees to unconditionally repurchase, any of the securities listed in Section 178.12, divisions (b)(1), (b)(2), or (b)(3), of the Codified Ordinances of the City of Cleveland.

Diversification

Each Portfolio shall be structured to diversify investments to reduce the risk of loss resulting from over-concentration of assets in a specific maturity, market, or specific type of security. The maximum percentage of the Total Average Portfolio permitted in each security is as follows:

- U.S. Treasury 100% maximum
- Federal Agency (Fixed Rate) 100% maximum
- Federal Agency (Callable) 55% maximum
- Certificates of Deposit 25% maximum
- Repurchase Agreements 25% maximum
- U.S. Government Money Market 25% maximum
- State Bonds and Notes 10% maximum
- Municipal Bonds and Notes 10% maximum
- STAR Ohio 75% maximum
- Money Market Mutual Funds 75% maximum

Each Portfolio will be further diversified to limit the exposure to any one issuer to no more than 2% of the Total Average Portfolio. The City of Cleveland will invest in the securities of any single issuer with the following exceptions:

- U.S. Government Obligations 100% maximum
- Money Market Mutual Funds 10% maximum
- Repurchase Agreements 5% maximum

Maximum Maturity

Maintenance of adequate liquidity to meet the cash flow needs of the City is essential. Accordingly, each Portfolio will be structured in a manner that ensures sufficient cash is available to meet anticipated liquidity needs. Selection of investment maturities must be consistent with the cash requirements of each Portfolio in order to avoid the forced sale of securities prior to maturity.

Assets will be invested in permitted investments with a stated maturity of no more than five (5) years from the date of purchase unless the security is matched to a specific obliga-
tion or debt. To control the volatility of the assets, the Treasurer of the City will determine a maturity target, not to exceed three (3) years.

Notwithstanding these limitations, in no case will the assets in any Portfolio be invested in securities with a term to maturity that exceeds the expected disbursement date of those funds.

Prohibited Investments and Investment Practices

The Treasurer is expressly prohibited from the following investments and investment practices. This is not an exclusive list:

1. Short sales (selling a specific security before it has been legally purchased);
2. Investment in complex derivatives such as range notes, dual index notes, inverse floating rate notes, leveraged notes, or notes linked to lagging indices or to long-term indices;
3. Collateralized mortgage obligations (CMOs) and real estate mortgage investment conduits (REMICs);
4. Investing in any security not specifically permitted by this Policy.

Monitoring and Adjusting the Portfolio

Those responsible for the day-to-day management of the Portfolios will monitor the contents of each Portfolio, the available markets and the relative values of competing instruments, and will adjust each Portfolio as necessary to meet the investment objectives listed above. It is recognized and understood that this non-speculative active management of Portfolio holdings may cause losses on the sale of an owned investment. It is the policy of the City of Cleveland to charge any such loss against the interest income account during the month in which the loss was realized.

The City of Cleveland Office of Budget and Management, on a quarterly basis, allocates profit or in-
come/losses earned on investments of the General Revenue Account to various funds based on each fund's cash balance in proportion to the City of Cleveland as a whole.

Internal Controls

The City Treasurer is responsible for monitoring a system of internal controls governing the administration and management of the Portfoli-o which include a review of all investment activity, trade reconciliation, and reporting of losses. Such controls are designed to prevent and control losses of the City funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by any personnel. The internal controls address: control of col-lusion, separation of duties, safekeeping, clear delegation of authority, written confirmation of telephone transactions, minimizing the number of authorized invest-
ments officials and documentation of investment transactions.

Eligible Banks and Broker/Dealers

The Director of Finance will establish and the Treasurer will maintain a list of eligible brokers, dealers, and banks with which investment transactions can be made, as described in Section 178.11 of the Codified Ordinances of the City of Cleveland. Qualification of firms will be limited to "primary" dealers and other dealers that qualify under Securities and Exchange Commis-sion Rule 15C3-1 (uniform net capital rule) that are registered with the Ohio Department of Commerce to do business in the State of Ohio. All financial institutions and broker/dealers must provide the following information, on an annual basis:

1. Signed statement pledging to adhere to "Capital Adequacy Standards"
2. Annual financial statements for the most recent year showing the amount of liquid capital
3. A written statement from a certi-
fied public accountant certifying no weakness in the internal systems of controls of the dealer or broker were found
4. A completed "Broker/Dealer Re-
quest for Information" and all documentation required by Sec-
tion 178.12 of the Codified Ordinances of the City of Cleve-
land.

Preference will be given to banks and broker/dealers who are head-quartered or maintain a presence in the City of Cleveland.

Financial institutions and broker/dealers will be required to comply with this policy and to pledge to offer for sale only appropriate securities.
Competitive Selection of Investment Instruments

It will be the policy of the Treasurer to transact all security purchases and sales, timely with approved financial institutions through a competitive process. The City shall accept the offer which (a) has the highest rate of return within the maturity required; and (b) optimizes the investment objective of the overall portfolio. When selling a security, the Treasurer will select the bid that generates the highest sale price.

Primary fixed price Federal Agency offerings may be purchased from the list of qualified broker/dealers without competitive solicitation.

In making investment decisions, all other things being equal and subject to compliance with any applicable Internal Revenue Code requirements for bond proceeds, investment in corporations and financial institutions doing business in the City of Cleveland will be given preference over other investment options.

Safekeeping and Custody

All investment securities purchased by the Treasurer or held as collateral on deposits or investments shall be held in third-party safekeeping at the Federal Reserve Bank of Cleveland or at a secured and insured depository as required by Chapter 178 of the City of Cleveland Codified Ordinance and Section 113.05 of the Ohio Revised Code.

All securities in the Portfolio shall be held in the name of the Treasurer of the City of Cleveland and will be free and clear of any lien. Further, all investment transactions will be conducted on a delivery-vs.-payment basis. The depository shall issue a safekeeping receipt to the Treasurer listing the specific investment, rate, maturity and other pertinent information.

Appropriate Treasury officials and representatives of the depository responsible for, or in any manner involved with, the safekeeping and custody process of the City of Cleveland shall be bonded in such a fashion as to protect the City from loss from malfeasance and misfeasance.

Performance Standards

The investment portfolios shall be designed and managed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flows needs of the City.

Reporting

The City Treasurer shall maintain accurate, complete, and timely records of all investment activities. Each business day, the Treasurer shall provide the Commissioner of Accounts and the City Controller a sworn statement (Daily Treasurer’s Report) showing the total amount deposited in and withdrawn from each depository from the preceding business day. Within fifteen (15) business days of the end of the month, the City Treasurer shall submit an investment report to the Director of Finance. This report shall include: (i) a listing of the existing portfolios in terms of investment securities, book value, maturity date, return, market value, and other features deemed relevant, (ii) a listing of all transactions executed during the month. The City Treasurer will also prepare annual reports in sufficient detail to provide full disclosure of all investment activities to the Director of Finance.

Conflict of Law

In the event that any portion of this policy is in conflict with any City, State, or Federal law, that law will prevail.

Investment Policy Effective Date

This policy is adopted this 9th day of April 2010 and shall remain in effect until rescinded or amended by the Director of Finance.

Sharon Dumas
Director of Finance

April 14, 2010

PUBLIC NOTICE

THE FOLLOWING ISSUES WILL BE ON THE BALLOT IN THE CITY OF CLEVELAND FOR THE MAY 4, 2010 PRIMARY ELECTION.

For more information, see www.clevelandcitycouncil.org.

ISSUE 18

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

Placed on the ballot by Ordinance No. 174-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.

Shall Section 25-1 of the Charter of the City of Cleveland be amended to read as follows:

§ 25-1 Reapportionment of Wards

Commencing with the Federal census decennially taken in the closest proximity to January 1, 2010, and following each subsequent Federal decennial census, the Council no later than April 1 prior to the next regular municipal election shall reapportion the wards of the City, provided however that if the proclamation by the Secretary of State stating the population of cities in Ohio as determined by any Federal census occurs in any year when the City conducts a regular Municipal election, the proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall be effective no later than April 1 prior to the next regular Municipal election four years thereafter and for all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figure contained in the proclamation of the Secretary of State:

If the City’s population is:

- The City shall be divided into the following number of wards:
  - More than 575,000 ............... 25
  - 575,000 or less but more than 525,000 .......... 23
  - 525,000 or less but more than 475,000 ........ 21
  - 475,000 or less but more than 425,000 ........ 19
  - 425,000 or less but more than 375,000 .......... 17
  - 375,000 or less but more than 325,000 ........ 15
  - 325,000 or less but more than 275,000 .......... 13
  - 275,000 or less .................. 11

The wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines.

If the Council fails to reapportion the wards by the dates herein provided, the Mayor shall within fifteen business days thereafter submit to Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor’s plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

ISSUE 19

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

Placed on the ballot by Ordinance No. 175-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.
Shall Section 200-1 of the Charter of the City of Cleveland be amended to read as follows:

§ 200-1 Charter Review Commission

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission which may be obtained at the office 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 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 shall be required to submit 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 Equality of Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the City. Failure to comply with the business enterprise code or with representations made on these forms will result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, APRIL 29, 2010

File No. 65-2010 — Summer Food Program (Breakfasts and Lunches), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, Ohio, June 8, 2009.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 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.

File No. 66-2010 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, November 30, 2009.


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

April 14, 2010 and April 21, 2010

WEDNESDAY, MAY 5, 2010

File No. 58-2010 — Safe Routes to Schools Project; Louis May Alcott School, Willow School and Stockyard Community School, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1589-08, passed by the Council of the City of Cleveland, December 15, 2008.

THERE WILL BE A NON-REFUNDABLE FEE FOR THE PURCHASE OF PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS ($75.00) PER FORM OR CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, SUPPORT FEE (NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).


April 14, 2010 and April 21, 2010

THURSDAY, MAY 6, 2010

File No. 59-2010 — Central Avenue Rehabilitation (East 55th Street to East 77th Street), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 673-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS ($75.00) PER FORM OR CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, SUPPORT FEE (NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010
FRIDAY, MAY 7, 2010

File No. 60-2010 — Fence Installation, Maintenance and/or Repair (Re-Bid), for the Division of Water, Pollution Control, Water and Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1928-05, passed by the Council of the City of Cleveland, December 11, 2007. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 23, 2010 at 11:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44115.

MEETING
time

Present: Cimperman, Chair;...

TUESDAY, APRIL 20, 2010

THURSDAY, MAY 13, 2010

File No. 57-2010 — 2nd Floor Mechanical and Electrical Rehabilitation WBS No. A381-3, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 339-05, passed by the Council of the City of Cleveland, May 2, 2005. THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS ($50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THURSDAY, APRIL 22, 2010

MEETING

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 2:00 P.M., THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

TUESDAY, MAY 25, 2010

File No. 47-2010 — Safe and Secure Entrance, 19501 Five Points Road, Cleveland, Ohio, 44115.

THURSDAY, APRIL 29, 2010

MEETING

THERE WILL BE A MANDATORY PRE-BID MEETING WEDNESDAY, APRIL 29, 2010 AT 10:00 A.M., THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

April 14, 2010 and April 21, 2010

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

Council Committee Meetings

Monday, April 12, 2010

Health and Human Services Committee
Present: Cimperman, Chair; Keane, Kelley, Zone. Authorized Absence: J. Johnson, Chair; Conwell, Reed.
2:00 p.m.

Finance Committee
Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

Tuesday, April 13, 2010

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

Wednesday, April 14, 2010

Aviation and Transportation Committee
Present: Keane, Chair; Pruitt, Vice Chair; J. Johnson, K. Johnson, Kelley. Authorized Absence: Cummins, Mitchell.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed; Bold type in sections indicates amendments

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