



AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE
MEETING
WEDNESDAY, NOVEMBER 20, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE OCTOBER 30, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2013-0241: A Resolution approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2014, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective.
 - b) R2013-0246: A Resolution making an award on RQ23733 to Michael Baker Jr., Inc. in the amount not-to-exceed \$685,895.00 for design engineering services for the Towpath Trail - Stage 4 from Tremont/ Literary Trailhead to Canal Basin Park in Cuyahoga County for the period 12/2/2013 - 12/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

- c) R2013-0247: A Resolution making an award on RQ28696 to The Safety Company LLC dba MTech Company in the amount not-to-exceed \$1,650,000.00 for sewer inspection equipment, parts, supplies and services for the period 10/1/2013 - 9/30/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
- d) R2013-0248: A Resolution making an award on RQ26522 to Schindler Elevator Corporation in the amount not-to-exceed \$1,900,000.00 for elevator maintenance and repair services for various County facilities for the period 12/1/2013 - 11/30/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
- e) R2013-0249: A Resolution authorizing an amendment to a revenue generating Memorandum of Agreement with City of Mayfield Heights for maintenance and repair of sewerage systems located in County Sewer District No. 3 to change the scope of services, effective 11/12/2013; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
- f) R2013-0250: A Resolution authorizing a revenue generating Utility Agreement with City of Beachwood for maintenance and repair of storm sewers, sanitary sewers and waterlines located in County Sewer District Nos. 3 and 5; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
- g) R2013-0251: A Resolution authorizing a cooperative agreement with Olmsted Township in the amount of \$5,000,000.00 for preventative and routine maintenance of 22 miles of County roads and various structures for the period 10/22/2013 - 12/31/2023; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
- h) R2013-0252: A Resolution making a revenue generating award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$210,000.00 for the lease with option to purchase Fitch Road Yard, located at 7924 Fitch Road, Olmsted Township; authorizing the County Executive to take all necessary actions and to execute all documents

necessary to consummate the contemplated transaction; and declaring the necessity that this Resolution become immediately effective.

- i) R2013-0253: A Resolution making an award on RQ27498 to OfficeMax Incorporated in the amount not-to-exceed \$2,300,000.00 for furnishing and delivering office supplies to various County departments for the period 12/1/2013 - 11/30/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

- j) O2013-0022: An Ordinance establishing a Cuyahoga County Monument Commission, and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING

WEDNESDAY, OCTOBER 30, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER

Chairman Jones called the meeting to order at 11:07 a.m.

2. ROLL CALL

Mr. Jones asked Assistant Deputy Clerk Carter to call the roll. Committee members Jones, Germana, Conwell, Miller and Simon were in attendance and a quorum was determined. Councilmember Rogers was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE OCTOBER 16, 2013 MEETING

A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the October 16, 2013 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2013-0230: A Resolution declaring that public convenience and welfare requires replacement of box beams on various bridges in various municipalities; total estimated project cost \$1,320,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvements; authorizing the County Executive to enter into agreements of

cooperation with said municipalities in connection with said projects; and declaring the necessity that this Resolution become immediately effective:

- 1) Abbey Road Bridge No. 02.35 over Baldwin Creek in the City of North Royalton.
- 2) Chagrin River Road Bridge No. 03.00 over Wiley Creek in the Village of Moreland Hills.
- 3) Harris Road Bridge No. 01.61 over Chippewa Creek in the City of Broadview Heights.

Ms. Bonnie Teeuwen, Director of the Department of Public Works, addressed the Committee regarding Resolution No. R2013-0230. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Teeuwen pertaining to the item, which she answered accordingly.

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0230 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- b) R2013-0231: A Resolution declaring that public convenience and welfare requires rehabilitation and resurfacing of various bridge decks in various municipalities; total estimated project cost \$1,430,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvements; authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said projects; and declaring the necessity that this Resolution become immediately effective:
- 1) Cochran Road Bridge No. 00.27 over Beaver Meadows Creek in the Village of Glenwillow.
 - 2) Egbert Road Bridge No. 02.52 over Norfolk Southern Railroad in the City of Bedford.
 - 3) Main Avenue (old) Bridge No. 00.18 over Abandoned Norfolk Southern Railroad in the City of Cleveland.
 - 4) Monticello Boulevard Bridge No. 03.20 over West Branch of Euclid Creek in the City of South Euclid.

Ms. Teeuwen addressed the Committee regarding Resolution No. R2013-0231. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Teeuwen pertaining to the item, which she answered accordingly.

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0231 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

Committee members Simon, Conwell and Jones and Councilmember Rogers requested to have their names added as additional co-sponsors to Resolution No. R2013-0231.

- c) R2013-0232: A Resolution declaring that public convenience and welfare requires resurfacing of Lee Road from Superior Avenue to Dellwood Road in the City of Cleveland Heights; total estimated project cost \$6,825,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Ms. Teeuwen addressed the Committee regarding Resolution No. R2013-0232. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Teeuwen pertaining to the item, which she answered accordingly.

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0232 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

Committee members Simon and Jones and Councilmember Rogers requested to have their names added as additional co-sponsors to Resolution No. R2013-0232.

- d) R2013-0233: A Resolution making an award on RQ27202 to OM Partners, LLC dba Colliers Ostendorf-Morris in the amount not-to-exceed \$1,120,000.00 for property management services located at 11001 Cedar Avenue, Cleveland, for the period 11/1/2013 - 10/31/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution;

and declaring the necessity that this Resolution become immediately effective.

Ms. Teeuwen addressed the Committee regarding Resolution No. R2013-0233. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Teeuwen pertaining to the item, which she answered accordingly.

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2013-0233 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- e) R2013-0235: A Resolution making an award on RQ28697 to Ohio Cat in the amount not-to-exceed \$1,250,000.00 for construction equipment, parts, supplies and services for the period 10/1/2013 - 9/30/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Ms. Teeuwen and Ms. Lenora Lockett, Director of the Office of Procurement and Diversity, addressed the Committee regarding Resolution No. R2013-0235. Discussion ensued.

Committee members and Councilmembers asked questions of Ms. Teeuwen and Ms. Lockett pertaining to the item, which they answered accordingly.

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0235 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

Committee member Germana requested to have his name added as an additional co-sponsor to Resolution No. R2013-0235.

6. MISCELLANEOUS BUSINESS

Mr. Jones provided the Committee with an update on Ordinance No. O2013-0018, relating to establishing the County's risk management procedures and insurance requirements. Last month, a roundtable discussion meeting was held and included representatives from the surety industry, County administration and minority contractors association. Council staff is currently reviewing the legislation as well as suggested amendments and will submit to the Law department for legal review.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Jones with a second by Mr. Miller, the meeting was adjourned at 12:03 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0241

<p>Sponsored by: Council President Connally on behalf of The MetroHealth System</p>	<p>A Resolution approving The MetroHealth System's policies and procedures to participate in one or more joint purchasing associations for the purpose of acquiring supplies, equipment and services provided through joint purchasing arrangements in order to achieve beneficial purchasing arrangements for the year 2014, in accordance with Ohio Revised Code Section 339.05; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Ohio Revised Code Section 339.05 authorizes the Board of Trustees of The MetroHealth System to annually adopt bidding procedures and purchasing policies to obtain supplies, equipment and services routinely used in the operations of the Hospital, which, upon said adoption and the approval of the County Executive and County Council, may be followed by the Board of Trustees in lieu of following the competitive bidding procedures of Ohio Revised Code Section 307.86 to 307.92; and

WHEREAS, Ohio Revised Code Section 339.05 specifically authorizes the Board of Trustees of The MetroHealth System to annually adopt bidding procedures and purchasing policies for services provided through a joint purchasing arrangement; and,

WHEREAS, The MetroHealth System seeks to participate in one or more joint purchasing associations available to health care facilities in order to obtain the favorable volume pricing available to the member institutions, thereby reducing the Hospital's overall expense for supplies, equipment and services; and

WHEREAS, on October 23, 2013, The MetroHealth System Board of Trustees adopted Resolution 18643 approving annual joint purchasing policies and procedures for the year 2014.

WHEREAS, The MetroHealth System's current purchasing policy expires December 31, 2013, and in order that critical services provided by The MetroHealth System may continue uninterrupted, it is necessary that this Resolution become immediately effective.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The County Council hereby approves The MetroHealth System's adoption of a purchasing policy which authorizes the System's membership and participation in one or more joint purchasing associations for the purpose of acquiring such supplies, equipment and services routinely used in the operations of the Hospital which are available through group purchasing arrangements in order to achieve economies for the 2014 Calendar Year.

SECTION 2. That the purchases of such supplies, equipment and services through joint purchasing arrangements shall be exempt from the competitive bidding procedures of Ohio Revised Code Section 307.86.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of The MetroHealth System; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 12, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0246

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution making an award on RQ23733 to Michael Baker Jr., Inc. in the amount not-to-exceed \$685,895.00 for design engineering services for the Towpath Trail - Stage 4 from Tremont/Literary Trailhead to Canal Basin Park in Cuyahoga County for the period 12/2/2013 - 12/31/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended an award on RQ23733 to Michael Baker Jr., Inc. in the amount not-to-exceed \$685,895.00 for design engineering services of the Towpath Trail - Stage 4 from Tremont/Literary Trailhead to the Canal Basin Park, located in Cuyahoga County for the period 12/2/2013 - 12/31/2015; and

WHEREAS, the primary goal of this contract is to design Stage 4 of the Towpath Trail from Tremont/Literary Trailhead to Canal Basin Park; and

WHEREAS, the project is located in the proposed Towpath Trail Stage 4 – from the Tremont/Literary Trailhead to Canal Basin Park in Council District 7; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ23733 to Michael Baker Jr., Inc. in the amount not-to-exceed \$685,895.00 for design engineering services of the Towpath Trail - Stage 4 from Tremont/Literary Trailhead to Canal Basin Park, located in Cuyahoga County for the period 12/2/2013 - 12/31/2015.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 12, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0247

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution making an award on RQ28696 to The Safety Company LLC dba MTech Company in the amount not-to-exceed \$1,650,000.00 for sewer inspection equipment, parts, supplies and services for the period 10/1/2013 - 9/30/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended award on RQ28696 to The Safety Company LLC dba MTech Company in the amount not-to-exceed \$1,650,000.00 for sewer inspection equipment, parts, supplies and services for the period 10/1/2013 - 9/30/2018; and

WHEREAS, this award will allow the County Department of Public Works to standardize it's equipment fleet and lower operational costs through: (1) improved maintenance efficiency, (2) Fewer diagnostic and specialty tools, (3) smaller parts inventory, (4) increased operational efficiency and safety,(5) lower procurement cost, and (6) better manufacturer and dealer support; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ28696 to The Safety Company LLC dba MTech Company in the amount not-to-exceed \$1,650,000.00 for sewer inspection equipment, parts, supplies and services for the period 10/1/2013 - 9/30/2018.

SECTION 2. That the County Executive is authorized to execute a contract and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 12, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0248

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution making an award on RQ26522 to Schindler Elevator Corporation in the amount not-to-exceed \$1,900,000.00 for elevator maintenance and repair services for various County facilities for the period 12/1/2013 - 11/30/2016; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works has submitted a recommended award on RQ26522 to Schindler Elevator Corporation in the amount not-to-exceed \$1,900,000.00 for elevator maintenance and repair services for various County facilities for the period 12/1/2013 – 11/30/2016; and,

WHEREAS, County Council has determined that awarding RQ26522 to Schindler Elevator Corporation is in the best interest of the County; and,

WHEREAS, this contract is funded 100% by the General Fund; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ26522 to Schindler Elevator Corporation in the amount not-to-exceed \$1,900,000.00 for elevator maintenance and repair services for various County facilities for the period 12/1/2013 – 11/30/2016.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0249

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p>	<p>A Resolution authorizing an amendment to a revenue generating Memorandum of Agreement with City of Mayfield Heights for maintenance and repair of sewerage systems located in County Sewer District No. 3 to change the scope of services, effective 11/12/2013; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer recommends an amendment to a revenue generating agreement with City of Mayfield Heights for maintenance and repair of sewerage systems located in County Sewer District No. 3 to change the scope of services, effective 11/12/2013; and,

WHEREAS, this amendment expands the scope to have the County maintain and repair the City of Mayfield Heights' storm sewers, and to have the County collect funds for the maintenance of storm sewers; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical sewer maintenance and repair services can be provided by Cuyahoga County for the City of Beachwood's sewer system.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby authorizes an amendment to a revenue generating agreement with City of Mayfield Heights for maintenance and repair of sewerage systems located in County Sewer District No. 3 to change the scope of services to include the maintenance and repair of storm sewers, effective 11/12/2013.

SECTION 2. That the County Executive is authorized to execute the amendment and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health,

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0250

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution authorizing a revenue generating Utility Agreement with City of Beachwood for maintenance and repair of storm sewers, sanitary sewers and waterlines located in County Sewer District Nos. 3 and 5; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the City of Beachwood desires to retain Cuyahoga County to perform certain services for the City of Beachwood to aid with the maintenance and repair of sanitary sewers, storm sewers, and waterlines located in Sewer District Nos. 3 and 5; and,

WHEREAS, pursuant to ORC 307.15, a county may contract with any municipal corporation to render any service, on behalf of the municipal corporation; and,

WHEREAS, the County Executive/Department of Public Works/Division of County Engineer recommends approval of a revenue generating agreement with the City of Beachwood for the maintenance and repair of sanitary sewers, storm sewers, and waterlines in Sewer District Nos. 3 and 5; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical sewer maintenance and repair services can be provided by Cuyahoga County for the City of Beachwood's sewer system.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby approves the revenue generating agreement with the City of Beachwood for the maintenance and repair of sanitary sewers, storm sewers, and waterlines located in Cuyahoga County Sewer District Nos. 3 and 5.

SECTION 2. That the County Executive is authorized to execute the agreement and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health,

or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 12, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0251

<p>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</p> <p>Co-sponsored by: Councilmember Gallagher</p>	<p>A Resolution authorizing a cooperative agreement with Olmsted Township in the amount of \$5,000,000.00 for preventative and routine maintenance of 22 miles of County roads and various structures for the period 10/22/2013 - 12/31/2023; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer recommends a cooperative agreement with Olmsted Township in the amount of \$5,000,000.00 for preventative and routine maintenance of 22 miles of County roads and various structures for the period 10/22/2013 - 12/31/2023; and

WHEREAS, in accordance with ORC §5535.08, the County currently maintains approximately 22 miles of County roadways within the Township, including the County's roads, bridges and culverts; and

WHEREAS, the Township, in accordance with the Statute, maintains approximately 22 miles of Township roadway, culverts, and bridges within the Township; and

WHEREAS, the maintenance of the County Facilities within the Township by the Township will result in more efficient use of the equipment used by both the County and the Township; and

WHEREAS, this project will be paid from the County's Road and Bridge Fund with annual payment of \$500,000.00; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby authorizes a cooperative agreement with Olmsted Township in the amount of \$5,000,000.00 for

First Reading/Referred to Committee: November 12, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: November 12, 2013

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0252

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p> <p>Co-sponsored by: Councilmember Gallagher</p>	<p>A Resolution making a revenue generating award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$210,000.00 for the lease with option to purchase Fitch Road Yard, located at 7924 Fitch Road, Olmsted Township; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transaction; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and,

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the Fitch Road Yard located at 7924 Fitch Road, Olmsted Township; and,

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP #24534, (the “RFP”) for the real property consolidation project in accordance with the Cuyahoga County Code, Chapter 501 Contracts and Purchasing Procedures; and,

WHEREAS, the County received a proposal from Olmsted Township Board of Trustees to purchase the land commonly known as the Fitch Road Yard, located at 7924 Fitch Road, Olmsted Township, Ohio; and,

WHEREAS, the proposal is to sell the property to the Township for TWO HUNDRED TEN THOUSAND and 00/100 Dollars (\$210,000.00) under a lease with option to purchase agreement (“LOP Agreement”); and,

WHEREAS, a deposit of TWENTY ONE THOUSAND and 00/100 Dollars (\$21,000.00) is due upon the delivery of the LOP Agreement; and,

WHEREAS, the term of the lease under the LOP Agreement is TEN (10) years and annual rent under the LOP Agreement is TWENTY ONE THOUSAND and 00/100 Dollars (\$21,000.00); and,

WHEREAS, by separate agreement the Olmsted Township Board of Trustees agree to maintain certain County roads and County facilities in the Township; and,

WHEREAS, in the event the roadway maintenance agreement is terminated, either during the term of the lease or after the Township exercises its option to purchase the property, the County retains the right to occupy a portion of the property, as determined by the parties, as reasonably necessary for the County to maintain the County roads and facilities the Township was otherwise maintaining; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ24534 to Olmsted Township Board of Trustees in the amount of \$210,000.00 for the lease with option to purchase Fitch Road Yard located at 7924 Fitch Road, Olmsted Township in connection with the Cuyahoga County Real Estate Portfolio Consolidation project and authorizes the County Executive to enter into said lease with an option to purchase.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a lease with the option to purchase, a Purchase and Sale Agreement and all documents to be executed by the County thereunder, and any and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law or his authorized designee, and (b) agree to such payments,

prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions.

SECTION 3. That all documents to be executed in connection with the transactions contemplated herein be subject to approval as to legal form and correctness as authorized by the Director of Law or his authorized designee.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 12, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: November 12, 2013

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0253

Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity	A Resolution making an award on RQ27498 to OfficeMax Incorporated in the amount not-to-exceed \$2,300,000.00 for furnishing and delivering office supplies to various County departments for the period 12/1/2013 - 11/30/2015; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Fiscal Officer/Office of Procurement & Diversity has recommended an award on RQ27498 to OfficeMax Incorporated in the amount not-to-exceed \$2,300,000.00 for furnishing and delivering office supplies to various County departments for the period 12/1/2013 - 11/30/2015; and

WHEREAS, this project is funded from the General Fund and the Health and Human Services Levy Funds; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby makes an award on RQ27498 to OfficeMax Incorporated in the amount not-to-exceed \$2,300,000.00 for furnishing and delivering office supplies to various County departments for the period 12/1/2013 - 11/30/2015.

SECTION 2. That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council,

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0022

Sponsored by: Council President Connally	An Ordinance establishing a Cuyahoga County Monument Commission, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article II, Section 2.03(2) empowers the County Executive to create commissions and appoint members of such commissions, subject to confirmation by County Council; and,

WHEREAS, the County Council deems a Cuyahoga County Monument Commission necessary to preserve and honor historical occurrences and significant individuals for the purpose of promoting a diverse and representative cultural environment for and on behalf of citizens and visitors of Cuyahoga County; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Commission.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1: CHAPTER 206 of the Cuyahoga County Code, which provides for county commissions, is hereby amended to add a new section 206.10 as follows:

SECTION 206.10: COUNTY MONUMENT COMMISSION

A. Cuyahoga County Monument Commission Established.

(1) To encourage and promote a diverse and representative cultural environment for and on behalf of the citizens and visitors of Cuyahoga County through appropriate memorialization of significant persons, communities, and historic events, as well as to provide the opportunity to further enrich such citizenry through public monuments, the Cuyahoga County Monument Commission is hereby established.

B. Definitions. As used in this section:

(1) "Monument" shall mean any statuary, sculpture, fountain, garden, mural, nameplate, marker, park land, works of art, and other symbolic forms of public art erected to commemorate famous or notable persons, communities or historic events;

- (2) "Person(s)" shall mean an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or other legal or commercial entity;
- (3) "Donation" shall mean any monument or any monetary amount designated for the construction and maintenance of a monument;
- (4) "Loan" shall mean a deposit of property that is not accompanied by a transfer of title to the property;
- (5) "Ordinary Expenses" shall mean costs associated with operations, maintenance, and minor repairs of a monument;

C. Purpose of Monument Commission.

- (1) The purpose of the Monument Commission is to ensure that if new Monuments are erected on Cuyahoga County property, and that when existing Monuments are restored, renovated, enhanced, and/or repaired in accordance with rules and procedures established by the Commission. The Commission reviews all proposals for new Monuments to be erected and existing Monuments to be restored, renovated, enhanced and/or repaired in accordance with rules and procedures established by the Commission.

D. Composition and Qualifications of Monument Commission Members.

- (1) The Monument Commission shall be composed of seven voting members, each of whom shall be an elector of Cuyahoga County.
- (2) The Commission shall include a representative of the County Planning Commission, a representative of the County Department of Public Works, and a member of the County Council to be determined by the President. The remaining four positions on the Commission shall be individuals who have demonstrated a significant interest in studying the arts or local history.
- (3) The Commission shall designate a chairperson, and other necessary officers, by a majority vote.

E. Appointment Process.

- (1) Other than the member of Council, each Commission member shall be appointed by the County Executive and confirmed by the County Council.

F. Commission Member Terms.

- (1) The term of office for each Commission member shall be three years.
- (2) Terms of office for other than the Council member, shall commence upon the date specified in the motion proposing confirmation by Council.

- (3) Of the initial terms for Commission membership, four members shall be appointed to full terms and three members shall be appointed to half terms.
- (4) Commission membership shall be a non-compensated position, but members shall be entitled to reimbursement for reasonable expenses in connection with Commission duties.

G. Commission Member Resignation.

- (1) If a Commission member, other than a Council member, should resign, the County Executive shall appoint, subject to the approval of County Council, a replacement Commission member to fulfill the remainder of the vacated term.

H. Monument Commission Rules.

The Commission shall be responsible for establishing rules and procedures governing Cuyahoga County Monuments. Such rules shall include guidelines, criteria, and procedures for considering monument proposals, approval of monument designs and locations, acceptance of monuments and donations, whether as gifts or loans, financial responsibility, insurance, and other costs. The Commission shall include any other rules it deems necessary for carrying out its purposes.

I. Approval of Monument Designs.

In approving Monument design, the Commission shall establish standard criteria which shall include, but not be limited to, size, safety, suitability, and sustainability.

J. Approval of Monument Locations.

In approving Monument locations, the Commission shall establish standard criteria which shall include, but not be limited to, safety, space constraints, pedestrian and traffic flow, and historical significance of the site.

K. Requirement of Necessary Permitting and Permissions.

Unless otherwise negotiated, the donor(s) of or applicants for a monument, whether new or renovated or repaired, are solely responsible for obtaining all necessary permits from the requisite County Departments and other governmental entities and to coordinate with the requisite entity to ensure that no utilities are damaged during installation and/or repairs.

L. Donations.

- (1) The County may accept donations upon a vote of the Commission.
- (2) When a Monument is donated to the County, the donor must provide all funds for the planning, installation, and other incidental

expenses of the monument unless otherwise negotiated prior to acceptance.

M. Loaning a Monument.

- (1) The County may accept a Monument on loan upon a vote of the Commission.
- (2) The County may accept Monuments on loan from a person, but, prior to acceptance, the County shall negotiate all financial outlays for the cost of planning, installation, maintenance, and removal.

N. Financial Liability for Monuments – Unless otherwise negotiated, the donor or lender of a Monument shall provide full insurance for the Monument. The Commission shall negotiate with the donor the proper insurance coverage related to the specific monument prior to acceptance. In the event that a Monument is destroyed, rendered irreparable, or financially impracticable to replace, the Commission shall make all determinations in regards to replacement, movement, or closure of the Monument.

SECTION 2: It is necessary that this Ordinance become immediately effective for the operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10 (6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10 (7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3: It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 10, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2013

[PROPOSED SUBSTITUTE ORDINANCE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0022

Sponsored by: Council President Connally	An Ordinance establishing a Cuyahoga County Monument Commission, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article II, Section 2.03(2) empowers the County Executive to create commissions and appoint members of such commissions, subject to confirmation by County Council; and,

WHEREAS, the County Council deems a Cuyahoga County Monument Commission necessary to preserve and honor historical occurrences and significant individuals for the purpose of promoting a diverse and representative cultural environment for and on behalf of citizens and visitors of Cuyahoga County; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Commission.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

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C. Purpose of Monument Commission.

- (1) The purpose of the Monument Commission is to ensure that if new Monuments are erected on Cuyahoga County property, and that when existing Monuments are restored, renovated, enhanced, and/or repaired, **such actions shall be taken** in accordance with rules and procedures established by the Commission. The Commission reviews all proposals for new Monuments to be erected and existing Monuments to be restored, renovated, enhanced and/or repaired in accordance with rules and procedures established by the Commission.

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SECTION 2: It is necessary that this Ordinance become immediately effective for the operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10 (6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10 (7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3: It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 10, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal _____
_____, 2013