

AGENDA
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, JUNE 9, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:00 AM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF MINUTES FROM THE MAY 26, 2011 MEETING
5. DISCUSSION OF R2011-0195: A Resolution ratifying Contract No. CP03937-01 with Equity Residential Properties Management Corp. for lease of office space located at 1700 East 12th Street, Cleveland, for use by Department of Senior & Adult Services for the period 6/1/2001 - 1/31/2005; approving the transfer and encumbrance of funds in the amount not-to-exceed \$312,005.91 for payment of rent through 9/30/2011; and declaring the necessity that this Resolution become immediately effective.
6. OTHER MATTERS RELATED TO THE COMMITTEE
7. PUBLIC COMMENT
8. ADJOURNMENT

MINUTES
CUYAHOGA COUNTY PUBLIC WORKS, PROCUREMENT & CONTRACTING COMMITTEE MEETING
THURSDAY, MAY 26, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
11:30 AM

1. CALL TO ORDER

The meeting was called to order at 11:20am by Chairman Jones.

2. ROLL CALL

Chairman Jones asked that the clerk call the roll. Chairman Jones, Committee Member Conwell, Committee Member Germana were present. Committee Members Rogers and Miller have excused absences. Mr. Rogers arrived at 11:36am.

3. PUBLIC COMMENT RELATED TO THE AGENDA

There is no public comment related to the agenda.

4. APPROVAL OF MINUTES FROM THE MAY 19, 2011 MEETING

A motion was made by Committee Member Germana 2nd by Committee Member Conwell. A Yes / No vote was taken and the motion carried without objection.

5. DISCUSSION OF R2011-0191: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$446,707.88 for repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn.

Bonnie Teeuwen & Stan Kosilesky discussed the above resolution. A discussion ensued between the committee and Ms. Teeuwen & Mr. Kosilesky. . A motion was made by Committee Member Conwell and 2nd by Committee Member Germana to move the above legislation to full council for immediate passage under 2nd reading suspension of the rules. A Yes / No vote was taken and the motion carried.

6. DISCUSSION OF R2011-0192: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for additional consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead to change the scope of services and the terms, effective 5/24/2011, and for additional funds in the amount of \$700,197.00.

Bonnie Teeuwen and Stan Kosilesky discussed the above resolution. A discussion ensued between the committee and Mr. Kosilesky and Ms. Teeuwen. A motion was made by Committee Member Germana and 2nd by Committee Member Conwell to move the above legislation to full council for immediate passage under 2nd reading suspension of the rules. A Yes / No vote was taken and the motion carried.

- 7. DISCUSSION OF O2011-0027: An Ordinance amending Ordinance No. 02011-0010 to establish divisions and sections within the Department of Public Works and authorizing the Director of Public Works to create such other divisions and sections that the Director determines to be necessary for the performance of the powers and duties granted to the Director by Charter Section 5.05 and such powers and duties as shall be established by ordinance.**

Bonnie Teeuwen and Stan Kosilesky discussed the above resolution. A discussion ensued between the committee and Mr. Kosilesky and Ms. Teeuwen. Jeanne Schmotzer addressed the committee regarding proper protocol regarding the ordinance as it relates to moving the ordinance forward for passage. A motion was made by Committee Member Conwell and 2nd by Committee Member Germana to move the keep the ordinance in committee for revisions. A Yes / No vote was taken and the motion carried.

- 8. OTHER MATTERS RELATED TO THE COMMITTEE**

Committee Member Germana stated that there was a flooding issue with a neighbor of his and complimented the Public Works Department for their efficiency in handling the matter.

- 9. PUBLIC COMMENT**

There was no public comment.

- 10. ADJOURNMENT**

With no further business to discuss a motion was made by Committee Member Conwell and 2nd by Committee Member Germana. Chairman Jones adjourned the meeting at 12:40pm.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0195

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution ratifying Contract No. CP03937-01 with Equity Residential Properties Management Corp. for lease of office space located at 1701 East 12 th Street, Cleveland, for use by Department of Senior & Adult Services for the period 6/1/2001 - 1/31/2005; approving the transfer and encumbrance of funds in the amount not-to-exceed \$312,005.91 for payment of rent through 9/30/2011; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the former governing board of Cuyahoga County, Ohio entered into a contract dated October 31, 1994, with Equity Residential Properties Management Corp. to lease space for various county agencies at the Reserve Square Apartment complex, located at 1701 East 12th Street, Cleveland, Ohio; and,

WHEREAS, a certain "First Expansion Amendment to Lease" (Contract No. CP03937-01) (hereinafter referred to as "the Amendment") was approved by the former governing board (Resolution No. 0110128) on March 27, 2001, to exercise an option to expand the amount of leased space by 9,262 square feet and for additional funds; and,

WHEREAS, the written contract language in the Amendment that was executed by the County and the Lessor required the payment of \$312,005.91 as "Base Rent" for the additional 9,262 square feet of space for the period June 1, 2001 through January 31, 2005, *in addition to* \$301,676.32 for "Work Allowance" (i.e., build-out costs) for a total of \$613,682.23; and,

WHEREAS, due to a clerical error, Resolution No. 0110128 approving the contract and Auditor's Certification inadvertently only listed the Work Allowance of \$301,676.32; leaving the \$312,005.91 Base Rent amount agreed upon, but not referenced in the Resolution nor encumbered by the Auditor; and,

WHEREAS, this space was utilized by certain agencies of Cuyahoga County for the term of the Amendment and continuing through the now amended lease termination date of September 30, 2011;

WHEREAS, due to the number of subsequent amendments to the lease that were approved, the error was only recently discovered and traced back by staff of the Department of Procurement and Diversity after it was determined that sufficient funds were not encumbered and not available to close out the current lease term; and,

WHEREAS, the 2011 budget of the Department of Senior and Adult Services included an allocation for a 12-month certification of the rental agreement, but failed to recognize that the carryover encumbrance amount was insufficient to cover payments through the close of the lease term in September 2011; and,

WHEREAS, based on the first quarter estimates, there is an existing surplus in the budget of the Department of Senior and Adult Services as a result of attrition and budgeted FTEs that have not been filled that can be transferred to cover the funds necessary to close out the term of the lease in September 2011; and,

WHEREAS, the County Prosecutor reviewed the history of the lease and determined that the facts outlined above are correct and that the necessary action at this time is to request and obtain an appropriation under the same lease agreement in the amount of \$312,005.91 to authorize the payment of rent that was due under this lease; 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. Contract No. CP03937-01 with Equity Residential Properties Management Corp., for lease of space located at 1701 East 12th Street, Cleveland, for use by the Department of Senior and Adult Services, for the period June 1, 2001 through January 31, 2005, is hereby ratified.

SECTION 2. Funds available within the current budget of the Department of Senior and Adult Services shall be transferred in the amount not-to-exceed \$312,005.91 for payment of rent at Reserve Square and are hereby authorized to be encumbered and paid when due to the Lessor (now known as "Reserve Apartments, LTD") under the terms of the lease agreement, as amended, so that rent can be paid to close out the current lease term ending on September 30, 2011.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this resolution receives affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

