



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MAY 22, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:02 p.m.

2. ROLL CALL

Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller and Connally were in attendance and a quorum was determined. Councilmember Brady was absent from the meeting.

A motion was then made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to excuse Mr. Brady from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested there be a moment of silent meditation for personal reflection.

5. PUBLIC COMMENT RELATED TO AGENDA

Ms. Penny Jeffrey, representing the League of Women Voters, addressed Council regarding issues of concern to her relating to Ordinance No. O2012-0004, an Ordinance amending the Cuyahoga County Code of Ethics.

6. APPROVAL OF MINUTES

- a) May 8, 2012 Work Session

A motion was made by Ms. Conwell, seconded by Mr. Greenspan and approved by unanimous vote to approve the minutes of the May 8, 2012 work session.

- b) May 8, 2012 Regular Meeting

A motion was made by Mr. Schron, seconded by Mr. Germana and approved by unanimous vote to approve the minutes of the May 8, 2012 regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported that County Executive FitzGerald will be holding a Town Hall meeting in District 9 on Wednesday, May 30, 2012, at the Warrensville Senior Center.

8. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive (attachment)

There were no messages given by the County Executive.

9. COMMITTEE REPORTS AND CONSIDERATION OF MOTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion Nos. M2012-0017 and M2012-0018.

- a) M2012-0017: A Motion confirming the County Executive's reappointment of individuals to serve on the Cuyahoga Arts and Culture Board of Trustees, and declaring the necessity that this Motion become immediately effective:

- 1) Victoria Eaton Johnson
- 2) Sari Feldman

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2012-0017 was considered and approved by unanimous vote.

- b) M2012-0018: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Public Defender Commission, and declaring the necessity that this Motion become immediately effective:

- 1) Phyllis L. Crocker
- 2) Gordon Friedman

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

On a motion by Mr. Rogers with a second by Ms. Conwell, Motion No. M2012-0018 was considered and approved by unanimous vote.

10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION

[Note: Item No. 10 was taken out of order after Item No. 20 on the agenda.]

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0081.

- a) R2012-0081: A Resolution authorizing employment of the law firm of Baker & Hostetler LLP in the amount not-to-exceed \$745,000.00 for legal services in connection with U.S. District Court, Northern District of Ohio, Case No. 1:11-CV-933, D'Ambrosio v. Marino, et al., in accordance with Ohio Revised Code Section 305.14; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

Clerk Schmotzer read Resolution No. R2012-0081 into the record. A motion was then made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:02 p.m. The following members were present: Councilmembers Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller and Connally. The following additional invitees were present: Director of Law Majeed Makhlof, Assistant Law Director Joe Boatwright and Civil Division Chief David Lambert. At 6:38 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

On a motion by Ms. Conwell with a second by Mr. Miller, Resolution No. R2012-0081 was considered and adopted by majority roll-call vote, with Ms. Simon casting a dissenting vote.

11. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution No. R2012-0076.

- a) R2012-0076: A Resolution authorizing the County Fiscal Officer to create a special project account within the Capital Improvements Fund for the purpose of accepting a deposit of funds in the amount of \$211,018.26 from the Soldiers' and Sailors' Monument Support Group (Federal ID No. 34-1949122); directing that said funds be appropriated for extraordinary maintenance and capital improvements for the Cuyahoga County Soldiers' and Sailors' Monument; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2012-0076 was considered and adopted by unanimous vote.

12. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2012-0013: An Ordinance establishing a Veterans Services Fund to provide educational and other assistance to veterans residing in Cuyahoga County and devoting all unspent monies budgeted each previous fiscal year for the Veterans Services Commission in Cuyahoga County to such a fund.

Sponsors: Councilmembers Greenspan, **Germana, Connally, Rogers, Conwell and Schron**

Council President Connally referred Ordinance No. O2012-0013 to the Finance & Budgeting Committee.

13. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- a) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

On a motion by Mr. Schron with a second by Ms. Conwell, Ordinance No. O2012-0004 was considered and adopted by unanimous.

14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2012-0082, R2012-0083, R2012-0084 and R2012-0085.

- a) R2012-0082: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2012-0082 was considered and adopted by unanimous vote.

- b) R2012-0083: A Resolution amending Resolution No. R2011-0277 dated 9/27/2011, which authorized awards on RQ20292 to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services, for the period 1/1/2012 - 12/31/2014 to change the name of a provider from Medical Mutual, LLC to Medical Mutual Services, LLC; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

On a motion by Mr. Germana with a second by Mr. Greenspan, Resolution No. R2012-0083 was considered and adopted by unanimous vote.

- c) R2012-0084: A Resolution authorizing amendments to an agreement and contracts with various providers for Workforce Investment Act In-School and Out-of-School Youth Training Programs for the period 9/1/2011 - 6/30/2012 to extend the time period to 8/31/2012, to change the scope of services, effective 5/1/2012, and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:
- 1) No. AG1100140-01 with Cuyahoga Community College District in the amount not-to-exceed \$350,165.00.
 - 2) No. CE1100662-01 with Esperanza, Incorporated in the amount not-to-exceed \$338,420.00.
 - 3) No. CE1100663-01 with Linking Employment, Abilities & Potential in the amount not-to-exceed \$117,176.00.
 - 4) No. CE1100665-01 with Open Doors, Inc. in the amount not-to-exceed \$103,354.00.
 - 5) No. CE1100666-01 with Youth Opportunities Unlimited in the amount not-to-exceed \$2,779,656.00.

Sponsors: County Executive FitzGerald/Department of Workforce Development and **Councilmembers Jones, Conwell and Miller**

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2012-0084 was considered and adopted by unanimous vote.

- d) R2012-0085: A Resolution amending Resolution No. R2012-0060 dated 4/10/2012, which authorized awards on RQ22383 to various providers for emergency shelter services for homeless men, women and families for the period 1/1/2012 - 12/31/2012; and declaring the necessity that this Resolution become immediately effective:
- 1) Lutheran Metropolitan Ministry to change the time period to 4/1/2012 - 12/31/2012 and to change the annual amount from \$1,654,920.00 to the amount not-to-exceed \$1,245,498.00.
 - 2) MHS, Inc. to change the time period to 6/1/2012 - 12/31/2012 and to change the annual amount from \$1,124,293.00 to the amount not-to-exceed \$679,838.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2012-0085 was considered and adopted by unanimous vote.

- e) R2012-0086: A Resolution authorizing an amendment to Contract No. CE1000462-02 with The Brewer-Garrett Company for implementation of energy conservation measures in various County buildings, in accordance with Ohio Revised Code Section 307.041 and American Recovery and Reinvestment Act of 2009 reporting requirements, for the period 7/1/2010 - 6/30/2020 for additional funds in the amount not-to-exceed \$1,225,000.00; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

At the request of Councilmember Jones and the County Executive's staff, Council President Connally referred Resolution No. R2012-0086 to the Public Works, Procurement & Contracting Committee.

15. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0087: A Resolution declaring that public convenience and welfare requires replacement of Rockside Road Bridge No. 3.23 in the City of Independence; total estimated construction cost \$4,000,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Council President Connally referred Resolution No. R2012-0087 to the Public Works, Procurement & Contracting Committee.

- b) R2012-0088: A Resolution making an award on RQ23213 to Terrace Construction Company, Inc. in the amount not-to-exceed \$2,197,758.00 for the Sewer and Lateral Repair Program for various County Sewer districts; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Council President Connally referred Resolution No. R2012-0088 to the Public Works, Procurement & Contracting Committee.

- c) R2012-0089: A Resolution making an award on RQ22973 to Perk Company, Inc. in the amount not-to-exceed \$3,212,023.08 for

resurfacing, restoration and rehabilitation of Snow/Rockside Road from Broadview Road to Lombardo Road in the Cities of Parma and Seven Hills; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and authorizing the County Engineer, on behalf of the County Executive, to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$642,404.61 to fund said contract.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and **Councilmember Germana**

Council President Connally referred Resolution No. R2012-0089 to the Public Works, Procurement & Contracting Committee.

- d) R2012-0090: A Resolution authorizing an amendment to Contract No. CE0700407-02, 03, 04 with Halle Industrial Park, LLC, for the lease of Type 1 warehouse and storage space for use by various County departments for the period 4/1/2007 - 3/31/2012 to extend the time period to 3/31/2015, to change the terms, effective 4/1/2012, and for additional funds in the amount of \$1,562,552.88; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of Central Services

Council President Connally referred Resolution No. R2012-0090 to the Capital Improvements & Facilities Ad Hoc Committee.

- e) R2012-0091: A Resolution making awards on RQ21514 to various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2012 - 12/31/2013; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:
- 1) Applewood Centers, Inc. in the amount not-to-exceed \$500,000.00.
 - 2) Beech Brook in the amount not-to-exceed \$350,000.00.
 - 3) Bellefaire Jewish Children's Bureau in the amount not-to-exceed \$400,000.00.
 - 4) Carrington Youth Academy LLC in the amount not-to-exceed \$300,000.00.
 - 5) The Cleveland Christian Home Incorporated in the amount not-to-exceed \$400,000.00.
 - 6) New Directions, Inc. in the amount not-to-exceed \$250,000.00.

- 7) The Village Network in the amount not-to-exceed \$250,000.00.
- 8) Catholic Charities Services Corporation dba Parmadale in the amount not-to-exceed \$250,000.00.

Sponsor: County Executive FitzGerald on behalf of Juvenile Court

Council President Connally referred Resolution No. R2012-0091 to the Justice Affairs Committee.

- f) R2012-0092: A Resolution making awards on RQ21516 to various providers for residential treatment services for the period 2/1/2012 - 1/31/2014; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) Applewood Centers, Inc. in the amount not-to-exceed \$30,000.00.
- 2) Beech Brook in the amount not-to-exceed \$30,000.00.
- 3) Bellefaire Jewish Children's Bureau in the amount not-to-exceed \$130,000.00.
- 4) Berea Children's Home aka Guidestone in the amount not-to-exceed \$130,000.00.
- 5) Carrington Youth Academy LLC in the amount not-to-exceed \$30,000.00.
- 6) The Cleveland Christian Home Incorporated in the amount not-to-exceed \$200,000.00.
- 7) Cornell Abraxas Group, Inc. in the amount not-to-exceed \$250,000.00.
- 8) The Glen Mills Schools in the amount not-to-exceed \$720,000.00.
- 9) The House of Emmanuel Inc. in the amount not-to-exceed \$100,000.00.
- 10) Keystone Richland Center LLC dba Foundations for Living in the amount not-to-exceed \$125,000.00.
- 11) New Directions, Inc. in the amount not-to-exceed \$30,000.00.
- 12) Safe House Ministries, Inc. in the amount not-to-exceed \$75,000.00.
- 13) The Village Network in the amount not-to-exceed \$300,000.00.
- 14) Catholic Charities Services Corporation dba Parmadale in the amount not-to-exceed \$100,000.00.

Sponsor: County Executive FitzGerald on behalf of Juvenile Court

Council President Connally referred Resolution No. R2012-0092 to the Justice Affairs Committee.

- g) R2012-0093: A Resolution authorizing an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$553,000.00

for the Newborn Home Visiting Program for the period 4/1/2012 - 2/1/2013; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood

Council President Connally referred Resolution No. R2012-0093 to the Health, Human Services & Aging Committee.

- h) R2012-0094: A Resolution making an award on RQ22685 to MHS, Inc. in the amount not-to-exceed \$1,034,798.00 for transitional housing program services for the period 6/1/2012 - 3/31/2013; 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.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services

Council President Connally referred Resolution No. R2012-0094 to the Health, Human Services & Aging Committee.

- i) R2012-0095: A Resolution making awards on RQ21578 to various providers for various services for the Cuyahoga OPTIONS for Elders Program for the period 7/1/2012 - 6/30/2014; authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

1) Chore Services and Grab Bar Services

- i) ABC International Services, Inc. in the amount not-to-exceed \$14,496.00.

2) Emergency Response Services

- i) Critical Signal Technologies, Inc. in the amount not-to-exceed \$192,364.00.
ii) Valued Relationships, Inc. in the amount not-to-exceed \$115,625.00.

3) Home Delivered Meals Services

- i) Casleo Corporation dba Global Meals in the amount not-to-exceed \$195,624.00.
 - ii) Mobile Meals, Inc. in the amount not-to-exceed \$507,983.00.
 - iii) The Golden Age Centers of Greater Cleveland in the amount not-to-exceed \$295,311.00.

- 4) Homemaker Services
 - i) A-1 Health Care, Inc. in the amount not-to-exceed \$271,253.00.
 - ii) Absolute Home Health Care Agency, Inc. in the amount not-to-exceed \$260,479.00.
 - iii) Agape Home Health Care in the amount not-to-exceed \$105,956.00.
 - iv) B & B Launch, Inc. dba Home Instead Senior Care in the amount not-to-exceed \$140,140.00.
 - v) BZKZ Inc. dba Heritage Home Healthcare of Elyria & Rocky River in the amount not-to-exceed \$149,760.00.
 - vi) First Choice Medical Staffing of Ohio, Inc. in the amount not-to-exceed \$218,294.00.
 - vii) Geocare, Inc. in the amount not-to-exceed \$100,100.00.
 - viii) Health Care Bridge Inc. in the amount not-to-exceed \$60,695.00.
 - ix) Home Care Relief, Inc. in the amount not-to-exceed \$422,519.00.
 - x) Rx Home Healthcare Inc. in the amount not-to-exceed \$65,936.00.
 - xi) Xcel Healthcare Providers, Inc. in the amount not-to-exceed \$229,632.00.

- 5) Home Delivered Meals Services and Homemaker Services
 - i) Senior Outreach Services in the amount not-to-exceed \$179,619.00.

- 6) Medical Transportation Services
 - i) Ace Taxi Service Inc. in the amount not-to-exceed \$163,200.00.
 - ii) Future Age, Inc. dba Provide-A-Ride in the amount not-to-exceed \$160,532.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Senior and Adult Services

Council President Connally referred Resolution No. R2012-0095 to the Health, Human Services & Aging Committee.

j) R2012-0096: A Resolution making awards on RQ22613 to various providers for Job Readiness, Job Search, Job Placement and Job Retention Services for the period 7/1/2012 – 6/30/2013; and authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution:

- 1) El Barrio, Incorporated fka Westside Ecumenical Ministry in the amount not-to-exceed \$515,000.00.
- 2) LNE & Associates, LLP in the amount not-to-exceed \$505,512.00.

Sponsor: County Executive FitzGerald/ Department of Health and Human Services/Division of Employment and Family Services/Cuyahoga Support Enforcement Agency

Council President Connally referred Resolution No. R2012-0096 to the Health, Human Services & Aging Committee.

16. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0079 and R2012-0080.

a) R2012-0079: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative Grant Program for the period 8/1/2009 - 6/30/2012; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants

Committee Assignment and Chair: Public Safety – Gallagher

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2012-0079 was considered and adopted by unanimous vote.

b) R2012-0080: A Resolution approving a Sanitary Sewer Line Vacation and Granting of Easement agreement with Wal-Mart Real Estate Business

Trust, a Delaware statutory trust, in connection with property located in the City of Brooklyn; and authorizing the County Executive to execute all documents required in connection with said agreement.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmember Germana

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2012-0080 was considered and adopted by unanimous vote.

17. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- a) O2012-0012: An Ordinance establishing the Department of Information Technology under the direction of a Chief Information Officer who shall serve at the pleasure of the County Executive, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

Committee Assignment and Chair: Finance & Budgeting – Miller

Clerk Schmotzer read Ordinance No. O2012-0012 into the record. This item will move to the June 12, 2012 Council meeting agenda for consideration for third reading adoption.

18. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan gave an update regarding the Charter Review process.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, June 4, 2012 at 1:00 p.m. He also noted that May is Multiple Chemical Sensitivity Awareness Month, and spoke briefly about its significance.

Ms. Simon reported that the Justice Affairs Committee will meet on Friday, May 25, 2012 at 11:30 a.m. She mentioned that she will be introducing legislation mandating spaying and neutering of dog breeds formally designated as vicious.

Mr. Germana noted that it is week is National Dog Bite Awareness Week.

Mr. Schron gave remarks in observance of Memorial Day.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, May 31, 2012 at 11:00 a.m.

19. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

20. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

21. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Council President Connally at 6:40 p.m., without objection.