

# Resolution No. 1272-16

Council Member Polensek

## **AN EMERGENCY RESOLUTION**

Finding the fraudulent actions of Wells Fargo bank inexcusable and insisting that it be prohibited from doing business with the state of Ohio for a minimum of five years.

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WHEREAS, federal and California authorities have fined Wells Fargo bank \$185 million dollars for defrauding thousands of customers out of millions of dollars by opening unauthorized credit and banking accounts; and

WHEREAS, the Wells Fargo CEO, John Stumpf, recently resigned with a retirement payout reported to be \$134 million; and

WHEREAS, Ohio Governor John Kasich has said that Wells Fargo has lost the right to do business with the state of Ohio for at least one year and Ohio State Treasurer Josh Mandel put a freeze on new business with Wells Fargo; and

WHEREAS, United States Senator for Ohio Sherrod Brown has said that "until it lays out concrete steps to make things right, [Wells Fargo] doesn't deserve the state of Ohio's business"; and

WHEREAS, this Council believes that the actions of Wells Fargo are inexcusable and that this giant bank does not deserve to do business with the State of Ohio for at least five years; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That this Council finds the fraudulent actions of Wells Fargo bank inexcusable and insists that it be prohibited from doing business with the state of Ohio for a minimum of five years.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor John Kasich, Senator Sherrod Brown and Ohio Treasurer Josh Mandel.

**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.



# Ordinance No. 1273-16

Council Members Cummins, Brancatelli and Keane

## AN EMERGENCY ORDINANCE

Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations.

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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, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Regional Transit Authority or its authorized contractor may place advertising on any bus shelter or in any transit station for which a proper permit has been issued, so long as such advertising complies with Chapters 350, 680A and 680B and any other relevant sections of the Codified Ordinances.

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

BC:ms  
10/24/16

**Ord. No. 1273-16**

**Council Member Cummins, Brancatelli and Keane**

**AN EMERGENCY ORDINANCE**

Allowing the Regional Transit Authority to place advertising on permitted bus shelters and transit stations.

**READ FIRST TIME on OCTOBER 24, 2016**

and referred to DIRECTORS of City Planning Commission,  
Finance, Law;  
COMMITTEES on Transportation,  
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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**REPORT  
after second Reading**

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**TRANSPORTATION**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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# Ordinance No. 1274-16

## **AN EMERGENCY ORDINANCE**

To amend Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code.

**Council Members Brancatelli and Kelley  
(by departmental request)**

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WHEREAS, under Ordinance No. 856-07, passed May 21, 2007, and through the authority of Section 3735.65 et seq. of the Revised Code, this Council established the City of Cleveland as a Community Reinvestment Area; and

WHEREAS, under Ordinance No. 76-12, passed May 14, 2012, this Council amended Ordinance No. 856-07, to establish new green building standards for construction or remodeling performed under those ordinances and also extended the eligibility date for residential tax abatements to June 4, 2017; and

WHEREAS, under Ordinance No. 1493-15, passed January 25, 2016, this Council amended 856-07, to authorize the Director of Community Development to enter into development agreements for any phased project that applies for and meets the eligibility requirements for residential tax abatement; and

WHEREAS, the City wishes to remove the word "phased" so that the ordinance includes any project that applies for and meets the eligibility requirements for residential tax abatement; and

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 Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by Ordinance No. 76-12, passed May 14, 2012, and Ordinance No. 1493-15 passed January 25, 2016, is amended to read as follows:

Section 9. That the Community Reinvestment Area described in this ordinance shall expire on June 4, 2017, unless an extension is authorized by an amendment of Cleveland City Council; provided, however that if for any reason the designation of the area is revoked by the City or the terms of the abatement provided under this ordinance are modified or allowed to expire, the entitlements granted under this ordinance for any residential project defined as a single family project or multi-unit rental or for-sale development project, with a letter of commitment for its project financing, for which a development agreement has been entered into with the City by

# Ordinance No. 1274-16

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the Director of Community Development, prior to June 4, 2017, shall continue at the current percentage of exemption and term of years. Single family construction or remodeling that is not part of a defined or scattered development site or project, and where a permit to perform the improvements is issued by the City prior to the June 4, 2017 expiration of the current tax abatement Ordinance No. 76-12, does not require a development agreement and the abatement will continue at the current percentage of exemption and term of years.

Further, that the Director of Community Development is hereby authorized to enter into such development agreements from the date of passage of this ordinance until June 4, 2017 and that the Director of Community Development shall receive the consent of the City Council representative of the Ward that a development project is located in prior to executing a development agreement for that project.

Real property transferred by the City of Cleveland, Land Reutilization Program ("Land Bank"), from January 1, 2015 through June 4, 2017 for single-family residential development shall qualify for residential tax abatement at current approved levels (100% for 15 years) if construction is commenced and completed within the time frames stipulated within the City's Official Deed.

Section 2. That existing Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by Ordinance No. 76-12, passed May 14, 2012, and Ordinance No. 1493-15 passed January 25, 2016, 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.

GEP:nl  
10-24-17

FOR: Acting Director Cosgrove

# Ord. No. 1274-16

REPORT  
after second Reading

Council Members Brancatelli and Kelley (by departmental request)

## **AN EMERGENCY ORDINANCE**

To amend Section 9 of Ordinance No. 856-07, passed May 21, 2007, as amended by various ordinances, relating to authorizing development agreements for Community Reinvestment Areas under Section 3735.65 et seq. of the Revised Code.

**READ FIRST TIME on OCTOBER 24, 2016**

REPORTS

and referred to DIRECTORS of Community Development, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

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# Ordinance No. 1275-16

## **AN EMERGENCY ORDINANCE**

Authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016-222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017.

**Council Member Kelley  
(by departmental request)**

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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 Secretary of the Civil Service Commission is authorized to enter into an amendment to Contract No. CT 1511 PS 2016-222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017. All other terms and conditions contained in the contract shall remain the same.

Section 2. That the amendment shall be prepared by the Director of Law.

Section 3. That the costs of the contract amendment shall not exceed \$100,000 and shall be paid from funds deemed appropriate by the Director of Finance.

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

RC:nl  
10-24-16

FOR: Lucille Ambroz, Secretary of the Civil Service Commission



**Ord. No. 1275-16**

**REPORT  
after second Reading**

**Council Member Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Secretary of the Civil Service Commission to enter into an amendment to Contract No. CT 1511 PS 2016-222 with Ergometrics & Applied Personnel Research, Inc. to provide additional civil transportability studies and civil service testing for entry level law enforcement officers, for the Department of Public Safety and to extend the term of the contract until December 31, 2017.

**READ FIRST TIME on OCTOBER 24, 2016**  
**and referred to SECRETARY of Civil Service Commission and**  
**DIRECTORS of Finance, Law;**  
**COMMITTEE on Finance**

**REPORTS**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

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# Ordinance No. 1276-16

**Council Members Brady and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities 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, for a period of two years for contracts executed by December 31, 2019.

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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 maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, the repair and replacement of roofs for a period of two years for contracts executed by December 31, 2019 (the "Improvement"), for the various divisions of the 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 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 the subject of 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.

# Ordinance No. 1276-16

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Section 4. That the Director of Public Utilities 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 design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance.

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 50 SF 002, 52 SF 001, 54 SF 001, 54 SF 400, 58 SF 001, and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, Request No. RQS 2002, RL 2016-86.

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 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.

LW:nl  
10-24-16

FOR: Director Davis

**Council Members Brady and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of maintaining and improving the interior and exterior of various buildings, sites, and related systems, including but not limited to, roofs; authorizing the Director of Public Utilities 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, for a period of two years for contracts executed by December 31, 2019.

**READ FIRST TIME on OCTOBER 24, 2016**  
**and referred to DIRECTORS of Public Utilities, Finance, Law;**  
**COMMITTEES on Utilities, Finance**

**REPORTS**

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**PRESIDENT**

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**CITY CLERK**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
UTILITIES**

FILED WITH COMMITTEE

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# Ordinance No. 1277-16

**Council Members Brady and Kelley  
(by departmental request)**

## **AN EMERGENCY ORDINANCE**

Authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

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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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years with two one-year options to renew, of the necessary items of materials, equipment, supplies, and services necessary to repair and maintain the decorative and special lighting for City bridges and the Wyland Whale Mural Park on North Marginal Road, including labor and insurance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

# Ordinance No. 1277-16

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Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

GB:nl  
10-24-16

FOR: Director Davis



# Ordinance No. 1278-16

## AN EMERGENCY ORDINANCE

To amend Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot.

**Council Members K. Johnson and Kelley  
(by departmental request)**

WHEREAS, under Ordinance No. 226-15, passed April 13, 2015, this Council authorized the Director of Public Works to enter into contract to purchase parking revenue control equipment and software with reporting features for the Willard Park Garage and the East Gateway Garage, including labor and installation, for the Division of Parking Facilities; and

WHEREAS, Ordinance No. 226-15 was amended by Ordinance No. 1351-15, passed December 7, 2015, to add professional services and to modify the purchase contracts and because of the addition of the professional services, existing Sections 2, 3, and 4 of Ordinance No. 226-15, were renumbered to new Sections 4, 5, and 6; and

WHEREAS, Ordinance No. 226-15, as amended by Ordinance No. 1351-15, was further amended by Ordinance No. 540-16, passed May 23, 2016, to include the West Side Market Parking Lot in the project; and

WHEREAS, this Council wishes to amend Section 3 of Ordinance No. 226-15, as renumbered to Section 5 by Ordinance No. 1351-15 among other things, and as amended by Ordinance No. 540-16; and

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 Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended and renumbered to Section 5 by Ordinance No. 1351-15, passed December 7, 2015, as further amended by Ordinance No. 540-16, passed May 23, 2016, is amended to read as follows:

Section 5. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 539, 20 SF 545, 20 SF 551, 20 SF 553, 20 SF 559, 20 SF 562, 20 SF 566, 20 SF 573, 20 SF 843, 20 SF 869, and 65 SF 009, RQS 7008, RL 2015-33.

Section 2. That existing Section 3 of Ordinance No. 226-15, passed April 13, 2015, as amended and renumbered to Section 5 by Ordinance No. 1351-15, passed December 7, 2015, as further amended by Ordinance No. 540-16, passed May 23, 2016, 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. 1278-16

REPORT  
after second Reading

Council Members K. Johnson and Kelley (by departmental request)

## **AN EMERGENCY ORDINANCE**

To amend Section 5 of Ordinance No. 226-15, passed April 13, 2015, as amended by various ordinances, to add additional funding for parking revenue control equipment and software, including reporting functions, for the West Side Market Parking Lot.

**READ FIRST TIME on OCTOBER 24, 2016**  
and referred to DIRECTORS of Public Works, Finance, Law;  
COMMITTEES on Municipal Services and Properties, Finance

REPORTS

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PRESIDENT

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APPROVED

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MAYOR

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Published in the City Record \_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE**

FILED WITH COMMITTEE

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# Ordinance No. 1279-16

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Utilities to apply for NEORS Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years.

**Council Members Brady and Kelley  
(by departmental request)**

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WHEREAS, under Ordinance No. 642-15, passed July 22, 2015, the Director of Public Utilities applied for and accepted a grant from the US EPA in the amount of \$175,000 for the City of Cleveland Bioretention at Wildwood Park Project ("Wildwood Park Project"); and

WHEREAS, as part of the above grant application, the City committed to contribute \$175,000 of the NEORS Community Cost Share Program funds as a match for the Wildwood Park Project for a total project budget of \$350,000; and

WHEREAS, in 2013, management of the City's Lakefront properties, including Wildwood Park, was assumed by Cleveland Metroparks ("Metroparks"); and

WHEREAS, the City wishes to enter into an agreement with Metroparks to implement the Wildwood Park Project by sub-granting the total project budget of \$350,000 to Metroparks in order for them to design, construct, and maintain up to four bioretention cells at Wildwood Park; and

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 apply for and accept funding from the Northeast Ohio Regional Sewer District under the NEORS Community Cost Share Program in the amount of \$175,000, to conduct the Wildwood Park Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the program; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That a copy of the grant agreement from the US EPA and the project narrative is placed in File No. 1279-16-A.

# Ordinance No. 1279-16

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Section 3. That notwithstanding and as any exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to enter into and execute one or more agreements with Metroparks to implement the Wildwood Park Project, including but not limited to, defining responsibilities under the US EPA grant agreement and NEORS Community Cost Share Program. The agreement shall provide that it is Metropark's responsibility to provide for the design, construction and maintenance of up to four bioretention cells at Wildwood Park for a period of at least fifteen years, and that the City as the main US EPA grant recipient, will retain primary responsibility for grant compliance and reporting, and will ensure that Metroparks complies with all grant terms and conditions during project implementation, and contain other provisions needed to implement the Wildwood Park Project.

Section 4. That the agreement or agreements will be prepared by the Director of Law.

Section 5. That this Council authorizes payment to Metroparks, as sub-grantee, in an amount up to \$350,000 to implement the Wildwood Park Project as described in the file, payable from the fund or funds to which are credited the US EPA Grant funds applied for and accepted under Ordinance No. 642-16, passed July 22, 2015, and the fund or funds to which are credited the NEORS Community Cost Share Program funds authorized by this ordinance.

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 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.

LW:nl  
10-24-16  
FOR: Director Davis

**Council Members Brady and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Utilities to apply for NEORS Community Cost Share Program Funds; to enter into an agreement with The Cleveland Metroparks to serve as a sub-grantee to design, construct and maintain up to four bioretention cells at Wildwood Park, for the Office of Sustainability, Department of Public Utilities, for a period of at least fifteen years.

**READ FIRST TIME on OCTOBER 24, 2016**  
and referred to **DIRECTORS of Public Utilities, Finance, Law;**  
**COMMITTEES on Utilities, Finance**

**REPORTS**

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COMMITTEE ON  
UTILITIES**

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# Ordinance No. 1280-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871-06 passed December 11, 2006, relating to inmate labor.

**Council Members Zone and Kelley  
(by departmental request)**

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 Safety is authorized to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program, for a period up to one year, for the Division of Corrections, Department of Public Safety.

Section 2. That the Director of Law shall prepare the agreement.

Section 3. That Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006 is amended to read as follows:

Section 135.59      Inmate Labor

The Commissioner of Correction may require persons sentenced to confinement in the House of Corrections:

(a) To perform appropriate labor within the House of Corrections, on its grounds, or at any other facility or project owned or operated by the City of Cleveland, the United States of America, or the State of Ohio, and any of its political subdivisions;

(b) To perform work outside of the House of Corrections or on its grounds, or other facilities described in division (a) under a voluntary work program established by the Commissioner. The Commissioner shall promulgate rules for the operation of the program.

Section 4. That existing Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1871-06, passed December 11, 2006 is repealed.

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.

RC:nl  
10-24-16

FOR: Director McGrath

**Council Members Zone and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Safety to enter into an agreement with Court Community Services to establish and manage a work program at the House of Corrections for eligible inmates and to place the inmates into the work program for a period up to one year; and amend Section 135.59 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by Ordinance No. 1871-06 passed December 11, 2006, relating to inmate labor.

**READ FIRST TIME on OCTOBER 24, 2017**  
**and referred to DIRECTORS of Public Safety, Finance, Law;**  
**COMMITTEES on Safety, Finance**

**REPORTS**

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**CITY CLERK**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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# Ordinance No. 1281-16

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years.

**Council Members K. Johnson and Kelley  
(by departmental request)**

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 Works 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 manage the West Side Market Parking Lot, for a period not to exceed three years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works 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 Public Works, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from the fund or funds to which are credited the fees collected from the operation of the West Side Market Parking Lot.

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.

LW:nl  
10-24-16

FOR: Director Cox

**Ord. No. 1281-16**

**REPORT  
after second Reading**

**Council Members K. Johnson and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the West Side Market Parking Lot, for a period not to exceed three years.

**READ FIRST TIME on OCTOBER 24, 2016**  
**and referred to DIRECTORS of Public Works, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties, Finance**

**REPORTS**

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**PRESIDENT**

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**MAYOR**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES**

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# Ordinance No. 1282-16

## AN EMERGENCY ORDINANCE

Council Members Mitchell, K. Johnson and Brancatelli (by departmental request)

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights-of-way over East 105<sup>th</sup> Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges.

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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 Capital Projects is authorized to enter into a maintenance, inspection, and repair agreement with and to issue an encroachment permit revocable at the will of Council, either separately or in combination with the agreement, to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public rights-of-way over East 105<sup>th</sup> Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges at locations further described as follows:

### **Pedestrian bridge encroachment over East 105<sup>th</sup> Street**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being part of East 105th Street, and being the proposed encroachment herein described extending between planes at elevations 731.47 feet and 712.80 feet above mean sea level as determined by the Cleveland Regional Geodetic Survey, converted to NAVO 1988 Datum, and being more fully bounded and described as follows:

Commencing at the intersection of the centerline of East 105th Street (currently 60' wide) and the centerline of Wilbur Avenue (50' wide), thence North 88°51'30" East along the said centerline of Wilbur Avenue a distance of 72.21 feet to a point thereon;

Thence North 01°09'30" West, a distance of 26.54 feet to a point on the proposed Easterly line of East 105th Street and being the Place of Beginning of the proposed encroachment herein described;

**Course No. 1:** thence South 89°17'44" West along the Southerly line of said proposed encroachment, a distance of 102.00 feet to a point on the Westerly line of East 105th Street;

**Course No. 2:** thence North 00°42'16" West along the said Westerly line of East 105th Street, a distance of 14.17 feet to a point on the Northerly line of said proposed encroachment;

# Ordinance No. 1282-16

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**Course No. 3:** thence North 89°17'44" East along the said Northerly line of proposed encroachment, a distance of 102.00 feet to a point on the said proposed Easterly line of East 105th Street;

**Course No. 4:** thence South 00°42'16" East along the said proposed Easterly line of East 105th Street, a distance of 14.17 feet to the place of beginning of the encroachment herein described containing 0.0332 acres according to the exhibit by Atwell, LLC dated September, 2016 and being subject to all legal highways and easements.

## **Pedestrian bridge encroachment over Wilbur Avenue**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being part of Wilbur Avenue, and being the proposed encroachment herein described extending between planes at elevations 731.47 feet and 712.80 feet above mean sea level as determined by the Cleveland Regional Geodetic Survey, converted to NAVD 1988 Datum, and being more fully bounded and described as follows:

Commencing at the intersection of the centerline of East 105th Street (currently 60' wide) and the centerline of Wilbur Avenue (50' wide),

Thence North 88°51'30" East along the said centerline of Wilbur Avenue, a distance of 72.81 feet to a point thereon;

Thence South 01°08'30" East, a distance of 25.00 feet to a point on the Southerly line of Wilbur Avenue;

Thence North 88°51'30" East along the said Southerly line of Wilbur Avenue, a distance of 35.00 feet to a point thereon and being the Place of Beginning of the proposed encroachment herein described;

**Course No. 1:** thence North 00°42'16" West along the Westerly line of said proposed encroachment, a distance of 50.00 feet to a point on the Northerly line of Wilbur Avenue;

**Course No. 2:** thence North 88°51'30" East along the said Northerly line of Wilbur Avenue, a distance of 14.17 feet to a point on the Easterly line of said proposed encroachment;

**Course No. 3:** thence South 00°42'16" East along the said Easterly line of proposed encroachment, a distance of 50.00 feet to a point on the Southerly line of Wilbur Avenue;

**Course No. 4:** thence South 88°51'30" West along the said Southerly line of Wilbur Avenue, a distance of 14.17 feet to the place of beginning of the encroachment herein described containing 0.0163 acres according to the exhibit by Atwell, LLC dated September, 2016 and being subject to all legal highways and easements.

Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

# Ordinance No. 1282-16

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Section 2. That the Director of Capital Projects is authorized to enter into maintenance, inspection, and repair agreement with The Cleveland Clinic Foundation for pedestrian bridges permitted to encroach into various public rights-of-way under encroachment permits issued under the authority of previous ordinances.

Section 3. That Permittee may assign any agreement and/or permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted under this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 4. That the Director of Law shall prepare the agreements and/or permits authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The agreements and/or permits shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from Permittee's acts or omissions under an agreement and/or permit or from the encroachment(s) permitted.

Section 5. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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 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.

JBM:gle  
10-24-16

FOR: Director Spronz

**Council Members Mitchell, K. Johnson and Brancatelli  
(by departmental request)**

**AN EMERGENCY ORDINANCE**

Authorizing the Director of Capital Projects to enter into a maintenance, inspection, and repair agreement and to issue an encroachment permit, either separately or in combination with the agreement, to The Cleveland Clinic Foundation to encroach into the public rights-of-way over East 105<sup>th</sup> Street and Wilbur Avenue by installing, using and maintaining pedestrian bridges.

**READ FIRST TIME on OCTOBER 24, 2016**  
and referred to **DIRECTORS of Capital Projects,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties,**  
**Development Planning and Sustainability**

**REPORTS**

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**PRESIDENT**

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
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DEVELOPMENT, PLANNING AND  
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