

MINUTES

CUYAHOGA COUNTY COUNCIL REGULAR MEETING TUESDAY, JANUARY 22, 2013 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 5:04 p.m.

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation in support of the President of the United States as he embarks on his second term in office.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given related to the agenda.

- 6. APPROVAL OF MINUTES
 - a) January 8, 2013 Regular Meeting
 - b) January 15, 2013 Committee of the Whole Meeting

A motion was made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the January 8, 2013 regular meeting and January 15, 2013 Committee of the Whole meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally announced that Item No. 14, consideration of Resolutions for first reading adoption under suspension of rules/executive session, would be taken out of order and considered after Item No. 23 on the agenda.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) the State budget will be presented and deliberated on soon; and
- 2) County priorities are now being considered for the development of a lobbying strategy. Councilmembers were invited to provide input for the strategy.

Ms. Ruth Gillette, Office of Homeless Services, provided a summary of "Youth Count 2013," a national strategy to end homelessness among youth. A planning committee has been formed locally.

9. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2012-0030.

a) <u>M2012-0030:</u> A Motion amending the Rules of the Cuyahoga County Council to clarify the process and powers related to the sponsorship of legislation and the Standing Committees of Council, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Greenspan, Connally and Brady

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

Ms. Simon introduced a proposed substitute to Motion No. M2012-0030 on the floor. Discussion ensued. A motion was then made by Ms. Simon and seconded by Ms. Conwell to accept the proposed substitute. The motion failed by a roll-call vote of 4 yeas and 7 nays with Councilmembers Conwell, Simon, Miller and Germana

voting in the affirmative and Councilmembers Gallagher, Schron, Jones, Rogers, Greenspan, Brady and Connally casting dissenting votes.

On a motion by Mr. Greenspan with a second by Ms. Conwell, Motion No. M2012-0030 was considered and approved by a majority roll-call vote with Councilmember Simon casting a dissenting vote.

- 10. CONSIDERATION OF A MOTION OF COUNCIL FOR THIRD READING ADOPTION
 - a) <u>M2012-0031:</u> A Motion approving the expiration and retention of pending legislation in accordance with County Council Rule 11F, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally/Clerk of Council

On a motion by Mr. Schron with a second by Mr. Gallagher, Motion No. M2012-0031 was considered and approved by unanimous vote.

11. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Ms. Conwell and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0011.

a) <u>R2013-0011:</u> A Resolution proclaiming the month of January as School Boards Recognition Month in Cuyahoga County.

Sponsor: Councilmember Rogers

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2013-0011 was considered and adopted by unanimous vote.

- 12. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) <u>O2013-0001</u>: An Ordinance establishing general definitions for the Cuyahoga County Code and authorizing the Clerk of Council to officially publish the Cuyahoga County Code as approved by the County's Director of Law; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Council President Connally/Clerk of Council and Director of Law

Council President Connally referred Ordinance No. O2013-0001 to the Council Operations & Intergovernmental Relations Committee.

b) <u>O2013-0002</u>: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Miller

Council President Connally referred Ordinance No. O2013-0002 to the Council Operations & Intergovernmental Relations Committee.

13. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0012.

a) R2013-0012: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 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.

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

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0012 was considered and adopted by unanimous vote.

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

[Note: Item No. 14 was taken out of order and considered after Item No. 23 on the agenda.]

A motion was made by Mr. Schron, seconded by Mr. Miller and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning settlement and release agreements and collective bargaining and for no other purpose whatsoever. Although printed on the agenda, it was determined that imminent and pending litigation would not be discussed in Executive Session. Executive Session was then called to order by Council President Connally at 6:45 p.m. The following members were present: Councilmembers Gallagher, Schron, Conwell, Rogers, Greenspan, Miller, Brady, Germana and

Connally. Councilmember Jones entered Executive Session shortly after roll-call was taken. The following additional attendees were also present: County Executive Ed FitzGerald, Law Director Majeed Makhlouf, Deputy Law Director Nora Hurley, Labor Relations Administrator Ed Morales and Clerk of Council Jeanne Schmotzer.

Assistant Prosecuting Attorney Barbara Marburger was present during discussions regarding Item No. 14 a) only. The following additional attendees representing Juvenile Court were present during discussions regarding Item No. 14 b) only: Deputy Director of Grants Management Karen Lippmann, Director of Probation Services Timothy McDevitt, Personnel Officer 3 Kristin Ziemnik and Deputy Director of Human Resources Sandra Spilker. At 7:19 p.m., Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

A motion was then made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0003.

a) R2013-0003: A Resolution authorizing Settlement and Release Agreements with various plaintiffs in the total amount of \$143,257.00 in connection with *Teel et al. v. Cuyahoga County*, U.S.D.C. Case No. 11cv2582; authorizing the County Executive to execute said agreements; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0003 was considered and adopted by unanimous vote.

b) R2013-0013: A Resolution approving a Memorandum of Understanding between Cuyahoga County Common Pleas Court, Juvenile Court Division and Service Employees International Union (SEIU), District 1199, The Health Care and Social Service Union, in connection with a collective bargaining agreement representing approximately 111 probation, clerks and transportation staff for the period 11/1/2009 - 10/31/2012; directing that funds necessary to implement the Memorandum of Understanding be budgeted and appropriated; authorizing the County Executive to execute the Memorandum of Understanding and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Juvenile Court

Clerk Schmotzer read Resolution No. R2013-0013 into the record. No legislative action was taken by Council.

c) Imminent and pending litigation.

Imminent and pending litigation was not discussed during Executive Session.

- 15. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) R2013-0014: A Resolution making an award on RQ25617 to Karvo Paving, Co. in the amount not-to-exceed \$1,547,652.00 for resurfacing Taylor Road from Euclid Avenue to East Cleveland South Corporation Line in the City of East Cleveland; 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 \$7.50 License Tax Funds in the amount of \$1,238,121.60 to fund said contract.

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

Council President Connally referred Resolution No. R2013-0014 to the Public Works, Procurement & Contracting Committee.

b) R2013-0015: A Resolution making an award on RQ24707 to The Guardian Life Insurance Company of America in the amount not-to-exceed \$12,300,000.00 for dental group healthcare benefits for County employees and their dependents for the period 1/1/2013 - 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.

Sponsor: County Executive FitzGerald/Department of Human Resources

Council President Connally referred Resolution No. R2013-0015 to the Human Resources, Appointments & Equity Committee.

c) R2013-0016: 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 and for appropriation transfers between budget accounts, in order to meet the budgetary needs of various County departments, offices and agencies related to year-end close-out activities, in accordance with Resolution No. R2012-0228.

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

Council President Connally referred Resolution No. R2013-0016 to the Finance & Budgeting Committee.

- d) <u>R2013-0017</u>: A Resolution approving the appropriation of funds for Year 2013 based on the Statement of Appropriation Status dated 12/31/2012:
 - 1) free balances for grants and capital projects;
 - 2) encumbrances for grants and capital projects; and
 - 3) encumbrances for all other funds.

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

Council President Connally referred Resolution No. R2013-0017 to the Finance & Budgeting Committee.

e) R2013-0018: A Resolution making an award on RQ22383 to MHS, Inc. in the amount not-to-exceed \$1,148,293.00 for emergency shelter services for homeless women and families, located at 2227 Payne Avenue, Cleveland, for the period 1/1/2013 - 12/31/2013; 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. R2013-0018 to the Health, Human Services & Aging Committee.

f) R2013-0019: A Resolution making an award on RQ22383 to Lutheran Metropolitan Ministry in the amount of \$1,654,920.00 for emergency shelter services for homeless men, located at 2100 Lakeside Avenue, Cleveland, for the period 1/1/2013 - 12/31/2013; 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. R2013-0019 to the Health, Human Services & Aging Committee.

- g) R2013-0020: A Resolution making awards on RQ25318 to various providers in the total amount not-to-exceed \$2,400,000.00 for child and family-focused services for the period 2/1/2013 1/31/2015, and authorizing the County Executive to execute the contracts and all other documents consistent with said awards and this Resolution:
 - 1) Applewood Centers, Inc. in the amount not-to-exceed \$240,000.00.
 - 2) The Bair Foundation in the amount not-to-exceed \$150,000.00.
 - 3) Beech Brook in the amount not-to-exceed \$278,570.00.
 - 4) Bellefaire Jewish Children's Bureau in the amount not-to-exceed \$278,570.00.
 - 5) Catholic Charities Corporation fka Catholic Charities Services Corporation in the amount not-to-exceed \$278,570.00.
 - 6) Centers for Families and Children in the amount not-to-exceed \$278,570.00.
 - 7) The Cleveland Christian Home, Incorporated in the amount not-to-exceed \$278,570.00.
 - 8) Guidestone in the amount not-to-exceed \$278,570.00.
 - 9) Mental Health Services for Homeless Persons, Inc. in the amount not-to-exceed \$188,580.00.
 - 10) Specialized Alternatives for Families and Youth of Ohio, Inc. in the amount not-to-exceed \$150,000.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services

Council President Connally referred Resolution No. R2013-0020 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 Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0240, R2013-0004, R2013-0005, R2013-0006, R2013-0007, R2013-0008 and R2013-0009.

a) R2012-0240: A Resolution authorizing the County Executive and Department of Public Works to release an amount not-to-exceed \$500,000.00 from the Medical Mart Contingency Fund to the Cleveland Sports Commission when the 2013 Senior Games are held at the Convention Center, and authorizing the County Executive and Department of Public Works to negotiate and execute any necessary contract or other documents for same.

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2012-0240 was considered and adopted by unanimous vote.

b) R2013-0004: A Resolution declaring that public convenience and welfare requires rehabilitation of East 49th Street Bridge No. 00.54 over abandoned railroad tracks in the City of Cleveland; total estimated construction cost \$1,940,000.00; 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.

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

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

On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2013-0004 was considered and adopted by unanimous vote.

c) R2013-0005: A Resolution approving the issuance by the Illinois Finance Authority of bonds in an aggregate principal amount not-to-exceed \$25,000,000.00, in one or more series, for the purpose of (1) refunding revenue bonds issued by Cuyahoga County, Ohio and (2) financing and refinancing facilities located in Cuyahoga County, Ohio; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Germana and Miller

Bond Counsel: Jones Day

Committee Assignment and Chair: Finance & Budgeting – Miller

On a motion by Mr. Miller with a second by Mr. Germana, Resolution No. R2013-0005 was considered and adopted by unanimous vote.

d) R2013-0006: A Resolution making an award on RQ24978 to Educational Service Center of Cuyahoga County in the amount of \$692,930.00 for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children's Trust Fund FY2013 grant program for

the period 7/1/2012 - 9/30/2014; authorizing the County Executive to execute the agreement and all other documents consistent with said award and this Resolution.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council

Committee Assignment and Chair: Health, Human Services & Aging – Brady

On a motion by Mr. Brady with a second by Mr. Miller, Resolution No. R2013-0006 was considered and adopted by unanimous vote.

- e) R2013-0007: A Resolution making awards on RQ21514 to various providers in the total amount not-to-exceed \$2,700,000.00 for residential treatment services for the Youth and Family Community Partnership Program for the period 2/1/2013 1/31/2015, and authorizing the County Executive to execute a master contract and all other documents required in connection with said awards and consistent with this Resolution:
 - 1) Applewood Centers, Inc.
 - 2) Beech Brook
 - 3) Bellefaire Jewish Children's Bureau
 - 4) Carrington Youth Academy LLC
 - 5) Catholic Charities Services Corporation
 - 6) The Cleveland Christian Home Incorporated
 - 7) New Directions, Inc.
 - 8) The Village Network

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Mr. Schron with a second by Mr. Brady, Resolution No. R2013-0007 was considered and adopted by unanimous vote.

- f) R2013-0008: A Resolution making awards on RQ21516 to various providers in the total amount not-to-exceed \$2,250,000.00 for residential treatment services for the period 2/1/2013 1/31/2015, and authorizing the County Executive to execute a master contract and all other documents required in connection with said awards and consistent with this Resolution:
 - 1) Applewood Centers, Inc.

- 2) Beech Brook
- 3) Bellefaire Jewish Children's Bureau
- 4) Carrington Youth Academy LLC
- 5) Catholic Charities Services Corporation
- 6) The Cleveland Christian Home Incorporated
- 7) Cornell Abraxas Group, Inc.
- 8) Guidestone, fka Berea Children's Home
- 9) Keystone Richland Center, LLC dba Foundations for Living
- 10) New Directions, Inc.
- 11) Safe House Ministries, Inc.
- 12) The Glen Mills Schools
- 13) The House of Emmanuel, Inc.
- 14) The Village Network

Sponsors: County Executive FitzGerald on behalf of Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Conwell with a second by Mr. Schron, Resolution No. R2013-0008 was considered and adopted by unanimous vote.

g) R2013-0009: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$1,832,782.00 for administration of the Special Needs Child Care Program for the Invest in Children Program for the period 1/1/2013 - 12/31/2013, and authorizing the County Executive to execute the contract and all other documents required consistent with this Resolution.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

On a motion by Mr. Brady with a second by Mr. Rogers, Resolution No. R2013-0009 was considered and adopted by unanimous vote.

17. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

a) R2012-0260: A Resolution making an award on RQ23209 to R.W. Armstrong & Associates, Inc. in the amount of \$4,200,000.00 for general engineering services for various projects in connection with the Master Plan Update and Airport Layout Plan for the Cuyahoga County Airport, and authorizing the County Executive to execute the contract and all

other documents required in connection with said award and consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Works

On a motion by Mr. Rogers with a second by Mr. Schron, Resolution No. R2012-0260 was considered and adopted by unanimous vote.

- 18. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION
 - a) R2012-0264: A Resolution making awards on RQ24534 to Geis Property Management, LLC for sale of the Ameritrust Complex and entry of a lease for a consolidated County headquarters at the site of the P & H Buildings; authorizing the County Executive to execute all documents in connection with said awards and consistent with this Resolution; authorizing the Director of Public Works to administer said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works and Councilmembers Germana, Miller, Brady, Schron, Conwell, Connally, Simon, Jones, Rogers, Gallagher and Greenspan

Committee Assignment and Chair: Committee of the Whole – Connally

A brief presentation was given by a representative of CBRE regarding Resolution No. R2012-0264. Discussion ensued. Comments in support of Resolution No. R2012-0264 were made by various Councilmembers and the County Executive. Council President Connally stated that project updates will be given to Council every 6 to 8 weeks and that several Councilmembers will be assigned to the County's Design Team.

On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2012-0264 was considered and adopted by unanimous roll-call vote.

- 19. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) <u>O2013-0003:</u> An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

Council President Connally referred Ordinance No. O2013-0003 to the Human Resources, Appointments & Equity Committee.

b) O2013-0004: An Ordinance amending Ordinance No. O2011-0045, as amended, which established divisions and sections within the Department of Health and Human Services, to create the Office of the Director and to delineate displacement, reinstatement and reemployment procedures; and declaring the necessity that this Ordinance become immediately effective.

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

Council President Connally referred Ordinance No. O2013-0004 to the Health, Human Services & Aging Committee.

20. CONSIDERATION OF ORDINANCES FOR THIRD READING ADOPTION

a) <u>O2012-0030:</u> An Ordinance establishing the organizational structure of the Department of Development and creating divisions within the department, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Mr. Schron introduced a proposed substitute to Ordinance No. O2012-0030 on the floor. Discussion ensued. A motion was then made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to accept the proposed substitute.

On a motion by Mr. Schron with a second by Mr. Jones, Ordinance No. O2012-0030 was considered and adopted by unanimous vote, as substituted.

b) O2012-0035: An Ordinance amending Ordinance No. O2011-0027 dated 7/12/2011, which established divisions and sections within the Department of Public Works, to add the operations of the Cuyahoga County Airport.

Sponsors: County Executive FitzGerald and Councilmembers Germana and Conwell

Mr. Jones introduced a proposed substitute to Ordinance No. O2012-0035 on the floor. Discussion ensued. A motion was then made by Mr. Jones, seconded by Mr. Schron and approved by unanimous vote to accept the proposed substitute.

On a motion by Mr. Jones with a second by Ms. Conwell, Ordinance No. O2012-0035 was considered and adopted by unanimous vote, as substituted.

21. MISCELLANEOUS COMMITTEE REPORTS

Council President Connally asked Clerk Schmotzer to distribute Council committee assignments and appointments to Boards and Commissions for 2013/2014.

22. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

23. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

A brief recess was taken by Council, after which Council President Connally reconvened the meeting in order for Council to consider Item No. 14.

24. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 7:19 p.m., without objection.