

NEW LEGISLATION

September 12, 2011

The following legislation has been temporarily assigned to the below-stated committee by the Clerk of Council:

Temp. No.	Introduced	Committee	Description
B-84	9/12/11	Fin	An ordinance authorizing payment of the Moral Claim of Eugene Moirano III as approved by the Claims Commission, and declaring an emergency.
B-85	9/12/11	Fin	An ordinance authorizing the Director of Public Safety to accept and expend a grant from the Federal Emergency Management Agency, and to enter into a contract or contracts, according to law, for the purchase of certain safety equipment for use by the Fire Department, and declaring an emergency.
B-86	9/12/11	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Bell Equipment Company for the purchase of an automated packer truck for use by the Sanitation Division, and declaring an emergency.
B-87	9/12/11	Fin	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts without competitive bidding with Commercial Fitness Solutions, Inc. for the purchase of fitness equipment for the Natatorium Recreation and Wellness Center, and declaring an emergency.
B-88	9/12/11	Fin	An ordinance authorizing the Director of Public Service to enter into a second modification of Contract No. 6347 with URS Corporation, for professional design engineering services related to improvements to State Road from Graham Road to Steels Corners Road, and declaring an emergency.
B-89	9/12/11	PA	An ordinance authorizing the Mayor to enter into an amendment of the Boston Township-City of Cuyahoga Falls Joint Economic Development District contract, and declaring an emergency.

CALENDAR

September 12, 2011

The following legislation will be up for passage at the Council Meeting on September 12, 2011.

Temp. No.	Introduced	Committee	Description
B-79	7/25/11	Fin	An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Summa Health System, Inc. for the equal value exchange of certain personal property no longer needed for municipal purposes, and to dispose of other obsolete personal property, and declaring an emergency.
B-80 Sub	7/25/11	Fin	An ordinance amending Section 923.03 of Title Five, Part Nine of the Codified Ordinances, relating to free water accounts, and declaring an emergency.
B-81	7/25/11	PI	A resolution consenting to the repair of the barrier wall on State Route 8 at Broad Boulevard within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
B-82	7/25/11	PA	A resolution authorizing the Superintendent of the Electric Department to represent the City of Cuyahoga Falls as a member of the Board of Trustees of American Municipal Power, Inc. and declaring an emergency.
B-83	9/6/11	Fin	An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,300,000 to refund at a lower interest cost certain of the City's outstanding Various Purpose Bonds, Series 2001 which were issued for the purpose of (i) installing new iron filters and otherwise improving the City's water plant and (ii) improving the municipal waterworks system in the High Pressure Water District; authorizing execution and delivery of a bond registrar agreement and bond purchase agreement with respect to the refunding bonds and an escrow agreement with respect to the refunding of the outstanding bonds, and related matters; and declaring an emergency.

PENDING LEGISLATION

September 12, 2011

Temp. No.	Introduced	Committee	Description
B-53	5/9/11	PA	An ordinance enacting new Section 1366.06 of Title 7, Part 13 of the Codified Ordinances, relating to outdoor composting, and declaring an emergency.
B-54	5/9/11	PA	An ordinance amending Section 505.18 of Part 5 of the Codified Ordinances, relating to feeding of birds, and declaring an emergency.
B-70	6/27/11	PA	A resolution urging the Ohio General Assembly to promptly enact pending legislation which would regulate dangerous hallucinogenic substances that are currently being marketed as bath salts and plant food, by adding such substances to the list of controlled substances identified in Section 3719.41 of the Ohio Revised Code, and declaring an emergency.
B-72	7/11/11	Fin	An ordinance authorizing the Director of Public Service to issue an encroachment permit to the Judith Loving Trust for the purpose of installing and operating a private sanitary force main sewer in Quick Road, and declaring an emergency.
B-79	7/25/11	Fin	An ordinance authorizing the Mayor to enter into a contract without competitive bidding with Summa Health System, Inc. for the equal value exchange of certain personal property no longer needed for municipal purposes, and to dispose of other obsolete personal property, and declaring an emergency.
B-80 Sub	7/25/11	Fin	An ordinance amending Section 923.03 of Title Five, Part Nine of the Codified Ordinances, relating to free water accounts, and declaring an emergency.
B-81	7/25/11	PI	A resolution consenting to the repair of the barrier wall on State Route 8 at Broad Boulevard within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
B-82	7/25/11	PA	A resolution authorizing the Superintendent of the Electric Department to represent the City of Cuyahoga Falls as a member of the Board of Trustees of American Municipal Power, Inc. and declaring an emergency.

B-83

9/6/11

Fin

An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,300,000 to refund at a lower interest cost certain of the City's outstanding Various Purpose Bonds, Series 2001 which were issued for the purpose of (i) installing new iron filters and otherwise improving the City's water plant and (ii) improving the municipal waterworks system in the High Pressure Water District; authorizing execution and delivery of a bond registrar agreement and bond purchase agreement with respect to the refunding bonds and an escrow agreement with respect to the refunding of the outstanding bonds, and related matters; and declaring an emergency.

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2011

8
9 AN ORDINANCE AUTHORIZING PAYMENT OF THE MORAL
10 CLAIM OF EUGENE MOIRANO III AS APPROVED BY THE
11 CLAIMS COMMISSION, AND DECLARING AN EMERGENCY.

12
13 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit and State
14 of Ohio, that:

15
16 Section 1. The Director of Finance is hereby authorized to pay the moral claim of Eugene
17 Moirano III in the amount of \$1,720.00 as approved by the Claims Commission on July 11, 2011.

18
19 Section 2. The Director of Finance is hereby authorized and directed to make payment for
20 same from the Sewer Fund, line item Other Operations.

21
22 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
23 inconsistent herewith are hereby repealed, but any ordinances and resolutions or portions of
24 ordinances and resolutions not inconsistent herewith and which have not previously been
25 repealed are hereby ratified and confirmed.

26
27 Section 4. It is found and determined that all formal actions of this Council concerning
28 and relating to the adoption of this ordinance were adopted in an open meeting of this Council
29 and that all deliberations of this Council and of any of its committees that resulted in such formal
30 action were in meetings open to the public, in compliance with all legal requirements including
31 Chapter 107 of the Codified Ordinances.

32
33 Section 5. This ordinance is hereby declared to be an emergency measure necessary for
34 the preservation of the public peace, health, safety, convenience and welfare of the City of
35 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of
36 two-thirds of the members elected or appointed to Council, it shall take effect and be in force
37 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
38 force at the earliest period allowed by law.

39
40
41 Passed: _____
42 _____
43 President of Council

44
45 _____
46 Clerk of Council

47
48
49 Approved: _____
50 _____
51 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2011

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SAFETY TO ACCEPT AND EXPEND A GRANT
9 FROM THE FEDERAL EMERGENCY MANAGEMENT
10 AGENCY, AND TO ENTER INTO A CONTRACT OR
11 CONTRACTS, ACCORDING TO LAW, FOR THE
12 PURCHASE OF CERTAIN SAFETY EQUIPMENT FOR
13 USE BY THE FIRE DEPARTMENT, AND DECLARING
14 AN EMERGENCY.

15
16
17 WHEREAS, the City has been awarded an Assistance to Firefighters grant from
18 the Federal Emergency Management Agency (“FEMA”); and

19
20 WHEREAS, the City has identified the need for and proposes to use the grant to
21 assist in the purchase of not to exceed 35 sets of “turnout” gear (personal
22 protective equipment including coats, pants, helmets, hoods, boots and gloves) and
23 a self-contained breathing apparatus (SCBA) fit tester;

24
25 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
26 Falls, County of Summit and State of Ohio, that:

27
28 Section 1. The Director of Public Safety is hereby authorized to accept and
29 expend, on behalf of the City, an Assistance to Firefighters grant from the Federal
30 Emergency Management Agency, and to enter into a contract or contracts,
31 according to law, for the purchase of not to exceed 35 sets of “turnout” gear
32 (personal protective equipment including coats, pants, helmets, hoods, boots and
33 gloves) and a self-contained breathing apparatus (SCBA) fit tester, in a total
34 amount not to exceed \$87,400, of which 80% shall be funded through the
35 Assistance to Firefighters grant.

36
37 Section 2. The Director of Finance is hereby authorized and directed to make
38 payment for same from the Capital Projects Fund.

39
40 Section 3. Any other ordinances and resolutions or portions of ordinances and
41 resolutions inconsistent herewith are hereby repealed, but any ordinances and
42 resolutions or portions of ordinances and resolutions not inconsistent herewith
43 and which have not previously been repealed are hereby ratified and confirmed.

44
45 Section 4. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this ordinance were adopted in an open
47 meeting of this Council and that all deliberations of this Council and of any of its
48 committees that resulted in such formal action were in meetings open to the public

49 in compliance with all legal requirements including Chapter 107 of the Codified
50 Ordinances.

51

52 Section 5. This ordinance is hereby declared to be an emergency measure
53 necessary for the preservation of the public peace, health, safety, convenience and
54 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
55 receives the affirmative vote of two-thirds of the members elected or appointed to
56 Council, it shall take effect and be in force immediately upon its passage and
57 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
58 period allowed by law.

59

60

61 Passed: _____
62 _____
63 President of Council

64

65

66 _____
67 Clerk of Council

68

69

70 Approved: _____
71 _____
72 Mayor

73

9/12/11

O:\2011ords\Turnout Gear & SCBA Fit Tester 2011.doc

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2011

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
9 SERVICE TO ENTER INTO A CONTRACT OR CONTRACTS,
10 WITHOUT COMPETITIVE BIDDING, WITH BELL EQUIPMENT
11 COMPANY FOR THE PURCHASE OF AN AUTOMATED PACKER
12 TRUCK FOR USE BY THE SANITATION DIVISION, AND
13 DECLARING AN EMERGENCY.
14

15 BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State
16 of Ohio, that:

17
18 Section 1. The Director of Public Service is hereby authorized to enter into a contact or
19 contracts, without competitive bidding, with Bell Equipment Co. Inc., on the basis of its proposal
20 dated January 7, 2011, which is on file with the Clerk of Council in Council File No. _____, for the
21 purchase of a used "Wayne Curbtender" automated packer truck, VIN# 3BPZL00X4AF720030.
22

23 Section 2. It is hereby found and determined that the used automated packer truck
24 identified above is a unique, non-fungible item due to its characteristics, and purchase of said
25 item is therefore not susceptible to conventional competitive bidding.
26

27 Section 3. The Director of Finance is hereby authorized and directed to make payment for
28 same from Sanitation Fund, line item Capital.
29

30 Section 4. Any ordinances or resolutions or portions of ordinances and resolutions
31 inconsistent herewith are hereby repealed, but any ordinances and resolutions not inconsistent
32 herewith and which have not previously been repealed are hereby ratified and confirmed.
33

34 Section 5. It is found and determined that all formal actions of this Council concerning and
35 relating to the passage of this ordinance were taken in an open meeting of this Council and that
36 all deliberations of this Council and of any committees that resulted in those formal actions were
37 in meetings open to the public, in compliance with all legal requirements including Chapter 107
38 of the Codified Ordinances.
39

40 Section 6. That this ordinance is hereby declared to be an emergency measure necessary for
41 the preservation of the public peace, health, safety, convenience and welfare of the City of
42 Cuyahoga Falls and the inhabitants thereof, and provided it receives the affirmative vote of two-
43 thirds of the members elected or appointed to Council, it shall take effect and be in force
44 immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in
45 force at the earliest period allowed by law.
46

47
48 Passed: _____
49 _____
50 President of Council

51
52 _____
53 Clerk of Council

54
55
56 Approved _____
57 _____
58 Mayor

59
60 9/12/11

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2011

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND
10 RECREATION BOARD TO ENTER INTO A
11 CONTRACT OR CONTRACTS WITHOUT
12 COMPETITIVE BIDDING WITH COMMERCIAL
13 FITNESS SOLUTIONS, INC. FOR THE PURCHASE
14 OF FITNESS EQUIPMENT FOR THE NATATORIUM
15 RECREATION AND WELLNESS CENTER, AND
16 DECLARING AN EMERGENCY.

17
18 WHEREAS, the Precor exercise and fitness equipment installed at the
19 Natatorium Recreation and Wellness Center is a unique and non-fungible
20 product serving as an integral part of the Center; and

21
22 WHEREAS, the Parks and Recreation Board seeks to expand its existing
23 array of Precor exercise equipment at the Center; and

24
25 WHEREAS, Commercial Fitness Solutions, Inc. is the sole source purveyor
26 of Precor exercise and fitness equipment in this region,

27
28 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
29 Cuyahoga Falls, County of Summit and State of Ohio, that:

30
31 Section 1. The Parks and Recreation Board is hereby authorized and
32 directed to enter into a contract or contracts without competitive bidding with
33 Commercial Fitness Solutions, Inc., on the basis of its proposal dated
34 September 2, 2011, for the purchase of ten (10) PreCor treadmills model 833
35 with 5 year warranty, nine (9) PreCor elliptical riders model EFX 835, seven (7)
36 PreCor elliptical riders model EFX 833, said purchase to include trade-in of ten
37 (10) treadmills and twelve (12) elliptical riders, and associated service
38 agreements, for the Natatorium Recreation and Wellness Center.

39
40 Section 2. The Finance Director is authorized and directed to make payment
41 for same from the Leisure Time Fund, line item Capital Outlay.

42
43 Section 3. Any other ordinances and resolutions or portions of
44 ordinances and resolutions inconsistent herewith be and the same are hereby
45 repealed, but any ordinances and resolutions or portions of ordinances and
46 resolutions not inconsistent herewith and which have not previously been
47 repealed are hereby ratified and confirmed.

48
49 Section 4. It is found and determined that all formal actions of this
50 Council concerning and relating to the adoption of this ordinance were adopted
51 in an open meeting of this Council and that all deliberations of this Council and
52 of any of its committees that resulted in such formal action were in meetings

53 open to the public, in compliance with all legal requirements including Chapter
54 107 of the Codified Ordinances.

55
56 Section 5. This ordinance is hereby declared to be an emergency measure
57 necessary for the preservation of the public peace, health, safety, convenience
58 and welfare of the City of Cuyahoga Falls and the inhabitants thereof and
59 provided it receives the affirmative vote of two-thirds of the members elected or
60 appointed to Council, it shall take effect and be in force immediately upon its
61 passage and approval by the Mayor; otherwise it shall take effect and be in force
62 at the earliest period allowed by law.

63
64
65 Passed: _____
66 _____
67 President of Council

68
69 _____
70 Clerk of Council

71
72
73 Approved: _____
74 _____
75 Mayor

76 9/12/11
77 O:\2011ords\natatorium.fitness.equipment.ordinance.doc

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2011

7
8 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
9 PUBLIC SERVICE TO ENTER INTO A SECOND
10 MODIFICATION OF CONTRACT NO. 6347 WITH URS
11 CORPORATION, FOR PROFESSIONAL DESIGN
12 ENGINEERING SERVICES RELATED TO
13 IMPROVEMENTS TO STATE ROAD FROM GRAHAM
14 ROAD TO STEELS CORNERS ROAD, AND DECLARING
15 AN EMERGENCY.

16
17 WHEREAS, pursuant to the authority of Ord. No. 28-2008, the Director of
18 Public Service entered into Contract No. 6347, with URS Corporation, for the
19 professional design engineering services necessary to proceed with improvements
20 to State Road from Graham Road to Steels Corners Road (the "Project"); and

21
22 WHEREAS, pursuant to Ord. No. 51-2010, the Director of Public Service
23 entered into a first modification of Contract No. 6347; and

24
25 WHEREAS, for the Project to proceed, additional design engineering work is
26 necessary to respond to unanticipated changes in urban development in the
27 Project corridor, design changes mandated by the Ohio Department of
28 Transportation, design integration of new utility facilities, and additional survey
29 needs related to acquisition of abutting property;

30
31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
32 Falls, County of Summit and State of Ohio, that:

33
34 Section 1. The Director of Public Service is hereby authorized to enter into a
35 second modification of Contract No. 6347, with URS Corporation, on the basis of
36 its proposal dated June 28, 2011, in an amount not to exceed \$40,000. The total
37 contract price after modification as authorized herein shall not exceed \$987,500.

38
39 Section 2. The Director of Finance is hereby authorized and directed to make
40 payment for same from the Capital Projects Fund.

41
42 Section 3. Any other ordinances and resolutions or portions of ordinances and
43 resolutions inconsistent herewith are hereby repealed, but any ordinances and
44 resolutions or portions of ordinances and resolutions not inconsistent herewith
45 and which have not previously been repealed are hereby ratified and confirmed.

46
47 Section 4. It is found and determined that all formal actions of this Council
48 concerning and relating to the adoption of this ordinance were adopted in an open
49 meeting of this Council and that all deliberations of this Council and of any of its

50 committees that resulted in such formal action were in meetings open to the
51 public, in compliance with all legal requirements including, to the extent
52 applicable, Chapter 107 of the Codified Ordinances.

53
54 Section 5. This ordinance is hereby declared to be an emergency measure
55 necessary for the preservation of the public peace, health, safety, convenience and
56 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
57 receives the affirmative vote of two thirds of the members elected or appointed to
58 Council, it shall take effect and be in force immediately upon its passage and
59 approval by the Mayor, otherwise, it shall take effect and be in force at the earliest
60 period allowed by law.

61
62 Passed: _____
63 _____
64 President of Council

65
66 _____
67 Clerk of Council

68 Approved: _____
69 _____
70 Mayor

71 9/12/11
72 O:\2011ords\Modify URS Design Ordinance-2011.doc

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2011

6
7 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO
8 AN AMENDMENT OF THE BOSTON TOWNSHIP-CITY OF
9 CUYAHOGA FALLS JOINT ECONOMIC DEVELOPMENT
10 DISTRICT CONTRACT, AND DECLARING AN EMERGENCY.

11
12 WHEREAS, pursuant to the authority of Ord. No. 158-2003, the City entered into a contract
13 with Boston Township to create the Boston Township-City of Cuyahoga Falls Joint Economic De-
14 velopment District ("JEDD"), and

15
16 WHEREAS, certain amendments have been proposed to the agreement,

17
18 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
19 of Summit and State of Ohio, that:

20
21 Section 1. The Mayor is hereby authorized to enter into an amendment of the contract with
22 Boston Township dated March 1, 2004, under which was created the Boston Township-City of
23 Cuyahoga Falls Joint Economic Development District, substantially in the form of agreement
24 placed on file with the Clerk of Council in Council File No. _____.

25
26 Section 2. Any other ordinances and resolutions or portions of ordinances and resolutions
27 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of ordi-
28 nances and resolutions not inconsistent herewith and which have not previously been repealed
29 are hereby ratified and confirmed.

30
31 Section 3. It is found and determined that all formal actions of this Council concerning and
32 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
33 that all deliberations of this Council and of any of its committees that resulted in such formal
34 action were in meetings open to the public, in compliance with all legal requirements including
35 Chapter 107 of the Codified Ordinances.

36
37 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the
38 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
39 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the
40 members elected or appointed to Council, it shall take effect and be in force immediately upon its
41 passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
42 period allowed by law.

43
44
45 Passed: _____

46 President of Council
47
48
49
50 Clerk of Council

51
52
53 Approved: _____

Mayor

54
55
56 9/12/11

57 O:\2011lords\JEDD Contract Amendment