



# City of Toledo

One Government Center  
Toledo, OH 43604

## Agenda Review City Council

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Tuesday, November 10, 2020

2:00 PM

Council Chambers

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**For: Agenda Review, Tuesday, November 10, 2020, 2:00 PM**

### SECOND READING ITEMS:

[O-434-20](#)

**Approving the continued operation of the Adams Street Open Refreshment Area; making certain findings and determinations with respect thereto; and declaring an emergency.**

**Body:**

SUMMARY & BACKGROUND:

Ohio Revised Code Section 4301.82 authorizes cities in Ohio to designate within their corporate limits outdoor refreshment areas for the purpose of complimenting the cultural and economic success of the designated area. Ohio Revised Code 4301.82(I)(1) requires the legislative authority of a municipal corporation that created an outdoor refreshment area to review the operation of the area after five (5) years and by ordinance or resolution, either approve the continued operation of the area or dissolve the area. Prior to adopting the ordinance or resolution, the legislative authority shall give notice of its proposed action by publication once a week for two consecutive weeks in one newspaper of general circulation in the municipal corporation as provided in Section 7.16 of the Revised Code. The Adams St. Outdoor Refreshment Area was passed on December 8, 2015, Ord. No. 513-15. This ordinance approves the continued operation of the Adams St. Outdoor Refreshment Area.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: None
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): none

- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)?:  
N/A
- Is this a capital project (yes/no)? N/A
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) no
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) no
  - o Environment (yes/no) yes

### **Legislative History**

11/4/20

City Council

First Reading

[O-442-20](#)

**Authorizing the appropriation and expenditure of an amount not to exceed \$100,000 from the unappropriated balance of the General Fund for critical assessments necessary for the redevelopment of the Spitzer and Nicholas buildings; authorizing the mayor to enter into a project agreement for said purpose; and declaring an emergency.**

#### **Body:** SUMMARY & BACKGROUND:

The Lucas County Land Bank recently acquired the Spitzer and Nicholas buildings and has been working with the City, ConnectToledo and Toledo-Lucas County Port Authority to stabilize the structures and return them back to productive use. Redevelopment of these buildings requires critical assessments to identify their structural integrity, overall condition, marketability and feasibility for converting into new uses. The City wishes to use \$100,000 from the net sale proceeds from the sale of the 6.51-acre parcel in the Triad Business Park to assist the city's partners with paying for critical assessments. Letters of support from the partners for these funds can be found in the exhibits attached hereto and incorporated herein.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$100,000

- The expenditure budget line item:  
1001-16400-5661001STDSTD
- New revenue generated (operational revenue, grants, if any):  
N/A
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)? No
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) No
  - o Quality Community Investment (Livable City, Development) (yes/no) Yes
  - o Workplace Culture & Customer Service (yes/no) No
  - o Environment (yes/no) No

**Attachments:** [Lucas County Land Bank](#)  
[Toledo-Lucas County Port Authority](#)  
[Talking Points](#)

**Legislative History**

11/4/20	City Council	Dispense with the rules of Council
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**COUNCIL MEMBER KOMIVES PRESENTS:**

[TMP-5553](#)      **Supporting the efforts across the country in the Move to Amend campaign to call for an Amendment to the Constitution to Abolish Corporate Personhood and the doctrine of Money as Speech.**

**COUNCIL PRESIDENT CHERRY AND THE MEMBERS OF CITY COUNCIL PRESENT:**

[TMP-5545](#)      **Approving a Petition For Special Assessments for Special Energy Improvement Projects and a Project Plan for the Northwest Ohio Advanced Energy Improvement District under Chapter 1710 of the Ohio Revised Code; to authorize and levy special assessments for the purpose of acquiring, constructing, and improving certain**

**public improvements in the City of Toledo in cooperation with the Northwest Ohio Advanced Energy Improvement District; and to approve an Energy Project Agreement in connection with such improvements and special assessments; and declaring an emergency.**

**Attachments:** [Exhibit A, B & C](#)  
[Petition](#)  
[Agreement](#)

**OFFICE OF THE MAYOR:**

1. [TMP-5551](#) **Repealing Section 313.12 of the Toledo Municipal Code and enacting new Toledo Municipal Code Section 303.98 entitled Civil penalties for traffic law photo-monitoring device violations; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This Ordinance seeks to repeal Section 313.12 of the Toledo Municipal Code which is titled Civil penalties for automated red-light system violations and enacting new Toledo Municipal Code Section 303.98 Civil penalties for traffic law photo-monitoring device violations which will provide for the use of hand-held, manually operated and stationary photo-enforcement devices and to provide for the enforcement of this ordinance in the Toledo Municipal Court as required by State of Ohio law.

**DEPARTMENT OF LAW:**

2. [TMP-5552](#) **Authorizing the Mayor to execute an agreement with the Lucas County Board of Commissioners for the use of five beds at the Corrections Center of Northwest Ohio for detention of City Prisoners; authorizing the expenditure of the funds from the General Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

This ordinance seeks to authorize the Mayor to enter into an agreement with the Lucas County Board of Commissioners to contract for five beds at the Correctional Center of Northwest Ohio (CCNO)

for the detention of city prisoners sentenced under the Toledo Municipal Code (TMC). The Toledo Municipal Court currently uses CCNO for those convicted under the Ohio Revised Code but city prisoners are sent to the Wood County jail pursuant to an agreement in which the City has contracted with Wood County for 10 jail beds. The per diem rate set is by CCNO annually and the City's per bed cost will never exceed Lucas County's per bed cost. The per diem rate for 2021 will be \$71.85. The one-year agreement renewable annually would begin January 1, 2021.

### DEPARTMENT OF FIRE & RESCUE OPERATIONS:

3. [TMP-5510](#)

**Authorizing the mayor to enter into a grant agreement and accept an Ohio Statewide Search and Rescue (Water) Capability (Am. Sub. HB 166, 133th GA) grant from Ohio Emergency Management Agency in an amount not to exceed \$6,000 for the City of Toledo, Department of Fire & Rescue Operations; authorizing the deposit, appropriation and expenditure of funds from the Operation Grants Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Ohio Emergency Management Agency has awarded the Toledo Fire and Rescue Department a Statewide Search and Rescue (Water) Capability grant not to exceed Six Thousand dollars (\$6,000). The purpose of this grant is to support search & rescue throughout the state by administering & maintaining the Ohio Fire Chiefs' Emergency Response Plan/System which is one of the key dispatching capabilities for search and rescue teams in Ohio.

These funds are to be utilized to continue to build and sustain the collapse search and rescue capability, including costs associated with team administration, equipment, expendable material and supply purchases, vehicles, equipment maintenance, exercising and training.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$6,000
- The expenditure budget line item: 2016-53000-3G00406STDSTD

- New revenue generated (operational revenue, grants, if any): \$6,000
- Revenue budget line item (if any): 2016-53000-3G00406STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? N/A
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no): yes
  - o Quality Community Investment (Livable City, Development) (yes/no): yes
  - o Workplace Culture & Customer Service (yes/no): yes
  - o Environment (yes/no): Yes

4. [TMP-5511](#)

**Authorizing the mayor to accept a donation of 125 cases of Med X universal disposable protective aprons from The Ohio State University for the City of Toledo, Department of Fire & Rescue Operations; and declaring an emergency**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo Fire and Rescue Department has received a donation of 125 cases of Med X universal disposable protective aprons to be used during emergency medical responses to contain patient bodily particulates from contaminated patients.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: N/A
- New revenue generated (operational revenue, grants, if any): N/A
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)? N/A
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no): No
  - o Quality Community Investment (Livable City, Development) (yes/no): Yes

- Workplace Culture & Customer Service (yes/no): Yes
- Environment (yes/no): Yes

**DEPARTMENT OF PUBLIC UTILITIES:****5. [TMP-5538](#)**

**Authorizing the mayor to execute a professional services agreement for up to a three-year period with The Mannik & Smith Group, Inc. to provide engineering oversight services to the Department of Public Utilities and City Council on the Toledo Waterways Initiative (TWI) project; waiving the competitive procurement provisions of TMC Chapter 187; authorizing the appropriation and expenditure of \$350,000 from the unappropriated balance of the Sewer Bond Improvement Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

City Council enacted Resolution No. 407-02 expressing its intent to provide oversight to the implementation of the EPA consent decree by means of an oversight committee. The following ordinances authorized the mayor to execute a professional services agreement with The Mannik & Smith Group, Inc. and appropriate money: 323-03, 395-06, 448-07, 323-09, 387-10, 305-11, 254-12, 356-13 and 273-14. This ordinance authorizes a professional services agreement with the Mannik & Smith Group, Inc. for the compliance phase of the engineering oversight services for a one-year period with the option to renew for two additional one-year periods; and appropriates funds for the professional services from the Sanitary Sewer Bond Improvement Fund. City Council enacted Ordinance 376-15 to Mannik & Smith Group, Inc., for the engineering oversight over the TWI Project which expired in 2020.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$350,000
- The expenditure budget line items: 6072-31000-4XB1518STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none

- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) yes

**DEPARTMENT OF FINANCE:**6. [TMP-5547](#)

**Authorizing the mayor to enter into an agreement for a disparity study; authorizing the expenditure of an amount not to exceed \$350,000 from the General Fund and other approved appropriations in future years; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo has long-standing goals to award construction, goods and services contracts and subcontracts to minority owned businesses. One of the purposes of a disparity study is to measure how effective the city's procurement process has been in awarding contracts to minority and women owned businesses. A disparity study is calculated in the form of an index. The disparity index is a ratio of the actual utilization of minority and women owned businesses to the availability of minority and women owned firms in the marketplace.

The City of Toledo has not previously conducted a disparity study. Within Ohio Cleveland, Akron, Cincinnati and Dayton have all conducted disparity studies. The study results were utilized to develop procurement goals, policies and procedures with the goal of awarding contracts and subcontracts to minority and women owned businesses in a percentage reflective of their availability in marketplace that is legally defensible.

A disparity study is necessitated in part by the 1989 U.S. Supreme Court's decision in the case of City of Richmond v. J.A. Croson. The



court decision imposed legal requirements on jurisdictions to establish a “compelling interest” to support the establishment of a minority and women owned business programs. The results of the City of Toledo disparity study will determine if compelling interest exists to provide legal support of the City’s MBE and WBE program.

In August, 2020, the City competitively solicited a disparity study request for proposals and selected three vendors for virtual interviews. After evaluating the proposals and conducting the interviews, the selection committee recommended awarding the Disparity Study to Griffin & Strong, P.C. who will utilize a local certified MBE sub-contractor N-Sync, LLC, to perform PR/Community Engagement, conduct focus groups and anecdotal interviews. The Disparity Study will cost \$350,000 and will be completed over a 14-month period. The study will be funded from the General Fund, Water Operating Fund, Sewer Operating Fund, and Storm Water Utility Fund. The 2020 budget was amended to include funds for a disparity study in the General Fund. After review, the Administration recommends to fund the study through a combination of general and public utility funds, which will be included in the 2021 Proposed Operating Budget.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$350,000
- The expenditure budget line item: 1001-10700-1121003STDSTD  
6060-10700-1121003STDSTD  
6070-10700-1121003STDS  
TD  
607A-10700-1121003STDS  
TD
- New revenue generated (operational revenue, grants, if any): N/A
- Revenue budget line item (if any): N/A
- Are funds budgeted in the current fiscal year (yes/no)?:

Yes

- Is this a capital project (yes/no)? Yes
- If yes, is it new or existing (new/existing)? New
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) Yes
  - o Quality Community Investment (Livable City, Development) (yes/no) Yes
  - o Workplace Culture & Customer Service (yes/no) Yes
  - o Environment (yes/no) Yes

**Attachments:** [PowerPoint](#)

#### DEPARTMENT OF INFORMATION & COMMUNICATIONS TECHNOLOGY:

7. [TMP-5535](#)

**Authorizing the mayor to enter into a three-year agreement for Network Infrastructure Support; authorizing the annual expenditure of an amount not to exceed \$479,000 from the Information Communications Technology (ICT) Fund; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City's current network infrastructure contract is expiring. Competitive proposals were sought in order to continue receiving Network Infrastructure Support. At the conclusion of the bidding period, one proposal was submitted. The city determined the vendor met all the requirements necessary to provide Network Infrastructure Support and desires to move forward with awarding a three-year contract.

The fiscal impact of this Ordinance is as follows:

- The amount of funds requested: \$479,000 annually for three years; this includes the New Era contract amount \$416,000 and 15% contingency to accommodate the support of any hardware or software we need to add to our environment over the life of the agreement.
- The expenditure budget line item: 7084-17500-1144006HWMAN
- New revenue generated (operational revenue, grants, if

- any): none
- Revenue budget line item (if any): none
  - Are funds budgeted in the current fiscal year (yes/no)?: yes
  - Is this a capital project (yes/no)? no
  - If yes, is it new or existing (new/existing)? n/a
  - What section of the City's Strategic Plan does this support:
    - o Excellence in Basic Services (yes/no) yes
    - o Quality Community Investment (Livable City, Development) (yes/no) no
    - o Workplace Culture & Customer Service (yes/no) yes
    - o Environment (yes/no) no

#### DEPARTMENT OF HUMAN RESOURCES:

8. [TMP-5540](#) **Authorizing the mayor to enter into an extension of the current agreement with HealthSCOPE Benefits, for the provision of third-party administrator related to hospitalization, surgical-medical, major medical, and medical management for the City of Toledo's covered employees for an additional eight (8) months; authorizing the expenditure of funds from the Healthcare Internal Service Fund; authorizing the waiver of competitive bidding requirements under Toledo Municipal Code Chapter 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo's contract with HealthSCOPE Benefits, the incumbent Third Party Administrator (TPA), expires on September 30, 2021. Both the Administration and vendor agree to extend the current agreement through 05/31/2022.

The fiscal impact of this Ordinance is as follows:

- The expenditure budget line item: 7083-17100-537410-1156001STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?: yes

- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) no
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) no

**Attachments:** [Justification](#)  
[Speaking Points](#)  
[Amendment](#)  
[Amendment](#)

9. [TMP-5539](#)

**Authorizing the mayor to enter into an extension of the current agreement with FrontPath Health Coalition for the provision of preferred provider network services related to hospitalization, surgical-medical, major medical, and medical management for the City of Toledo's covered employees for an additional eight (8) months; authorizing the expenditure of funds from the Healthcare Internal Service Fund; authorizing the waiver of competitive bidding requirements under Toledo Municipal Code Chapter 187; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The City of Toledo's contract with FrontPath Health Coalition, the incumbent Preferred Provider Organization (PPO), expires on September 30, 2021. Both the Administration and vender agree to extend the current agreement through May 31, 2022.

The fiscal impact of this Ordinance is as follows:

- The expenditure budget line item: 7083-17100-537410-1156001STDSTD
- New revenue generated (operational revenue, grants, if any): none

- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?: yes
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) no
  - o Workplace Culture & Customer Service (yes/no) yes
  - o Environment (yes/no) no

**Attachments:** [Justification](#)  
[Speaking Points](#)  
[Amendment](#)  
[Amendment](#)

#### DEPARTMENT OF PUBLIC SERVICE:

10. [TMP-5513](#)

**Authorizing and expressing Toledo City Council's support for the preparation and submission of application to the Ohio Public Works Commission Capital Infrastructure Projects for the purpose of obtaining financial assistance for the construction of Secor Road over Ottawa River Bridge; authorizing the mayor to execute necessary applications and agreements for obtaining this financial assistance; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

The Village of Ottawa Hills has passed legislation to enter into an agreement with the City of Toledo to replace Secor Road Bridge over Ottawa River. Construction is scheduled for State of Ohio fiscal year 2023. Assistance from the Federal Municipal Bridge Program has been recently awarded for this project. The City of Toledo would also like to apply for funding assistance from the Ohio Public Works Commission (OPWC) in order to reduce the amount of the required local match funds by City of Toledo and Village of Ottawa Hills. Passage of this resolution is procedurally required to allow the City of

Toledo to apply for these funds.

The fiscal impact of this Resolution is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: NA
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? no.
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) no
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) no
  - o Environment (yes/no) yes

**Attachments:** [Bullet Points](#)

#### THE CLERK REPORTS:

[TMP-5546](#)

**Declaring the intent to vacate the 10 foot wide alley between Oak Street and Kingston Avenue, North of Earl Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**Body:** SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate the 10 foot wide alley between Oak Street and Kingston Avenue, north of Earl Street, and located within the City of Toledo, Lucas County, Ohio.

#### ITEMS LIKELY TO BE RELIEVED OF FINANCE & DEBT OVERSIGHT COMMITTEE:

[O-281-20](#)

**Amending Sections 1905.01 and 1905.14 of the Toledo Municipal Code to provide, among other matters, for the continuation of the City's existing temporary three-quarters (3/4%) municipal income tax for a period**

commencing January 1, 2021 and ending December 31, 2024, to provide additional funds for Police, Fire, and other Safety Department responsibilities, for the General Fund, and for the Capital Improvements Fund, and for the allocation of those funds.

**Legislative History**

7/28/20 City Council Referred To:

[O-283-20](#)

Amending Chapter 1905 of the Toledo Municipal Code by enacting a new Section 1905.011 to provide, among other matters, for the levying of an additional one-quarter percent (1/4%) municipal income tax for a period commencing January 1, 2021 and ending December 31, 2024 to provide funds to pay costs of improving the City's system of roads, streets and bridges and to provide for all of the proceeds of that tax to be credited to a separate Road Improvements Fund created herein and dedicated and applied solely for that purpose after provision for the costs of collection, administration and enforcement of the tax.

**Body:** SUMMARY & BACKGROUND:

At the general election held on November 3, 2020, the electors of the City of Toledo voted to approve this Ordinance levying a new 1/4% income tax for the purpose of improving the City's system of roads, streets and bridges.

**Legislative History**

7/28/20 City Council Referred To:

**The Clerk of Council's Office supports the provisions of the Americans' with Disabilities Act. If you need special accommodations, please call 48 hours prior to meeting time at 419-245-1060 for arrangements.**