

WOOSTER CITY COUNCIL AGENDA

April 6, 2015

7:30 p.m.

The meeting will be held at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

I. ROLL CALL & ORDERING OF AGENDA

II. APPROVAL OF MINUTES

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

V. COMMITTEE REPORTS; PUBLIC HEARINGS

VI. OLD BUSINESS

1. First Reading – ORDINANCE NO. 2015-08 AN ORDINANCE AMENDING CHAPTER 743, TAXICABS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO (Knapic)
2. First Reading – RESOLUTION NO. 2015-29 A RESOLUTION DECLARING THE INTENT OF THE MUNICIPAL GOVERNMENT TO APPROPRIATE CERTAIN PROPERTY INTERESTS FROM A PROPERTY OWNER LOCATED ON BURBANK ROAD FOR THE PUBLIC PURPOSE OF CONSTRUCTING A SAFETY SERVICES FACILITY, AND DECLARING AN EMERGENCY (Knapic)

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2015-10 AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF WOOSTER PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE OF THE FEE TO THE VIDEO SERVICE PROVIDER; AND DECLARING AN EMERGENCY (Sanders)
2. First Reading – ORDINANCE NO. 2015-11 AN ORDINANCE AMENDING CHAPTER 160, BIDDING PROCEDURES AND CONTRACT REQUIREMENTS, OF THE CODIFIED ORDINANCES OF THE CITY OF WOOSTER, OHIO, BY ADOPTING PROVISIONS RELATIVE TO THE EVALUATION OF DESIGN-BUILD PROJECTS (Knapic)
3. First Reading – RESOLUTION NO. 2015-34 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO RENEW A CONTRACT WITH ENERNOC, INC. TO REDUCE ENERGY USAGE DURING PERIODS OF PEAK DEMAND, AND DECLARING AN EMERGENCY (Sanders)
4. First Reading – RESOLUTION NO. 2015-35 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Myers)
5. First Reading – RESOLUTION NO. 2015-36 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR MILLING VARIOUS STREETS (Ulbright)

6. First Reading – RESOLUTION NO. 2015-37 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE EXTENSION OF THE WATER LINE SERVING STATE ROUTE 585 (AKRON ROAD) (Sanders)

VIII. MISCELLANEOUS

IX. ADJOURNMENT

CHAPTER 743
Taxicabs

743.01	Definition.	743.08	Posting of rates in vehicle.
743.02	Taxicab and taxi driver's licenses required.	743.09	Taxi driver's license.
743.03	Director may promulgate regulations	743.10	Display of taxi driver's license.
743.04	Annual taxicab license fee.	743.11	Suspension of taxicab or taxicab driver's license.
743.05	Issuance of taxicab license.	743.12	Appeal of license suspension.
743.06	Taxicab reserved standing or parking places.	743.99	Penalty.
743.07	Identification of taxicabs.		

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66
Power to establish stands and fix rates - see Ohio R.C. 715.25;
TRAF. 305.04 (1)
Chauffeur's license not required - see Ohio R.C.. 4501.01
Operation by minor prohibited - see Ohio R.C. 4507.321
Operation and equipment - see TRAF. CODE
Use of taxicab and bus stands - see TRAF. 351.10

743.01 DEFINITION.

Unless otherwise expressly stated, when used in this chapter the following terms shall have the meanings provided in this section:

- (a) "City" shall mean the City of Wooster, Ohio.
- (b) "Director" shall mean the Director of Administration of the City of Wooster or his/her designee.
- (c) "Street" means any public street, alley or public way within the corporate limits of the City of Wooster.
- (d) "Taxicab company" means every corporation, company, association, joint stock association, person, firm or partnership, their lessees, trustees, receivers or trustees appointed by any court, owning, controlling, operating, maintaining or managing three or more taxicabs within the City of Wooster.
- (e) "Taxi" or "Taxicab" means any motor driven vehicle engaged in the business of carrying passengers for hire or fare or offered for hire or fare (including the solicitation or acceptance of donations) to the public for transportation, operating within the City of Wooster, except motor buses on regular schedules and other regularly established routes.
- (f) "Taxi driver" means any person who drives or operates a taxicab for hire or fare and who is in actual physical control of a taxicab on the streets of the City of Wooster.
- (g) "Taxicab stand" means any portion of the street and curb space set apart for and designated as space for the standing of taxicabs in conformity with provisions of this chapter.

743.02 TAXICAB AND TAXI DRIVER'S LICENSES REQUIRED.

No person shall operate a taxicab for hire in the City unless a valid taxicab license is in effect for the taxicab, and the driver thereof possesses a valid taxi driver's license.

743.03 DIRECTOR MAY PROMULGATE REGULATIONS

The Director, in consultation with the Chief of Police, may from time-to-time promulgate regulations for the operation of taxicabs within the City. Such regulations will be published and made available to those who may request a copy thereof.

743.04 ANNUAL TAXICAB LICENSE FEE.

Every person engaged in the business of operating one or more taxicabs shall pay to the Director an annual license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances, and shall comply with all provisions of this chapter and any other ordinance pertaining to the regulation of taxicabs.

743.05 ISSUANCE OF TAXICAB LICENSE.

The Director shall issue an annual taxicab license for each taxicab operated in the City, provided that proof is furnished that the following requirements have been met for each taxicab:

- (a) Fee required by Section 743.04 shall have been paid;
- (b) Vehicle identification shall comply with Section 743.07;
- (c) Vehicle must meet all motor vehicle equipment, safety and accessibility requirements of these Codified Ordinances, the Ohio Revised Code, and relevant federal laws;
- (d) Vehicle must be covered by public liability insurance in amounts of coverage established by the City Finance Director; and
- (e) Such other requirements as the Director, in consultation with the Chief of Police, may from time-to-time adopt.

743.06 TAXICAB RESERVED STANDING OR PARKING PLACES.

The Director, in consultation with the Traffic Commission, is authorized to establish such reserved parking or standing spaces on the public streets for the exclusive use of taxicabs as will serve the best interests of the public.

743.07 IDENTIFICATION OF TAXICABS.

(a) Every person owning and operating a taxicab who obtains a license from the City may adopt any trade name, design, color scheme or method of painting or lettering such taxicab as is approved by the Director. Such trade name, design, color scheme or method of painting or lettering shall include the following matter:

- (1) A serial number assigned by the Director to each taxicab and painted on each side and on the rear of the taxicab.
- (2) The name of the owner or the trade name under which he does business, painted on each side of the taxicab.

(b) Whenever the name of the owner or the trade name under which he does business does not include any one of the words "taxicab," or "taxi," or "cab," then the word "taxicab" shall be painted on each side of the taxicab immediately beneath such name.

(c) Whenever any person owning or operating taxicabs does not adopt and use an approved trade name, design, color scheme or method of painting and lettering as hereinabove mentioned, then it shall be mandatory for such person to paint the following matter on his taxicabs:

- (1) A frame panel no less than fifteen inches wide by twenty inches high, painted on each side of the taxicab, and enclosing on separate

lines the name of the owner, the word "taxicab," and the serial body number assigned by the Director.

- (2) The serial body number assigned to the taxicab by the Director, painted on the rear exterior of the taxicab.

(d) All mandatory lettering and working, whether in a particular trade name, design, color scheme, method of painting or lettering, or otherwise, as hereinabove provided, shall be at least three inches in height, and of such color as will contrast distinctly with the body color. The serial body numbers on the sides and rear shall be no less than four inches in height.

743.08 POSTING OF RATES IN VEHICLE.

It shall be the duty of each taxicab owner to cause to be posted in a conspicuous place within the vehicle a placard containing in legible words and numbers the name of the taxicab company; the rates in effect; and a telephone number that a customer may call to discuss questions or concerns pertaining to the operation of the taxicab.

743.09 TAXI DRIVER'S LICENSE.

(a) Every driver of a taxicab which operates in the City must possess a valid taxicab driver's license issued by the Director in accordance with this chapter.

(b) Every applicant for a taxi driver's license shall pay to the Director a license fee in accordance with the schedule of fees established by the Director pursuant to Chapter 1347 of the Codified Ordinances at the time the original or renewal application is filed.

(c) Upon verification that the applicant has paid the necessary license fee and meets all requirements of this chapter, the Director shall issue a taxi driver's license, which shall include a photograph of the licensee. Such license will be valid for a period of one (1) year, and must be renewed annually.

(d) Every applicant for a taxi driver's license must present acceptable proof to the Director that s/he meets the following license requirements before a license may be issued, and s/he must continue to meet these requirements in order for any license issued to remain valid:

- (1) At least eighteen (18) years of age;
- (2) Possess a valid Ohio motor vehicle operator's license;
- (3) Have no more than six points on his/her driver's record as established by Ohio R.C. 4507.40;
- (4) Have no convictions for a felony or a misdemeanor offense of violence; or a felony or misdemeanor offense involving alcohol or drugs; or a felony or misdemeanor sex offense or otherwise involving an offense of moral turpitude, as determined by submitting, at the applicant's expense, fingerprints for an FBI (federal) and BCI (civilian) criminal records check completed by the Bureau of Criminal Identification and Investigation (BCI).

743.10 DISPLAY OF TAXI DRIVER'S LICENSE.

Every person driving a taxicab in the City shall post his/her taxicab driver's license within the taxicab in a position where it may clearly be read by passengers in the vehicle.

743.11 SUSPENSION OF TAXICAB OR TAXICAB DRIVER'S LICENSE.

At any time the Director becomes aware of the failure of a taxicab owner to meet the requirements of Section 743.05 for any taxicab(s) or of the failure of any taxicab driver to meet the requirements of Section 743.09, s/he shall suspend the taxicab or taxicab driver's license by notifying the license holder by certified mail at the address shown on the license application. Such license may be reinstated by the Director at such time as all requirements of this chapter are met.

743.12 APPEAL OF LICENSE SUSPENSION.

Any license holder whose license is suspended in accordance with Section 743.11 above, may appeal such suspension by notice to the Director in writing and mailed or delivered to the Director within ten (10) days of the receipt of the notice of suspension. Upon receipt of such notice, the Director shall schedule a hearing to be held not later than five (5) days after receipt of the notice of appeal. Within five (5) days following the hearing, the Director shall mail notice of his/her decision by first class mail to the license holder.

743.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor, and a separate offense shall be deemed to occur on or during each day on which a violation occurs.

Exhibit "A"**LEGAL DESCRIPTION OF REAL PROPERTY**

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

Commencing at a stone in the northwest corner of the Northeast Quarter of Section 28; thence South 86° 41' East along the quarter section line and in the center of a public road 417.2 feet to an iron pin; thence South 22° 35' East along the center of a public road 1,025.86 feet to an iron pin, the PLACE OF BEGINNING for the tract herein described;

THENCE WITH THE FOLLOWING SIX (6) COURSES:

1. Thence continuing South 22° 35' East along the center of a public road 175.1 feet to an iron pin;
2. Thence North 75° 26' East 155.42 feet to an iron pin;
3. Thence North 04° 31' West 152.9 feet to an iron pin;
4. Thence South 87° 39' West 23.68 feet to an iron pin;
5. Thence South 02° 21' East 12.0 feet to an iron pin;
6. Thence South 84° 39' West 183.12 feet to the PLACE OF BEGINNING containing 0.65 acres, more or less, but subject to all legal highways.

See Survey "W"-321B.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:

Situated in the City of Wooster (T-16, R-13), Northeast Quarter of Section 28, County of Wayne and State of Ohio:

PARCEL NO. 17WD

Commencing at a stone found at the southwest corner of the Northeast Quarter of Section 28, T-16N, R-13W;

Thence North 89° 56' 31" West 1291.87 feet along the quarter section line to an iron pin found in a monument box at Station 80+00.00 in the Centerline of Survey for Burbank Road (south) as shown on the Centerline Survey Plat for Burbank and Friendsville Roads Reconstruction as recorded in Plat Volume 23, Page 438 of the Plat Records of Wayne County;

Thence North 02° 34' 38" West 832.99 feet along the original Centerline for Burbank Road to an iron bar found 0.31 feet east of and at right angles to centerline station 88+32.99;

Thence North 25° 59' 08" West 838.36 feet to a point being centerline station 205+97.41 of relocated Burbank Road (north), said point being the southwest corner of the land of the grantor, said point also being the TRUE PLACE OF BEGINNING for the parcel herein described;

THENCE WITH THE FOLLOWING FOUR (4) COURSES:

1. Thence continuing North 25° 59' 08" West 176.16 feet along the centerline of relocated Burbank Road (north), the east line of the Baab Allotment as recorded in Plat Volume 22, Page 474 of the Plat Records of Wayne County and the east line of lands conveyed to Buehler Food Markets, Inc. as recorded in O.R. Volume 59, Page 680 to a point being centerline station 207+73.58;
2. Thence North 81° 18' 53" East 31.42 feet along the south line of lands conveyed to Samuel C. and Fleeta B. Fleming, or survivor as recorded in Deed Volume 701, Page 682 to an iron pin set 30.00 feet west of and at right angles to centerline station 207+64.23;
3. Thence South 25° 59' 08" East 170.85 feet to an iron pin set in the north line of lands conveyed to M. Kelly and Rebecca Cruise as recorded in Deed Volume 667, Page 654 being 30.00 feet west of and at right angles to centerline station 205+93.39;
4. Thence South 71° 39' 34" West 30.27 feet along the north line of Cruise to the TRUE PLACE OF BEGINNING containing 5205.13 square feet of land, all of which is present road occupied, but subject to all easements or reservations of record that may pertain to this parcel.

Grantor reserves the right of ingress and egress to and from any residual area.

This description was prepared under the supervision of William H. Long, P.S. 6505 from a survey made by Engineering Associates, Inc. The iron pins set are 3/4 inch diameter rebar, 30 inches in length topped with an identification cap marked ENGINEERING ASSOCIATES. The bearings referred to herein are relative to Grid North on the Ohio State Plane Coordinate System NAD83.

LEAVING IN THE PARCEL HEREIN DESCRIBED, 0.531 ACRE, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS.

Parcel Number: 67-01085.000

For last preceding instrument of title, see Volume 611, Page 2326, Official Records of Wayne County, Ohio.

[end of Exhibit "A"]

ORDINANCE NO. 2015-10

AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE CITY OF WOOSTER PURSUANT TO A STATE AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE OF THE FEE TO THE VIDEO SERVICE PROVIDER; AND DECLARING AN EMERGENCY

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide “uniform regulatory framework” for the provision of cable television and/or other video service, which has substantially reduced the City’s traditional franchising authority to regulate cable and/or video service offered in the City; and

WHEREAS, the City has a cable television franchise agreement with Clear Picture, Inc., now known as MCTV (“Franchisee”), which expires by its own terms on or about June 30, 2015, and pursuant to which Franchisee pays franchise fees in the amount of three percent (3%) of gross revenues; and

WHEREAS, pursuant to R.C. Section 1332.23, any new video service provider intending to provide video service to subscribers in the City must apply for and obtain a video service authorization from the Director of the Ohio Department of Commerce; and

WHEREAS, under R.C. Section 1332.32, a video service provider that is providing service to subscribers in the City pursuant to a state-issued video service authorization must pay the City a video service provider fee (“VSP Fee”) based on a percentage of the provider’s “gross revenues” derived from providing video service in the City, not to exceed five percent (5%) of such revenues; and

WHEREAS, R.C. Section 1332.32 requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect, or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee shall be zero percent (0%) of gross revenues, unless the City determines by Ordinance that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

WHEREAS, R.C. Section 1332.32(C)(2) further requires the City to provide all video service providers offering service in the City with notice of the VSP Fee requirements within ten (10) days of receiving notice from the video service provider that it will begin offering service in the City, or the video service provider is not required to pay the VSP Fee to the City; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee, it is necessary for this Council to determine now that the percentage of gross revenues on which

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

This ordinance seeks to establish a fee for video services provided to the residents of the City of Wooster.

In the past, cities granted franchises to cable service providers. Our most recent franchise agreement is with MCTV, formerly known as Massillon Cable, and before that, Clear Picture. The current 15-year agreement expires on June 30, 2015. It provides for a franchise fee of 3%.

In 2007 the state enacted a law by which cities no longer negotiate with cable service providers. Instead, cities now establish a fee for video services (known as a Video Service Provider Fee), and any provider that proposes to offer video services within the city must, in addition to the usual and customary charges related to providing the service, include as a component of their cost the video service provider fee. Since many cities like Wooster had franchise agreements in effect at the time of the enactment of the 2007 law, the law provided that as to existing agreements it would become binding upon the expiration of the existing agreement.

The city administration proposes to continue the 3% fee that has been in effect for the last 15 years. This fee has generated approximately \$200,000 per year which is deposited to the General Fund, supporting services such as economic development, paving, fire and police protection, and emergency communications.

Is there a need for rules suspension or time limitation when this must be passed?

No.

Manager Requesting

Date

Approved for Agenda

Ord. #10

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

This ordinance seeks to add design-build and construction management options to the current procedures for selecting design firms and contracting for public projects. These provisions seek to mirror the Ohio Revised Code provisions for such services, while allowing for some local discretion and flexibility.

These provisions would allow the option of requesting proposals for both design and construction services for large infrastructure projects, taking into account qualifications, capabilities, and cost. This delivery method would be used on a case by case basis as appropriate, where the size and complexity of the project exceed the in-house expertise and/or resources, or where outside construction management services would have been required.

Examples of potential projects would include the construction of Fire and Police stations, water and wastewater treatment plant improvements, or complex bridge construction or rehab. While the applications would be somewhat limited, the benefits could be considerable. Benefits include timeliness, fiscal control and construction quality. A design-build delivery method supports the lowest and BEST selection process, and emphasizes obtaining the best VALUE. Vendor selection would be based on performance and price while creating an environment where risk of non-performance is transferred to the vendor. These provisions would also increase the City's ability to match high quality, high performing designers with high quality, high performing contractors, and increase collaboration among all parties.

Large, complex capital projects are subject to a level of unpredictability from change orders, which can result in the final cost be more than the initial, low bid. Change orders can be the result of owner initiated changes, constructability issues and design professional errors and omissions. The results for large, complex projects could be non-performance issues such as delays, over budget, or quality issues, and possible litigation.

These proposed revisions to our design procedures and contract requirements are an attempt to provide an option for large, complex projects that will reduce change orders (stay on budget), maintain project schedules (stay on time), increase construction quality, reduce owner resources, and streamline the process of project delivery.

Ord # 11

Is there a need for rules suspension or time limitation when this must be passed?

No.

Manager Requesting

Date

Approved for Agenda

EXHIBIT A
(new language in *red italics*)

160.061 DEFINITIONS.

As used in this chapter:

(a) "Professional design firm" means any person legally engaged in rendering professional design services.

(b) "Professional design services" means services within the scope of practice of an architect or landscape architect registered under Chapter 4703 of the Ohio Revised Code or a professional engineer or surveyor registered under Chapter 4733 of the Ohio Revised Code.

(c) "Qualifications" means all of the following:

(1) *For a professional design firm, competence of the professional design firm to perform the required professional design services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education and experience of the employees within the firm who would be assigned to perform the services;*

(2) *For a design-build firm, competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect or engineer of record.*

(23) Ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services competently and expeditiously;

(34) Past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;

(45) Other ~~similar~~ *relevant* factors, as determined by the Director of Administration or the Administrator of Wooster Community Hospital.

(6) *With respect to a design-build firm, compliance with sections 4703.182, 4703.332, and 4733.16 of the Revised Code, including the use of a licensed design professional for all design services.*

(d) *"Design-build contract" means a contract between a public authority and another person that obligates the person to provide design-build services.*

(e) *"Design-build firm" means a person capable of providing design-build services.*

(f) "Design-build services" means services that form an integrated delivery system for which a person is responsible to a public authority for both the design and construction, demolition, alteration, repair, or reconstruction of a public improvement.

(g) "Architect or engineer of record" means the architect or engineer that serves as the final signatory on the plans and specifications for the design-build project.

(h) "Open book pricing method" means a method in which a design-build firm provides the public authority, at the public authority's request, all books, records, documents, contracts, subcontracts, purchase orders, and other data in its possession pertaining to the bidding, pricing, or performance of a contract for design-build services awarded to the design-build firm.

EXHIBIT B

(new language in *red italics*)

160.062 PROCEDURES.

Notwithstanding the provisions of Ohio R.C. 9.33, 9.331, 9.332 and 153.65 through 153.71, inclusive, and any other provisions of the Ohio Revised Code which may conflict with or are inconsistent with the provisions of this section, the following provisions shall govern the selection and retention of professional design firms and construction managers by the City of Wooster and Wooster Community Hospital:

(a) All contracts for professional design firms and construction managers in the amount of ~~twenty five~~ *fifty* thousand dollars (\$~~250,000~~), or more shall be awarded on the basis of the qualifications of the potential firm, including price, as determined by the Director of Administration or the Administrator of Wooster Community Hospital. As needed, the City and the hospital will issue a public notice soliciting statements of qualifications from firms interested in being considered for design, design-build, or construction management (*including construction manager at-risk*) projects. To be considered for a project, prospective firms must submit a statement of qualifications to the Director of Administration or the Administrator of the hospital in response to the notice. When it becomes necessary to hire a firm, the statements of qualifications will be reviewed and ranked by the Director of Administration or the Administrator of the hospital based upon the qualifications and experience of the contractor and other relevant factors (including, but not limited to, the number of such contracts already awarded to a firm or specific areas of expertise), as determined by the Director or the Administrator. Once ranked, the Director or the Administrator will select from the list no fewer than three firms standing highest on the list, and commence negotiations with the highest-ranking firm. In the event that fewer than three firms are ranked, the selection may be from those on the list, or another request for qualifications may be issued. If the Director or Administrator is unable to reach agreement with the highest-ranking firm, s/he shall notify the firm in writing of his/her intent to cease negotiations, and s/he may enter into negotiations with the next firm on the list. If negotiations with the next firm fail, s/he may follow the same procedure with the next firm on the list or s/he may request further proposals. In all cases, the Director or the Administrator reserves the right to reject any or all proposals. These procedures are not intended to be formal bidding requirements, but rather an informal procedure to determine the most qualified firm to which a contract should be awarded.

(b) The Director of Administration or the Administrator of Wooster Community Hospital is hereby authorized to promulgate rules and regulations for the purpose of carrying the provision of this section into effect. Such rules shall include a process for soliciting and receiving statements of qualifications and a process for selecting and awarding contracts. Such rules and regulations shall be published and made available upon request.

(c) In addition to complying with the above and other existing City ordinances and Charter provisions governing contracts and purchases generally, the Council is authorized to establish such further procedures as are deemed to be in the best interests of the City and the hospital for the selection of such design professionals and construction managers.

EXHIBIT C
(new language in *red italics*)

160.063 PROCUREMENT OF DESIGN-BUILD CONSTRUCTION PROJECT.

(a) Whenever it is deemed to be necessary to complete a public improvement project utilizing a design-build firm, upon authorization from Council, the Engineering Division of the City shall develop, or contract for the development of, a scope-of-work statement for that public improvement that defines the public improvement and in the judgment of the Engineering Division provides interested persons with sufficient information regarding the City's requirements for the public improvement to enable those persons to submit proposals for consideration that are consistent with the needs of the City. The scope-of-work statement may include preliminary criteria, design criteria, budget parameters, and schedule and delivery requirements for the public improvement.

(b) When the City is using the design-build methodology, the advertisement shall request a statement of qualifications for the design-builder, and may also require a statement of qualifications from any major subcontractors and sub-consultants to be used on the project, a response to a scope-of-work statement. In a separate sealed envelope, a technical proposal shall also be submitted. As used herein, the "technical proposal" shall describe the technical nature of the design-build proposal, include design concepts and address the requirements set forth in the scope-of-work statement for that improvement, and may include the following items as deemed appropriate by the City:

- (1) Line-item or unit cost proposal;*
- (2) Lump sum cost proposal and/or guaranteed maximum price;*
- (3) Schedule and date of substantial completion of the project upon which the contract price is based;*
- (4) Detailed response to the scope of work; and*
- (5) Such other information deemed appropriate by the City.*

(c) The City shall evaluate any responses submitted to it pursuant to subsection (a) hereof on the basis of the professional design and construction qualifications and the technical approach to the scope-of-work statement of the design-build firms who submit a response. The City also shall evaluate proposals submitted in accordance with subsection (i) hereof.

(d) (1) Except as provided in subsection (d)(2) hereof, after completing this evaluation the City shall select not less than three design-build firms that it considers to be the most qualified to provide the required professional design and construction services.

(2) If the City determines that less than three design-build firms are qualified, the City may select less than three design-build firms on the condition that the City issues a written statement that includes the rationale for its determination.

(e) The City shall next request from the most qualified design-build firms selected

pursuant to subsection (d) hereof, a technical submission for the public improvement that includes design concepts and addresses the requirements set forth in the scope-of-work statement for that improvement.

(f) The City's request for a technical submission shall provide all of the following information:

- (1) A description of the project and project delivery;*
- (2) A preliminary project schedule;*
- (3) A description of desired services, including pre-construction, design, construction and construction management services;*
- (4) The estimated lump sum price of the public improvement;*
- (5) A request for a pricing proposal that shall be divided into a design services fee and a preconstruction and design-build services fee. The pricing proposal of each design-build firm shall include at least all of the following:*
 - (i) A list of key personnel and consultants for the project;*
 - (ii) The design-build firm's statement of general conditions and estimated contingency requirements;*
 - (iii) A preliminary project schedule.*
- (6) The criteria that the City will use in evaluating a technical submission;*
- (7) The deadline for submitting a technical submission.*

(g) To the extent information contained in the technical submission of a design-build firm with whom the City does not enter into a design-build construction contract can reasonably be considered a trade secret, such information shall remain the property of the design-build firm. The design-build firm shall prominently mark each document that it considers a trade secret as a trade secret.

Each design-build firm making a submission to the City shall grant the City an irrevocable, fully paid up license to use as it determines proper the information, concepts, ideas, techniques, processes, and similar information in its submission to the City. Except to the extent that the City enters into a contract with a design-build firm, the design-build firm will have no responsibility or liability to the City, its employees, contractors and/or agents related to the use of such information, concepts, ideas, techniques, processes and/or similar information.

(h) When evaluating the qualifications of a design-build firm the City shall consider all of the following factors relative to the design-build firm:

- (1) Competence of the design-build firm to perform the required professional*

design and construction services as indicated by the technical training, education, and experience of the firm's personnel, especially the technical training, education, and experience of the firm's employees who would be assigned to perform the services;

- (2) Ability of the design-build firm in terms of the firm's workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design and construction services competently and expeditiously;*
- (3) Past performance of the design-build firm as reflected by the evaluations of the City and previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines;*
- (4) Financial responsibility as evidenced by the capability to provide a letter of credit, a surety bond, certified check, or cashier's check in an amount equal to the value of the design-build construction contract, or by other means acceptable to the City;*
- (5) Other similar factors.*

(i) For selecting a design-build firm after submission of the technical submission, the City shall rank design-build firms based upon their qualifications and the City's evaluation of the value of each firm's proposal. The City may enter into negotiations for a design-build construction contract with the design-build firm it ranks most qualified to perform the required professional design and construction services at a compensation the City and design-build firm determined to be fair and reasonable, and also provides superior value. The City, in ranking design-build firms and their technical submissions may consider the factors in subsection (h) hereof as well as pricing, timing, and other matters deemed appropriate depending on the needs of the project.

(j) The City and design-build firm the City ranks as most qualified shall enter into negotiations for a design-build construction contract to ensure both of the following:

- (1) The design-build firm and the City mutually understand the essential requirements involved in providing the required professional design and construction services, contract terms, and any terms related to possible distribution of savings in final project costs.*
- (2) The design-build firm will make available the necessary personnel, equipment, and facilities to perform the professional design and construction services within the time required by the design-build construction contract.*
- (3) Agreeing upon a procedure and schedule for determining a guaranteed maximum price using an open book pricing method that shall represent the total maximum amount to be paid by the City to the design-build firm for the project and that shall include the costs of all work, the cost of its*

general conditions, the contingency, and the fee payable to the design-build firm.

(k) If the City fails to negotiate a construction contract with the design-build firm it ranks most qualified, the City shall inform the firm in writing of the termination of negotiations. The City shall then enter negotiations with the design-build contractor it ranked next most qualified. If these negotiations fail, the City shall inform the design-build firm in writing of the termination of negotiations, and the City shall enter negotiations with each next most qualified design-build firm it selected and ranked pursuant to subsection (h) hereof, in order of the firm's ranking, until a design-build construction contract is negotiated or until the City exhausts the number of design-build firms it initially selected.

(l) If the City fails to negotiate a design-build construction contract with any of the design-build firms selected and ranked pursuant to subsection (h) hereof, it may do either of the following:

- (1) Select additional design-build firms, rank those firms on the basis of their qualifications, and enter into negotiations with the firm it ranks most qualified, in the manner specified in subsections (h) and (i) hereof;*
- (2) Use any other procedure permitted by law to contract for the construction of the public improvement.*

(m) A design-build firm that is awarded a design-build construction contract for the construction of a public improvement shall provide a letter of credit, a surety bond, certified check or cashier's check, or by other means acceptable to the City for not less than an amount equal to the amount of the contract minus the amount of the contract related to providing design services. The design-build firm shall have and maintain, or be covered by, a professional liability insurance policy acceptable to the City. The bond and the liability insurance policy shall be provided by a company that is authorized to do business in this State.

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

EnerNOC is an authorized provider of reserve capacity electricity to PJM Interconnection, Inc. (PJM) during a “demand response event”. PJM is the owner/operator of the transmission grid for the Central Atlantic region and is American Electric Power’s main supplier of electric transmission services (i.e. lines from the generation station to the local substations). PJM must ensure that proper transmission capacities are always available even during peak power usage events. PJM has determined that it is more cost effective to pay large users to curtail power usage when requested (demand response event) rather than: 1) buy excess power from other grid operators (at significantly higher rates); 2) bring on line additional, less efficient and less “green” power generation stations; or 3) to have rolling blackouts. The contract is for three years; however, we have the option of adding additional capacity to the program at any time if EnerNOC has room in their portfolio.

The WTP and WPCP due to several factors, especially considering the existence of on-site power generation equipment, qualify for this program. The program will pay the WTP and WPCP quarterly for the capacity that they can return to the electric grid in the event of a demand response event. In addition, if a demand response is called, the WTP and WPCP are paid additional amounts to offset generation costs. The payment amount is set by the “power auction” held on May 1st every year for the price three years from now (i.e. 5/1/15 set the price effective 5/1/18) and is based on predicted power usage demands for the region.

Is there a need for rules suspension or time limitation when this must be passed?

The current contract will expire at the end of April and needs to be renewed before that date.

Manager Requesting

Date

Approved for Agenda

Res #34

RESOLUTION NO. 2015-35

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF TRANSPORTATION FOR GRANT MONIES; TO APPLY SUCH FUNDS, IF AWARDED; AND TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wooster has been presented with the opportunity to obtain grant monies through the Ohio Department of Transportation for the construction of an approximately 6,000-foot long, ten-foot wide multipurpose trail, and two approximately 5,100-foot long bicycle lanes; and

WHEREAS, the multipurpose trail would traverse the eastern right-of-way of Burbank Road, between the Kinney Trail and Elm Drive; then along Elm Drive's southern right-of-way between Burbank Road and Beall Avenue; then along Beall Avenue's western right-of-way between Elm Road and Bloomington Avenue; and then along both sides of Beall Avenue, between Bloomington Avenue and E. Larwill Street (substantially in conformity with the map attached hereto and incorporated herein); and

WHEREAS, if awarded, the funds will cover approximately eighty percent (80%) of the costs of construction (presently estimated to be \$750,000.00), with the balance to come from the capital improvements fund; and this project is a part of both the Comprehensive Plan and the Parks Master Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Mayor is hereby authorized to apply to the Ohio Department of Transportation for grant monies as described above, and if such funds are awarded, to apply the funds as indicated. He is further authorized to execute any necessary documents in connection therewith for obtaining this financial assistance.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division, and for the further reason that time is of the essence in making a timely application for the funds described above; wherefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2015 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2015
Mayor

Introduced by: Scott Myers

Request for Agenda Item Non-Capital

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

Council's authorization is requested to allow the Director of Administration to apply for a grant through the Transportation Alternatives Program, sponsored by the Ohio Department of Transportation; to accept such a grant if awarded; to execute any necessary documents in connection therewith, and declaring an emergency.

The cost of construction for Phase One of the Wooster Loop Bike Trail is presently estimated at \$750,000.00. If awarded, the grant would fund approximately 80% of the cost, up to \$600,000. The balance would come from the 2017 capital improvements fund.

Phase 1 of the Wooster Loop Bike Trail entails the construction of a 5,982-foot dedicated multi-use path connecting to existing trails, in addition to the development of two 5,100-foot bicycle lanes alongside already-crafted streetscape, creating a six-mile multi-use connection through the City starting at Oak Hill Park and ending in Downtown, connecting a college, high school, major parks, and the community's hospital district along the way.

This project is the culmination of multiple years of planning efforts. Upon an extensive statistical survey performed as part of the City of Wooster's 2014 Comprehensive Plan, 73.8% of respondents ranked connectivity by "sidewalks, bike paths, and recreational trails" to be either somewhat important (21.9%) or very important (51.9%). The Wooster Bike Trail Committee, which was formed to help lead the development of trails following the Comprehensive Plan's completion, has also reviewed the proposed plan.

Specifically, the proposed 10-foot wide multi-use path will remain separated from the road by a tree lawn for most of the route, traversing the right-of-way along for 1,900 feet along the east side of Burbank Road, starting from Highland Avenue. The paved pathway would head eastward within the southern right-of-way along Elm Drive before crossing Cleveland Road onto Beall Avenue, across from Wooster Community Hospital. From the hospital, the trail would continue southward, along the western right-of-way, to its terminus at Bloomington Avenue, the start of the College of Wooster Campus, where streetscape sidewalks begin and space is available to establish north and south bicycle lanes along each side Beall Avenue. Intersection improvements at Bloomington Avenue will provide a safe transition for bicycles from the multi-use path to the bicycle lanes, while pedestrians and other legal uses would continue along the streetscaped sidewalks until reaching E. Larwill Street.

Should the grant be approved, Council will need to later authorize the bidding and construction of this project.

Is there a need for rules suspension or time limitation when this must be passed?

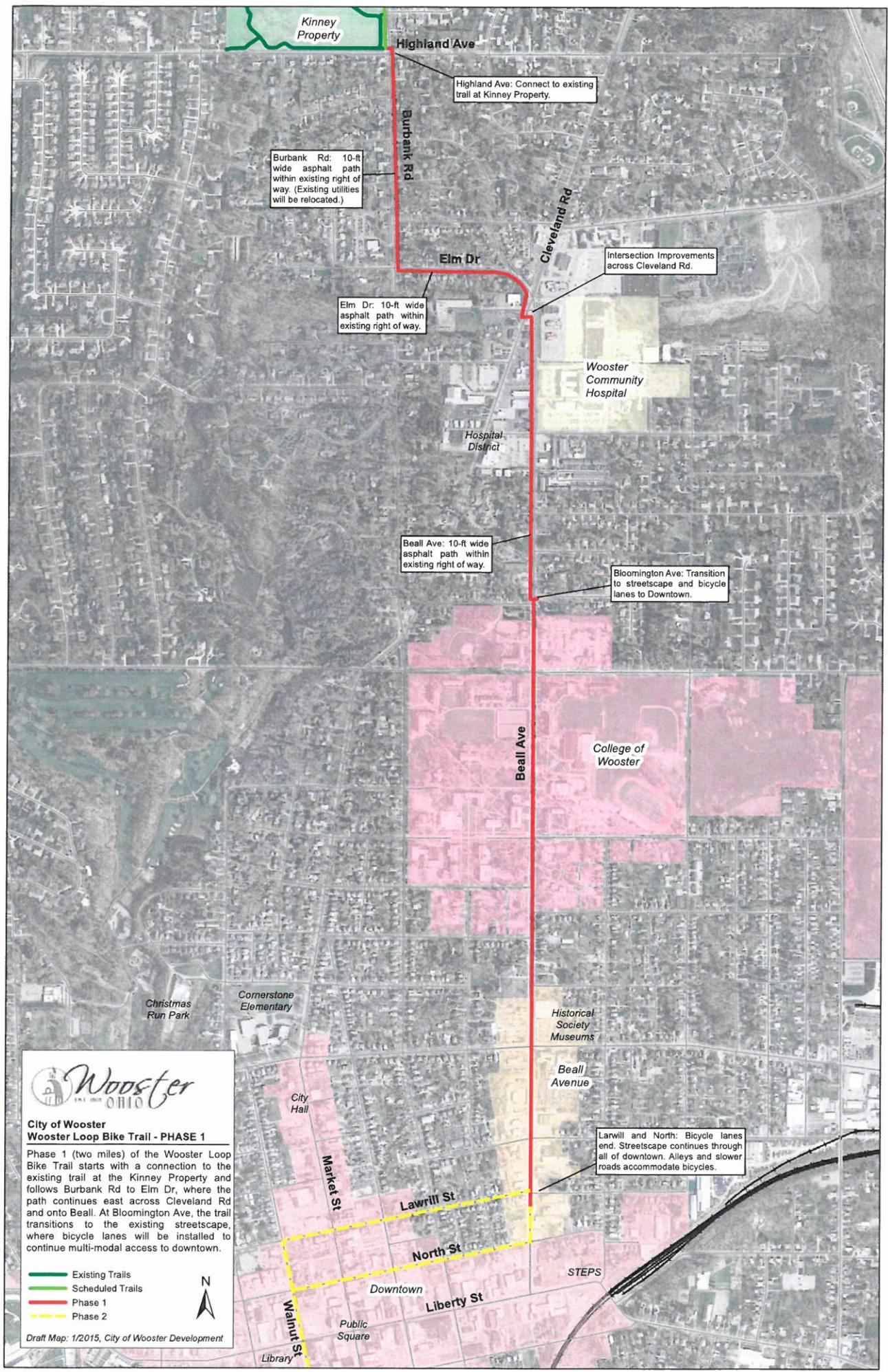
This application must be filed no later than 15 May 2015.

Manager Requesting

Date

Approved for Agenda

Res #35



Kinney Property

Highland Ave

Highland Ave: Connect to existing trail at Kinney Property.

Burbank Rd: 10-ft wide asphalt path within existing right of way. (Existing utilities will be relocated.)

Elm Dr

Elm Dr: 10-ft wide asphalt path within existing right of way.

Intersection Improvements across Cleveland Rd.

Wooster Community Hospital

Hospital District

Beall Ave: 10-ft wide asphalt path within existing right of way.

Bloomington Ave: Transition to streetscape and bicycle lanes to Downtown.

College of Wooster

Christmas Run Park

Cornerstone Elementary

Historical Society Museums

Beall Avenue

City Hall

Lawrill and North: Bicycle lanes and Streetscape continues through all of downtown. Alleys and slower roads accommodate bicycles.

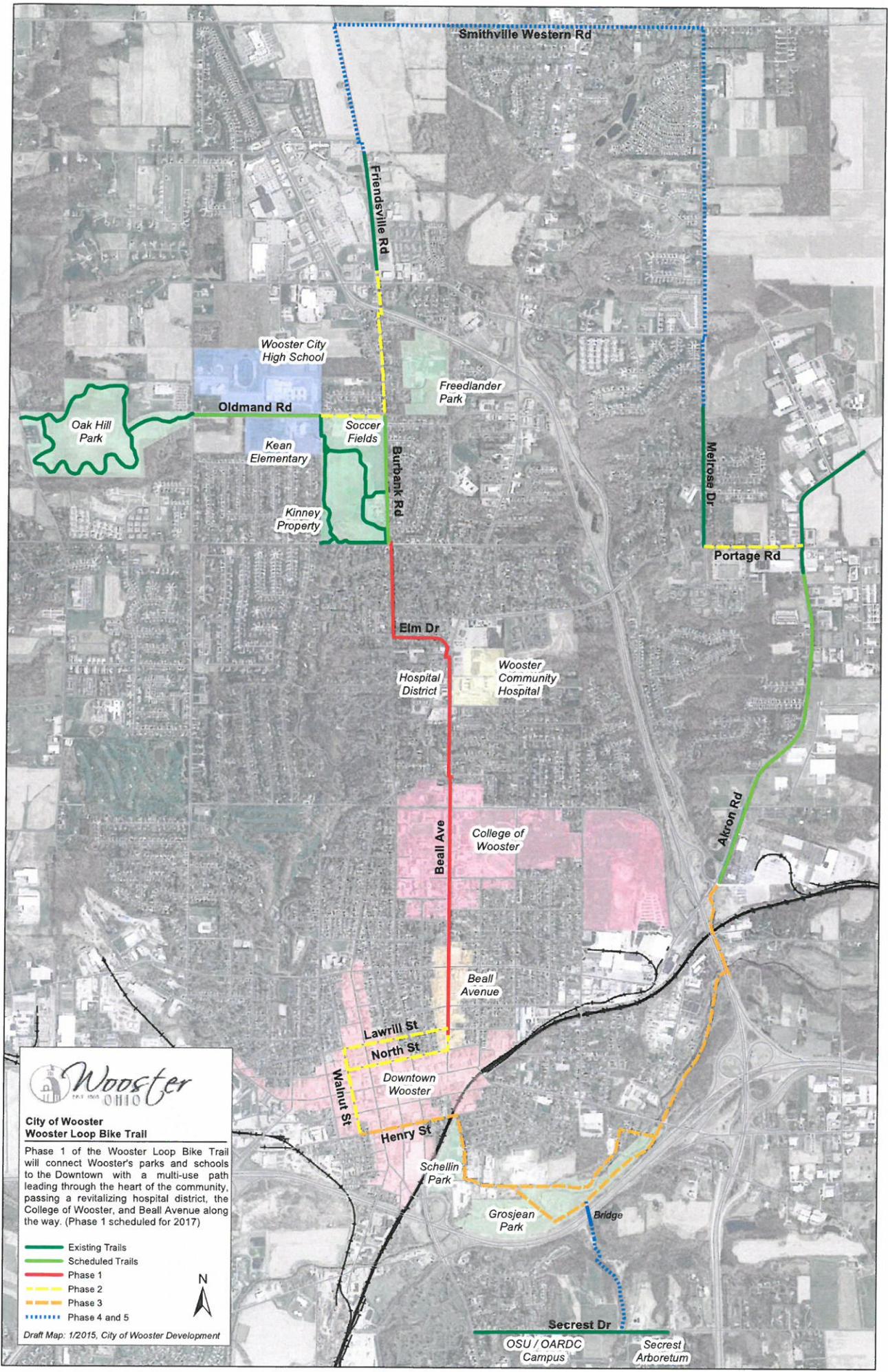
City of Wooster
Wooster Loop Bike Trail - PHASE 1

Phase 1 (two miles) of the Wooster Loop Bike Trail starts with a connection to the existing trail at the Kinney Property and follows Burbank Rd to Elm Dr, where the path continues east across Cleveland Rd and onto Beall. At Bloomington Ave, the trail transitions to the existing streetscape, where bicycle lanes will be installed to continue multi-modal access to downtown.

- Existing Trails
- Scheduled Trails
- Phase 1
- Phase 2

Draft Map: 1/2015, City of Wooster Development





**City of Wooster
Wooster Loop Bike Trail**

Phase 1 of the Wooster Loop Bike Trail will connect Wooster's parks and schools to the Downtown with a multi-use path leading through the heart of the community, passing a revitalizing hospital district, the College of Wooster, and Beall Avenue along the way. (Phase 1 scheduled for 2017)

- Existing Trails
- Scheduled Trails
- Phase 1
- Phase 2
- Phase 3
- Phase 4 and 5



Draft Map: 1/2015, City of Wooster Development

OSU / OARDC
Campus
Secret
Arboretum

Request for Agenda Item Supporting Information and Details

Division: Engineering	Meeting Date Requested: April 6, 2015
Project Name: Miscellaneous Street Repairs	Approved for Agenda
Estimated Total Funds/Cost: \$250,000.00	
Is Full Amount Budgeted/Accounted for? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What are the funding implications, if any?	
<p>Description Of Request: This is a request to authorize advertisement and award of a contract to the lowest and best bidder for repairing the pavement on various streets throughout the City. The object of this project is to repair the major north/south and east/west roads throughout the City from damage sustained during the winter months. The project will mill the bad areas of the existing surface, adjust manholes and water valve boxes to grade as needed, and place new asphalt and pavement markings. Streets that are currently under consideration are: North, Bowman, Quinby, Wayne, Market, Buckeye, Bever, Walnut, Columbus, Grant, Burbank, Friendsville, Beall, Highland, and Smithville-Western.</p>	
<p>Justification / Benefits: These roads have once again sustained damage from the freeze thaw effects of winter weather. The goal of this project is to increase the pavement condition of the arterial and collector streets to a rating of satisfactory.</p>	
<p>Will This Project Effect the City's Operating Costs: This project should reduce maintenance costs by repairing deteriorating roads.</p>	
<p>What Alternatives Exist and What Are The Implications of The Alternatives: Do nothing, and continue to patch holes as best as possible.</p>	
<p>Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p style="text-align: center;">If Yes, Explain The Circumstances</p>	
<p>Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">Explanation: While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible in order to schedule paving as soon as possible.</p>	
Division Manager Roger Kobilarcsik	Date March 26, 2015

Res # 36

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested April 6, 2015
Project Name SR 585 Waterline Extension	Approved for Agenda
Estimated Total Cost \$ 180,000 (Water Fund)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the extension of the W/L on SR 585 between Long Road and Highland Park. This project involves the placement of approximately 1,200 linear feet of 12" ductile iron W/L. The project includes replacing 2 water services and 2 fire hydrant.	
Justification / Benefits This project will extend the intermediate zone waterline to the existing Rubbermaid building and the Montessori School.	
Will This Project Effect the City's Operating Costs There should be no effect to the City's operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as early as possible in order to obtain the best possible bids.	
Division Manager Roger Kobilarcsik	Date April 2, 2015

Res #37