

**DRAFT**  
**CITY OF UNIVERSITY HEIGHTS, OHIO**  
**COUNCIL COMMITTEE OF THE WHOLE & INFRASTRUCTURE LAY**  
**COMMITTEE MEETING**  
**February 16, 2023**

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The Council Committee of the Whole and Infrastructure Committee met on February 16, 2023 at the Wiley Building, 2181 Miramar Boulevard, University Heights, Ohio.

The following were present:

Vice Mayor Michele Weiss, Chair  
Councilwoman Sheri Sax  
Councilman Justin Gould  
Councilman John Rach  
Assistant Law Director Michael Cicero  
City Engineer Joe Ciuni  
Mr. Richard Washington, Infrastructure Committee  
Mr. William Eberhard, Infrastructure Committee  
There were also Lay Committee members on Zoom

**1. Engineering Process for the Professional Services Ordinance**

Mrs. Weiss stated that a professional services contract was presented at the last Council meeting which specified that anything over \$50,000 will go out for a public bid. It was decided to return the matter to committee to discuss fully.

Mrs. Weiss stated that everyone would like to retain Joe Ciuni as City Engineer. Mr. Ciuni has done wonderful work for the city for many years; is knowledgeable of the city and would like to stay with University Heights.

Chairwoman Weiss discussed what the process is for items up to \$49,999 and wanted to clarify same in writing. She noted that there was a working group which consisted of two lay members of the Finance Committee, the Mayor, Councilman Rach, the Engineer, and Mrs. Weiss to try to hammer this out. She noted that the Mayor unfortunately stopped the process and there were a lot of compromises. One thing discussed was that anything over \$15,000 would come to Council, which never happened, as well as detailing design services versus engineering services, which Council never had before, but Mr. Ciuni has provided that in several instances.

Mrs. Weiss asked Mr. Ciuni to discuss the current process and what can be improved upon when something comes to engineering and how that concludes. She stated that the main projects that the City does include roads, utilities, striping. Mr. Ciuni stated that with utilities, water and sewer are included; traffic signals and traffic related issues; gas issues are not included; also, telecommunications if there are cell tower issues, GPD would address those as well.

Mrs. Weiss clarified the projects that the City does are:

- 1) Utilities (water and sewer)
- 2) Traffic signals
- 3) Striping
- 4) Telecommunications (includes the cell tower)
- 5) Roads

Mrs. Weiss noted that the City is small and does not warrant an in-house engineer but does have periodically large projects such as the recently completed Cedar Road. Mr. Ciuni mentioned that Warrensville Center will have to be done in 2025. Mrs. Weiss asked Mr. Ciuni what the process is currently for the annual road projects.

Mr. Ciuni explained the process for the annual road projects as follow. The budget is set by Council. He has a “hit list” of streets ranked in priority order with one being the best and ten the worse. Once the budget is set, attempts are made to do as many streets as possible based on the amount. The list is submitted to the Mayor indicating what the engineering fee will be. Mr. Ciuni stated that bid documents and specifications are set up so contractors can bid.

Mrs. Weiss confirmed that Mr. Ciuni that once he decides an estimate of how many roads can be done, that he submits the list to the Mayor. That is the first step.

Mr. Ciuni stated that included with the letter to the Mayor would be construction administration and inspection and design fees so that the full cost of the project is known. Once the Mayor approves, Mr. Ciuni stated, then he does the job.

Mrs. Weiss asked Mr. Ciuni what the process would be for either utilities, striping, traffic signals and communications. Mr. Ciuni stated that the process is the same. He explained that the water lines in University Heights are paid for 100% by the Cleveland water department. He stated that an application is done annually to the City of Cleveland for the streets with too many water line breaks; issues with the hydrants not having proper flow because of rusted pipes. This is submitted to the Cleveland water department. Mr. Ciuni stated that this process has been pretty successful; the application is usually approved. He stated that the engineering and inspection fees are included in the application. If approved, the city of Cleveland funds the project 100% to University Heights upfront; there is an audit at the end of the project. Mr. Ciuni stated he reports to Council whether or not the project has been approved; he noted that the Mayor does sees the applications.

Mr. Ciuni reported that a project on Traymore has been completed. Work is being done now on Saybrook and Northcliffe. Projects done for sewers over the years involve inspection and studies, watching video tapes of the sewers and then making recommendations on replacements or repairs. He noted that underground is not visible, so videos have to be done. It is hard to estimate what the

costs would be for these items, and the Mayor usually advises to proceed. It was noted that these projects are usually under \$15,000.

Mr. Ciuni stated that GPD has been requested to look at roofs, emergency generators and sometimes electrical issues. In these cases, a proposal for each item would be submitted to the Mayor and work would not proceed without approval. It was noted that these projects are usually under \$50,000, but could be over \$15,000.

Mrs. Weiss asked Mr. Ciuni if the process of referring items that are \$15,000 and above to Council has begun. Mr. Ciuni stated that is not up to him; that he submits proposals to the Mayor; and that is not something for him to comment on.

Councilman Rach stated that there is no problem with Mr. Ciuni. He stated that Council is not receiving the proposals and contracts from Administration, and that he believes that anything over \$15,000, including engineering services requires Council approval. Mrs. Weiss stated that the goal is to work to shore up the process, and in order to do so, it is important to understand the details of the five different types of engineering services in order to move forward.

Mr. Ciuni stated that GBD is asked about traffic matters and was recently questioned about crosswalks at Laurelhurst and East Carroll. Mr. Ciuni reported that a \$500,000 grant from NOACA has been received to improve traffic signals; this was approved a couple of years ago. Mr. Ciuni stated that application was made for funds to replace the old signals in the city, but NOACA has since decided not to replace the hardware anymore, but the \$500,000 was awarded for “the brains” - the interconnectivity of the signals. Work is still needed on the signals, and Mr. Ciuni discussed specific areas requiring attention including Silsby and Green, Washington and Fenwick; these were included as part of a grant applied to NOACA but not received. Discussions with the Police Chief continue on these projects. Mr. Ciuni noted that the \$500,000 received is not enough to do all the work needed, and that is also what is being discussed with the Police Chief, Mr. Ciuni must rely on the Chief for these issues. When the scope of work to be done is finalized, the same process as described above will be followed; a proposal will be submitted to the Mayor and work will not commence until approved. Mrs. Weiss stated that some of these items are in the budget, and Police Chief Rogers is applying for another grant.

Councilman Gould asked about what approval Mr. Ciuni referred to. Mrs. Weiss stated that right now, it refers to the Mayor only. Mr. Gould stated that he would like to see these proposals submitted to Council and mentioned that he hears about some of these issues in the Safety Committee meeting from the Police Chief, including possibly doing something regionally, consideration to radio signals, etc., which all are extremely expensive. He noted that there is probably no traffic signal in the city that doesn't need replaced. Mr. Gould stated that these issues are not reflected on Mr. Ciuni, but a weakness in the current program/process that needs to be corrected.

Regarding the **striking**, Mr. Ciuni stated that is usually taken care of by the Service Department or the Police Department, although last year information provided by the Police Department was submitted and Mr. Ciuni facilitated the request. He stated that he would be happy to do it for University Heights if requested, and mentioned that he does not do this for any of the other cities GBD represents.

Regarding telecommunications, *Mr. Ciuni stated that ownership of the tower changes frequently, and he requires a structural analysis report from all to ensure that the tower is structurally safe.* Mr. Gould asked about appropriations for the tower. It was decided to investigate this issue. It was noted that the City does own the pole.

Vice Mayor Weiss asked about the process involved with **larger projects**, i.e., ODOT. Mr. Ciuni stated that the larger projects are the county roads in the City, Cedar Road, Belvoir Blvd., Green Road, Warrensville Center Road, and Taylor Road. Mr. Ciuni stated that he would submit a proposal to the Mayor for these projects, too. These projects require some plans to be done. Mr. Ciuni stated that depending on the funding, the City may not control the engineering although the county prefers that the City Engineer handle the designs. Mr. Ciuni stated that his process is the same, submitting a proposal to the Mayor, and that these projects are usually over \$50,000. He pointed out that the process for these projects is a little more complicated; data has to be submitted to ODOT for review, according to their specifications. The local engineer does the plans.

Mrs. Sax commented that she doesn't see a problem with Mr. Ciuni reporting to the Mayor, but sees a problem with projects not going anywhere from there, and that is unacceptable. She believes that there is a worrisome pattern with the contracts. A suggestion was made to have all contracts in a central place to be readily examined.

Mr. Gould suggested that an ordinance be created to authorize the Mayor to execute contracts and then Council would only receive and consider executed contracts; a reference in the contract could be included to say that according to ordinance "While this contract is executed, it is not valid until approved by Council". Mr. Cicero asked if Council enacted a new Section 212.02 in the ordinances regarding professional contracts. Vice Mayor Weiss stated that yes, it was on first reading; but all engineering pieces were pulled out and that is why it was returned to committee, but everything else is on first reading.

Vice Mayor Weiss stated that the committee agrees that anything \$15,000 or above should come to Council. This has to be codified – Step 1. Discussion ensued regarding public bidding including what falls within that requirement.

Mrs. Weiss addressed Mr. Ciuni stating that in a previous meeting, it was mentioned that he was wholly underpaid, and that needs to be rectified. She noted that Mr. Ciuni has a relationship with

GPD, and that is why they are getting work. What happens when a contract is \$50,000 which this ordinance is addressing. Mrs. Weiss posed the following suggestion. Once the \$50,000 threshold is reached, Mr. Ciuni would get kicked into an hourly rate to write an RFQ usually, and then that would have to go out for bids. For those very large projects, he would still get over and above his salary, but at the same time, there would be a bidding process. GPD could possibly win. The process is for best and lowest. She asked Mr. Ciuni if this suggestion would work for him.

Mr. Ciuni stated that he did not know how to answer this right now, and that an infrastructure is needed to put this together, which is currently not in place. If it is over \$50,000, somebody has to prepare the necessary scope of work and proposal. He explained the complexities of what would be involved in the process, including scoring responses, interviewing, the possibility that responses from engineers all over the state could be received, etc. He noted that the ordinance states that price must be included, so this would not be an RFQ. Mr. Rach suggested that an RFQ could state what the fee will be. Mr. Ciuni expressed ethical concerns with the suggestion of his involvement in the process (doing the RFQ work, interviewing, scoring, etc.) and he needs to check with GPD's president.

Mr. Rach suggested that this body can put together the RFQ and be a part of the selection committee to choose a vendor for anything over \$50,000. Mr. Gould asked if Mr. Ciuni could provide his professional expertise about presenting technicalities of the proposals, and this committee would be an independent third party rendering the decision. GPD could then also bid. Mr. Ciuni agreed to this scenario. Mr. Rach noted that by this committee generating RFQ proposals, Mr. Ciuni is removed from that process.

It was noted that this body can be the evaluation team for the new municipal facilities projects, and can help create RFQs. Mrs. Weiss stated that there is expertise in the Tech Advisory Committee that has created RFQs. The Lay Facilities and Infrastructure committees can facilitate this.

Mrs. Weiss noted that with the IT RFQ, the administration was not equipped to put that together, and that she didn't think the administration would be able to put together an engineering contract together without Mr. Ciuni's assistance. She noted that there are architects and engineers currently in the committee. Mr. Gould felt that lay committee engineers don't know the City as the City Engineer does.

Mrs. Weiss asked Mr. Ciuni if he would be comfortable putting together the initial RFQ complete with the scoring, and then the committee does the review. Mr. Ciuni affirmed. Mr. Rach confirmed that putting the scope of the work would be part of the general engineering services – whatever the fee that would be decided upon by the committee – not an hourly rate.

Mrs. Weiss stated that a piece of the engineering professional services contract has been carved out through the end of the year. A process now needs to be added. She stated that up until \$14,999, Mr. Ciuni prepares a proposal which goes to the Mayor; the Mayor can approve anything up to that point.

Once it hits \$15,000, the ordinance will now say that it needs to go to Council for review; From \$15,000 to \$49, 999.

Once it hits \$50,000, then Mr. Ciuni would prepare an RFQ; it would then go out for proposals and then the Lay Facilities and Infrastructure Committee would review all incoming proposals. They would then present to the committee, which would then approve one of the bids to be submitted to Council. The Lay Facilities and Infrastructure Committee would also present to Council.

Mr. Ciuni stated that the next major project is Warrensville Center Road.

Mrs. Weiss stated that she would make sure to incorporate points discussed here in the ordinance. Mr. Ciuni would like to see; Mrs. Weiss assured him that the recommendations would all be public. The ordinance will be amended for next year.

In terms of compensation for the next contract, Mrs. Weiss will try to set up a meeting with the Law Director and the Mayor to discuss. It was mentioned that Mr. Ciuni submits a proposal to the Mayor for anything over \$2,500.

Mrs. Weiss addressed the nomenclature regarding engineering services. She reported that the Mayor has proposed that a company, GPD, be named the City Engineer as opposed to the current indication that an individual, Mr. Ciuni, is named the City Engineer; the company would identify a person to do the day-to-day services. Mrs. Weiss would like to keep Mr. Ciuni as an individual as the City Engineer, not GPD, the group. Mr. Rach has a problem with the company vs. naming Mr. Ciuni as City Engineer proposal, but if this committee supports same, he will comply although he would want competitive bids, rather than just handing over the contract to another company if it comes to that.

Mr. Cicero stated that if an entity is named, there is not the benefit of OPERS, Ohio Public Employees' Retirement System, to Mr. Ciuni; GPD becomes a vendor. It was suggested that the reference be Joe Ciuni, GPD. Mr. Ciuni stated that University Heights is the only city with this arrangement with him getting a W2, and GPD does not want to continue same. Mr. Ciuni stated that what is being proposed is standard with most cities. Mr. Cicero agreed.

## **2. Begin to Review the RFQ Template for Engineering Services**

Mrs. Weiss thanked Mr. Ciuni for the templates he provided of RFP/RFQ proposals of various cities including Shaker Heights, North Royalton, South Russell, Village of Northfield, Richmond Heights, Lakewood and Norton.

Mr. Ciuni's contract as an individual expires December 31, 2023 so there is time to prepare for an RFQ. Mr. Weiss asked for Mr. Ciuni and Mr. Rach's expertise on this issue. Mr. Ciuni stated that the RFQ must include everything that is in the ordinance as discussed this evening. Mr. Rach stated that he needs more time to review, but noted that issues of design review, contract negotiation, omission/errors, and service requests in the event that something goes wrong should be addressed. Mr. Cicero noted that Section 250, City Engineer can be amended, refined at any time, and that it had not been considered since 2002.

For next steps, Mrs. Weiss stated that a draft can be presented at the next meeting. Line-by-line review of the contract discussed at the Economic Development Committee will be done. Mr. Ciuni agreed to have the draft for the next meeting. Mrs. Weiss stated that the language in the current professional services ordinance will be updated and a draft RFQ will be done. Design engineering language will be included.

Mrs. Weiss stated that this is a unique time in the City for our Ordinance, and that she is happy that everyone worked together to come to an understanding.

There being no further business to consider, the meeting adjourned.

Submitted by,

Jeune Drayton, Assist.  
Clerk of Council

Michele Weiss, Vice Mayor/Chair  
Council Committee of the Whole

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