

Division of Water

Request for Legislation

**Legislation authorizing the Cleveland Division of Water to enter into an agreement with the Cleveland Metropolitan Park District to replace a water distribution main in Whiskey Island Drive between the Westerly Wastewater Treatment Plant and Wendy Park.**

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**Background/Purpose:**

Cleveland Metropolitan Park District is planning to construct the Whiskey Island Connector Trail to link Edgewater Park and Wendy Park, as well as provide a link to the Centennial Lake Link Trail. The construction will change the grade in a number of areas. Cleveland Water has 2 water mains in the construction area, installed in 1941 and 1966. The construction will make the water mains too deep in some areas to be reasonably maintained and the water infrastructure needs to be relocated.

The water mains are not in an easement, but are in an area covered by a license from the railroad which originally owned the land but that has since been sold to the Cleveland-Cuyahoga County Port Authority and Cleveland Metropolitan Park District. The license does not offer Cleveland Water any protection from changes in condition of the land. The Cleveland Metropolitan Park District has agreed to perform the relocation and be reimbursed by Cleveland Water for the expense of the water main. The Cleveland-Cuyahoga County Port Authority and the Cleveland Metropolitan Park District have also agreed to grant permanent easements over the water main that will offer protection against future site changes.

**Scope of Work/Commodities/Services:**

Cleveland Water will reimburse the Cleveland Metropolitan Park District for the water work portion of their trail construction contract, as well as a portion of shared expenses.

**Justification/Urgency:**

Having a single contractor eliminates having two contractors on site and significant coordination issues, and results in less disruption to the public and significant savings. Cleveland Water would still be responsible for inspection of its infrastructure.

**Anticipated Costs and funding source:**

\$600,000 from Cleveland Division of Water capital funds. The cost of the improvement and other expenditures authorized shall be paid from Fund 52, SF 001, and/or from the fund or sub fund to which are credited the proceeds of future bonds, if issued for this purpose.

# Ordinance No. 885-2019

Council Members Keane and Kelley  
(by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more agreements with the Cleveland Metropolitan Park District, or its contractor, to replace up to two water mains within their Whiskey Island Connector Trail improvement and the City's reimbursement.

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WHEREAS, the Cleveland Metropolitan Park District ("Metroparks") is planning to construct the Whiskey Island Connector Trail to link Edgewater Park and Wendy Park, as well as provide a link to the Centennial Lake Link Trail ("Metroparks Improvement"); and

WHEREAS, the City of Cleveland, Division of Water has two water mains within their project which will need to be replaced; and

WHEREAS, the City and Metroparks have agreed that it is desirable to have one contractor perform both sets of improvements to eliminate the coordination issues which would result if there were two contractors in the same space, to realize shared cost savings, and to provide less disruption to the public; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, notwithstanding any Codified Ordinance to the contrary, the Director of Public Utilities is authorized to enter into one or more agreements with Metroparks, or its contractor, to replace the two water mains located within Metroparks Improvements and owned by the City of Cleveland.

Section 2. That the agreement or agreements shall be prepared by the Director of Law.

Section 3. That the Director of Public Utilities is authorized to reimburse Metroparks, or its contractor, for the replacement of two water mains located within Metroparks Improvement, any other related Division of Water costs, and other expenditures, in an estimated amount of \$600,000, payable from Fund No. 52 SF 001, and from the fund or funds to which are credited any future water bonds if issued for this purpose. (RQS 2002,RL 2019-69).

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Schedule or Term of Contract:**

N/A

**Current Contract (s):**

Vendor Name	Vendor Address	Vendor Contact
N/A		N/A

**Cleveland-Area Small Business Participation:**

N/A

**Previous contract:**

Vendor Name	Vendor Address	Vendor Contact
N/A	N/A	N/A



**DEPARTMENT OF PUBLIC UTILITIES**

**Division of Water Pollution Control**

**Ordinance No. 883-2019**

**Old Denison Road and Beltline Sewer Areas**

*This request for legislation is to authorize the Director of Public Utilities to enter into an agreement with the Northeast Ohio Regional Sewer District (NEORS), for the funding of the local sewer cleaning in the Old Denison Road and Beltline sewer areas, for the Division of Water Pollution Control, Department of Public Utilities; Authorize the Director of Public Utilities to apply and pay for permits and enter into agreement with property owners and accept funds for the purpose of completing this work.*

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**Background/Purpose:**

The materials discharged into the sewers along Old Denison area is classified as hazardous. The local sewers discharge to the regional interceptor and eventually to the Jennings Road pump station. NEORS hired a contractor to clean the local and the regional sewers.

**Scope of Work/Commodities/Services:**

A contractor will have to clean the local and regional sewers in the Old Denison area and dispose of the hazardous sludge properly. NEORS will cover the cost of the cleaning and disposal of materials in the regional sewer while WPC will cover the local sewer.

**Justification/Urgency:**

The cleaning of the sewers in the Old Denison area requires special handling due to the presence of hazardous materials. WPC and/or NEORS crews cannot perform this task. A specialized contractor will have to do the work.

**Anticipated Costs and Funding Source:**

\$140,000.00-Fund 54, SF 001, Fund 54, SF 400, from the fund and subfund to which are credited the proceeds of future sewer bonds, if issued for this purpose, and/or any and all funds deemed necessary by the Director of Finance.

**DEPARTMENT OF PUBLIC UTILITIES**

**Division of Water Pollution Control**

**Ordinance No. 883-2019**

**Euclid Creek**

*This request for legislation is to authorize the Director of Public Utilities to enter into an agreement with the Northeast Ohio Regional Sewer District (NEORS), for the funding of the removal and replacement of trees, fences and other encroachments along the Euclid Creek, for the Division of Water Pollution Control, Department of Public Utilities; Authorize the Director of Public Utilities to apply and pay for permits and enter into agreement with property owners.*

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**Background/Purpose:**

The City of Cleveland entered into an agreement with NEORS in 2016 relating to the maintenance of the stormwater system. NEORS is responsible for the maintenance of the regional system and the City is responsible for the local system. The Euclid Creek is classified as a regional stormwater system. NEORS entered into a contract for the removal of the trees and other encroachments as mandated by the U.S. Army Corps of Engineers.

**Scope of Work/Commodities/Services:**

The Euclid Creek project consists of the removal of all encroachments to the embankment and easement along the creek. NEORS entered into a contract for the removal of the trees and will cover the cost. Other encroachments including fencing will be performed by the same contractor and the cost will be covered by WPC.

**Justification/Urgency:**

The U.S. Army Corps of Engineers (ACOE) requires that the easement that is around the embankment be clear of any encroachments. Failure to do so will be a violation of an agreement between the City and ACOE.

**Anticipated Costs and Funding Source:**

\$10,000.00-Fund 54, SF 001, Fund 54, SF 400, from the fund and subfund to which are credited the proceeds of future sewer bonds, if issued for this purpose, and/or any and all funds deemed necessary by the Director of Finance.

# Ordinance No. 883-2019

Council Members Keane and Kelley  
(by departmental request)

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into one or more agreements with the Northeast Ohio Regional Sewer District concerning local sewer cleaning and material disposal in the Old Denison Road and Beltline sewer areas and for the removal and replacement of trees, fences and other encroachments along the Euclid Creek; and authorizing any agreement necessary to complete the work, including agreements with property owners.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into and execute one or more agreements with the Northeast Ohio Regional Sewer District ("NEORS"), concerning local sewer cleaning and material disposal in the Old Denison Road and Beltline sewer areas and for the removal and replacement of trees, fences and other encroachments along the Euclid Creek (the "Improvement"). Such agreements shall contain terms including, but not limited to, defining responsibilities concerning construction of the Improvement. The agreement or agreements shall provide that it is NEORS's responsibility to provide for the design and construction of the Improvement, and contain other provisions needed to implement the Improvement.

Section 2. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to implement the Improvement.

Section 3. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance, including but not limited to, agreements with applicable property owners regarding payment to the City to partially cover the City's cost of removing and disposing of hazardous waste caused by that property owner in connection with the local sewer cleaning in the Old Denison Road and Beltline sewer areas portion of the Improvement.

# Ordinance No. 883-2019

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Section 4. That any agreement or agreements shall be prepared by the Director of Law.

Section 5. That the Director of Public Utilities is authorized to reimburse NEORSD, or its contractor, to implement the Improvement, payable from Fund Nos. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited any payments from homeowners, and from any other funds approved by the Director of Finance. (RQS 2003, RL 2019-54)

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

LW:nl  
7-24-19

FOR: Director Davis



**DEPARTMENT OF PUBLIC UTILITIES**

**Division of Water Pollution Control**

**Ordinance No. 884-2019**

*This request for legislation is to authorize the Director of Public Utilities to enter into one or more agreements with the Northeast Ohio Regional Sewer (NEORS) and the Doan Brook Watershed Partnership (DBWP), for the replacement of a trash rack on Doan Brook upstream of MLK Jr. Drive, for the Division of Water Pollution Control, Department of Public Utilities; apply and accept grants and loans, provide and accept funding, apply and pay for permits, licenses and other authorizations required for the project.*

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**Background/Purpose:**

The Doan Brook flows through the City of Cleveland in open channels and culverts. There is an existing trash rack upstream of the culvert under Martin Luther King Jr. Drive that protects the culvert from accumulation of sediments and heavy debris. The trash rack is old and in need of repair/replacement. It is located just upstream of the culvert in the City of Cleveland Heights. We have been working with the Cities of Cleveland Heights and Shaker Heights, NEORS and DBWP to find a solution. The Doan Brook Watershed Partnership will contract to provide the design and construction of a new debris rack.

**Scope of Work/Commodities/Services:**

The scope of work involves modifications/replacement of the trash rack. DBWP will manage the contract. WPC will provide the initial funding estimated at \$375,000. NEORS will reimburse WPC for the entire amount.

**Justification/Urgency:**

The trash rack provides protection of the underground culvert under MLK Jr. Drive from heavy and large debris. Debris will be caught at the rack before they enter the culvert and becomes possibly lodged inside causing backup and flooding. It will be much harder and costly to clean and remove the debris from the culvert. It is much easier to maintain and remove the debris at the trash rack.

**Anticipated Costs and Funding Source:**

\$375,000.00 - Fund 54, SF 001, Fund 54, SF 400, from the fund and subfund to which are credited the proceeds of future sewer bonds if issued for this purpose, and/or any and all funds deemed necessary by the Director of Finance.



# Ordinance No. 884-2019

Council Members Keane and Kelley  
(by departmental request)

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Utilities to enter into one or more agreements with the Doan Brook Watershed Partnership and the Northeast Ohio Regional Sewer District concerning the replacement of the trash rack on Doan Brook upstream off Martin Luther King, Jr. Drive and for the City's reimbursement for the cost of the improvement from NEORS D funds.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding any section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into and execute one or more agreements with the Doan Brook Watershed Partnership ("DBWP") and the Northeast Ohio Regional Sewer District ("NEORS D") to implement the replacement of the trash rack on Doan Brook upstream off Martin Luther King, Jr. Drive (the "Improvement"), including but not limited to, agreements defining responsibilities concerning design and construction of the Improvement and funding and reimbursement. The agreement shall provide that it is DBWP's responsibility to provide for the design and construction of the Improvement, and contain other provisions needed to implement the Improvement.

Section 2. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to implement the Improvement.

Section 3. That the agreement or agreements will be prepared by the Director of Law.

Section 4 That the Director of Public Utilities is authorized to pay for the Improvement and accept reimbursement from the Northeast Ohio Regional Sewer District ("NEORS D") for the cost of the Improvement; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the

# Ordinance No. 884-2019

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Improvement; and that the funds are appropriated for the purposes described in this ordinance.

Section 6. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 7. That the Director of Public Utilities is authorized to reimburse DBWP, or its contractor, to implement the Improvement, payable from Fund Nos. 54 SF 001, and/or 54 SF 400, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the proceeds from any grant received for this purpose; and from any other funds approved by the Director of Finance. (RQS 2003, RL 2019-55)

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

LW:nl  
7-24-19

FOR: Director Davis

**Division of Cleveland Public Power**

**Request for Legislation**

An ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts for the purchase of labor and materials needed to remove and replace legacy lighting and to install LED lights and fixtures on City bridges and the Wyland Whale Mural Park on North Marginal Road, and to replace decorative and special lighting on City bridges and Wyland Mural Park on North Marginal Road, including repair and maintenance services, insurance, lights, fixtures, equipment, and appurtenances, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years, with two one-year options to renew, the first of which requires additional legislative authority.

**Background/Purpose:**

This legislation will authorize CPP to bid for a New LED Bridge-light Replacement/Maintenance contract for Labor and Materials Necessary to Replace Incandescent, Quartz, Halogen, Metal Halide and High Pressure Sodium Lights/Fixtures to an equivalent LED Bulb/Fixture on bridges for CPP. Contractor will Install/Maintain LED Lighting for the following Flats-area Bridges: Main Avenue, Willow Street, Center Street, Eagle Avenue, Bascule Bridges #1 and #2 and the Conrail Bridge. The contract also includes LED Bulb/Fixtures replacement on the lighting at the Wyland Whale Mural Park on North Marginal.

**Scope of Work/Commodities/Services:**

The contractor is to provide all labor, material, services, insurance, equipment and appurtenances necessary to maintain the decorative lighting on city bridges and special lighting as directed for approximately 500 light fixtures, along with the Wyland Whale Mural Park. Services include cleaning of lenses and reflectors and repair or replacement of lamps, lenses, ballasts, service breakers, timers, conduits, conductors, sensors, controls and associated fixtures.

**Justification/Urgency:**

The decorative and special lighting must be maintained on a continuous basis.

**Anticipated Costs and funding source:**

The projected one year estimate is \$600,000.00. The general operating budget will be used for this contract.

**Schedule or Term of Contract:**

Legislation is to lead to one or more requirement contracts for the period of two (2) years, with two one-year options to renew.

**Current Contract(s):**

<b>Vendor Company Name</b>	<b>Vendor Address</b>	<b>Vendor Contract information</b>	<b>CSB Participation</b>
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Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract# 2017-101 Award Amount: \$218,855.63 Exp. Date: 10/22/2019	0%
The Fowler Company	26185 Broadway Ave Oakwood Vlg., Oh 44146	Contract# 2018-33 Award Amount: \$75,263.00 Exp. Date: 03/20/2020	0%

**CSB/MBE/FBE Participation: 0%**

There were no subcontracting opportunities with this procurement.

**Previous Contracts:**

<b>Vendor Company Name</b>	<b>Vendor Address</b>	<b>Vendor Contract information</b>	<b>CSB Participation</b>
Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract#RC2013-50 Award Amount: \$288,695.03 Exp. Date: 05/22/2015	0%
Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract#68824 Award Amount: \$237,331.33 Exp. Date: 02/05/2011	0%
Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract#65629 Award Amount: \$500,000.00 Exp. Date: 06/06/2008	0%
Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract#62326 Award Amount: \$500,000.00 Exp. Date:12/16/2005	0%
Lake Erie Electric, Inc.	2570 First St. Westlake, Oh 44145	Contract#58349 Award Amount: \$300,000.00 Exp. Date:10/25/2003	0%

# Ordinance No. 886-2019

Council Members Keane and Kelley  
(by departmental request)

## **AN EMERGENCY ORDINANCE**

Authorizing the purchase by one or more requirement contracts for labor and materials necessary to remove and replace legacy lighting and to install LED lights and fixtures on City bridges and the Wyland Whale Mural Park on North Marginal Road, and to replace decorative and special lighting on City bridges and Wyland Mural Park on North Marginal Road, including repair and maintenance services, insurance, lights, fixtures, equipment, and appurtenances, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years with two one-year options to renew, the first of which requires additional legislative authority.

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WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years with two one-year options to renew, of labor and materials necessary to remove and replace legacy lighting and to install LED lights and fixtures on City bridges and the Wyland Whale Mural Park on North Marginal Road and to replace decorative and special lighting on City bridges and the Wyland Whale Mural Park on North Marginal Road, , including repair and maintenance services, insurance, lights, fixtures, equipment, and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercised at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or

# Ordinance No. 886-2019

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any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2004, RL 2019-19)

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GB:nl  
7-24-19

FOR: Director Davis