

Ordinance No. 532-2021

**By Council Members Griffin, Bishop,
Brancatelli and Kelley
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety to enter into an agreement with the Cleveland Metropolitan School District relating to the purchase, lease and redevelopment of South High School located at 7415 Broadway Avenue to facilitate a public safety training academy; authorizing the Mayor and the Commissioner of Purchases and Supplies to purchase the building and property; authorizing the leaseback of a portion of the building and property to the school district for a term of twenty years; determining the method of making the public improvement of renovating the building and property; authorizing contracts, accepting grants and gifts, and authorizing the direct employment of the necessary labor to implement, for the Department of Public Safety and/or Office of Capital Projects.

WHEREAS, the City of Cleveland requires the purchase of South High School building and property located at 7415 Broadway Avenue (“South High”) to facilitate a public safety training academy; and

WHEREAS, the Cleveland Metropolitan School District (“CMSD”) has proposed to sell South High to the City and that the CMSD will leaseback approximately six classrooms and ancillary spaces from the City to be used for the benefit of CMSD students; and

WHEREAS, CMSD is permitted under the Revised Code to convey a building owned by them to a purchaser who is obligated, immediately upon closing, to lease all or portions of the building back to CMSD and to make improvements to all or a portion of the building that are necessary to improve the functionality and reduce the operating costs of the portions of the building that are subject to the lease; and

WHEREAS, the City wishes to redevelop South High into an expanded public safety training academy for its Safety Divisions and to conduct public safety academy classes, a cadet program, and a youth vocational program in partnership with CMSD; 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 and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Safety is authorized to enter into an agreement on behalf of the City of Cleveland with

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CMSD for the purchase, redevelopment, and lease of South High. The agreement shall include but not be limited to, the specific classrooms to be leased back to CMSD and its operating cost obligations as well as the obligation of the City to make public improvements to all or portions of the building subject to the lease, including renovations, energy conservation measures, and other measures that are necessary to improve the functionality and reduce the operating costs of the portions of the building that are subject to the lease. The agreement shall include terms under which CMSD will give the City a credit against the purchase price for any improvements that are made by the City to South High that benefit CMSD students and to the area that is subject to the lease, such as classrooms, mechanical systems, roof, parking lot and common area improvements. Additionally, the agreement shall outline how City and CMSD will collaborate on development of a curriculum for CMSD to offer a youth vocational program in public safety at South High in the leased classrooms. The agreement shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor and the Commissioner of Purchases and Supplies are authorized to purchase South High for the public purpose of facilitating a public safety training academy. The property consists of Permanent Parcel Nos.: 133-08-023 to 133-08-031, 133-08-033 to 133-08-036, 133-08-038 to 133-08-047, 133-08-064 to 133-08-080, 133-08-093 to 133-08-103, 133-08-113, and 133-09-041. The building is approximately 251,384 square feet in size and the property is approximately 11.52 acres.

Section 3. That the Director of Public Safety is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire South High and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of South High.

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Section 4. That the consideration to be paid for South High shall not exceed the fair market value of \$435,000, as determined by an independent third-party appraisal.

Section 5. That, upon acquisition of South High and notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to lease to CMSD portions of South High comprising of up to six classrooms and ancillary space or spaces to be used for the benefit of CMSD students for the term of the lease.

Section 6. That the term of the lease authorized by this ordinance shall not exceed twenty years.

Section 7. That the rent for the lease authorized by this ordinance shall not exceed \$1.00 and other valuable consideration, which is determined to be fair market value, exclusive of utilities.

Section 8. That the lease shall provide for CMSD's payment of all utility and operating costs for the first year of the lease and payment of not to exceed five percent of all utility and operating costs for the remaining years of the lease.

Section 9. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, or renovating all or portions of South High, including ancillary buildings, structures, or site improvements, for the Mayor's Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 10. That the Director of Public Safety or Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall

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furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 11. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the improvements described in this ordinance, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of such improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each improvement made.

Section 12. That the Director of Public Safety or Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 13. That the Director of Capital Projects is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, for the professional services necessary to implement this ordinance.

Section 14. That the selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

Section 15. That the Director of Capital Projects is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Capital Projects for each or all of the items comprising the

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necessary supplies and materials for the improvements described in this ordinance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Director of Capital Projects. 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 any combination of the items as the Board of Control determines. Alternate bids for a period less than the term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire terms. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Codified Ordinance Sections 131.67 and 181.101 to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 16. That the costs of the requirement 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.

Section 17. 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 Capital Projects 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 18. That the Director of Public Safety or Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 19. That the Director of Public Safety, Capital Projects, the Director of Law, and other appropriate City officials are authorized to execute any other documents

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and certificates, and take any other actions which may be necessary or appropriate in connection with implementing this ordinance.

Section 20. That the cost of this ordinance and other expenditures authorized shall be paid from the fund or funds to which are credited the proceeds of the sale of bonds authorized by Ordinance No. 161-2021, passed March 22, 2021, from the fund or funds to which are credited any gifts or grants received for the purposes of this ordinance, and from any other funds approved by the Director of Finance. RQS 6002, RLA 2021-45.

Section 21. 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.

SM:nl
7-14-2021
FOR: Interim Directors Howard and Spronz

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By Council Members Griffin, Bishop, Brancatelli and Kelley
(by departmental request)

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READ FIRST TIME on JULY 14, 2021

and referred to DIRECTORS of Public Safety, Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT after second Reading

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

FILED WITH COMMITTEE
