

Ordinance No. 341-2024 AS AMENDED

By Council Members McCormack, Hairston,
Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of City Planning to accept a grant from the Project for Public Spaces for the West 29th Street Open Street Program; determining the method of making the public improvement of installing one or more pedestrian plazas along West 29th Street; authorizing the Director of City Planning, or appropriate Director, to enter into one or more public improvement contracts; authorizing other contracts; and applying for and accepting gifts, grants, or services from public and private entities, needed to implement the grant.

WHEREAS, the Director of City Planning desires to accept a grant from the Project for Public Spaces in the amount up to \$100,000 to conduct the West 29th Street Open Street Program for the purpose of creating one or more pedestrian plaza(s) in area(s) along West 29th Street north of Clinton Avenue and South of Detroit Avenue; and

WHEREAS, the West 29th Street Open Street Program will allow the Director of City Planning to enter into one or more contracts to design and install one or more pedestrian plazas in one or more areas to be selected located along West 29th Street north of Clinton Avenue and south of Detroit Avenue and to enter into other contracts for programming, management, maintenance, equipment, and other related contracts needed to implement the grant (the "Program"); and

WHEREAS, local residents, property owners, tenants and other stakeholders will be engaged in the study, selection, design, programming, and installation of the pedestrian plaza(s) in the area(s) selected along West 29th Street; 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 the Director of City Planning is authorized to accept a grant in the amount up to \$100,000, and any other funds that may become available during the grant term, from the Project for Public Spaces to conduct the Program; that the 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 the legislative summary for the grant contained in the file described below.

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Section 2. That the legislative summary for the grant, File No. 341-2024-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority. (RQS 0110, RLA 2024-34)

Section 3. That the Director of City Planning is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of City Planning, or her designee, will engage local residents, property owners, tenants and other stakeholders in the study, selection, design, programming, and installation of the pedestrian plaza(s) in the area(s) selected along West 29th Street.

Section 5. That the Director of City Planning is authorized to apply for and accept one or more gifts, grants, or services from other public or private entities to implement the Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance. That the Director of City Planning shall notify the members of Council, through its Clerk, of any additional gifts, grants, or services received from other public or private entities for the purposes described in this ordinance.

Section 6. That the Director of City Planning is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the pedestrian plaza(s) at the selected area(s), programming, management, and other related services needed to implement the Program (the "Improvement").

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of City Planning from a list of qualified consultants available for employment as may be determined after a full and complete

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canvass by the Director of City Planning for the purpose of compiling a 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 City Planning, and certified by the Director of Finance.

Section 7. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Improvement, for the Department of City Planning, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 8. That the Director of City Planning, or appropriate Director, is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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 on a unit basis.

Section 9. That the Director of City Planning 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 10. That the Director of City Planning is authorized to enter into one or more contracts with various entities or agencies to perform community engagement activities relating to the production, use, and/or implementation of the Improvement, for a period of one year, with a one year option to renew, exercisable by the Director of City Planning.

Section 11. That the Director of City Planning is authorized to make one or more written standard purchase contracts and written requirement contracts under the

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Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services needed to implement the Improvement, as described in the file, which include but not limited to, site preparation, delivery, permeable paving, paint, plantings, trees, lighting, seating, planters, small-scale play structures or other playful elements, including installation when needed, and maintenance on the selected sites, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of City Planning. 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.

Section 12. That the costs of the standard or requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 13. That under Section 108(b) of the Charter, the purchases and services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of City Planning may sign all documents that are necessary to make the purchases or obtain such services, and may enter into one or more contracts with the vendors or consultants selected through that cooperative process.

Section 14. That the costs of the contract or contracts or payments authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance from the Project for Public Spaces, and from

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the fund or funds to which are credited other gifts or grants accepted from other entities, ~~and from and any other funds approved by the Director of Finance.~~

Section 15. 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.

RB:nl
3-25-2024
FOR: Director Huang

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**REPORT
after second Reading**

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_____ **READ FIRST TIME** _____ **REPORTS**

and referred to _____
by the council _____

_____ **CITY CLERK**

_____ **READ SECOND TIME** _____

by the council _____
_____ **CITY CLERK**

_____ **READ THIRD TIME** _____

by the council _____
_____ **PRESIDENT**

_____ **CITY CLERK**

_____ **APPROVED**

_____ **MAYOR**