

**Ordinance No. 74-2019****Council Members:** B. Jones, Johnson, Brancatelli and Kelley

**An emergency ordinance authorizing the Director of Public Works and/or Capital Projects to enter into an agreement with the Cleveland Indians Inc. to allow and accept improvements at Luke Easter Park and League Park as a gift to the City; determining the method of making the public improvement of designing and constructing the new improvements and authorizing contracts with the Cleveland Indians and the Cleveland Indians Charities for that purpose; to apply for and accept grants and gifts from various entities; and authorizing the direct employment of necessary labor, for the Department of Public Works.**

**WHEREAS**, the City of Cleveland will host the 90<sup>th</sup> Major League Baseball All-Star Game in July 2019; and

**WHEREAS**, the Cleveland Indians and Cleveland Indians Charities have partnered with Major League baseball to leave a legacy in the City of Cleveland that will last long after the 90<sup>th</sup> All-Star Game; and

**WHEREAS**, the Cleveland Indians Charities has proposed to fund new synthetic turf baseball fields and other improvements at Brookside Park and Luke Easter Park, and to make improvements at League Park as its 2019 All-Star Legacy Project; and

**WHEREAS**, the Cleveland Indians Charities has proposed to complete the improvement at Brookside Park as a joint project with the Cleveland Metroparks. The amount of the Cleveland Indians Charities proposed improvement at Brookside Park is estimated to be \$1,500,000; and

**WHEREAS**, the amount of the Cleveland Indians Charities proposed improvement at Luke Easter and League Park is estimated to be \$2,000,000. The City desires to accept the gift of the improvements and to contribute approximately \$520,000 in cash and approximately \$130,000 through the use of city forces, and city contracts for additional items of the improvements; and

**WHEREAS**, the City has a unique opportunity to receive state-of-the-art improvements at Luke Easter and League Park due to the generosity of the Cleveland Indians Charities, and it is in the City's best interests to accept the improvements and to make a partial contribution to the cost of the improvements for the benefit of City residents; 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 Public Works and/or Capital Projects is authorized to enter into an agreement with the Cleveland Indians Charities Inc. to allow them to make improvements to Luke Easter Park and League Park and to provide appurtenances and other amenities (the “Improvement”), and to accept the Improvement as a gift to the City. The agreement shall be prepared by the Director of Law.

**Section 2.** That, as part of the City’s contribution, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of designing and constructing a synthetic turf baseball field, performing necessary excavation, grading and drainage, constructing grandstands, scoreboard, fencing, including backstops dugouts, and appurtenances at Luke Easter Park, for the Division of Recreation, Department of Public Works, by one or more maximum guaranteed price-design-build or engineer-procure-construct contracts duly let to Cleveland Indians and Cleveland Indians Charities after submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement.

**Section 3.** That, as part of the City’s contribution, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing site improvements, including but not limited to, landscaping, paving, and installing related appurtenances, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvement, which supplies and materials are not covered under an existing requirement contract, with a separate accounting as to each improvement made. 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 ordinance 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 4.** That, as part of the City’s contribution, the Director of Public Works and/or Capital Projects 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 5.** That, as part of the City’s contribution, under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works and/or 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 6.** That, as part of the City’s contribution, the Director of Public Works and/or Capital Projects is authorized to apply for and accept any grants and gifts of cash, property or services to implement the Improvements authorized under this

ordinance from any public or private entity; and that the Director of Public Works and/or Capital Projects is authorized to file all papers and execute all documents necessary to receive any gift or grant funds; and that the funds are appropriated for the purposes necessary to implement the Improvement.

**Section 7.** That the cost of any expenditure authorized by this ordinance shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 572, 20 SF 577, 20 SF 584, from the fund or funds which are credited any cash gifts or grant proceeds received, and any other funds approved by the Director of Finance. (RQS 0103, RLA 2018-69)

**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.

**Passed January 28, 2019.**

**Effective January 29, 2019.**