

Ordinance No. 520-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Directors of City Planning and/or Public Works, as appropriate, to enter into one or more agreements with The Convention and Visitors Bureau of Greater Cleveland, Inc. dba Destination Cleveland for professional services for the design, programming, and project management of several experiential light installations on or benefitting City properties and to accept the donation of any equipment, materials, supplies, and services for lighting on such properties; authorizing other agreements; and authorizing the appropriate director to apply for and accept any gifts, grants or services from any public or private entity.

WHEREAS, The Convention and Visitors Bureau of Greater Cleveland, Inc. dba Destination Cleveland (“Destination Cleveland”) desires to conduct an expansive lighting project to be focused on various areas of Downtown Cleveland, including, but not limited to Public Square, the Malls, and Euclid Avenue (“Project”); and

WHEREAS, as part of the Project, Destination Cleveland proposes to install lighting equipment directly on City property or on privately-owned property that will directly benefit City property (“City Impacted Properties”); 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 Directors of City Planning and Public Works, as appropriate, are authorized to enter into one or more contracts with Destination Cleveland for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services for the design, programming, and project management of several experiential light installations on City Impacted Properties.

Section 2. That the contract or contracts with Destination Cleveland may provide for the acceptance of equipment, materials, supplies, and services for such light installations on City Impacted Properties, the value of which is presently indeterminate but shall not exceed \$6,500,000.

Section 3. That the Directors of City Planning and Public Works, as appropriate, and other appropriate City officials are authorized to execute any other

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documents or certificates, and take any other action necessary to implement the Project on City Impacted Properties.

Section 4. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Directors of City Planning and Public Works, as appropriate, are authorized to enter into license agreements with Destination Cleveland, when necessary.

Section 5. That the term of the license agreement shall be perpetual, automatically renewed from year to year unless terminated by either party.

Section 6. That the license agreement shall be prepared by the Director of Law which shall include the requirement that Destination Cleveland maintain and keep the installation in repair at no cost to the City during the term of the agreement and remove the installation at no cost to the City when the agreement is terminated.

Section 7. That the Director of Public Works and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

Section 8. That the Director of Capital Projects is authorized to issue encroachment permits if necessary, revocable at the will of Council or the Director of Capital Projects, to Destination Cleveland to encroach into the public right-of-ways by constructing and installing experiential light installations on City Impacted Properties authorized under this ordinance.

Section 9. That the Director of Law shall prepare the encroachment permit(s) authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit(s) shall be issued only when, in the opinion of the Director of Law, Destination Cleveland has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 10. That Destination Cleveland may assign the encroachment permit(s) only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and

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specifications first approved by the Manager of the City's Division of Engineering and Construction. That Destination Cleveland shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 11. That the encroachment permit(s) shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 12. That the contracts authorized by this ordinance shall be prepared by the Director of Law and contain such terms and conditions as the Director of Law determines necessary to protect the public interest, approved by the Director of City Planning, and certified by the Director of Finance.

Section 13. That the Director of City Planning and/or Public Works are authorized to apply for and accept any other gifts, grants, or services for the Project on City Impacted Properties, from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive any gift, grant funds or services; and that any funds received are appropriated for the purposes described in this ordinance. That the Director is further authorized to pay cash matching funds from the costs of this ordinance, if required to receive grant funding.

Section 14. That the costs of the expenditures and contracts authorized shall not exceed \$1,000,000, and shall be paid from Fund No. 10 SF 400, from the fund or funds to which are credited any gift or grant funds accepted under this ordinance, and from any other funds approved by the Director of Finance. (RQS 0110, RL 2023-35)

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.

SM:nl
4-24-2023
FOR: Director Huang

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REPORT after second Reading

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READ FIRST TIME on APRIL 24, 2023

REPORTS

**and referred to DIRECTORS of City Planning Commission,
Public Works, Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability,
Finance Diversity Equity and Inclusion**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

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COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

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COMMITTEE ON
**DEVELOPMENT, PLANNING AND
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