

Ordinance No. 1123-2024

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing the Berry Avenue/West 73rd Street, Chatfield Avenue, East 72nd Street, East 81st Street, East 83rd Street, East 125th Street, Fidelity Avenue, Frazee Avenue, Goodman Avenue, Hampden Avenue/Olivet Avenue, Myron Avenue, Talbot Avenue, West 82nd Street, West 92nd Street and Woodbury Avenue Areas Sewer Replacement or Rehabilitation Projects; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design and implement the improvement; and to apply for and accept funding.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Berry Avenue/West 73rd Street, Chatfield Avenue, East 72nd Street, East 81st Street, East 83rd Street, East 125th Street, Fidelity Avenue, Frazee Avenue, Goodman Avenue, Hampden Avenue/Olivet Avenue, Myron Avenue, Talbot Avenue, West 82nd Street, West 92nd Street and Woodbury Avenue Area Sewer Replacement or Rehabilitation Projects, which may include but not be limited to replacing the existing main sewer and installing a new storm relief sewer (the "Improvement"), for the Division of Water Pollution Control, Department of Public Utilities, 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 2. That the Director of Public Utilities 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 3. 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 permit performance of the work authorized by this ordinance.

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Section 4. That the Director of Public Utilities 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 and implement 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 Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance.

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 Improvement; including but not limited to the Northeast Ohio Regional Sewer District (“NEORS”) for Community Cost-Share Program or other funding to implement the Improvement; that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 6. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept one or more Water Pollution Control Loan Fund (“WPCLF”) loans from the Ohio EPA or Ohio Water Development Authority, or other sources; that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

The Director of Public Utilities and/or the Director of Finance, as appropriate, is authorized to enter into one or more loan agreements with the Ohio EPA or Ohio Water

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Development Authority, or other appropriate agency, for one or more WPCLF loans, which loan agreement or agreements shall contain additional terms that are acceptable to the Director of Law to protect the public interest. Upon execution of the WPCLF loan agreement or agreements, the Director of Public Utilities and/or the Director of Finance is authorized to repay the loan funds to the WPCLF in accordance with the terms and conditions of the WPCLF loan agreement or agreements, from the operating revenues of the Division of Water Pollution Control.

Section 7. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept grants as they become available and other funding from the United States of America and its federal agencies, the state of Ohio and its state agencies, public agencies and/or pass-through entities approved by the governmental entity and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants, and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 54 SF 001 and 54 SF 402, from the fund or funds to which are credited the proceeds from funding received through NEORS D's Community Cost-Share Program funds, 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 grants or loans received, and from any other funds approved by the Director of Finance. (RQS 2003, RLA 2024-93)

Section 9. 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:uo
10-14-2024
FOR: Director Keane

