

# Ordinance No. 242-2022

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into an amendment to Contract No. CT 2004, PI 2015-8 with the Group Plan Commission to allow them to construct improvements to Public Square and Superior Avenue; and to cause payment of the City's share of the improvement.

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WHEREAS, under Ordinance No. 1061-14, passed September 15, 2014, as amended, this Council, among other things, authorized the Director of Public Works to enter into an Agreement No. CT 2004, PI 2015-8, as amended, ("Agreement") with the Group Plan Commission ("GPC") relating to the redevelopment of Public Square; and

WHEREAS, in 2017, in response to the United States Department of Homeland Security and other safety concerns associated with vehicles and Greater Cleveland Regional Transit Authority buses, the City installed concrete barriers along Superior Avenue and adjacent to pedestrian walkways; and

WHEREAS, the City now desires to remove the concrete barriers placed in 2017 and to replace them with crash resistant bollards, planters, and to make other improvements to address safety concerns while improving the aesthetics of Public Square; and

WHEREAS, the proposed improvements include but are not limited to, installing an automated closure system for Superior Avenue traffic at both the east and west entrances to Public Square, removing dual crossings of Superior Avenue, reconfiguring road pavement of Superior Avenue for the construction of a single crosswalk in the center of Public Square, and installing fixed and removable bollards to protect pedestrians (the "Recommended Improvements"); and

WHEREAS, an amendment to the Agreement is necessary to allow GPC to make the Recommended Improvements; 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Recommended Improvements, for the Department of Public Works, under one or more design-build or

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engineer-procure-construct contracts with the GPC, obtaining the best proposal, taking into consideration the engineering and design, the construction method(s), the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional(s) and construction firm(s), and the other objectives of the Recommended Improvements. That the Director of Public Works is authorized to enter into an amendment to the Agreement to authorize GPC to enter into one or more a design/build contracts or engineer-procure-construct contracts needed to make the Recommended Improvements. All construction authorized under this ordinance shall be subject to the City's policies, procedures, permits, reviews, and approvals of appropriate City officials. All other terms and conditions contained in the Agreement shall remain the same.

Section 2. That the amendment to the Agreement shall be prepared by the Director of Law.

Section 3. That the cost of the Recommended Improvements is estimated to be \$3,000,000. This Council authorizes payment to GPC of the City's share of the Recommended Improvements in an amount not to exceed \$1,500,000, payable from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, and any other funds approved by the Director of Finance. The Greater Cleveland Regional Transit authority shall contribute \$500,000, and GPC shall provide the balance of funds from sources to be determined. (RQS 0103, RL 2022-22)

Section 4. 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  
3-7-2022  
FOR: Interim Director Cox and Council Member McCormack

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**REPORT**  
after second Reading

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**READ FIRST TIME on MARCH 7, 2022**  
**and referred to DIRECTORS of Public Works,**  
**City Planning Commission, Finance, Law;**  
**COMMITTEES on Municipal Services and Properties,**  
**Finance Diversity Equity and Inclusion**

**REPORTS**

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**CITY CLERK**

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**READ SECOND TIME**

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**CITY CLERK**

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**READ THIRD TIME**

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**PRESIDENT**

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**CITY CLERK**

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**APPROVED**

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**MAYOR**

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

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE, DIVERSITY, EQUITY  
and INCLUSION**

FILED WITH COMMITTEE

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