

# Ordinance No. 522-2023

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

## AN EMERGENCY ORDINANCE

Authorizing the Director of City Planning to employ one or more consultants to provide professional services for the design, programming, management and/or fabrication of interactive arts, activities, sculptures, and/or other amenities in downtown Cleveland; and to enter into other contracts; authorizing contracts to implement; and authorizing the Director to apply for and accept any gifts, grants or services from any public or private entity.

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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 employ by contract or contracts one or more consultants or firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide professional services for the design, programming, management and/or fabrication of interactive arts, activities, sculptures, and/or other amenities in downtown Cleveland.

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 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 2. That the Director of City Planning is authorized to make one or more written standard purchase contracts and written requirement contracts under the 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 this ordinance, including but not limited to, installation of displays, site preparation, delivery, or other related services if needed, 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 3. That under Section 108(b) of the Charter, the purchases 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, and may enter into one or more contracts with the vendors selected through that cooperative process.

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Section 4. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Director of City Planning is authorized to enter into license agreements with various entities to implement this ordinance, 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 the licensee 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 Capital Projects is authorized to issue encroachment permits if necessary, revocable at the will of Council or the Director of Capital Projects, to various entities to encroach into the public right-of-ways by constructing and installing art installations described in this ordinance.

Section 8. That the Director of Law shall prepare the encroachment permit(s) permits 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, the prospective permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 9. That the permittee may assign the permit 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 specifications first approved by the Manager of the City's Division of Engineering and Construction. That the permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 10. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 11. That the Director of City Planning and other appropriate City officials are authorized to execute any other documents or certificates, and take any other action necessary to implement this ordinance.

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 is authorized to apply for and accept any gifts, grants, or services to implement this ordinance from any public or private entity; and that the Director is authorized to file all papers and execute all

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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 requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 15. That the costs of this ordinance 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 2023-38)

Section 16. 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

