



**City of Cleveland Memorandum**  
Frank G. Jackson, Mayor

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**TO:** Kevin J. Kelley, Chair  
Finance Committee

**FROM:** Michael McGrath, Director  
Department of Public Safety

**SUBJECT:** Ordinance No. 1110-18 Authorizing the Director of Public Safety enter into one or more requirements contracts for Self-Contained Breathing Apparatus (SCBA) for the Division of Fire, Department of Public Safety, for a term of one-year, with a one-year option to renew

**DATE:** August 27, 2018

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If passed by Council, this Ordinance would authorize the Director of Public Safety to enter into one or more requirements contracts for Self-Contained Breathing Apparatus (SCBA) for the Division of Fire, Department of Public Safety, for a term of one-year, with a one-year option to renew.

The Self-Contained Breathing Apparatus (SCBA) will be funded through Capital Project No. C18075, Fund 21, Subfund 018.

credited any grant proceeds accepted for the purposes of this ordinance and any passenger facility charges, if authorized for this purpose, Request No. RQS 3001, RL 2018-93.

**Section 3.** 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.

Referred to Directors of Port Control, Finance, Law; Committees on Transportation, Finance.

**Ord. No. 1108-18.**

**By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of recycled or virgin asphalt concrete, for the Division of Streets, Department of Public Works.**

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 is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for requirements for a term of one year or two years for the necessary items of recycled or virgin asphalt concrete in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Works. 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, 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. (RQN 7016, RL 2018-28)

**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 Public Works 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 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.

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 1109-18.**

**By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2017-18 school year.**

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2017-18 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; 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 Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2017-18 school year, under the 2016-17 program description contained in File No. 1109-18-A. The cost of the contract or contracts shall not exceed \$950,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2018-25.

**Section 2.** 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.

Referred to Directors of Public Works, Finance, and Law; Committees on Municipal Services and Properties, Finance.

**Ord. No. 1110-18.**

**By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of self-contained breathing apparatus, for the Division of Fire, Department of Public Safety, for a term of one year, with one option to renew for an additional one-year period, exercisable by the Director of Public Safety.**

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 Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of one year, with one option to renew for an additional one-year period, exercisable by the Director of Public Safety of the necessary items of self-contained breathing apparatus, in the estimated sum of \$1,300,000, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, Department of Public Safety. 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** 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 Public Safety 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 3.** That the costs of the 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 contract, 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. (RQN 6001, RL 2018-35)

**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.



Referred to Directors of Public Safety, Finance, Law; Committees on Safety, Finance.

**Ord. No. 1111-18.**

By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of valves, actuators, and appurtenances, and labor and materials needed to repair, replace, maintain, exercise, and test valves, actuators and appurtenances, for the Division of Water, Department of Public Utilities, for a period of two years.

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 Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of valves, actuators, and appurtenances, and labor and materials needed to repair, replace, maintain, exercise, and test valves, actuators and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. 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. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** 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 Public Utilities 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 3.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, 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. (RQN 2002, RCL 2018-26)

**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.

Referred to Directors of Public Utilities, Finance, Law; Committees on Utilities, Finance.

**Ord. No. 1112-18.**

By Council Members Griffin, Brancatelli and Kelley (by departmental request).

An emergency ordinance approving the addition of certain property to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project, declaring it necessary to conduct the special energy improvement project providing for the assessment of the cost and expense of such special energy improvement project; and authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.

Whereas, this Council adopted Resolution No. 1078-10 and passed Ordinance No. 1551-13, which authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District, formerly known as the Cleveland First-Suburbs Development Council Advanced Energy Special Improvement District (the "District"); and

Whereas, the District is an energy special improvement district formed under Chapter 1710 of the Ohio Revised Code (the "Revised Code") and is authorized to levy assessment to pay costs for developing and implementing plans for public improvements and public services that benefit the energy special improvement district; and

Whereas, Chapter 1710 of the Revised Code authorizes property owners to petition the City to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

Whereas, Shaker West Professional LLC (the "Owner") is the owner of Permanent Parcel No. 129-08-006, located at 11811 Shaker Blvd., Cleveland, Ohio, 44120 (the "Property"), which constitutes one hundred percent of the property proposed to be added to the District, and has submitted a petition (the "Project Petition") to the City and the District requesting that the Property be added to the District and that a special assessment be placed upon the Property to secure the Project Advance (as that term is defined in the Cooperative Agreement) from Greenworks Lending LLC (the "Lender") to fund the special energy improvement project further described in the plans and specifications (the "Project Plan") attached to the Project Petition; and

Whereas, the District has reviewed and approved the Project Petition and the Project Plan and under Section 1710.02(E) of the Revised Code, the Project Petition and the Project Plan are to be approved or disapproved by ordinance of this Council within sixty days of filing of the Project Petition with the City; 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 Project Petition and the Project Plan placed in File No. 1112-18-A are approved, and this Council consents to the addition of the Property to the District.

**Section 2.** That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the special energy improvements as defined in the Project Plan for a 20-year period and that the Property will be specifically benefited by the special energy improvement projects and shall be assessed to pay for the costs of the special energy improvement projects, calculated based on an Energy Project Cooperative Agreement between the City, the District, the Lender, and the Owner (the "Cooperative Agreement").

**Section 3.** That the Project Plan placed in the above-mentioned file is approved at an estimated total cost of \$777,851.60 which is sufficient to pay the costs of the Project, including other related financing costs set forth in the Project Petition and that the Special Assessments are levied and assessed on the Property. The interest portion of the Special Assessments, which shall accrue at the annual rate of 5.25%, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds been issued by the District.

The Special Assessments are assessed against the Property commencing in tax year 2019 for collection in 2020 and shall continue through tax year 2038 for collection in 2039; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio determines that collections shall not commence in 2020, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in the Project Petition.

All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Chapter 727.33 of the Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to the Project Petition.

**Section 4.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

**Section 5.** That the Commissioner of Assessments and Licenses is authorized to prepare and file in the