

# Ordinance No. 121-2019 ( As Amended )

Council Members Brancatelli and Kelley  
(by departmental request)

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of City Planning to consent to assignment of Contract No. 55936, as amended, from Omni Media Cleveland, Inc. to IKE Smart City, LLC; and to enter into an amendment to the Agreement.

WHEREAS, under Ordinance No. 1143-98, passed April 12, 1999, this Council authorized the Director of City Planning to enter into an agreement with Omni Media Cleveland, Inc. ("Omni"), or its designee, to develop a system of informational kiosks to assist both tourists and local residents visiting cultural and other attractions in Cleveland's neighborhoods and downtown (the "Agreement"); and

WHEREAS, Omni wishes to assign all of its interest in the Agreement to IKE Smart City, LLC ("IKE") and to enter into an amendment to the Agreement ("Amendment"); and

WHEREAS, IKE proposes to use digital information kiosks ("IKE Kiosks") (which may partially contain City-designated public interest content) to provide upgraded technology and additional public benefits beyond those provided by the existing Omni Kiosks. Under the Amendment and upon issuance of the appropriate permits by the City, IKE may replace any existing Omni Kiosk with an IKE Kiosk in the same location; and

WHEREAS, under the Amendment, IKE intends to replace up to sixty (60) Omni Kiosks with up to sixty (60) IKE Kiosks, subject to availability of adequate power, **Kiosks with up to thirty (30) IKE Kiosks and up to (30) Transit Pillars, subject to availability of adequate power from Cleveland Public Power,** physical access, and viewability at each such location; and

WHEREAS, under the Amendment, revenue generated by the City of Cleveland from the ongoing utilization of the Ike Kiosk will be utilized by the Storefront Renovation Program to enhance retail facades along commercial corridors throughout the City of Cleveland; and that funds to the City continue to be deposited into a special fund managed by the Department of Community Development who operates the Storefront Renovation Program; and

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WHEREAS, the term of the Amendment shall be twenty (20) years, following completion of the installation period; and

WHEREAS, under the Amendment, the irrevocable letter of credit shall be increased to \$200,000 to secure maintenance obligations of the IKE and to provide for Kiosk removal if IKE abandons kiosks; and

WHEREAS, under the Amendment, an increase in the revenue threshold will enable IKE to recoup a portion of its capital expenditures for the installation of the Ike Kiosks while generating additional revenues per installation for the benefit of City; and

WHEREAS, under the Amendment the City shall cause **IKE to contract with** Cleveland Public Power ("CPP") to provide electric service to all kiosk locations where CPP electric service is reasonably available and the parties shall cooperate to bring electric service to the kiosks in a manner that minimizes the cost and disruption to the right of way; and

WHEREAS, under the Amendment, IKE shall seek approval of location of any new Ike Kiosks from the City Planning Commission and the councilperson representing the ward in which the new kiosk is proposed to be installed; 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 Director of City Planning is authorized to consent to the assignment of Contract No. 55936, as amended, from Omni to IKE and to enter into an Amendment to the Agreement, which, among other things, shall include a provision that the IKE Kiosks partially contain City-designated public interest content.

Section 2. That the Director of City Planning is authorized to execute all documents and do all things necessary and appropriate to effect this ordinance. A copy of the Amendment shall be filed in the Office of the Commissioner of Accounts.

Section 3. That the Amendment shall be prepared by the Director of Law.

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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:SM:nl      1-14-19      FOR: Director Collier

### Amendments to Ord. No. 121-2019

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the fourth WHEREAS clause, strike line 2 in its entirety and insert: "Kiosks with up to thirty (30) IKE Kiosks and up to thirty (30) Transit Pillars, subject to availability of adequate power from Cleveland Public Power,".
2. In the ninth WHEREAS clause, line 1 after "cause", insert "IKE to contract with".

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_  
George Peters  
Assistant Director of Law

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READ FIRST TIME on JANUARY 14, 2019  
and referred to DIRECTORS of City Planning Commission, Finance, Law;  
COMMITTEES on Development Planning and Sustainability, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE