

# Ordinance No. 636-2019

**Council Members McCormack, Johnson and Kelley (by departmental request)**

## **AN EMERGENCY ORDINANCE**

Determining the method of making the public improvement of constructing material capital repairs and capital improvements to First Energy Stadium; authorizing one or more public improvement contracts for the making of the improvement; and professional services to design, or in the alternative, to reimburse or accept the gift of design and other services from the Cleveland Browns.

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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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the capital repairs and improvements to the Stadium, including but not limited to the following items identified by a current facility assessment: replacing pedestrian ramps, replacing domestic hot water tanks, installing chiller lines to South end of Stadium, replacing walk-in cooler and freezer compressors, replacing stadium lighting control system, Micro-line, and replacing corroded fire sprinkler lines, for the Department of Public Works or the Office of Capital Projects, as appropriate, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to enter into contract for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the capital repairs

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and improvements to the Stadium, including but not limited to the following items identified by a current facility assessment: replacing full depth of concrete slab, patching overhead and vertical concrete surfaces, patching and repairing horizontal concrete surfaces, repairing structural cracks, and repairing non-structural cracks, for the Department of Public Works or the Office of Capital Projects, as appropriate, by contract duly let to the lowest responsible bidder after competitive bidding on a unit basis for the improvement.

Section 4. That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to enter into contract for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price 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 5. That the Director of Public Works or the Director of Capital Projects, as appropriate, 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.

Section 6. That the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or the professionals necessary for the purpose of supplementing the regularly employed staff of the several departments of the City in order to provide professional services necessary to prepare plans and specifications to make the capital repairs and

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improvements. The selection of the professional consultants shall be made by the Board of Control on the nomination of the appropriate director.

Section 7. That, in the alternative to the Section 6, if the Cleveland Browns want to prepare the plans and specifications and be reimbursed for their cost or if they wish to donate the plans and specifications, the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to enter into an agreement with the Cleveland Browns for that purpose. All plans and specifications shall be approved by the appropriate City official.

Section 8. That, if necessary, the Director of Public Works or the Director of Capital Projects, as appropriate, is authorized to accept one or more of the following: the gift of engineering plans, specifications, cost estimates, and schedules necessary to implement the improvements, including construction project management services, from the Cleveland Browns.

Section 9. That the costs of this ordinance shall be paid from Fund No. 20 SF 111, the Capital Repair Fund, RQS 0103, RL 2019-45.

Section 10. 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  
5-13-19

FOR: Directors Spronz and Cox

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**READ FIRST TIME on MAY 13, 2019**

## REPORTS

**and referred to DIRECTORS of Capital Projects, Public Works, Finance, Law;  
COMMITTEES on Municipal Services and Properties, Finance**

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  
MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE