

Ordinance No. 723-2019

Council Members: Keane and Kelley (by departmental request)

An emergency ordinance determining the method of making the public improvement of tearing down and removing the radio tower and associated buildings on the Tree Farm Property in Brecksville, and removing shelters at two other radio tower locations and restoring land in all locations; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; authorizing professional services to design; and authorizing the purchase by one or more contracts of labor and materials necessary to implement this ordinance, for the Department of Public Utilities.

WHEREAS, the City of Cleveland has a radio tower located on PPN 603-10-004 (the “Tree Farm Property”) in the City of Brecksville; and

WHEREAS, the City of Cleveland wishes to tear down and remove that tower and restore the land; and

WHEREAS, the City also wishes to remove an old shelter at the radio tower located within the Baldwin Water Treatment Plant property and an old shelter and fencing located within Cleveland Hopkins International Airport (“CHIA”) property; 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 tearing down and removing the Tree Farm Property radio tower in the City of Brecksville and removing associated buildings; removing an old shelter at the radio tower located within the Baldwin Water Treatment Plant property; removing an old shelter at the radio tower located within Cleveland Hopkins International Airport (“CHIA”) property; and to restore the land at these locations (the “Improvement”), if necessary for the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders 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 the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment, as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance.

Section 4. That the Director of Public Utilities 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 5. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for labor, materials, equipment, supplies and services needed to implement this ordinance, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Utilities.

Section 6. That under division (b) of Section 108 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 7. That the cost of this ordinance and other expenditures shall be paid from Fund No. 50 SF 002, RQS 2001, RL 2019-37.

Section 8. 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.

Passed July 24, 2019.

Effective July 26, 2019.