

Ordinance No.1446-2019

Council Member(s) Cleveland, Zone, Johnson,
Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing a new Cleveland Police Division headquarters and related parking lot, storage facility, ordnance range and other similar types of structures; authorizing the Directors of Capital Projects or Public Safety to enter into one or more public improvement contracts to construct the improvement, to employ one or more professional consultants necessary for design and for related services to implement the improvement; authorizing the Directors of Capital Projects, Public Safety, Public Works, or Economic Development, as appropriate, to apply for and accept any gifts or grants from any public or private entity, to enter into one or more agreements to implement the improvement; authorizing various written standard purchase and requirement contracts; and authorizing the Commissioner of Purchases and Supplies or the Director of Economic Development, as appropriate, to acquire or transfer rights or interests in real property.

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 a new Cleveland Police Division headquarters, and related parking lot, storage facility, ordnance range and other similar types of structures on the proposed Police Headquarter Site described below (the "Improvement"), for the Division of Police, Department of Public Safety, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Proposed 10.50 Acre Police Headquarters Site ("HQ Site") plus additional adjacent properties that may be acquired for the Improvement

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Original Newburgh Township Lot No. 330, further described as follows:

Bounded on the North and Northwest by the Norfolk & Western Railway, on the South by the Proposed Opportunity Corridor Roadway and on the East by East 75th Street.

Section 2. That the Director of Capital Projects or Public Safety 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

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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 Capital Projects or Public Safety 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 and for related services necessary to implement the Improvement, including but not limited to, providing representation for owners or performing construction management services.

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

Section 4. That the Director of Capital Projects, Public Safety, or Public Works, 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 5. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the

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Commissioner of Purchases and Supplies, at the direction of the Board of Control, is authorized to sell any properties or grant any easements determined to be no longer needed for the City's public use but needed to provide access to the Greater Cleveland Regional Transit Authority for its adjacent Central Rail Facility.

Section 6. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorize to sell any properties or grant any easements described in Section 5 above at a price not less than fair market value as determined by the Board of Control.

Section 7. That the conveyance for the sale of any properties shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the City's interests and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 8. That the conveyance of any easements shall be made by official deed of easement prepared by the Director of Law, shall contain the necessary descriptions, duration, and terms and conditions specified by the Board of Control and such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City by, and shall be executed by the appropriate Director on behalf of the City of Cleveland.

Section 9. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies or the Director of Economic Development, as appropriate, is authorized to acquire, accept, and record any real property including but not limited to fee simple acquisitions, temporary easements, permanent easements, and work agreements necessary to make the Improvement, including payment of relocation

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assistance for displaced persons as may be required by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.

Section 10. That the Director of Capital Projects, Public Safety, or Economic Development, as appropriate, is authorized to execute on behalf of the City all documents necessary to sell any properties or transfer any easement or, to acquire rights or interests in real property, and to employ and pay all fees for title companies, surveys, escrows, appraisers, and other consultants and all other costs necessary for the acquisition or use of the rights or interests in the properties needed to implement the Improvement.

Section 11. That the consideration to be paid for any acquired real property or easements shall not exceed fair market value as determined by the Board of Control.

Section 12. That the Director of Capital Projects, Public Safety, Public Works or Economic Development, as appropriate, 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 furnishings, appurtenances, moving services, and City relocation costs, if necessary, to effectuate the Improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Office of Capital Projects, the Department of Public Safety, the Department of Public Works, or the Department of Economic Development. 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 13. 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 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.

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Section 14. 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 Capital Projects, Public Safety, Public Works or Economic Development, as appropriate, 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 15. That the Director of Capital Projects, Public Safety, Economic Development or Public Works, as appropriate, is authorized to apply for and accept any gifts or grants to implement and maintain the Improvement from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 16. That the Director of Capital Projects, Public Safety, Public Works or Economic Development, as appropriate, is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure needed for the Improvement.

Section 17. That the Director of Capital Projects, Public Safety, Public Works or Economic Development, 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 and is authorized to enter into any agreements necessary to implement the Improvement.

Section 18. That the cost of the contracts, costs of acquiring, accepting, and recording the land, payments, charges, or any other expenditures authorized in this ordinance shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, from other funds as approved by the Director of Finance, including future bonds, if issued for this purpose. (RQS 0103, RLA 2019-68)

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Section 19. 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
11-18-19

FOR: Director Spronz

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Council Member(s) Council Member(s) Cleveland, Johnson, Brancatelli and Kelley (by departmental request)

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READ FIRST TIME on November 18, 2019 **REPORTS**
and referred to DIRECTORS of Capital Projects, Public Works, City Planning Commission, Economic Development, Finance, Law;
COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance

 CITY CLERK

READ SECOND TIME

by the council

 CITY CLERK

READ THIRD TIME

by the council

 PRESIDENT

 CITY CLERK

APPROVED

 MAYOR

Recorded Vol. _____ Page _____
 Published in the City Record

**REPORT
 after second Reading**

**PASSAGE RECOMMENDED BY
 COMMITTEE ON
 MUNICIPAL SERVICES
 AND PROPERTIES**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
 COMMITTEE ON
 DEVELOPMENT, PLANNING AND
 SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
 COMMITTEE ON
 FINANCE**

FILED WITH COMMITTEE

