

# Ordinance No. 1034-2021

**By Council Members Kazy, Griffin, Bishop and Kelley (by departmental request)**

## AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to enter into a Lease Agreement with the Director of Public Safety for the lease and improvement of the Public Utilities' owned property located at 1825 Lakeside Avenue, for a term of twenty years for the public purpose of evidence and storage operations for the Department of Public Safety; determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving the building, parking areas, and/or surrounding land to stabilize the property for the Department of Public Utilities and to adapt the property for the use of the Department of Public Safety; authorizing the Directors of Public Utilities, Public Safety and/or Capital Projects, as applicable, to enter into one or more public improvement, professional services, standard, requirement, and other necessary contracts; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Utilities, Public Safety and/or Office of Capital Projects.

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WHEREAS, the Department of Public Utilities currently owns the property at, and occupies a 60,527 square foot building located on, 1825 Lakeside Avenue ("Premises"), which building consists of approximately 21,000 square feet of office space and approximately 39,000 square feet of commercial services garage space;

WHEREAS, the Department of Public Utilities needs to make improvements necessary to stabilize the building to protect its asset in the estimated cost of \$7,939,362;

WHEREAS, the Department of Public Utilities will be relocating its existing operations to another location but may use the Premises in the future;

WHEREAS, the Department of Public Safety desires to lease the Premises for 20 years for its evidence and storage operations and to make certain improvements to adapt the Premises to meet its operational needs at an estimated cost of \$2,492,651 to be paid from the general fund and/or general obligation bond funds; 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:**

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Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to lease to the Director of Public Safety, certain property located at 1825 Lakeside Avenue (the “Lease”).

Section 2. That the term of the Lease authorized by this ordinance shall be twenty years.

Section 3. That the Property shall be leased at fair market value as determined by the Board of Control.

Section 4. That the Lease may authorize the Director of Public Safety to make improvements to the leased premises under terms to be determined by the directors to be consistent with the public purpose of evidence and storage operations for the Department of Public Safety and for any future use by the Department of Public Utilities.

Section 5. That the Lease shall provide for the Department of Public Safety’s payment of appropriate utility and other operating and maintenance costs of the leased premises.

Section 6. That the Lease and any related documents and agreements necessary to implement this ordinance shall be prepared by the Director of Law.

Section 7. That the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to implement this ordinance.

Section 8. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving the building, parking area, and/or surrounding land at 1825 Lakeside Avenue (“Improvements”), by the Departments Capital Projects and/or Public Utilities, as applicable, to stabilize the building, and/or Public Safety, as applicable, to adapt the Premises by one or more contracts duly let to the lowest

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responsible bidder or bidders after competitive bidding for a gross price for the Improvements.

Section 9. That the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, are authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder after competitive bidding for a gross price for the Improvements, provided, however, that each separate trade and each distinct component part of the Improvements 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 improvements.

Section 10. That the Director of Public Utilities, Public Safety, and/or Capital Projects, as applicable, are 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 11. That the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, are authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the Improvements.

Section 12. That the selection of the consultants for the services shall be made by the Board of Control on the nomination of the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, for the purpose of compiling the 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 Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, and certified by the Director of Finance.

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Section 13. That the Directors of Public Safety and/or Capital Projects, as applicable, are 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 materials, equipment, supplies, and services, including labor and materials if necessary, needed to adapt the leased premises to meet the Department of Public Safety's operational needs, including but not limited to, furniture, fixtures, equipment, information technology business systems, movers, and/or tenant relocation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the 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. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Codified Ordinance Sections 131.67 and 181.101 to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 14. That it is determined to make the Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each improvement made.

Section 15. That the Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, is authorized to apply for and accept any gifts or grants from any public or private entity; and for this purpose from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents

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necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 16. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Directors of Public Utilities, Public Safety, and/or Capital Projects, as applicable, 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 17. That the costs of the standard and 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 contracts, 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.

Section 18. That the costs of this ordinance, including the Lease, the Improvements, professional services, and other expenditures to implement this ordinance, but excluding the standard or requirement contracts, shall be paid from Fund No. 01-6002-6930 and from the fund or funds to which are credited future bonds if issued for this purpose, and any other funds approved by the Director of Finance.

(RQS 6001, RLA 2021-84)

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

11-15-2021

FOR: Interim Directors Keane, Howard, and Spronz

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(by departmental request)**

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**READ FIRST TIME on NOVEMBER 15, 2021**  
**and referred to DIRECTORS of Public Utilities, Public Safety,**  
**Capital Projects, Finance, Law;**  
**COMMITTEES on Utilities, Safety,**  
**Municipal Services and Properties, Finance**

**REPORTS**

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 CITY CLERK

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 READ SECOND TIME

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 CITY CLERK

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 READ THIRD TIME

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 PRESIDENT

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 CITY CLERK

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 APPROVED

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 MAYOR

**REPORT  
after second Reading**

**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
UTILITIES**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
SAFETY**

FILED WITH COMMITTEE

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

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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