

RESOLUTION NO. 221-2024(CRR), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter agreements with various professional audio, visual, and lighting service and equipment providers and for the professional services and equipment to upgrade Cain Park's production capabilities in accordance with Ordinance No. 179-2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights, Ohio (the "CITY") received Thirty-Eight Million, Eight Hundred Seventeen Thousand, Sixty-Two Dollars and 0/100 (\$38,817,062.00) in direct payments pursuant to the American Rescue Plan Act of 2021 ("ARPA Funds");

WHEREAS, this Council previously appropriated Three Million, Five Hundred Forty Thousand Dollars and 00/100 (\$3,540,000.00) for improvements to Cain, Denison, and Forest Hills Park;

WHEREAS, Cain Park is located entirely within a Qualified Census Tract and serves communities disproportionately impacted by the pandemic;

WHEREAS, Cain Park's theaters provide opportunities for these communities to safely congregate in outdoor settings, which the City encourages through the various cultural and artistic events and attractions that only Cain Park has the capacity to host;

WHEREAS, the City's ability to host such events and attractions is hindered by the considerable and growing costs associated with renting modern, professional-grade audio, video, and lighting equipment, year-over-year;

WHEREAS, the Department of Parks and Recreation, after soliciting quotes from several local and regional service providers and equipment vendors, has determined in accordance with 2 C.F.R. § 200.320(c)(5) that the practice of manufacturers only licensing certain service providers/vendors, the need for system interoperability, and discrepancies in degrees of service among providers, renders competitive bidding to be an inadequate method of procurement.

BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Notwithstanding anything in C.O. Chapter 171 to the contrary, this Council concurs with the Department of Recreation's determination regarding the inadequacy of competitive bidding under 2. C.F.R. § 200.320(c)(5) and finds and determines that it is in the best interest of the City to invest in improving Cain Park's outdoor facilities by entering into agreements with the entities listed in Exhibit "A", attached hereto and incorporated by reference, for an amount not to exceed Seven Hundred Ninety-Six Thousand, Two Hundred Thirty-Five Dollars and 47/100

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(\$796,235.47) as further described, therein. Exhibit "A" shall be kept on file with the Clerk of Council.

SECTION 2. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights, or by posting the full text of this Resolution on the City of Cleveland Heights website.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being meeting the December 31, 2024, deadline for obligation of ARPA Funds. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: November 18, 2024

Presented to Mayor: 11/19/2024 Approved: 11/20/2024

A handwritten signature in blue ink, appearing to read 'Kahlil Seren', is positioned above a horizontal line.

KAHLIL SEREN
Mayor