

EMERGENCY

CFG

- 2022

AUTHORIZING payments in the amounts of \$7,404.41 to OTR Holdings, Inc. for professional services completed for the Downtown Pedestrian Task Force project; \$8,220.37 to HDR, Inc. for design and consulting services performed for the streetcar system; and \$7,370 to Donnellon, Donnellon & Miller for legal mediation services regarding appropriation of property needed for the Western Hills Viaduct replacement project, all as moral obligations for services provided to the City.

WHEREAS, the City entered into a contract with OTR Holdings, Inc. for professional services concerning the Downtown Pedestrian Task Force project; and

WHEREAS, the City certified resources to the professional services contract with OTR Holdings, Inc. for work to be completed by December 31, 2020, but due to unforeseen project delays, OTR Holdings, Inc. performed work until June 2021; and

WHEREAS, sufficient resources are available in capital improvement program project account no. 980x233x3000x7682x192384, "Pedestrian Safety Improvements Downtown/OTR," to pay \$7,404.41 to OTR Holdings, Inc. for its professional services; and

WHEREAS, the City entered into a contract with HDR, Inc. for design and consulting services performed for the streetcar system; and

WHEREAS, the City certified resources to the master agreement under which HDR, Inc. was hired and was to complete work by June 25, 2021, but HDR, Inc. was unable to meet the deadline due to staffing issues and worked past the deadline; and

WHEREAS, sufficient resources are available in capital improvement program project account no. 980x233x3000x7663x03678, "Cincinnati Streetcar System," to pay \$8,220.37 to HDR, Inc. for its design and consulting services; and

WHEREAS, the City filed a complaint in the Hamilton County Court of Common Pleas for the appropriation of Project Parcel 1 WD, owned by Viaduct Ventures, LLC, needed for the construction of the Western Hills Viaduct replacement project, and as authorized for appropriation in Ordinance No. 0087-2020; and

WHEREAS, upon request of Viaduct Ventures, LLC, the Hamilton County Court of Common Pleas appointed Donnellon, Donnellon & Miller to serve as a mediator between Viaduct Ventures, LLC and the City to resolve the appropriation case; and

WHEREAS, per Ohio Revised Code Section 163.051, the City is obligated to pay the cost of legal mediation services provided by Donnellon, Donnellon & Miller; and

WHEREAS, resources in the amount of \$1,474 from capital improvement program project account no. 980x233x5000x7651x142367, "Maintenance Fund for Bridges 2012-2016," and in the amount of \$5,896 from capital improvement program project account no. 980x233x5000x7651x172357, "Western Hills Viaduct Replacement Non-Local Grants," are available to pay \$7,370 to Donnellon, Donnellon & Miller for legal mediation services; and

WHEREAS, Council desires to provide payments for such services in the amounts of \$7,401.41 to OTR Holdings, Inc., \$8,220.37 to HDR, Inc., and \$7,370 to Donnellon, Donnellon & Miller; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Finance Director is authorized to make a payment of \$7,404.41 from capital improvement program project account no. 980x233x3000x7682x192384, "Pedestrian Safety Improvements Downtown/OTR," to OTR Holdings, Inc. as a moral obligation of the City of Cincinnati for professional services completed for the Downtown Pedestrian Task Force project.

Section 2. That the Finance Director is authorized to pay the amount of \$8,220.37 from capital improvement program project account no. 980x233x3000x7663x03678, Cincinnati Streetcar System," to HDR, Inc. as a moral obligation of the City of Cincinnati, for design and consulting services performed for the streetcar system.

Section 3. That the Finance Director is authorized to pay the amount of \$7,370, with \$1,474 to be paid from capital improvement program project account no. 980x233x5000x7651x142367, "Maintenance Fund for Bridges 2012-2016," and \$5,896 to be paid from capital improvement program project account no. 980x233x5000x7651x172357, "Western Hills Viaduct Replacement Non-Local Grants," to Donnellon, Donnellon & Miller as a moral obligation of the City of Cincinnati for legal mediation services regarding appropriation of property needed for the Western Hills Viaduct replacement project.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 through 3 hereof.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay OTR Holdings, Inc., HDR, Inc., and Donnellon, Donnellon & Miller in a timely manner for services provided to the City of Cincinnati.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk