



City of Columbus

Legislation Report

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

File Number: 0329-2011

Emergency

File ID: 0329-2011

Type: Ordinance

Status: Passed

Version: 1

***Committee:** Public Utilities Committee

File Name: DPU and DPS/ODOT bridge lighting and
rehabilitation project on 4th Street Bridge in vic. of
Convention Center

File Created: 02/18/2011

Final Action: 05/18/2011

Auditor Cert #: AC032346

Auditor: When assigned an Auditor Certificate Number I, the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.:

Floor Action (Clerk's Office Only)

Mayor's Action**Council Action**

Mayor

Date

Date Passed/ Adopted

President of Council

Veto

Date

City Clerk

Title: To authorize the Public Utilities Director to enter into agreement with the Director of the Ohio Department of Transportation for reimbursement for the installation of street lighting poles near an ODOT Bridge Project; to authorize the Director of Public Service to enter into agreements necessary for the rehabilitation of the US 23 (4th Street) over Convention Center Connector and Railroad structure; to authorize the transfer and expenditure of \$15,790.00 within the Electricity Bonds Fund; to authorize amendments to the 2011 Capital Improvements Budget; to authorize and direct the City Auditor to appropriate and transfer \$7,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,000.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,000.00 from the Streets and Highways G.O. Bonds Fund and to declare an

emergency. (\$22,790.00)

Sponsors:

Attachments:

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Service Drafter Notes: <i>Sent by JS</i>	02/25/2011	Sent for Approval	Service Reviewer			
1	Utilities Reviewer Notes: <i>Jlee to JBushman</i>	03/18/2011	Sent for Approval	Utilities Reviewer			
1	Utilities Reviewer Notes: <i>JEB to JL</i>	03/21/2011	Reviewed and Approved	Utilities Drafter			
1	Utilities Reviewer Notes: <i>Jlee to Rick W</i>	03/21/2011	Sent for Approval	Utilities Reviewer			
1	Utilities Drafter Notes: <i>Chg'd to Utilities Inbox</i>	03/22/2011	Sent for Approval	Utilities Inbox			
1	Utilities Reviewer Notes: <i>Rick to Jonathan.</i>	03/22/2011	Reviewed and Approved	Utilities Drafter			
1	Utilities Drafter Notes: <i>Missy to Joe</i>	03/22/2011	Sent for Approval	Utilities Reviewer			
1	Utilities Reviewer Notes: <i>JAL to TAA</i>	03/23/2011	Sent for Approval	UTILITIES DIRECTOR			
1	UTILITIES DIRECTOR Notes: <i>taa</i>	03/23/2011	Reviewed and Approved	Utilities Drafter			
1	Utilities Reviewer Notes: <i>jlee to jsteege</i>	05/04/2011	Sent for Approval	Service Drafter			
1	Service Drafter Notes: <i>Sent by JS</i>	05/04/2011	Sent for Approval	Finance Drafter			
1	Finance Reviewer Notes: <i>TLWentzel</i>	05/04/2011	Reviewed and Approved	Finance Inbox			
1	Finance Reviewer Notes: <i>mrslusher</i>	05/04/2011	Reviewed and Approved	Finance Reviewer			
1	Finance Reviewer Notes: <i>amrobins</i>	05/05/2011	Reviewed and Approved	Finance Reviewer			
1	Finance Reviewer Notes: <i>jad</i>	05/05/2011	Reviewed and Approved	FINANCE DIRECTOR			
1	FINANCE DIRECTOR Notes: <i>PRR</i>	05/06/2011	Reviewed and Approved	Service Drafter			
1	Service Drafter Notes: <i>Sent by JS</i>	05/06/2011	Sent for Approval	EBOCO Inbox			
1	EBOCO Reviewer Notes: <i>kcp</i>	05/06/2011	Sent for Approval	EBOCO DIRECTOR			

1	EBOCO DIRECTOR	05/06/2011	Reviewed and Approved	Service Drafter	
	Notes: THS				
1	Service Drafter	05/06/2011	Sent for Approval	Auditor Inbox	
	Notes: Sent by JS				
1	Auditor Reviewer	05/06/2011	Reviewed and Approved	Auditor Reviewer	
	Notes: HUGH J. DORRIAN BY JSM (\$22,790.00) (AC032346)				
1	CITY AUDITOR	05/06/2011	Reviewed and Approved	Service Drafter	
	Notes: HJD/bam				
1	Service Drafter	05/06/2011	Sent for Approval	Atty Inbox	
	Notes: Sent by JS				
1	CITY ATTORNEY	05/06/2011	Reviewed and Approved	Service Drafter	
	Notes: jsg				
1	Service Drafter	05/06/2011	Sent for Approval	SERVICE DIRECTOR	
	Notes: Sent by JS				
1	SERVICE DIRECTOR	05/06/2011	Reviewed and Approved	Service Drafter	
	Notes: Reviewed and Approved for Director Kelsey/TAR---Sent to Jerry Steege				
1	Service Drafter	05/06/2011	Sent to Clerk's Office for Council	City Clerk Inbox	
	Notes: Sent to City Clerk for Placement on 5/16/11 City Council Agenda				
1	COUNCIL PRESIDENT	05/16/2011	Signed		
1	Columbus City Council	05/16/2011	Approved		Pass
1	MAYOR	05/17/2011	Signed		
1	CITY CLERK	05/18/2011	Attest		

EBOCO: Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

Background: This Ordinance authorizes the Public Utilities Director to enter into an agreement with and to authorize payment to the Ohio Department of Transportation (ODOT) for the installation of three street lighting poles near the Bridge Rehabilitation - US 23 (4th Street) over Convention Center Connector and Railroad project (ODOT FRA-23-12.11 PID 77565), in ODOT District 6.

This ordinance also authorizes the Director of Public Service to enter into agreement with the Ohio Department of Transportation necessary for the rehabilitation of this bridge and provide for payment for pavement markings for the project.

This project will rehabilitate the US 23 (4th Street) bridge over Convention Center Connector and Railroad by redecking and repainting structural steel and include limited resurfacing, sidewalk improvements, and installation of three of the City's lighting poles near the bridge that are in need of repair due to age and deteriorating pole foundation structure and circuitry.

The Department of Public Service, Division of Design and Construction has also requested that the State include an alternate bid item in the project for pavement markings on the bridge that are typically utilized by the City and differ from those utilized by the State in their increased durability. The expenditure of \$7,000.00 for these pavement marking is also authorized within this ordinance.

ODOT plans on bidding this project in May 2011 and requires pre-payment for the estimated construction cost of lighting.

This agreement consists of the City committing to pay an estimated amount as prepared by the Ohio Department of Transportation, Office of Estimating; that the total cost and expenses of the lighting portion of the project are only an estimate and may be adjusted by the State; that the City agrees that change orders and extra work contracts related to the lighting portion may be required to fulfill the construction contract and shall be processed as needed; and that the State shall not approve a change order or extra contract work related to the lighting portion of the project until it gives notice, in writing, to the City.

Emergency action is requested in order to return necessary paperwork to meet ODOT's schedule to bid this project by May 2011.

Fiscal Impact: A transfer of \$15,790 within the Electricity Voted Bonds Fund and an amendment to the 2011 Capital Improvements Budget is needed to provide sufficient cash and authority in the proper project for the aforementioned expenditure.

The Department of Public Service has requested the City include an alternate bid item for pavement markings. This will require an amendment to the 2011 Capital Improvements Budget to establish authority in the correct project for this expense. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$7,000.00 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$7,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed.

Title

To authorize the Public Utilities Director to enter into agreement with the Director of the Ohio Department of Transportation for reimbursement for the installation of street lighting poles near an ODOT Bridge Project; to authorize the Director of Public Service to enter into agreements necessary for the rehabilitation of the US 23 (4th Street) over Convention Center Connector and Railroad structure; to authorize the transfer and expenditure of \$15,790.00 within the Electricity Bonds Fund; to authorize amendments to the 2011 Capital Improvements Budget; to authorize and direct the City Auditor to appropriate and transfer \$7,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$7,000.00 within the Streets and Highways G.O. Bonds Fund; to authorize the expenditure of \$7,000.00 from the Streets and Highways G.O. Bonds Fund and to declare an emergency. (\$22,790.00)

Body

WHEREAS, On the 7th day of July, 2008 the City of Columbus enacted legislation proposing cooperation with the Director of Transportation for the described project:

Rehabilitation of the US 23 (4th Street) over Convention Center Connector and Railroad (FRA-23-12.11 PID 77565), by redecking and repainting structural steel. The project also includes limited resurfacing and sidewalk improvements, and installation of street lighting improvements to three of the City's street lighting poles near the bridge that are in need of repair due to age and deteriorating pole foundation structure and circuitry within the City of Columbus; and

WHEREAS, it is necessary for the Public Utilities Director to enter into an agreement with and authorize payment to the Ohio Department of Transportation (ODOT) as reimbursement for the ODOT project on US 23 (4th Street) over Convention Center Connector and Railroad (FRA-23-12.11 PID 77565); and

WHEREAS, the Department of Public Service has requested that the State include an alternate bid item for pavement markings; and

WHEREAS, the Department of Public Service agrees to assume and bear one hundred percent of the cost of the difference between the base pavement marking and the alternate pavement markings, if accepted, as shown in the construction plans as 100% alternate bid and the related construction engineering cost, and further, to assume and bear one hundred percent (100%) of the construction cost of any other items requested by the City of Columbus, Department of Public Service which is determined not to be eligible for Federal and State participation; and

WHEREAS, the City agrees to assume and bear one hundred percent (100%) of the entire cost of construction for the City's portion of the street lighting improvements for this project, and

WHEREAS, the City's cost is currently estimated at \$15,790 for the installation of three new street lighting poles along the bridge; and

WHEREAS, the City's cost is currently estimated at \$7,000.00 for the alternate pavement marking item; and

WHEREAS, the City's ultimate share of the cost of the project will be determined when final actual costs and allocations are determined; and

WHEREAS, it is necessary to amend the 2011 Capital Improvement Budget; and

WHEREAS, it is necessary for this Council to authorize the City Auditor to transfer funds within the Electricity Bonds Fund; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$7,000.00; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, the Director of the Ohio Department of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of same to this legislative authority; and

WHEREAS, this legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Power and Water, in that it is immediately necessary to authorize the Public Utilities Director enter into agreement with the Director of the Ohio Department of Transportation for replacement of three lighting poles near the ODOT Bridge Project on US 23 (4th Street) over Convention Center Connector and Railroad (FRA-23-12.11); in an emergency manner in order to complete paperwork to meet ODOT's schedule to bid this project in May 2011; thereby immediately preserving the public health, peace, property, and safety; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the 2011 Capital Improvements Budget is hereby amended as follows:

Fund | Project No. | Project Name | Current Authority | Revised Authority | change

553 | 670797-100000 | Huntington Baseball Stadium | \$67,831 | \$52,041 | -\$15,790
553 | 670003-100000 | Street Lighting | \$0 | \$15,790 | +\$15,790

59-12

Fund | Project No. | Project Name | Current Authority | Revised Authority | change

704 | 530052-100003 | Morse Road Area Investment - Morse Road Phase 1 (Voted 2008) | \$615,948 | \$608,948 | -\$7,000
704 | 530301-100663 | Bridge Rehabilitation- US 23 over Convention Ctr. (Voted 2008) | \$0 | \$7,000 | +\$7,000

SECTION 2. That the City Auditor is hereby authorized to transfer \$15,790.00 within the Division of Power and Water, Dept/Div. No. 60-07, Electricity Bonds Fund, Fund No. 553, Object Level One 06, Object Level Three 6625, as follows:

Fund | Project No. | Project Name | OCA Code | change

553 | 670797-100000 | Huntington Baseball Stadium | 553797 | -15,790
553 | 670003-100000 | Street Lighting | 675017 | +\$15,790

SECTION 3. That the City hereby requests the State to include an alternate bid item for pavement markings.

SECTION 4. That the City hereby requests the Director of the Ohio Department of Transportation to proceed with the aforesaid bridge and lighting improvements project.

SECTION 5. That the City enter into a contract with the State of Ohio, and that the Public Utilities Director be and is hereby authorized to execute said contract, providing for the payment of the City the sum of money set forth herein above for improving the described project.

SECTION 6. That the Director of Public Service is authorized to enter into a contract with the State, and the Director of Public Service be, and is hereby authorized to execute said contract for improving the described project.

SECTION 7. The sum of \$7,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 8. That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

SECTION 9. That \$7,000.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-12, Division of Design and Construction as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530301-100663 / Bridge Rehabilitation / 06-6600 / 704663 / \$7,000.00

SECTION 10. That the monies appropriated in the foregoing Section 7 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 11. That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 8 above.

SECTION 12. That the City Auditor is authorized to establish proper accounting project numbers and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 4, above.

SECTION 13. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$7,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 14. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 15. That for the purpose of providing monies for Street Lighting improvements connected with ODOT's Bridge Project - US 23 (4th Street) over Convention Center Connector and Railroad (FRA-23-12.11), the estimated sum of Fifteen Thousand, Seven Hundred Ninety Dollars, (\$15,790.00) or so much thereof as may be needed be and is hereby authorized to be expended from the Electricity Bonds Fund, Fund 553, Division of Power and Water (Power), Department No. 60-07, Object Level One 06, Object Level Three 6625, Project 670003-100000, OCA Code 675017.

SECTION 16. That for the purpose of providing monies for Pavement Markings connected with ODOT's Bridge Project - US 23 (4th Street) over Convention Center Connector and Railroad (FRA-23-12.11), the estimated sum of Seven Thousand Dollars, (\$7,000.00) or so much thereof as may be needed be and is hereby authorized to be expended as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount
704 / 530301-100663 / Bridge Rehabilitation / 06-6621 / 704663 / \$7,000.00

SECTION 17. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.

SECTION 18. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

SECTION 19. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this Ordinance.

SECTION 20. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten day after passage if the Mayor neither approves nor vetoes the same.