


**City of Cleveland Memorandum**

Justin M. Bibb, Mayor

**TO:** Patricia Britt, Clerk of Council  
Cleveland City Council

**FROM:**  Kim Johnson, Acting Director  
Department of Public Works

**RE:** Donation of service and materials to Neighborhood Resource Center

**DATE:** May 6, 2022

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The Department of Public Works, Division of Recreation has received a donation of work, service and materials to renovate the existing Neighborhood Resource Center in the basement/lower level of the Earle B. Turner Recreation Center, which will also be known as the Cleveland Cavaliers Mindfulness Learning Space ("MLS Project"), to include adding new ceiling tiles, lights, carpet and paint by securing and utilizing the services of Infinity Construction Company, a firm that has performed similar renovation work at other City locations, such as the Cudell Recreation Center.

The NBA is celebrating its 75<sup>th</sup> Anniversary Season and, as part of it, the NBA is promoting the NBA Cares 75<sup>th</sup> Anniversary Legacy Project to promote contributions and charity in local NBA cities, especially through improvements in their recreation centers. The total project scope amount is \$33,485.

Per the attached copy of Ordinance 648-16, which amends Section 131.84 of the Codified Ordinances of Cleveland, "The Director of Public Works is authorized to accept gifts of money, material or services for the various divisions of the Department unconditionally given or limited by conditions as the donor may impose..."

The Director of Public Works is accepting this donation on behalf of the City and Department of Public Works.

Thank you for your assistance regarding this matter.

CC: Bonnie Teeuwen, Chief Operating Officer  
Samuel Gissentaner, Commissioner of Recreation  
John Laird, Manager of Administration  
M. Yanna Maxwell, Public Works  
Brenda Branch, Public Works  
File

KJ/mam

Enclosures: Copy of Ordinance, copy of donated item



April 7, 2022

**CLEVELAND CAVALIERS MINDFULNESS LEARNING SPACE PROJECT SCOPE**

**EARLE B. TURNER NEIGHBORHOOD RESOURCE CENTER**

**ADDRESS:** 11300 Miles Ave. Cleveland, Ohio 44105

**MINDFULNESS SPACE:** Renovate existing room to include new ceiling tiles, lights, carpet, and paint.

- Carpentry & Millwork: Patch in ceiling grid, Furnish and install new ceiling tiles, Furnish and install new countertop for existing bar/table
- Paint & Flooring: New Carpet, Paint
- Electrical: Remove existing lights and install new lights

**OTHER/NOTES:**

1. Total project scope equals \$33,485



shall take effect and be in force from and after the earliest period allowed by law.

Adopted October 3, 2016.  
Effective October 5, 2016.

**Ord. No. 567-16.**

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

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 the Director of Community Development is authorized to enter into one or more contracts with Cuyahoga County and various non-profit agencies for the implementation of homeless assistance activities.

**Section 2.** The aggregate cost of the contracts authorized shall not exceed \$2,324,680, and shall be paid from Fund Nos. 14 SF 041, 14 SF 042, 19 SF 691, and 19 SF 618, RQS 8006, RL 2016-0042.

**Section 3.** 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.

Passed October 3, 2016.  
Effective October 5, 2016.

**Ord. No. 648-16.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance to amend Section 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, relating to the acceptance of gifts for the Department of Public Works.

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 Section 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows:

**Section 131.84 Acceptance of Gifts**

(a) The Director of Public Works is authorized to accept gifts of money, material, or services, for the various divisions of the department unconditionally given or limited by conditions as the donor may impose. The Director shall report the acceptance of each gift to the Clerk of the City Council.

(b) All moneys accepted under this section shall be placed to the credit of the Department of Public Works in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Department of Public Works, or in

the manner and for the specific purpose named in the gift. If the donor has imposed limitations to their gift, then separate subfunds may be created in the special revenue fund to deposit the gifts.

(c) Expenditures from the fund or subfunds created by this section shall be made on vouchers signed by the Director of Public Works, or the director's designee, when the amount is less than ten thousand dollars (\$10,000.00); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108.

(d) No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Department of Public Works. The funds received under this section shall be expended in the same manner as other public funds, unless specifically provided for in the terms of the gift, or authorized by resolution or ordinance of Council.

**Section 2.** That Section 131.84 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is repealed.

**Section 3.** 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.

Passed October 3, 2016.  
Effective October 5, 2016.

**Ord. No. 917-16.**

By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating the Martin Luther King, Jr. bridge over Doan Brook; to apply for and accept any gifts or grants from any public or private entity; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: rehabilitating the Martin Luther King, Jr. bridge over Doan Brook, Bridge No. 5:029M, PID 98548 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration,

United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$360,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be