

Ordinance No. 405-2026

By Council Members Howse-Jones,
Conwell and Gray

FOR PASSAGE
March 30, 2026

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of designing and constructing a portion of Phase 2 improvements to the African-American Cultural Garden and authorizing one or more contracts with the Association of African American Cultural Gardens, Inc.

WHEREAS, under Ordinance No. 753-2021, passed September 20, 2021, this Council authorized, among other items, the Director of Public Works to enter into contracts for the design of and to make certain improvements to the African-American Cultural Garden (the “Garden”); and

WHEREAS, this Council authorized additional funding for such improvements in the amount of \$175,000 from Fund No. 01 SF 001 under Ordinance No. 1189-2021, passed February 12, 2022, and some Council members previously allocated approximately \$55,000 in discretionary funding for the Garden; and

WHEREAS, the Association of African American Cultural Gardens, Inc. (“AAACG”) has secured private funding for Phase 2 improvements to the Garden and has entered into a Guaranteed Maximum Price contract with The AKA Team, Inc. to make such improvements; and

WHEREAS, the Phase 2 improvements will include concrete, excavation and earthwork improvements (the “City Improvement”) at a cost of about \$772,791; and

WHEREAS, the unique, design, time, budgetary, or other material elements of the City Improvement can benefit from the special care, coordination, and expeditiousness possible by performance of both the professional design services and the construction under a design-build approach contract with a single entity; and

WHEREAS, under Ordinance No. 521-2024, passed July 10, 2024, then new Department of Parks and Recreation was established and the City Improvement now falls under its authority instead of the Department of Public Works; 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 any provision of the Codified Ordinance of Cleveland, Ohio, to the contrary and under Section 167 of the Charter of the City of Cleveland, this Council determines to make the City Improvement, including any necessary design and the procurement, construction and management thereof, for the Director of Parks and Recreation, under one or more construction-management contracts with the AAACG having the best proposal, taking into consideration the engineering and design, the proposed design and construction costs, the construction method, the schedule, the total life-cycle costs, the qualifications of the proposed design professional(s), construction firm(s) and the construction management firm, and the other objectives of the City Improvement.

Section 2. That the Director of Parks and Recreation is authorized to enter into one or more contracts with the AAACG to manage the design and construction of the City Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Parks and Recreation and certified by the Director of Finance.

Section 3. That the Director of Parks and Recreation is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the services and work authorized by this ordinance.

Section 4. The cost of the City Improvement shall be approximately \$225,300, and shall be paid from Fund No. 01-001-7001; the following Project Numbers: H21100; H20063, HF02856, and F02856; or any other funds approved by the Director of Finance.

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Section 5. 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.

SKM:nl

3/30/2026

FOR: Council Member(s) Howse-Jones, Conwell and Gray

Ord. No. 405-2026

REPORT
after second Reading

By Council Members Howse-Jones, Conwell, Gray

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READ FIRST TIME

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on MARCH 30, 2026

PRESIDENT

CITY CLERK

APPROVED

MAYOR

READ FIRST, SECOND AND THIRD TIME