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City of Detroit
CITY COUNCIL



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City Clerk

REGULAR SESSION AGENDA

TUESDAY, SEPTEMBER 18, 2018

***SHARON MADISON, CHAIRPERSON
OF THE DETROIT-WAYNE JOINT BUILDING AUTHORITY,
TO MAKE A PRESENTATION REGARDING THE
SPIRIT OF DETROIT 60TH ANNIVERSARY CELEBRATION
TO BE HELD ON SEPTEMBER 21, 2018***

***COUNCIL MEMBER BENSON TO PRESENT A
TESTIMONIAL RESOLUTION IN MEMORIAM TO THE
FAMILY OF PETER BENZ***

If interpretation or translation services are needed please call The Department of Civil Rights, Inclusion & Opportunity at least 3 business days prior to session. Ryan Crigle, office: [313-224-4950](tel:313-224-4950)

APPROVAL OF JOURNAL OF LAST SESSION

RECONSIDERATIONS:

UNFINISHED BUSINESS

**PRESIDENT'S REPORT ON STANDING COMMITTEE
REFERRALS AND OTHER MATTERS**

BUDGET, FINANCE AND AUDIT STANDING COMMITTEE

***THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE BUDGET,
FINANCE AND AUDIT STANDING COMMITTEE:***

OFFICE OF CONTRACTING AND PROCUREMENT

Submitting the following **Office of Contracting and Procurement Contracts:**

1. Submitting reso. autho **Contract No. 6001603** - 100% City Funding ó To Provide City-Wide Moving Services for the City of Detroit ó Contractor: BDM Transport, LLC ó Location: 719 Griswold Street, Suite 820-126, Detroit, MI 48226 ó Contract Period: Upon City Council Approval through August 27, 2021 ó Total Contract Amount: \$1,000,000.00. **CITYWIDE**

OFFICE OF THE CHIEF FINANCIAL OFFICER/ OFFICE OF THE ASSESSOR

2. Submitting reso. autho. Himelhoch Unit 2 2017 Limited Dividend Housing Association Limited Liability Company ó Phase II, Payment in Lieu of Taxes (PILOT) (**American Community Developers, Inc. has formed Himelhoch Unit 2 Limited Dividend Housing Association, L.L.C. (the “LDHA”). The LDHA owns Unit 2 of the Himelhoch Condominiums. The building is structured as three (3) separate condominium units with condo Unit 2 consisting of thirty-six (36) units of affordable housing for low-income seniors. The nine-story building is bounded by Park on the north, Woodward on the east, Clifford on the south and Washington Boulevard on the west.**)
3. Submitting reso. autho. Pablo Davis II Limited Dividend Housing Association Limited Partnership ó Payment in Lieu of Taxes (PILOT) (**Bridging Communities, Inc. and MHT Housing, Inc. have formed Pablo Davis II Limited Dividend Housing Association Limited Partnership in order to develop the Project known as Pablo Davis II. The Project is an existing eighty (80) unit senior apartment complex bounded by Dix on the north, Woodmere on the east, Vernor on the south and Dale on the west.**)

INTERNAL OPERATIONS STANDING COMMITTEE

THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE INTERNAL OPERATIONS STANDING COMMITTEE:

OFFICE OF CONTRACTING AND PROCUREMENT

Submitting the following **Office of Contracting and Procurement Contracts:**

4. Submitting reso. autho. **Contract No. 6001590** - 100% City Funding ó To Provide Tree Stump and Tree Removal Services Near and Not Near Utility Lines. ó Contractor: Alpine Tree Service, LLC ó Location: 313 Pickeral Lake Dr., Newaygo, MI 49337 ó Contract Period: Upon City Council Approval through August 21, 2020 ó Total Contract Amount: \$900,000.00. **GENERAL SERVICES DEPARTMENT**
5. Submitting reso. autho. **Contract No. 6001613** - 100% City Funding ó To Provide Generators for the Detroit Fire Department Engine Stations ó Contractor: Power Lighting & Technical Services ó Location: 10824 W. Chicago, Suite 200, Detroit, MI 48204 ó Contract Period: Upon City Council Approval through September 11, 2019 ó Total Contract Amount: \$783,000.00. **GENERAL SERVICES DEPARTMENT**
6. Submitting reso. autho. **Contract No. 6001622** - 100% City Funding ó To Provide Litigation Services as Conflict Counsel for Officer Timothy Leach in Karpovich v COD, ET AL ó Contractor: Garan Luow Miller P.C. ó Location: 1155 Brewery Park Blvd, #200, Detroit, MI 48207 ó Contract Period: July 27, 2018 through December 31, 2020 ó Total Contract Amount: \$75,000.00. **LAW**

7. Submitting reso. autho. **Contract No. 6001653** - 100% City Funding ó To Provide Representation for the City of Detroit and Police Officer Thomas Aberkot, and SPHall Provide Litigation Services in the Post-Verdict Proceedings and Appeal of Marvin Seales V COD ET AL, 12-CV-11679 ó Contractor: Plunkett & Cooney PC ó Location: 150 W. Jefferson, Suite 800, Detroit, MI 48226 ó Contract Period: August 7, 2018 Approval through December 31, 2020 ó Total Contract Amount: \$300,000.00. **LAW**

LAW DEPARTMENT

8. Submitting reso. autho. **Settlement** in lawsuit of R&S Rehab, LLC, et al v City of Detroit; Case no. 17-006384-NF; File No. L17-00516 (PMC), in the amount of \$35,000.00, by reason of alleged injuries or property damage sustained by Willie parker on or about October 2, 2015.
9. Submitting reso. autho. **Settlement** in lawsuit of Khalid Khan v City of Detroit, et al; Case No.: 4:16-cv-12285; File No.: L16-00586 (GBP), in the amount of \$5,000.00, by reason of the Constitutional Violations alleged to have occurred on or about May 4, 2014.
10. Submitting reso. autho. **Settlement** in lawsuit of Donald Bateman v. City of Detroit, et al; Case No.: 17-007223-NI; File No.: L17-00338, in the amount of \$23,000.00, by reason of alleged injuries sustained by Donald Bateman on or about September 28, 2016.
11. Submitting reso. autho. **Settlement** in lawsuit of Northland Radiology (as assignee Robert Solt) v City of Detroit; Case No: 17-014491-NI; File No: L17-00690(SVD), in the amount of \$10,000.00, by reason of treatment provided to Robert Solt for injuries sustained in a bus accident on or about August 24, 2017.
12. Submitting reso. autho. **Settlement** in lawsuit of Robert Solt v City of Detroit and Yolonda McKnight; Case No: 17-014491-NI; File No: L17-00690(SVD), in the amount of \$70,000.00, by reason of injuries sustained in a bus accident on or about August 24, 2017.
13. Submitting reso. autho. **Settlement** in lawsuit of Anthony Moore, et al v City of Detroit, et al; Case No. 17-004218-NI; File No. L17-00188 (MBC), in the amount of \$706,000.00, by reason of alleged injuries sustained on or about August 9, 2016.
14. Submitting reso. autho. **Settlement** in lawsuit of Danielle Burton v. City of Detroit, et al; Case No.: 17-003993-NF; File No.: L17-00199, in the amount of \$33,000.00, by reason of alleged injuries sustained by Danielle Burton on or about July 10, 2015.
15. Submitting reso. autho. **Settlement** in lawsuit of Wendy Jones vs City of Detroit Water Department; File #: 14419 (PSB), in the amount of \$47,539.00, in full payment of an annuity covering the Workers Compensation Set Aside Arrangement

approved by the Center for Medicare and Medicaid Services and that said amount be paid upon presentation by the Law Department of a redemption order approved by the Workers Compensation Department of the State of Michigan.

16. Submitting reso. autho. **Order of Dismissal to Enter Into a Agreement** in lawsuit of Sharon Watson v City of Detroit; Wayne County Circuit Court Case No. 16-012135-NI; in the amount of \$85,000.00, to Arbitrate in the case of Sharon Watson v City of Detroit, Wayne County Circuit Case No. 16-012135-NI.

OFFICE OF THE CHIEF FINANCIAL OFFICER/OFFICE OF DEVELOPMENT AND GRANTS

17. Submitting reso. autho. Request to Accept and Appropriate the sub-award for the 2017 Clean Diesel Funding Assistance Program. **(The Southwest Detroit Environmental Vision (SDEV) Project has awarded the City of Detroit General Services Department with a sub-award from the Environmental Protection Agency (EPA) – Region 5. The SDEV Project was awarded with the FT 2017 Clean Diesel Funding Assistance Program from the EPA. The SDEV Project sub-award was awarded to the General Services Department for a total of \$360,000.00. The SDEV Project share is \$360,000.00 or 25 percent of the approved amount and there is a cash match of \$1,080,000.00 or 75 percent. The total project cost is \$1,440,000.00. The grant period is February 1, 2018 – January 31, 2020.)**

MISCELLANEOUS

18. **Council President Pro-Tem Mary Sheffield** submitting memorandum relative to Request for LPD to Provide Information Regarding Equalization Points for Detroit-Based and Detroit Headquartered Businesses.

PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE:

LAW DEPARTMENT

19. Submitting Responses relative to Detroit City Council Authority in Special District Review Process. **(This opinion is provided in Response to your July 16, 2018 memorandum, in which you requested an analysis of the authority of the Detroit City Council (“ Council”) as part of the process for special district review, as set forth in Chapter 61 of the 1984 Detroit City Code, commonly known as the Detroit Zoning Ordinance (“Zoning Ordinance”).**
20. Submitting Responses relative to Recourse for Non-Compliance with Planned Development (PD) Standards. **(This memorandum is provided is provided in response to your July 3, 2018 memorandum, in which you requested an analysis of the recourse available to the City of Detroit in circumstances of non-compliance with the terms, conditions, site plans, use regulations and development specifications (collectively, “Standards”) associated with a**

planned development zoning district (“PD District”).

CITY PLANNING COMMISSION

21. Submitting reso. autho. Request of Mr. Mike Semma on behalf of his client Mr. Talal Dickow to amend Article XVII, District Map 53 of the 1984 Detroit City Code Chapter 61, -Zoning by showing a B4 (General Business District) zoning classification where an R2 (Two-Family Residential District) zoning classification currently exists on three (3) parcels commonly identified as 2205, 2211 and 2215 Green Avenue, generally bounded by the one way east-west ally first south of W. Vernor Highway to the north, Green avenue to the west. **(RECOMMEND DENIAL)**

HOUSING AND REVITALIZATION DEPARTMENT

22. Submitting Responses relative to Far Eastside Development Project. **(The Housing and Development Department is responding to a request from Council Member Andre Spivey for a brief history of the Far Eastside Development Project and its current status.)**

MISCELLANEOUS

23. **Council Member Raquel Castaneda-Lopez** submitting memorandum relative to Gordie Howe International Bridge Jurisdiction Issues.

PUBLIC HEALTH AND SAFETY STANDING COMMITTEE

THE FOLLOWING ITEM(S) ARE TO BE REFERRED TO THE PUBLIC HEALTH AND SAFETY STANDING COMMITTEE:

OFFICE OF CONTRACTING AND PROCUREMENT

Submitting the following **Office of Contracting and Procurement Contracts:**

24. Submitting reso. autho. **Contract No. 6001607** - 100% Federal Funding ó To Provide Prestenciled Bus Stop Signs for the Detroit Department of Transportation ó Contractor: MDSolutions INC ó Location: 825 Estates Parkway, Plain City, OH 43064 ó Contract Period: Upon City Council Approval through September 17, 2021 ó Total Contract Amount: \$270,240.00. **DEPARTMENT OF TRANSPORTATION**
25. Submitting reso. autho. **Contract No. 6001636** - 100% City Funding ó To Provide Promotional Exams for the Ranks of Sergeant, Detective, and Lieutenant. ó Contractor: Industrial Organizational Solutions ó Location: 1520 Kensington Rd, Suite 110, Oak Brook, IL 60523 ó Contract Period: Upon City Council Approval through August 31, 2019 ó Total Contract Amount: \$107,870.00. **POLICE**

OFFICE OF THE CHIEF FINANCIAL OFFICER/OFFICE OF DEVELOPMENT GRANTS

26. Submitting reso. autho. Authorization to submit a grant application to the Michigan State Police, Office at Highway Safety Planning for the FY 2018 405h Nonmotorized Safety Program. **(The Planning and Development Department is**

hereby requesting authorization from Detroit City Council to submit a grant application to the Michigan State Police, Office of Highway Safety Planning for the FT 2018 405h Nonmotorized Safety Program. The amount being sought is \$125,000.00. The Federal share is \$125,000.00 of the Approved amount, and there is an in-kind match of \$25,000.00. The total project cost is \$150,000.00.)

DEPARTMENT OF PUBLIC WORKS/CITY ENGINEERING DIVISION

27. Submitting reso. auth. Petition of Detroit Mt. Elliott Real Estate LLC (#1761), request to vacate various streets, alleys and rights-of-way in order to support a large 313,000 square foot project. **(All other involved City Departments and privately owned utility companies have reported no objections to the vacations. Provisions for relocation of the utilities and for City services are a part of this resolution.)**
28. Submitting reso. auth. Petition of The Kevin Miller Group (#393), request to partially close alley located between 17020 and 17040 East 8 Mile Rd. **(All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities.)**
29. Submitting reso. auth. Petition of SME (#283), request for encroachment into the existing 50 foot wide public utility easement for the proposed building at 4255 Dequindre. **(All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment.)**

VOTING ACTION MATTERS

OTHER MATTERS

COMMUNICATIONS FROM MAYOR AND OTHER GOVERNMENTAL OFFICIALS AND AGENCIES

PUBLIC COMMENT

STANDING COMMITTEE REPORTS

INTERNAL OPERATIONS STANDING COMMITTEE

LAW DEPARTMENT

30. **McCalister**, reso. auth. submitting **Settlement** in lawsuit of Shakila Powell v City of Detroit; Case No: 15-013374-NO; File No: L15-00767 (GBP); in the amount of \$77,500.00 in full payment for any and all claims which Shakila Powell may have against the City of Detroit by reason of alleged injuries sustained on or about May 26, 2015.

31. **McCalister**, reso. autho. **Acceptance of Case Evaluation Award** in lawsuit of Lance Rand v. City of Detroit; Case No: 17-010461-NI; File No. L17-00532, in the amount of \$250,000.00, in full payment of any and all claims which Lance Reed may have against the City of Detroit for alleged injuries sustained on or about January 12, 2017.
32. **McCalister**, reso. autho. **Settlement** in lawsuit of Randolph Mackie v City of Detroit; Case No: 17-012741-NI; File No: L17-00784(SVD), in the amount of \$18,500.00, by reason of injuries sustained as a result of a motor vehicle collision on or about August 27, 2014.
33. **McCalister**, reso. autho. **Settlement** in lawsuit of Woodward Place At Brush Park III Association v City of Detroit, Detroit Planning and Development Department, and Charter Oaks Homes; Wayne County Circuit Court Case No. 17-016617-CH; File No.: L18-00094 (EBG), in the amount of \$14,265.50, in full satisfaction for any and all claims which Woodward Place At Brush Park III Association may have against the City of Detroit.
34. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Desmond Ricks v City of Detroit; Civil Action Case No: 17-cv-12784; for Sgt. Robert Wilson (retired).
35. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Christopher Black v City of Detroit; Civil Action Case No: 18-cv-10965; for P.O. Jacob Hebner.
36. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Eugene Washington v City of Detroit; Civil Action Case No: 18-cv-10799; for P.O. Richard Danescu.
37. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Charles Earl Watson v City of Detroit; Civil Action Case No: 18-cv-10481; for P.O. William Zeolla.
38. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Derrick Ray Martin v City of Detroit; Civil Action Case No: 18-cv-11037; for Sgt. Lauren McLemore.
39. **McCalister**, reso. autho. **Legal Representation and Indemnification** in lawsuit of Charlie Wasaya v City of Detroit; Civil Action Case No: 18-005227 NZ; for P.O. Steven Shank.

PUBLIC HEALTH AND SAFETY STANDING COMMITTEE

OFFICE OF CONTRACTING AND PROCUREMENT

40. **Benson**, reso. autho. **Contract No. 3026065** - 100% City Funding ó To Provide Salvage and Disposal of Transformers and Miscellaneous Supplies. ó Contractor: EQ The Environmental Quality Company DBA US Ecology ó Location: 17440 College Parkway, Suite 300, Livonia MI, 48152 ó Contract Period: July 18, 2018 through July 17, 2019 ó Total Contract Amount: \$100,000.00. **PUBLIC LIGHTING**
41. **Benson**, reso. autho. **Contract No. 6001507** - 100% Revenue ó To Provide Qualified Contractors for Scrap Metal Pickup, Recycle, Removal and Sale. ó Contractor: Ferrous Processing & Trading Company, a Michigan Corporation, 3400 E. Lafayette, Detroit, MI 48207 ó Contract Period: Upon City Council Approval through July 31, 2020 ó Total Contract Amount: \$0.00. **PUBLIC WORKS**
42. **Benson**, reso. autho. **Contract No. 6001513** - 100% Federal Funding ó To Provide Coach OEM Parts to the City of Detroit Department of Transportation ó Contractor: The Aftermarket Parts Company, LLC, 3229 Sawmill Parkway, Delaware, OH 43015 ó Contract Period: Upon City Council Approval through August 29, 2023 ó Total Contract Amount: \$20,000,000.00. **TRANSPORTATION**
43. **Benson**, reso. autho. **Contract No. 6001577** - 80% Federal Funding and 20% State Funding ó To Provide Framework for Transit-Oriented Development Planning (TOD) in the East Jefferson Corridor. For the Redevelopment of East Jefferson, between Woodward Avenue and Alter Road in the City of Detroit. ó Contractor: HR & A Advisors, Inc., a New York Corporation, 99 Hudson St., 3rd Flr., New York, NY 10013 ó Contract Period: Upon City Council Approval through August 19, 2020 ó Total Contract Amount: \$374,876.00. **TRANSPORTATION**
44. **Benson**, reso. autho. **Contract No. 6001610** - 100% City Funding ó- To Provide Cardiac Monitoring Supplies, to the City of Detroit Fire Departmentø EMS Division. ó Contractor: Zoll Medical Corporation, 269 Mill Rd., Chelmsford, MA 01824 ó Contract Period: Upon City Council Approval through August 31, 2020 ó Total Contract Amount: \$96,749.10. **FIRE**

PUBLIC LIGHTING DEPARTMENT

45. **Benson**, reso. autho. Petition of Detroit Free Press/Chemical Bank Marathon (#385), request to hang approximately 52 banners on Fort Street, Cadillac Square, and Atwater, to be installed on September 21, 2018 and removed on October 22, 2018 (**The Public Lighting Department has inspected requested poles and finds them structurally sound, and is recommending approval for Detroit Free Press and Chemical Bank to hang banners on approved pole locations from September 21, 2018 to October 22, 2018.**)

DEPARTMENT OF PUBLIC WORKS/ADMINISTRATION DIVISION

46. **Benson**, reso. autho. Petition of St. Maryø of Redford (#509), request to hang approximately 3 banners on Grand River between St. Maryø and Mansfield Streets from October 22, 2018 to April 22, 2019. **(The Department of Public Works-Traffic Engineering Division received the above referenced petition. This department has no objections to the placement of banners, provided that the banner installation is in compliance with the banner policy adopted by your Honorable Body on November 30, 2001.)**

DEPARTMENT OF PUBLIC WORKS/CITY ENGINEERING DIVISION

47. **Benson**, reso. autho. Petition of Jeffery Moss (#381), request to install an ice melt system in the sidewalk directly in front of 3720 and 3740 Cass Ave. **(All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.)**
48. **Benson**, reso. autho. Petition of First Pilgrim Guide Missionary Baptist Church (#1583), request for closure of the public alley in the area of Richton and Woodrow Wilson. **(All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.)**
49. **Benson**, reso. autho. Petition of Gaugi Properties Group Inc. (#1361), request to vacate alley between the properties located at 4201 Livernois Ave. and 4237 Livernois Ave. as well as 4237 Livernois and 4332 Gilbert Ave. **(All other involved City Departments, and privately owned utility companies have reported no objections to the conversion of the public right-of-way into a private easement for public utilities. Provisions protecting utility installations are part of the attached resolution.)**
50. **Benson**, reso. autho. Petition of XLNC INVEST LLC (#1847), request to vacate alley in the area of 11345-11385 Greenfield Rd. **(All involved City Departments and privately owned utility companies have reported no objections to the proposal, provided that they have the right to ingress and egress at all times to their facilities.)**
51. **Benson**, reso. autho. Petition of Ron and Roman (#116), request for encroachment into the right of way along Erskine Street. **(All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.)**

NEW BUSINESS

CONSENT AGENDA

MEMBER REPORTS

ADOPTION WITHOUT COMMITTEE REFERENCE

COMMUNICATIONS FROM THE CLERK

52. Report on approval of proceedings by the Mayor.

TESTIMONIAL RESOLUTIONS AND SPECIAL PRIVILEGE