

City of Detroit

CITY COUNCIL



REGULAR SESSION AGENDA

Charles Pugh
President

Gary Brown
President Pro Tem

Kenneth V. Cockrel, Jr.
Saunteel Jenkins
Brenda Jones
Kwame Kenyatta
Andre L. Spivey
James Tate
Jo Ann Watson

Janice M. Winfrey
City Clerk

TUESDAY, JANUARY 29, 2013

***COUNCIL MEMBER SAUNTEEL JENKINS
WILL PRESENT A CITY COUNCIL AWARD OF RECOGNITION
TO "VISION" THE MALE VOCAL ENSEMBLE FROM THE
DETROIT SCHOOL OF ARTS.***

APPROVAL OF JOURNAL OF LAST SESSION

RECONSIDERATIONS: None.

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:***

FINANCE DEPARTMENT/PURCHASING DIVISION

Submitting the following **Finance Department/Purchasing Division Contracts:**

1. Submitting reso. auth. **Contract No. 2792608** - 100% City Funding - (CCR: 05-12-09) – To Provide GSD with Normal and Emergency Repairs to HVAC Equipment at Various Locations – Contract Period: July 1, 2009 through June 30, 2012 - Vendor: Great Lakes Power Inc., 30 W. Lantz, Detroit, MI 48203 – Original Department Estimate: \$3,000,000.00 – Previously Approved Dept. Increase: \$1,000,000.00 – Requested Dept. Increase: \$200,000.00 – Total Contract Estimated Expenditure to: \$4,200,000.00 – Total Expended on Contract: \$3,873,852.62 – Detailed Reason for Increase: To cover expenditures and allow for continued services for the life of the contract. **CITYWIDE**

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(Continued)

BUDGET DEPARTMENT/ADMINISTRATION

2. Submitting report relative to the Airport Department Budget Increase. **(The Airport Department request a \$500,000.00 FY 2013 budget increase to be supported entirely by enterprise revenue.)**
3. Submitting report relative to Negative Appropriations accumulated in the General Fund. **(The Budget Department has attached a report of the entire list of negative appropriations discovered in October 2012.)**

INTERNAL OPERATIONS STANDING COMMITTEE

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

LAW DEPARTMENT

4. Submitting reso. autho. **Settlement** in lawsuit of Edna Robinson, personal representative of Estate of Darryl Robinson v. City of Detroit; Case No.: 12-000829; File No.: A19000.003998 (JLA); in the amount of \$300,000.00; by reason of alleged injuries from a sidewalk defect sustained on or about May 14, 2011.
5. Submitting reso. autho. **Settlement** in lawsuit of Brandon Gilbert v. City of Detroit; Case No.: 12-001551-NF; File No.: A20000.003311 (MBC); in the amount \$23,500.00; by reason of alleged injuries sustained on or about February 7, 2011.
6. Submitting reso. autho. **Settlement** in lawsuit of Robert Mitchell Jones v. City of Detroit; Case No.: 12-000802-NO (SLdeJ); in the amount of \$41,000.00; by reason of alleged injuries sustained on or about April 23, 2011, due to the condition of a public sidewalk.
7. Submitting reso. autho. **Settlement** in lawsuit of Marcus Smith v. City of Detroit; Case No.: 11-009978-NO (SLdeJ); Matter No.: A19000.003932; in the amount of \$25,000.00; in full payment of any and all claims.
8. Submitting reso. autho. **Settlement** in lawsuit of Joseph Overman v. City of Detroit; Case No.: 12-003826-NI; Matter No.: A20000.003353; in the amount of \$25,000.00; by reason of a bus accident.

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9. Submitting reso. autho. **Settlement** in lawsuit of Robert Burston v. City of Detroit, et. al.; Case No.: 11-014103NO; File No.: A37000-007568 (YRB); in the amount of \$30,000.00; by reason of alleged physical and/or mental injuries and police detention sustained on or about November 14, 2008.
10. Submitting reso. autho. **Settlement** in lawsuit of Osama Williams v. City of Detroit, Officer Darryl Bennett and Officer T. Kilgore; USDC Case No.: 11-15302; File No.: A37000-007644 (MMM); in the amount of \$245,000.00; by reason of alleged injuries sustained by Osama Williams on or about December 8, 2009.
11. Submitting reso. autho. **Settlement** in lawsuit of Willie Davis v. City of Detroit; Case No.: 11-014991-NF (SLdeJ); Matter No.: A20000.003282; in the amount of \$33,875.00; by reason of a bus accident.
12. Submitting reso. autho. **Settlement** in lawsuit of Patricia Poindexter v. City of Detroit; Case No.: 11-011492-NO; File No.: 00-3964 (MMM); Matter No.: A90000-003964; in the amount of \$182,500.00; by reason of alleged injuries sustained on or about June 29, 2011.
13. Submitting reso. autho. **Settlement** in lawsuit of Howard Peoples v. City of Detroit; Case No.: 11-014710-NF (SLdeJ); Matter No.: A37000.007590; by reason of a bus accident.
14. Submitting reso. autho. **Settlement** in lawsuit of Kenneth Holt v. Terrance Morrison, Sr., City of Detroit, and 21st Century Advantage Insurance Company; Case No.: 11-012446-NI; File No.: A19000.00 (FMEB); in the amount of \$37,500.00; by reason of alleged injuries sustained in an automobile accident involving a City vehicle on or about August 17, 2010.
15. Submitting reso. autho. **Settlement** in lawsuit of Leslie McCord as next friend of Janay Barnes, a minor v. City of Detroit; Case No.: 12-008886-NO; File No.: A19000.004119 (PLC); in the amount of \$25,500.00; by reason of alleged injuries, a fractured left wrist sustained on or about September 21, 2011.
16. Submitting reso. autho. **Settlement** in lawsuit of Arturo Alvarado and Jon Teschendorf v. Audrey Curtis, in her individual and official capacity, Tabatha Tabb, in her individual and official capacity, Ralph L. Godbee, Jr., in his individual and official capacity, and the City of Detroit; Case No.: 11-cv-12056; File No.: A37000.007295; in the amount of \$105,000.00; by reason of alleged injuries sustained on or about September 2, 2010.

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17. Submitting reso. autho. **Settlement** in lawsuit of Nelson Walker v. City of Detroit; Case No.: 12-004561-NO (SLdeJ); Matter No.: A19000.004018; in the amount of \$25,000.00; by reason of a sidewalk slip and fall incident.
18. Submitting reso. autho. **Settlement** in lawsuit of MedCity Rehabilitation Services L.L.C. v. City of Detroit; Case No.: 12-001038-NF; File No.: A20000.003362 (YRB); in the amount of \$8,000.00; by reason of alleged billings for medical treatment provided for alleged physical injuries to Juan Cook sustained on or about January 27, 2011.
19. Submitting reso. autho. **Settlement** in lawsuit of Eugene Anthony v. Michael Reizen and Garnette Steen; Case No.: 11-012759-CZ; File No.: A37000-007656; in the amount of \$15,000.00; by reason of alleged injuries sustained on or about March 23, 2010.
20. Submitting reso. autho. **Settlement** in lawsuit of Katricia Gray v. City of Detroit; United States District Court Case No.: 2:11.cv-11447; in the amount of \$90,000.00; in full settlement of any and all claims that she may have against the City of Detroit.
21. Submitting reso. autho. **Settlement** in lawsuit of Latisha Williams v. City of Detroit; Case No.: 12-001827-NI; File No.: A19000-003329 (CC); in the amount of \$19,580.00; by reason of alleged injuries sustained on or about February 9, 2011.
22. Submitting reso. autho. **Settlement** in lawsuit of Gwendolyn Taylor and Karen Evangelista, Bamkruptcy Trustee v. City of Detroit et. al.; WCCC: #10-013400-CD; in the amount of \$123,000.00; in full payment of any and all claims which the plaintiff may have against the City of Detroit and its employees.
23. Submitting reso. autho. **Agreement to Enter an Order of Dismissal and Enter into Arbitration** in lawsuit of Leonard Moore v. City of Detroit and Detroit Officer James Doe; Case No.: 10-006221-NO; File No.: A19000.003777 (MMM); in the amount of \$8,000.00; by reason of alleged injuries sustained on or about December 28, 2009.

PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE

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

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CITY COUNCIL HISTORIC DESIGNATION ADVISORY BOARD

24. Submitting report relative to Petition of Timothy S. Thorland (#2153), requesting an expansion of the local historic Hubbard Farms historic district. **(This request has been placed on the Historic Designation Advisory Board list of requests.)**

PLANNING AND DEVELOPMENT DEPARTMENT

25. Submitting reso. autho. Neighborhood Stabilization Program (NSP 1) Amendment to the HUD Consolidated Plan: Activity Change Budget Revision. **(The City of Detroit has been designated to receive an allocation of \$47,137,690 for the NSP 1. The purpose of the amendment is to assist in facilitating the changes in restructuring the NSP 1.)**
26. Submitting reso. autho. **Surplus Property Sale** Development: 20253, 20257 and 20265 Van Dyke to Richard Lehr for the amount of \$7,400.00. **(Offeror proposes to develop the property as a paved surface parking lot for the storage of licensed operable vehicles to accommodate their adjacent new hardware business.)**

PUBLIC HEALTH AND SAFETY STANDING COMMITTEE

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

FINANCE DEPARTMENT/PURCHASING DIVISION

Submitting the following **Finance Department/Purchasing Division Contracts:**

27. Submitting reso. autho. **Contract No. 2869261** - 100% Wayne County Funding – To Provide Substance Abuse services to the Uninsured Residents of the City of Detroit – Clark Associates, 7700 Second Street, Suite 617, Detroit, MI 48202 – Contract Period: October 1, 2011 through September 30, 2012 – Contract Amount Not to Exceed: \$800,000.00. **HEALTH AND WELLNESS PROMOTION**
28. Submitting reso. autho. **Contract No. 2872112** - 100% Wayne County Funding – To Provide Additional Medicaid Funds for Fiscal Year 2011-2012 to Provide Substance Abuse Services for Clients in the City of Detroit – Clark & Associates, 7700 Second Street, Suite 617, Detroit, MI 48202 – Contract Period: October 1, 2011 through September 30, 2012 – Contract Amount Not to Exceed: \$500,000.00. **HEALTH AND WELLNESS PROMOTION**
29. Submitting reso. autho. **Contract No. 2874995** - 100% Street Funding – To Provide Snow Removal Services (Residential Streets) – RFQ #43078 – Brilar, LLC, 13200 Northend Avenue, Oak Park, MI 48237 (Award 1 of 3) – Contract Period: January 1,

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- 2013 through December 31, 2014, with Two (2), One (1) Year Renewal Option – (10) Items – Unit Prices Range from: \$33,150.00/Each To \$39,200.00/Each – Lowest Bid – Estimated Cost: \$827,200.00/Two (2) Years. **PUBLIC WORKS**
30. Submitting reso. autho. **Contract No. 2875004** - 100% Street Funding – To Provide Snow Removal Services (Residential Streets) – RFQ #43078 – J. E. Jordan Landscaping, Inc., 19415 W. McNichols, Detroit, MI 48219 (Award 2 of 3) – Contract Period: January 1, 2013 through December 31, 2014, with Two (2), One (1) Year Renewal Option – (7) Items – Unit Prices Range from: \$34,150.00/Each To \$37,203.00/Each – Lowest Bid – Estimated Cost: \$858,112.00/Two (2) Years. **PUBLIC WORKS**
31. Submitting reso. autho. **Contract No. 2875010** - 100% Street Funding – To Provide Snow Removal Services (Residential Streets) – RFQ #43078 – Payne Landscaping, 15777 Harper Avenue, Detroit, MI 48224 (Award 3 of 3) – Contract Period: January 1, 2013 through December 31, 2014, with Two (2), One (1) Year Renewal Option – (3) Items – Unit Prices Range from: \$33,831.00/Each To \$38,799.00/Each – Lowest Bid – Estimated Cost: \$865,208.00/Two (2) Years. **PUBLIC WORKS**
32. Submitting reso. autho. **Contract No. 2874730** - 100% City Funding – To Provide Pest Control and Extermination Service – RFQ #43364 – Pronto Pest Management, Inc., 10130 Capital Street, Oak Park, MI 48237 – Contract Period: January 1, 2013 through December 31, 2015, with One (1), One (1) Year Renewal Option – (7) Items – Unit Prices Range from: \$2.00/Each To \$60.00/Each – Sole Bid – Estimated Cost: \$312,510.00/Three (3) Years. **TRANSPORTATION**
33. Submitting reso. autho. **Contract No. 2874881** - 100% City Funding – To Provide Printing of Colored Bus Schedules – REQ #43113 – Accuform Printing & Graphics Inc., 7231 Southfield, Detroit, MI 48228 – Contract Period: February 1, 2013 through January 31, 2014, with One (1), One (1) Year Renewal Option – (18) Items – Unit Prices Range from: \$24.90/Thousand To \$108.90/Thousand – Sole Bid – Estimated Cost: \$51,829.10. **TRANSPORTATION**

BUILDINGS SAFETY ENGINEERING & ENVIRONMENTAL DEPARTMENT

34. Submitting report relative to **DEFERRAL OF DEMOLITION ORDER** on property located at 18515 Steel. **(A special inspection on January 10, 2013 revealed the property did not meet the requirements of the application to defer; therefore it is recommended that this request for deferral be DENIED and that DEMOLITION PROCEED as originally ordered with the costs of demolition assessed against the property.)**

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35. Submitting report relative to Petition of Ray's Check Cashing (#2600), request removal of past due sign fees in the amount of \$6,118.80 that were charged to property prior to petitioner's purchase. **(The Buildings Safety Engineering and Environmental Department records reveal that the past due fees have subsequently been removed and approval of Petition #2488 be granted as long as all grant conditions are met.)**

PUBLIC WORKS DEPARTMENT

36. Submitting report relative to New Liberty Apostolic Faith Church (#2565), request renaming of Fenkell Street between Wyoming and Livernois to Bishop G.M. Boone Avenue. **(The Public Works Department cannot consider any request to rename a street until the requestor obtains an official petition from the Planning and Development Department and secures a minimum of two-thirds approval from all abutting property owners that are impacted. AWAITING REPORT FROM THE PLANNING & DEVELOPMENT DEPARTMENT.)**

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

37. Jones, reso. auth. **Legal Representation and Indemnification** in lawsuit of Cheryl Haywood, individually and as Next Friend of DeAngela Haywood v. City of Detroit, Deandra Brady and Jane Doe; Wayne County Circuit Court Case No.: 12-009384-NF; for TEO Deandra Brady.

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(Continued)

38. **Jones**, reso. autho. **Settlement** in lawsuit of Jimmy Seals v. City of Detroit Buildings and Safety Engineering; File #: 14632 (CM); in the amount of \$69,500.00; by reason of any injuries or occupational diseases and their resultant disabilities incurred or sustained as the result of his past employment with the City of Detroit.
39. **Jones**, reso. autho. **Settlement** in lawsuit of Semidoll Davis v. City of Detroit; Case No.: 11-009225-NF; File No.: A20000.003246 (FMEB); in the amount of \$8,000.00; by reason of alleged injuries sustained in an automobile accident involving a City of Detroit passenger coach on or about August 3, 2010.
40. **Jones**, reso. autho. **Settlement** in lawsuit of David Williams v. City of Detroit; Case No.: 11013273-NO; File No.: A19000.003992 (FMEB); in the amount of \$17,500.00; by reason of alleged injuries sustained arising out of a “trip and fall” sustained on or about November 3, 2009.
41. **Jones**, reso. autho. **Settlement** in lawsuit of Gamal Mozeb v. City of Detroit; Case No.: 12-004312-NO; File No.: A19000.004014 (FMEB); in the amount of \$47,500.00; by reason of alleged injuries arising out of a “trip and fall” sustained on or about October 29, 2011.
42. **Jones**, reso. autho. **Settlement** in lawsuit of Katie Crawford v. City of Detroit; Case Nos.: 12-003542-NF (SLdeJ); Matter No.: A20000.0033542; in the amount of \$12,000.00; by reason of a bus accident.
43. **Jones**, reso. autho. **Settlement** in lawsuit of Cathy Goodman v. City of Detroit; Case No.: 11-012207NO; File No.: A19000.003967 (YRB); in the amount of \$70,000.00; by reason of alleged physical and/or mental injuries sustained on or about July 2010.
44. **Jones**, reso. autho. **Settlement** in lawsuit of Detroit Medical Center v. City of Detroit et. al.; Case No. 12-004539; File No.: A20000.003387 (JLA); in the amount of \$172,500.00; by reason of alleged medical bills incurred for medical treatment of Steven Reece for injuries related to a June 11, 2010, City of Detroit passenger bus-pedestrian accident.
45. **Jones**, reso. autho. **Settlement** in lawsuit of Carmen Ramsey v. City of Detroit; Case Nos.: 11-005720-NO (SLdeJ); in the amount of \$37,500.00; by reason of alleged injuries sustained on or about December 20, 2010, due to the condition of a public sidewalk.

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46. **Jones**, reso. autho. **Settlement** in lawsuit of Orthopedic Surgeons, P.C. (Nikita Williams) v. City of Detroit; Case No.: 12-112291; File No.: A20000.003431 (FMEB); in the amount of \$12,500.00; by reason of medical treatment rendered to Nikita Williams as a result of alleged injuries sustained in an automobile accident involving a City of Detroit passenger coach on or about February 11, 2011.
47. **Jones**, reso. autho. **Settlement** in lawsuit of Maria Perkins v. City of Detroit; Case No.: 12-002036-NF; File No.: A20000-003338 (JDN); in the amount of \$18,000.00; by reason of alleged injuries sustained on or about May 17, 2011.

PLANNING AND ECONOMIC DEVELOPMENT STANDING

COMMITTEE

UNFINISHED BUSINESS

48. **Jenkins**, an ordinance to amend Chapter 61 of the 1984 Detroit City Code, 'Zoning,' by amending Article XVII, District Map No. 41, to show a P1 (Open Parking District) zoning classification where an R2 (2-family residential) zoning classification 3932 Porter, etc. **(SIX (6) VOTES REQUIRED FOR IMMEDIATE EFFECT ON THE EIGHTH DAY AFTER PUBLICATION) ROLL CALL**

CITY PLANNING COMMISSION

49. **Jenkins**, reso. autho. Correction of Scrivener's Error on Zoning Map No. 3 **(RECOMMEND APPROVAL). (Zoning map number 3 contained in Chapter 61, Article XVII, contains a Scrivener's Error and the City Clerk's Office is directed to publish the corrected map.)**

DETROIT BROWNFIELD REDEVELOPMENT AUTHORITY

50. **Jenkins**, reso. autho. Reappointment of Nathan Ford to the Detroit Brownfield Redevelopment Authority's Community Advisory Committee with a term expiring on June 30, 2013.

NEW BUSINESS

CONSENT AGENDA

MEMBER REPORTS

ADOPTION WITHOUT COMMITTEE REFERENCE

COMMUNICATIONS FROM THE CLERK

Report on approval of proceedings by the Mayor.

TESTIMONIAL RESOLUTIONS AND SPECIAL PRIVILEGE

51. **Jones**, Testimonial Resolution in Memoriam for Brownie Lois Mayberry.

52. **Pugh**, Testimonial Resolution for Reverend Gerald T. Miller.