

Adopted as follows:
Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.
Nays — None.

Department of Public Works
June 21, 2019

Honorable City Council:
Re: Petition No. 892: Taqueira El Nacimiento, 7400 W Vernor Hwy, requests permission to provide Outdoor Café Service. This service will be seasonal, and will convene April 1st through November 30th, yearly with yearly administrative review, from the date of your Honorable Body's approval.

The Department of Public Works (DPW) who has jurisdiction over temporary encroachment in the public right-of-way, for Outdoor Café use, has approved this request contingent upon the petitioner's compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the DPW.

The Detroit Health Department (DHD) has approved this petition, subject to the petitioner's strict adherence to the 199 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from the Health Department's Food Safety Division.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The Department of Public Works/ Traffic Engineering Division (DPW/TED) has approved this request contingent upon the petitioner's compliance with provided DPW/TED instructions.

The Legislative Policy Division has reviewed the petitioner's request and issued their approval with no objections.

It is the recommendation of DPW that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene April 1st through November 30th yearly with yearly administrative review from the date of your Honorable Body's approval.

Respectfully submitted,
CHISARA BROWN
Mobility Planner

By Council Member Tate:

Resolved, That the Department of Public Works is hereby authorized and directed to issue a Use-permit to Taqueria El Nacimiento, Detroit "permittee", whose address is at 7400 W Vernor Hwy, Detroit, MI 48209, to install and maintain an outdoor café, which will convene every April 1st through

November 30th, yearly with yearly administrative review from the date of your Honorable Body's approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

Provided, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

Provided, That the petitioner obtains all necessary licenses and permits needed to create an outdoor café in the City of Detroit annually and;

Provided, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department and;

Provided, That the "permittee" remit the required annual fees to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

Provided, That the "permittee", prior to obtaining said permit, file an agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

Provided, That the filing of said indemnity agreement for this current year shall be constructed as acceptance of this Resolution by the "permittee"; and

Provided, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That no other rights in the public streets, alley or other public spaces shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW by said "permittee" at its expense; and

Provided, That the permit shall not be assigned or transferred without a written approval of the City Council; and

Provided, That the designated outdoor seating area shall be properly identified through the use of clear delineation in order to regulate and control the serving of liquor within the perimeter of the café; and

Provided, That the outline and location of the outdoor café is not to be different from the site plan approved by the DPW/CSD; and

Provided, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

Provided, That all physical barriers and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

Provided, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense;

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

*WAIVER OF RECONSIDERATION (No. 16), per motions before adjournment.

**PUBLIC HEALTH AND SAFETY
STANDING COMMITTEE**

Permit

Honorable City Council:

To your Committee of the Whole was referred Petition of Detroit City Distillery (#908), to hold "Detroit City Distillery — Eastern Market After Dark" on Riopelle between Winder and Fisher Service Dr. on September 19, 2019 from 6:00 p.m. to 2:00 a.m. with a temporary closure of Riopelle between Winder and Fisher. After consultation with the Mayor's Office and all other City Departments, and careful consideration of the request, your committee recommends that same be granted in accordance with the following resolution.

Respectfully submitted,

SCOTT BENSON

Chairperson

By Council Member Benson:

Resolved, That permission be and is hereby granted to Petition of Detroit City Distillery (#908), to hold "Detroit City Distillery — Eastern Market After Dark" on Riopelle between Winder and Fisher Service Dr. on September 19, 2019 from 6:00 p.m. to 2:00 a.m. with a temporary closure of Riopelle between Winder and Fisher, and further

Provided, That such permission is granted with the distinct understanding that petitioner assumes full responsibility for any and all claims, damages or

expenses that may arise by reason of the granting of said petition, and further

Provided, That said activity is conducted under the rules and regulations of the concerned departments and the supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the Buildings, Safety Engineering and Environmental Department is hereby authorized to waive the zoning restrictions on said property during the period of the event, and further

Provided, That the required permits be secured should any tents or temporary installations such as Liquefied Petroleum Gas Systems be used, and further

Provided, That the sale of food and soft drinks is held under the direction and inspection of the Health Department, and further

Provided, That the petitioner secures a temporary use of land permit which will include the erection of any mechanical devices and electrical work is required prior to opening the facility to the public, and further

Provided, That if tents are to be used, the petitioner shall comply with all sections of Fire Marshal Division Memorandum #3.2 regarding "Use of Tents for Public Assembly," and further

Provided, That site be returned to its original condition after said activity, and further

Provided, That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Ayers, Benson, Castaneda-Lopez, Leland, McCalister, Jr., Sheffield, Spivey, Tate and President Jones — 9.

Nays — None.

**Office of Contracting
and Procurement**

June 5, 2019

Honorable City Council:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

3034548 — 100% Federal Funding — To Provide Industrial Hydraulic Lifts for Large Vehicles and Buses — Contractor: CTT Equipment, LLC — Location: 4072 E. Old Pine Trail, Midland, MI 48642 — Contract Period: Upon City Council Approval through August 31, 2019 — Total Contract Amount: \$58,700.04.

Department of Transportation.

Respectfully submitted,

BOYSIE JACKSON

Chief Procurement Officer

Office of Contracting and Procurement
By Council Member Benson:

Resolved, That Contract No. **3034548** referred to in the foregoing communication dated June 5, 2019, be hereby and is approved.