



**DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING
WEDNESDAY, SEPTEMBER 13, 2023 – 3:00 P.M.**

BOARD MEMBERS PRESENT:

Ehrlich Crain
Marvin Beatty
David Blaszkiewicz
Richard Hosey
John Naglick
Steve Ogden
Hassan Beydoun
James Jenkins

BOARD MEMBERS ABSENT:

Melvin Hollowell
Austin Black
Charles Beckham
Donald Rencher

OTHERS PRESENT:

Kenyetta Bridges (DEGC/DDA)
Cora Capler (DEGC/DDA)
Gina Cavaliere (DDP)
David Howell (DEGC/DDA)
Lanard Ingram (DEGC/DDA)
Kaci Jackson (DEGC/DDA)
Kevin Johnson (DEGC/DDA)
Paul Kako (DEGC/DDA)
Jennifer Kanalos (DEGC/DDA)
Glen Long (DEGC/DDA)
Orza Robertson (DEGC/DDA)
Nasri Sobh (DEGC/DDA)
Sierra Spencer (DEGC/DDA)
JoMeca Thomas (DEGC/DDA)
Rian English (ODM)
Keith Bradford (ODM)
John Valentine (ODM)
Brittney Hoszkiw (City of Detroit)
Luke Polcyn (City of Detroit)
Antoine Bryant (PDD)
Andrese Shannon (Hamilton Development)
Chante Jackson (Hamilton Development)
Rainy Hamilton Jr. (Hamilton Development)
Ed Saenz (Olympia)
Lindsey Gunsorek (Ilitch Companies)
Mike McLachlan (Ilitch Companies)



**MINUTES OF THE DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS REGULAR MEETING
DETROIT ECONOMIC GROWTH CORPORATION
500 GRISWOLD, SUITE 2200, DETROIT, MI 48226
WEDNESDAY, SEPTEMBER 13, 2023 – 3:00 P.M.**

GENERAL

Call to Order

Mr. Beydoun called the regular meeting of the Downtown Development Authority Board of Directors to order at 3:02 p.m. Roll call was conducted, and a quorum was established.

GENERAL

Approval of Minutes

Mr. Beydoun asked if there were any additions, deletions, or corrections to the minutes of the June 14, 2023, Regular Board meeting. Hearing none, the Board took the following action:

Mr. Beatty made a motion approving the June 14, 2023 minutes, as written. Mr. Blaszkiewicz seconded the motion. All were in favor with none opposed. DDA Resolution Code 23-09-02-656 was unanimously approved.

Receipt of Treasurer's Reports

Mr. Naglick reviewed the Treasurer's Report of Receipts and Disbursements for the months of May, June, and July 2023.

Mr. Beydoun called for questions. Hearing none, Mr. Beydoun called for a motion.

Mr. Ogden made a motion to approve the Treasurer's Report of Receipts and Disbursements for the months of May, June, and July 2023, as presented. Mr. Jenkins seconded the motion. All were in favor with none opposed. DDA Resolution Codes 23-09-03-546, 23-09-03-547, and 23-09-03-548 were unanimously approved.

PROJECTS

LOWER WOODWARD IMPROVEMENT AGENDA – REALLOCATION OF FUNDING FOR SUPPORT OF PLACE-BASED LIGHTING INITIATIVE FOR NFL DRAFT

Ms. Navin explained that in June, 2023, the DDA Board of Directors approved the allocation of funding to support certain public improvements and beautification initiatives in anticipation of the Spring 2024 NFL Draft scheduled to take place in downtown Detroit. Part of that approval



included an allocation of \$1,300,000 to the Public Lighting Authority (“PLA”) to support lightpole improvements and updates as well as place-based lighting. Based on further discussions with the City’s administration and the PLA, it is anticipated that the \$300,000 budgeted for place-based lighting will be used to light the underside of People Mover tracks and People Mover columns near Grand Circus Park and Spirit Plaza. For security and quality control reasons, Detroit Transportation Corporation (“DTC”), the entity that operates the People Mover, desires to directly contract for and manage this work.

Accordingly, staff recommends the Board’s approval of (i) the reallocation of \$300,000 of the previously approved Downtown Lighting allocation from PLA to DTC in order to implement the placed-based lighting on and around People Mover assets; and (ii) the negotiation and execution of a funding agreement with DTC setting forth funding conditions, which may include but not be limited to sufficient project funding commitments, a construction draw disbursement mechanism, DDA’s reasonable approval of the project budgets, and the establishment of an outside project commencement and/or completion date.

A resolution was attached for the Board’s consideration.

Mr. Ogden asked if DDA would be the project manager. Ms. Navin stated that the project manager would be DTC. Ms. Navin added that it is a funding agreement through the DDA rather than the DDA managing the project directly.

Mr. Jenkins asked if there was a design that had been developed. Ms. Navin stated there has not been a design provided yet. Mr. Jenkins asked who would be deciding on the design. Ms. Navin answered it would be decided on by the city in connection with DTC.

Mr. Crain asked if the amount being contributed is capped or if the DDA will have further costs after a design is chosen. Ms. Navin explained that the DDA had previously entered into a contingency between 15-20% that has not been allocated to any particular project, therefore allowing for the funds to be used as needed.

Mr. Naglick stated that the DTC is making significant improvements to the People Mover. Mr. Naglick added that the DTC is incurring substantial amounts of money in order to make improvements in anticipation of the large events coming to Detroit.

Mr. Ogden asked Mr. Naglick how the DTC pays for their operations. Mr. Naglick explained that DTC receives a large subsidy from the city as the transit police are employees of DTC and most are stationed on DDOT buses. Mr. Naglick added that DTC also receives grants from both state and federal entities. Mr. Ogden asked if this was true for Capex and operations. Mr. Naglick agreed.

Mr. Beydoun called for questions. Hearing none, he called for a motion.

Mr. Blaszkiewicz made a motion approving the Lower Woodward Improvement Agenda – Reallocation of Funding for Support of Place-Based Lighting Initiative for NFL Draft, as presented. Mr. Jenkins seconded the motion. All were in favor with none opposed. DDA Resolution Code 23-09-101-167 was unanimously approved.



LOWER WOODWARD IMPROVEMENT AGENDA WOODWARD SIDEWALK PAVERS REPLACEMENT PROJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH MAJOR CONTRACTING GROUP, INC

Mr. Robertson stated that in anticipation of the Spring 2024 NFL Draft scheduled to take place in downtown Detroit, the City’s administration has requested the DDA’s assistance in connection with various planned public improvement and beautification initiatives throughout the DDA Downtown Development Area 1. The 2024 NFL Draft is scheduled to take place April 25-27, 2024, and is expected to attract approximately 500,000 visitors downtown.

In June 2023, the DDA Board approved, among other things, the DDA’s management of the Brick Paver Replacement on Woodward. The pavers will be removed and replaced with concrete from State St to Park/Witherell on the West and from John R to Park/ Witherell on the East (the “Project”).

To solicit proposals for the Project, DDA staff issued a request for proposals on August 14, 2023, that was published in print and online at BidNet (the “RFP”).

All bidders were asked to provide a bid to perform the following work (collectively, the “Work”):

- Remove and dispose of existing pavers,
- Place and shape aggregate base material,
- Form and place 4-inch thick concrete,
- Mobilization, traffic Controls and coordination with M-1 Rail.

Following DDA’s solicitation for bids, DDA received bids from two (2) contractors and conducted post-bid interviews with selected bidders. Prior to evaluating the bids received, DDA staff applied an equalization credit to Detroit-headquartered and Detroit-based businesses. The two (2) bids received, adjusted for the equalization credit, and the score given to each bid are as follows:

Bidder	Location	Base Bid Price w/ Alternative Pricing	Equalization Credit	Adjusted Base Bid Price	Score
Major Contracting	Detroit, MI	\$1,402,092.36	2%	\$1,374,050.51	1
WCI Contractors	Detroit, MI	\$1,822,883.50	2%	\$1,786,425.83	1.4

DDA staff evaluated and scored the bids to determine that Major Contracting Group, Inc (the “Contractor”) was the most responsive bidder for the following reasons:

- The Contractor’s proposal was the lowest-scored proposal upon application of the equalization credit and scoring;
- The Contractor has a history of completing high profile projects of similar scope and scale;



- The Contractor has completed previous work with the DDA and other DEGC-related entities to the satisfaction of DDA staff;
- The Contractor has the ability perform the Work on the schedule presented to it by DDA staff.

DDA Staff is requesting the DDA board authorize the execution of a contract with the Contractor to perform the Work at the not to exceed amount of One Million Four Hundred Two Thousand Ninety-Two and 36/100 (\$1,402,092.36) Dollars.

DDA staff is also recommending that a contingency representing ten (10%) percent of the total value of the Work, or One Hundred Forty Thousand Two Hundred and 00/100 (\$140,200.00) Dollars be established to be disbursed upon the authorization of authorized DDA staff.

A resolution approving and authorizing the DDA to enter into a contract the Contractor for the performance of the Work and the establishment of a contingency fund is attached for the Board members' review and consideration.

Mr. Beydoun called for questions. Hearing none, he called for a motion.

Mr. Jenkins made a motion approving the Lower Woodward Improvement Agenda Woodward Sidewalk Pavers Replacement Program: Authorization to Enter into Contract with Major Contracting Group, as presented. Mr. Blaszkiewicz seconded the motion. All were in favor with none opposed.

DDA Resolution Code 23-09-101-169 was unanimously approved.

LOWER WOODWARD IMPROVEMENT AGENDA WOODWARD SIDEWALK PAVERS REPLACEMENT PROJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH NOWAK AND FRAUS ENGINEERS (CE&I SERVICES)

Mr. Robertson explained that in anticipation of the Spring 2024 NFL Draft scheduled to take place in downtown Detroit, the City's administration has requested the DDA's assistance in connection with various planned public improvement and beautification initiatives throughout the DDA Downtown Development Area 1. The 2024 NFL Draft is scheduled to take place April 25-27, 2024, and is expected to attract approximately 500,000 visitors downtown.

In June, 2023, the DDA Board approved, among other things, the DDA's management of Brick Paver Replacement on Woodward. The pavers will be removed and replaced with concrete from State St to Park/Witherell on the West and from John R to Park/Witherell on the East (the "Project").

To solicit proposals for Construction Engineering and Inspection ("CE&I") Services for the Project, DDA staff issued a request for proposals on August 14, 2023 that was published in print and online at BidNet (the "RFP").



The services include but are not limited to the following: daily work reports, pay applications, quantity of materials coming in or leaving, any MDOT style project reports, owner progress, exception or quality reports, or Project close out reports. The Project documents and construction administration will be produced under the MDOT road construction standards, with all the City of Detroit required special provisions, but is not a Project procured or managed by MDOT.

The DDA received three (3) responses to the RFP:

Bidder	Location	Base Bid Price
Nowak & Fraus Engineers	Detroit	\$ 63,150.00
Mannik and Smith Group	Detroit	\$ 89,920.00
DLZ	Detroit	\$ 129,367.00

The DDA staff reviewed the proposals and determined the proposal submitted by Nowak & Fraus Engineers (the “Contractor”) to be most responsive for the following reasons:

- Price comparable for requested scope; and
- Previous work experience with DDA.

DDA staff is requesting the DDA Board of Directors to authorize the execution of an agreement with the Contractor to provide the requested CE&I services as expressed in the RFP for the not to exceed price of Sixty-Three Thousand One Hundred Fifty and 00/100 (\$63,150.00) Dollars.

DDA staff is also recommending that an owner’s contingency of approximately twenty percent (20%) of the contract value or Twelve Thousand Six Hundred and 00/100 (\$12,600.00) Dollars be established to be dispersed upon the authorization of authorized DDA staff. .

A resolution was attached for the Board member's consideration.

Mr. Jenkins asked what the budget is for this project. Mr. Robertson responded that as it relates to the total budget, the project remains under budget.

Mr. Crain noted the large spread between the three vendors that had been identified. Mr. Crain asked what may have led to that and if Mr. Robertson was comfortable with the scope identification with Nowak and Fraus. Mr. Robertson stated that he is comfortable, and that work is already being done.



Mr. Jenkins asked if there was performance guidelines. Mr. Robertson responded that there is for the contractor.

Mr. Ogden asked if Mr. Robertson is the project manager on the previous project. Mr. Robertson agreed. Mr. Ogden asked how involved Mr. Robertson is in the project. Mr. Robertson explained that he hired contractors to perform the work. Mr. Robertson stated that he is overseeing the work that is done by Nowak and Fraus.

Mr. Jenkins asked who is providing the schedule. Mr. Robertson stated that Nowak and Fraus would handle the scheduling. Mr. Jenkins asked what the timeframe is for the work to be completed. Mr. Robertson responded that the timeline is 45 days.

Mr. Beydoun called for questions. Hearing none, he called for a motion.

Mr. Jenkins made a motion approving the Lower Woodward Improvement Agenda Woodward Sidewalk Pavers Replacement Project: Authorization to Enter into Contract with Nowak and Fraus Engineers (CE&I Services), as presented. Mr. Hosey seconded the motion. All were in favor with none opposed.

DDA Resolution Code 23-09-101-168 was unanimously approved.

CATALYST DEVELOPMENT PROJECT: AMENDMENT TO MASTER DEVELOPMENT AGREEMENT

Ms. Navin stated that on December 11, 2014, the City of Detroit Downtown Development Authority (the "DDA") and Olympia Development of Michigan, LLC ("ODM") executed that certain Master Development and Reimbursement Agreement relating to the commitment by to invest, or cause the investment of, at least \$200 Million in private investment as part of the EC Ancillary Development Project (as amended, the "MDA"). Pursuant to the MDA, the DDA transferred to ODM (or its designated affiliates) certain publicly-owned properties in the area known as the Catalyst Development Area (the "Ancillary Development Properties").

Pursuant to the terms of an amendment to the MDA approved by the DDA Board in September, 2022, ODM is obligated to have received approval by the DDA of a development proposal for all remaining Ancillary Development Properties by September 12, 2023 (the "Deadline"). The remaining Ancillary Development Properties are depicted on **Exhibit A** hereto (the "Remaining Properties"). The Remaining Properties are currently owned and maintained by ODM (or its affiliates), but are not being used for any commercial or other purposes.

Following consultation with the City regarding potential uses for the Remaining Properties, ODM has requested an extension to the Deadline so that the Remaining Properties may be included in a larger planning study for the area. More specifically, the City's Planning and Development Department ("P&DD") plans to lead a planning study that outlines a vision and recommended land use strategies to support future development (the "Planning Study") in the general area depicted on **Exhibit B** (which area is subject to adjustment in the final Planning Study scope). P&DD, together with DDA and/or DEGC, will develop the Planning Study scope and identify funding sources for the Planning Study, which is anticipated to be conducted in 3Q 2024.



As the Board is aware, since the September 2022 amendment approval, ODM and The Related Companies LP announced, and received all required incentive approvals for, 10 mixed-use development projects within the DDA Catalyst Development Area, adding an estimated 1,200,000 gross square feet of office space, 140,000 gross square feet of new retail, 460 new hotel keys, and 700 new residential units across the 10 projects (the “TBP Projects”). It is expected that all 10 TBP Projects will be under construction by April 2028.

Given ODM's other development commitments in connection with the TBP Projects, and the City's, DDA's and ODM's desire for the Remaining Properties to be developed in a manner that is consistent with the vision and recommended land use strategies outlined in the Planning Study, staff recommends the Board's approval of an amendment to the MDA extending the Deadline on the following conditions:

- (a) The Deadline shall be amended to the date that is the earlier of (i) five (5) years from completion of the Planning Study and (ii) seven (7) years from the date of the DDA approval of the extended Deadline; provided that if the Planning Study is not completed prior to the date described in subparagraph (ii), then the date described in subparagraph (i) shall govern; and
- (b) ODM's development proposals for the Remaining Properties shall be consistent with the vision and recommended land use strategies outlined in the Planning Study; and
- (c) In consideration of the extension, ODM shall, promptly following execution of such amendment to the MDA, contribute an amount equal to \$100,000 to the DDA or other entity designated to commission the Planning Study, to be used towards the costs of the Planning Study (provided, that the DDA shall refund such amount to ODM if the Planning Study is not commenced within five (5) years after the date of such amendment to the MDA). ODM and other contributors will be identified as participants in the Planning Study.

A resolution was attached for the Board's consideration.

Mr. Blaszkiewicz asked once the funding is found how long the process will be for the city to complete their study. Mr. Polcyn stated that the study is expected to begin next summer.

Mr. Blaszkiewicz asked how much the total cost is expected to be. Mr. Polcyn responded the estimated amount is \$300,000 – 400,000. Mr. Blaszkiewicz asked that in the event funding cannot be found for the plan if the seven (7) year commitment made to the process would still be done, just without the plan. Ms. Navin agreed.

Mr. Crain asked for confirmation that the ten (10) identified projects would have no effect on the former schedule. Mr. Crain asked what the qualifier is for the five (5) to seven (7) year timeline. Ms. Navin explained that in this timeframe a development proposal would have come before the DDA Board which would include the funding sources, the proposed project, and the proposed timeline.



Mr. Crain asked if the study would include assessing other properties in the area to see if they have any viable uses. Ms. Navin agreed and stated that the study would address all undeveloped or underdeveloped properties in the area. Mr. Polcyn added that future land use along Grand River is a part of their strategy, additionally looking at the intersection at MLK, Trumbull and Grand River to begin to thoughtfully plan that area.

Mr. Ogden asked what the motivating factor is between the city's desire to get projects in this area or the private project that will donate resources. Mr. Ogden explains that as the planning study is large and does not have funding lined up yet the motivating driver should be clear. Mr. Polcyn responded that it is a shared interest as the Corktown planning study did not include the targeted area and also the development of residential housing near opportunity centers is appealing to both entities.

Mr. Ogden noted that the planning study is ambitious. Mr. Ogden asked Ms. Navin from what date the extension is from. Ms. Navin stated that the agreement expired on September 12, 2023. Mr. Polcyn added that before requesting an extension the planning study had already come together making a need for the extension being requested.

Mr. Bryant stated that the PDD uses the planning studies they conduct as core to making a strategic plan to help the city grow. Mr. Bryant added that there is potential in this area to guide where and how development is done in the city moving forward.

Mr. Beydoun called for questions. Hearing none, he called for a motion.

Mr. Crain made a motion approving the Catalyst Development Project: Amendment to Master Development Agreement, as presented. Mr. Blasziewicz seconded the motion. All were in favor with none opposed.

DDA Resolution Code 23-09-124-74 was unanimously approved.

ADMINISTRATIVE



Amended Schedule of Regular DDA Board Meetings for FY 2023-24

Ms. Kanalos advised that included in the Board material for review and approval is a resolution adopting an amended schedule indicating dates of the DDA Board's regular meetings for the fiscal year 2023-2024. The meeting will be held as follows:

2023

July 12, 2023
July 26, 2023
August 9, 2023
August 23, 2023
September 13, 2023
September 27, 2023
October 11, 2023
October 25, 2023
November 8, 2023
November 15, 2023*
December 6, 2023*
December 13, 2023*

2024

January 10, 2024
January 24, 2024
February 14, 2024
February 28, 2024
March 13, 2024
March 27, 2024
April 10, 2024
April 24, 2024
May 8, 2024
May 22, 2024
June 12, 2024
June 26, 2024

*Due to a holiday, this meeting date varies from the regular schedule.

With there being no objection to the proposed meeting dates, Mr. Beydoun called for a motion.

Mr. Ogden made a motion approving the Amended Schedule of Regular DDA Board Meetings for FY 2023-24 as presented. Mr. Jenkins seconded the motion. All were in favor with none opposed.

DDA Resolution Code 23-06-01-472 was unanimously approved.

OTHER BUSINESS

Ms. Navin introduced her new associate general counsel Nasri Sobh.

PUBLIC COMMENT

Mr. Hamilton introduced himself and expressed that he would like to provide an update on his property on Randolph Street in Paradise Valley. Mr. Hamilton stated that Fixins Soul Kitchen will be opening in his building on a ten (10) year lease. Mr. Hamilton added that there are two other realty companies interested in taking office space. Mr. Hamilton explained the issue that they are having is that the DDA will not be participating in the financing for the construction for this project. Mr. Hamilton is hoping to circle back with the DDA in order to secure funding to upgrade his office spaces.

Mr. Blaszkiewicz asked Ms. Navin if a milestone had been missed attempting to understand why the full loan amount had not been dispersed. Ms. Navin explained that the DDA committed around



2.2 million dollars to the project and because the senior loan hasn't been closed, the remaining balance has not been dispersed.

Mr. Blaskiewicz asked Mr. Beydoun if staff could be asked to provide additional information to the Board members regarding the balance, conditions, and any possible options for the Board. Mr. Beydoun agreed.

Mr. Ogden added that it would be helpful to receive a history of this issue and to see any other projects that have missed a given deadline.

Mr. Crain stated that the DDA has worked hard with the owners in Paradise Valley and would like to continue to see projects in this area prosper.

ADJOURNMENT

With there being no further business to be brought before the Board, Mr. Hosey made a motion to adjourn, which was seconded by Mr. Jenkins, Mr. Beydoun adjourned the meeting at 3:50 p.m.



CODE DDA 23-09-02-656

APPROVAL OF MINUTES OF JUNE 14, 2023

RESOLVED that the minutes of the Regular meeting of June 14, 2023, are hereby approved and all actions taken by the Directors present at such meeting, as set forth in such minutes, are hereby in all respects ratified and approved as actions of the Downtown Development Authority.

September 13, 2023



CODE DDA 23-09-03-546

RECEIPT OF TREASURER'S REPORT FOR MAY 2023

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period ending May 31, 2023, as presented at this meeting, is hereby in all respects received by the Downtown Development Authority.

September 13, 2023



CODE DDA 23-09-03-547

RECEIPT OF TREASURER'S REPORT FOR JUNE 2023

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period ending June 30, 2023, as presented at this meeting, is hereby in all respects received by the Downtown Development Authority.

September 13, 2023



CODE DDA 23-09-03-548

RECEIPT OF TREASURER'S REPORT FOR JULY 2023

RESOLVED, that the Treasurer's Report of Receipts and Disbursements for the period ending July 31, 2023, as presented at this meeting, is hereby in all respects received by the Downtown Development Authority.

September 13, 2023



CODE DDA 23-09-101-167

LOWER WOODWARD IMPROVEMENT AGENDA – REALLOCATION OF FUNDING FOR SUPPORT OF PLACE-BASED LIGHTING INITIATIVE FOR NFL DRAFT

WHEREAS, in June, 2023, the DDA Board of Directors approving the allocation of funding to support certain public improvements and beautification initiatives in anticipation of the Spring 2024 NFL Draft scheduled to take place in downtown Detroit; and

WHEREAS, it is anticipated that the \$300,000 budgeted for place-based lighting by the Public Lighting Authority (“PLA”) will be used to light the underside of People Mover tracks and People Mover columns near Grand Circus Park and Spirit Plaza; and

WHEREAS, for security and quality control reasons, Detroit Transportation Corporation (“DTC”), the entity that operates the People Mover, desires to directly contract for and manage this work; and

WHEREAS, Staff finds this request reasonable and recommends a reallocation of funding for the place-based lighting to DTC; and

WHEREAS, the DDA Board of Directors has determined that the request is reasonable, consistent with the goals of the DDA Plan, and is otherwise in the best interests of the DDA.

NOW, THEREFORE, BE IT RESOLVED, that the DDA Board of Directors hereby approves (i) the reallocation of \$300,000 of the previously approved Downtown Lighting allocation from PLA to DTC in order to implement the placed-based lighting on and around People Mover assets; and (ii) the negotiation and execution of a funding agreement with DTC setting forth funding conditions, which may include but not be limited to sufficient project funding commitments, a construction draw disbursement mechanism, DDA’s reasonable approval of the project budgets, and the establishment of an outside project commencement and/or completion date.

BE IT FURTHER RESOLVED that any two Officers, any two of the Authorized Agents of the DDA, or any one of its Officers and any one of its Authorized Agents, shall hereafter have the authority to negotiate and execute a funding agreement upon terms not inconsistent with the terms described herein and the any and all other documents, contracts, or other papers, or take any and all actions, necessary or appropriate to implement the provisions and intent of this resolution on behalf of the DDA.

BE IT FINALLY RESOLVED that all of the acts and transactions of any Officer or Authorized Agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

September 13, 2023



CODE DDA 23-09-101-169

LOWER WOODWARD IMPROVEMENT AGENDA WOODWARD SIDEWALK PAVERS REPLACEMENT PROJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH MAJOR CONTRACTING GROUP, INC

WHEREAS, the DDA is being asked to manage the Brick Paver Replacement on Woodward, consisting of paver removal and replacement with concrete from State St to Park/Witherell on the West and from John R to Park/Witherell on the East (the “Project”); and

WHEREAS, DDA staff received proposals from two (2) contractors to remove, replace and perform the following (collectively, the “Work”):

- Remove and dispose of existing pavers,
 - Place and shape aggregate base material,
 - Form and place 4-inch thick concrete,
- Mobilization, traffic Controls and coordination with M-1 Rail; and

WHEREAS, DDA staff have reviewed the quotes and determined that Major Contracting Group, Inc. (the “Contractor”) is the lowest, most responsive bidder; and

WHEREAS, DDA staff is requesting the authorization to enter into an agreement with the Contractor for the not-to-exceed amount of One Million Four Hundred Two Thousand Ninety Two and 36/100 (\$1,402,092.36) Dollars for the performance of the Work; and

WHEREAS, DDA staff is also recommending that a contingency of approximately ten (10%) percent of the total value of both agreements, One Hundred Forty Thousand Two Hundred and 00/100 (\$140,200.00) Dollars be established; and

WHEREAS, pursuant to its statutorily authorized powers, the DDA has the power to accept funding, expend DDA funds, engage professionals, and take the other steps contemplated by this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the DDA Board of Directors hereby authorizes the engagement of the Contractor to perform the Work at the not-to-exceed amount of One Million Four Hundred Two Thousand Ninety Two and 36/100 (\$1,402,092.36) Dollars

BE IT FURTHER RESOLVED, that the DDA Board of Directors hereby authorizes the establishment of a contingency of approximately ten (10%) percent of the total value of the Work, or One Hundred Forty Thousand Two Hundred and 00/100 (\$140,200.00) Dollars, to be disbursed upon the authorization of any two Officers, or any one of the Officers and any of the Authorized Agents of the DDA, or any two Authorized Agents of the DDA.

BE IT FURTHER RESOLVED, that any one of the officers and any one of the Authorized Agents of the DDA or any two of the Authorized Agents of the DDA shall hereafter have the authority to negotiate and execute all documents, contracts, or other papers, and take such other



actions, necessary or appropriate to implement the provisions and intent of this Resolution on behalf of the DDA.

BE IT FINALLY RESOLVED, that all of the acts and transactions of any officer or authorized agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

September 13, 2023



CODE DDA 23-09-101-168

LOWER WOODWARD IMPROVEMENT AGENDA WOODWARD SIDEWALK PAVERS REPLACEMENT PROJECT: AUTHORIZATION TO ENTER INTO CONTRACT WITH NOWAK AND FRAUS ENGINEERS (CE&I SERVICES)

WHEREAS, the DDA is being asked to manage the Brick Paver Replacement on Woodward, consisting of paver removal and replacement with concrete from State St to Park/Witherell on the West and from John R to Park/Witherell on the East (the “Project”); and

WHEREAS, in support and furtherance of the Project, DDA staff determined that it is necessary to obtain Construction Engineering & Inspection (“CE&I”) services and on August 14, 2023, DDA staff issued a Request for Proposals (“RFP”) for such services; and

WHEREAS, DDA staff received and reviewed 3 bids and has recommended that the Nowak & Fraus Engineers (the “Contractor”) as the lowest, most responsive bidder; and

WHEREAS, DDA staff is requesting the authorization to enter into an agreement with the Contractor at a -not-to exceed amount Sixty Three Thousand One Hundred Fifty and 00/100 (\$63,150.00) Dollars for the performance of the CE&I services; and

WHEREAS, DDA staff is also recommending that a contingency of approximately twenty (20%) percent of the total value of the agreement, or Twelve Thousand Six Hundred and 00/100 (\$12,600.00) Dollars be established; and

WHEREAS, the DDA Board determined that the staff recommendation is reasonable and consistent with the scope of work for the Project.

NOW, THEREFORE BE IT RESOLVED that the DDA Board of Directors hereby authorizes the negotiation and execution of an Agreement with the Contractor to perform the CE&I services for the Project in a manner consistent with the RFP for a **not to exceed** amount of Sixty-Three Thousand One Hundred Fifty and 00/100 (\$63,150.00) Dollars.

BE IT FURTHER RESOLVED that the DDA Board of Directors hereby authorizes establishment of an owner’s contingency in the amount of (20%) percent of the total value of the agreement, or Twelve Thousand Six Hundred and 00/100 (\$12,600.00) Dollars, to address requirements for unforeseen conditions and to be expended at the direction of any two Officers or any one of the Officers and any of the Authorized Agents or any two Authorized Agents of the DDA.



BE IT FURTHER RESOLVED that the DDA Board of Directors hereby authorizes any two Officers, or any one of the Officers and any of the Authorized Agents or any two Authorized Agents of the DDA to negotiate and execute all documents necessary to implement the provisions and intent of this resolution, including but not limited to change orders for use of owner's contingency funds.

BE IT FINALLY RESOLVED that all the acts and transactions of any officer or authorized agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

September 13, 2023



CODE DDA 23-01-124-74

CATALYST DEVELOPMENT PROJECT: AMENDMENT TO MASTER DEVELOPMENT AGREEMENT

WHEREAS, on December 11, 2014, the City of Detroit Downtown Development Authority (the “DDA”) and Olympia Development of Michigan, LLC (“ODM”) executed that certain Master Development and Reimbursement Agreement relating to the commitment by to invest, or cause the investment of, at least \$200 Million in private investment as part of the EC Ancillary Development Project (as amended, the “MDA”); and

WHEREAS, pursuant to the MDA, the DDA transferred to ODM (or its designated affiliates) certain publicly-owned properties in the area known as the Catalyst Development Area (the “Ancillary Development Properties”); and

WHEREAS, ODM is obligated to have received approval by the DDA of a development proposal for remaining Ancillary Development Properties, depicted on **Exhibit A** hereto (the “Remaining Properties”), by September 12, 2023 (the “Deadline”); and

WHEREAS, the City’s Planning and Development Department (“P&DD”), in cooperation with the DDA and/or the DEGC, plans to lead a planning study that outlines a vision and recommended land use strategies to support future development (the “Planning Study”) in the general area depicted on **Exhibit B** (which area is subject to adjustment in the final Planning Study scope); and

WHEREAS, given ODM’s other development commitments, and the City’s, the DDA’s, and ODM’s desire for the Remaining Properties to be developed in a manner that is consistent with the vision and recommended land use strategies outlined in the Planning Study, ODM has requested, and DDA staff recommends, the Board’s approval of an amendment to the MDA extending the Deadline on the following conditions (the “Amendment Request”):

- (a) The Deadline shall be amended to the date that is the earlier of (i) five (5) years from completion of the Planning Study and (ii) seven (7) years from the date of the DDA approval of the extended Deadline; provided that if the Planning Study is not completed prior to the date described in subparagraph (ii), then the date described in subparagraph (i) shall govern; and



(b) ODM's development proposals for the Remaining Properties shall be consistent with the vision and recommended land use strategies outlined in the Planning Study; and

(c) In consideration of the extension, ODM shall, promptly following execution of such amendment to the MDA, contribute an amount equal to \$100,000 to the DDA or other entity designated to commission the Planning Study, to be used towards the cost of the Planning Study (provided, that the DDA shall refund such amount to ODM if the Planning Study is not commenced within five (5) years after the date of such amendment to the MDA). ODM and other contributors will be identified as participants in the Planning Study; and

WHEREAS, upon review of the Amendment Request, the DDA Board has determined that the Amendment Request is consistent with the goals of the Catalyst Development Project and DDA's statutory purposes and otherwise in the best interests of the DDA and the Catalyst Development Project.

NOW THEREFORE BE IT RESOLVED that the DDA Board hereby approves the Amendment Request.

BE IT FURTHER RESOLVED that the DDA Board hereby authorizes any two of its Officers, or any two of its Authorized Agents, or one Officer and any one Authorized Agent to negotiate and execute an amendment to the MDA on terms and conditions consistent with this resolution.

BE IT FURTHER RESOLVED that the DDA Board hereby authorizes any two of its Officers or any two of its Authorized Agents or one Officer and any one Authorized Agent to take any other actions and execute any other documents necessary or appropriate to implement the provisions and intent of this resolution.

BE IT FINALLY RESOLVED that all of the acts and transactions of any Officer or Authorized Agent of the DDA, in the name and on behalf of the DDA, relating to matters contemplated by the foregoing resolutions, which acts would have been approved by the foregoing resolutions except that such acts were taken prior to execution of these resolutions, are hereby in all respects confirmed, approved and ratified.

September 13, 2023



EXHIBIT A

REMAINING PROPERTIES



EXHIBIT B

PLANNING STUDY AREA



CODE DDA 23-09-01-472

ADMINISTRATION: AMENDED SCHEDULE OF REGULAR DDA MEETINGS FOR FY 2023-24

RESOLVED that the Board of Directors of the Downtown Development Authority (the “DDA”) hereby adopts the following as its schedule of regular meetings for its fiscal year beginning July 1, 2023 and ending June 30, 2024. Unless otherwise posted, such meetings will be held on the **second and fourth Wednesday of each month at 3:00 P.M.** in the offices of the DEGC, 500 Griswold Street, Suite 2200, Conference Room A, as follows:

2023

July 12, 2023
July 26, 2023
August 9, 2023
August 23, 2023
September 13, 2023
September 27, 2023
October 11, 2023
October 25, 2023
November 8, 2023
November 15, 2023*
December 6, 2023*
December 13, 2023*

2024

January 10, 2024
January 24, 2024
February 14, 2024
February 28, 2024
March 13, 2024
March 27, 2024
April 10, 2024
April 24, 2024
May 8, 2024
May 22, 2024
June 12, 2024
June 26, 2024

*Due to a holiday, this meeting date varies from the regular schedule.

September 13, 2023