

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

December 13, 2010

The Council convened at 7:00 P.M., President Pro Tem of the Council Suzanne Sareini presiding. Present at roll call were Councilmembers Abraham, Darany, Hubbard and President Pro Tem of the Council Sareini; absent, Councilmembers O'Donnell, Shooshanian and Tafelski. A quorum being present, the Council was declared in session.

Councilmember Robert A. Abraham delivered the invocation.

By Sareini supported by Hubbard.

12-688-10. RESOLVED: That the minutes of the previous regular meeting of November 15, special meetings of November 9, 16 and 29, and the special closed meeting of December 6, 2010, and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-689-10. RESOLVED: That Ordinance No. 10-1302 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

The Clerk then read Ordinance No. 10-1302, entitled, "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Adding Article VII, entitled 'Construction Site Maintenance'."

The President Pro Tem of the Council announced that this was the final reading of the Ordinance.

The President Pro Tem of the Council then put the question, "Shall this Ordinance pass?"

12-689-10. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini. Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-690-10. RESOLVED: That Ordinance No. 10-1303 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

The Clerk then read Ordinance No. 10-1303, entitled, "An Ordinance to Amend the City of Dearborn Employees Retirement System (Chapter 22)."

The President Pro Tem of the Council announced that this was the final reading of the Ordinance.

The President Pro Tem of the Council then put the question, "Shall this Ordinance pass?"

12-690-10. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini. Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-691-10. RESOLVED: That Ordinance No. 10-1304 be taken from the table and placed upon its final reading.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

The Clerk then read Ordinance No. 10-1304, entitled, "An Ordinance to Amend the City of Dearborn Police and Fire Revised Retirement System (Chapter 23)."

The President Pro Tem of the Council announced that this was the final reading of the Ordinance.

The President Pro Tem of the Council then put the question, "Shall this Ordinance pass?"

12-691-10. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini. Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Hubbard introduced Ordinance No. 11-1305, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning the property located north of Essex Place and east of Westlawn Place (Lots 681-684 inclusive, Dix Avenue Villas Subdivision) from a Residential A (One Family Residential District) to a VP (Vehicular Parking District) zoning classification.

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Darany.

12-692-10. RESOLVED: That proposed Ordinance No. 11-1305 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Hubbard introduced Ordinance No. 11-1306, entitled, "An Ordinance to Amend the Zoning Ordinance (Ord. No. 06-1111) of the City of Dearborn by Amending Article 1, Section 1.03 entitled 'Definitions,' Amending Article 7, Section 7.02 entitled 'Site Development Standards Applicable to Specific Uses,' and Amending Section 20.03 entitled 'Development Standards'."

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Hubbard.

12-693-10. RESOLVED: That proposed Ordinance No. 11-1306 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Hubbard introduced Ordinance No. 11-1307, entitled, "An Ordinance to Amend the Zoning Ordinance (Ord. No. 06-1111) of the City of Dearborn by Amending Article 2.00, Section 2.09, entitled 'Yard and Bulk Regulations' and Adding Section 2.22, entitled 'Emergency Electrical Generators'."

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Darany.

12-694-10. RESOLVED: That proposed Ordinance No. 11-1307 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Sareini introduced Ordinance No. 11-1308, entitled, "An Ordinance to Amend the Animals Chapter (Chapter 4) of the Code of the City of Dearborn by Amending Section 4-27 and Adding Sections 4-27A and 4-27B, entitled 'Dangerous Dogs; Vicious Dogs'."

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Hubbard supported by Darany.

12-695-10. RESOLVED: That proposed Ordinance No. 11-1308 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Hubbard introduced Ordinance No. 11-1309, entitled, "An Ordinance to Amend the Animals Chapter (Chapter 4) of the Code of the City of Dearborn by Adding Section 4-32, entitled 'Tethering'."

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Sareini supported by Darany.

12-696-10. RESOLVED: That proposed Ordinance No. 11-1309 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Councilmember Sareini introduced Ordinance No. 11-1310, entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Adding Section 14-92A, entitled 'Retail Fraud in the Third Degree'."

The Clerk read the Ordinance by title.

The President Pro Tem of the Council announced that this was the first reading of the Ordinance.

By Hubbard supported by Darany.

12-697-10. RESOLVED: That proposed Ordinance No. 11-1310 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-698-10. WHEREAS: The City of Dearborn has a title to the portion of Reckinger Road as described below, and

WHEREAS: It is necessary to furnish certain information to the State of Michigan to place this street within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; now, therefore, be it

RESOLVED: That 1. The legal description of the said street is described as:

a) A sixty (60) foot wide Right-of-Way being described along its centerline as:

Land in Private Claims 52 & 312 T. 2 S., R. 10 E. Beginning at the intersection of South line of Michigan Avenue & West line of Greenfield Road, 120 feet wide (INT as established by Michigan Avenue-Greenfield Road interchange in 1959), thence along the West line of Greenfield Road S. 28° 50' 07" E., 615.11 feet; thence S. 68° 34' 38" W., 358.98 feet; To the Point of Beginning 196.08 feet along the arc to the left having a radius of 134.61 feet, passing through a central angle of 84° 12' 31" with a chord bearing S. 26° 43' 58" W., 179.20 feet; thence S. 15° 08' 02" E., 232.90 feet; thence 100.03 feet along the arc to the right having a radius of 60.64 feet; passing through a central angle of 94° 37' 36" with a chord bearing S. 32° 01' 59" W., 89.07 feet; thence S. 79° 06' 35" W., 430.46 feet; 90.14 feet along the arc to the right having a radius of 146.50 feet, passing through a central angle of 35° 14' 08" with a chord bearing N. 81° 06' 22" W., 88.72 feet; thence 49.52 feet along the arc to the right having a radius of 64.07 feet, passing through a central angle of 35° 04' 09" with a chord bearing N. 42° 34' 20" W., 48.80 feet, thence 38.42 feet along the arc to the left having a radius of 382.46, feet passing through a central angle of 5° 45' 5" with a chord bearing N. 23° 04' 39" W., 38.40 feet; thence 110.72 feet along the arc to the left having a radius of 287.50 feet, passing through a central angle of 22° 01' 04" with a chord bearing N. 40° 26' 22" W., 110.03 feet to a point of ending. The length of the P.O.B. to the P.O.E. is 1,248.32 L.F.

b) Land in Private Claims 52 & 312 T. 2 S., R. 10 E. Beginning at the intersection of South line of Michigan Avenue & West line of Greenfield Road, 120 feet wide (INT as established by Michigan Avenue-Greenfield Road interchange in 1959), thence along the West line of Greenfield Road S. 28° 50' 07" E., 615.11

feet; thence S. 68° 34' 38" W., 358.98 feet, thence 176.67 feet along the arc to the left having a radius of 398.65 feet, passing through a central angle of 25° 22' 02" with a chord bearing S. 60° 58' 13" W., 175.23 feet, thence 176.67 feet along the arc to the left having a radius of 398.65 feet, passing through a central angle of 25° 22' 02" with a chord bearing S. 60° 58' 13" W., 175.23 feet; thence 167.28 feet along the arc to the right having a radius of 455.93 feet, passing through a central angle of 21° 02' 07" with a chord bearing S. 56° 21' 09" W., 166.34 feet; thence S. 69° 16' 51" E., 421.21 feet; thence S. 20° 43' 09" E., thence S. 38° 31' 41" W., 60.00 feet; thence N. 54° 25' 57" W., 36.87 feet; thence N. 69° 16' 51" E., 72.02 feet; to the Point of Beginning, containing 1,104.52 square feet of land more or less.

be it further

RESOLVED: That 2. Said street is located within a City right-of-way, and is under the control of the City of Dearborn; be it further

RESOLVED: That 3. Said street is a public street and is for public street purposes; be it further

RESOLVED: That 4. Said street is accepted into the City Local Street System and was open to the public in 2000.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Darany supported by Hubbard.

12-699-10. WHEREAS: The City of Dearborn does wish to decertify/vacate a portion of Reckinger Road as described below. This decertification/vacation of Reckinger Road is located between Greenfield Road and Michigan Avenue for a total decertification/vacation length of 765 ft, and

WHEREAS: The legal description of Reckinger Road to be vacated is as follows:

A fifty (50) foot wide Right-of-Way being described along its centerline described as

Land in Private Claims 52 & 312 T. 2 S., R. 10 E. Beginning at the intersection of South line of Michigan Avenue & West line of Greenfield Road, 120 feet wide (INT as established by Michigan Avenue-Greenfield Road interchange in 1959), thence along the West line of Greenfield Road S. 28° 50' 07" E., 615.11 feet; thence S. 68° 34' 38" W., 358.98 feet; To the Point of Beginning; 176.67 feet along the arc to the left having a radius of 398.65 feet, passing through a central angle of 25° 22' 02" with a chord bearing S. 60° 58' 13" W., 175.23 feet; thence 176.67 feet along the arc to the left having a radius of 398.65 feet, passing through a central angle of 25° 22' 02" with a chord bearing S. 60° 58' 13" W., 175.23 feet; thence 167.28 feet along the arc to the right having a radius of 455.93 feet, passing through a central angle of 21° 02' 07" with a chord bearing S. 56° 21' 09" W., 166.34 feet; thence S. 69° 16' 51" E., 421.21 feet; to a point of ending. The length of the P.O.B. to the P.O.E. is 765.16 L.F.

be it

RESOLVED: That City Council hereby approves the Decertification/Vacation of a Portion of Reckinger Road, legally described above, as a City Local Road.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-700-10. RESOLVED: That Change Order No. 1 with Lacaria Concrete Construction which provides for the Asphalt Street Pavement Resurfacing Contract 2009/2010, Job #10-09-059, C.I.P. Q57810 in the amount of \$60,000 is hereby approved; be it further

RESOLVED: That the City Engineer be authorized to execute it on behalf of the City; be it further

RESOLVED: That this Change Order shall be financed within the budget available for the project funding.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-701-10. RESOLVED: That Change Order No. 2 with Ric-Man Construction Company which provides for the Combined Sewer Overflow Project, CSO Contracts 3 & 4, Job #04-06-066, C.I.P. N85000 in the amount of \$632,253.78 is hereby approved; be it further

RESOLVED: That the City Engineer be authorized to execute it on behalf of the City; be it further

RESOLVED: That this Change Order shall be financed from CSO Project C.I.P. N85000.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-702-10. RESOLVED: That all bids received for Turf Maintenance on County/State Rights-of-Ways (ROWS) are hereby rejected except the bid of Franks Landscaping in the total amount of \$92,973.76 (\$46,486.88 annually), that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal two-year contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this two-year contract shall be financed from the Major Street & Trunk Line, Public Works, Contractual Services, Project Z77611 Account (FY11 \$25,982.32; FY12 \$46,486.88; and FY13 \$20,504.56) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 and FY13 budgets; be it further

RESOLVED: That City Council hereby authorizes the Finance Director to recognize the estimated reimbursement revenue of \$72,193.44 and appropriate the same in the Major Street & Trunk Line Fund Project Z77611.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-703-10. RESOLVED: That all bids received for Turf Maintenance for Various City Locations are hereby rejected except the bid of United Lawnscape, Inc. in the total amount of \$145,888 (72,944 annually), that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal two-year contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this two-year contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services Account (FY11 27,339, FY12 \$72,944; and FY13 \$45,605) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 and FY13 budgets.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-704-10. RESOLVED: That all bids received for Fertilization and Weed Control for Various City Locations are hereby rejected except the bid of United Lawnscape, Inc. in the total amount of \$95,704 (\$47,852 annually), that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal two-year contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this two-year contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services Account (FY11 \$20,759; FY12 \$38,994; and FY13 \$18,325) and from the Major Street & Trunkline, Public Works, Contractual Services, Project Z77611 Account (FY11 \$4,429; FY12 \$8,858; and FY 13 \$4,429) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 and FY13 budgets.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-705-10. RESOLVED: That all bids received for the Ford Community & Performing Arts Center Marquee Sign Renovation are hereby rejected except the bid of Usztan, LLC. in the total amount of \$56,915, that the aforementioned bid is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the bid have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the Facilities Fund, Project I51002 The Center Maintenance.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-706-10. RESOLVED: That all proposals received for a Waste to Energy Facility Feasibility Study are hereby rejected except the bid of Resource Recycling Systems in the total amount of \$62,836, that the aforementioned proposal is hereby accepted, that the Mayor is hereby authorized to execute a formal contract upon the approval of the Department of Law; provided however, that all of the specifications and instructions in the proposal have been fully complied with; be it further

RESOLVED: That this contract shall be financed from the General Capital Improvement, Energy Efficiency & Conservation Block Grant-ARRA, Project Z77700 Fund.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-707-10. WHEREAS: The City presently has a contract with WH Canon, Inc. (C.R. 3-138-09) for Flower Bed Planting & Maintenance Services, and

WHEREAS: The original contract specifications allow for a renewal of one year beyond the expiration of the present contract. This is the final renewal, and

WHEREAS: WH Canon, Inc. has offered to renew the present contract prices through October 31, 2011; be it

RESOLVED: That the contract for Flower Bed Planting & Maintenance Services is hereby renewed with WH Canon, Inc. through October 31, 2011 in the amount of \$23,924; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Public Works, Parks Division, Contractual Services Account.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-708-10. WHEREAS: The City presently has a contract with Brantley Development LLC (C.R. 2-64-10) for Private Property Lawn & Yard Maintenance for Non-Compliance Ordinance Violations, and

WHEREAS: The original contract specifications allow for three (3) one-year renewals beyond the expiration of the present contract. This is the first renewal, and

WHEREAS: Brantley Development LLC has offered to renew the present contract prices through December 31, 2011; be it

RESOLVED: That the contract for Private Property Lawn & Yard Maintenance for Non-Compliance Ordinance Violations is hereby renewed with Brantley Development LLC through December 31, 2011 in the amount of \$75,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Public Works, Neighborhood Services, Contractual Services Account (FY11 \$37,500 and FY12 \$37,500) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-709-10. WHEREAS: The City presently has a contract with R & M Contracting Corp., Inc., Landscape Services, Inc., J.R. Mathews, Inc. United Lawnscape, Inc., Dave's Contracting, Inc. and Commercial Mowing Services, Inc. (C.R. 3-166-09) to Provide Nuisance Abatement Services, and

WHEREAS: The original contract specifications allow for two (2) one-year renewals beyond the expiration of the present contract, and

WHEREAS: R & M Contracting Corp., Inc., Landscape Services, Inc., J.R. Mathews, Inc. United Lawnscape, Inc. and Dave's Contracting, Inc. has offered to renew the present contract prices for the period of April 3, 2011 through April 2, 2012; be it

RESOLVED: That the contract to Provide Nuisance Abatement Services is hereby renewed with R & M Contracting Corp., Inc., Landscape Services, Inc., J.R. Mathews, Inc. United Lawnscape, Inc. and Dave's Contracting, Inc. for the period of April 3, 2011 through April 2, 2012 in the approximate amount of \$110,000; be it further

RESOLVED: That this contract renewal shall be financed from the General Fund, Public Works, Neighborhood Services Division, Inspections, Contractual Services, Other Services Account (Account #101-2067-663.34-90) with purchases made after June 30, 2011 being contingent upon the adoption of the FY12 budget.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

Renewed on 3/6/12 per C.R. 3-128-12

By Sareini supported by Hubbard.

12-710-10. WHEREAS: The decision of the Michigan Tax Tribunal (MTT) regarding the real property value of the Detroit Lions Practice Facility for tax years 2004-2009, inclusive, is currently under appeal in the Michigan Court of Appeals, and

WHEREAS: The decision of the MTT regarding the personal property value for the Detroit Lions Practice Facility for tax years 2005-2009, inclusive, is currently under appeal in the Michigan Court of Appeals, and

WHEREAS: Stephanie Morita of Secrest Wardle has been retained to assist the City in the defense of the MTT litigation (C.R.'s 12-381-04, 11-856-06, 6-387-09 and 11-799-09), and

WHEREAS: It is necessary to authorize the expenditure of costs and fees associated with those cases; therefore, be it

RESOLVED: That the Finance Direct is hereby directed to appropriate the General Fund fund balance in the amount of \$32,000 to the Assessor's Department contract services account 101-1400-821.30-12 and that the Professional Services Agreement with Stephanie Morita be extended in accordance with continuity of services to December 31, 2011.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-711-10. WHEREAS: Zausmer, Kaufman, August, Caldwell & Tayler, P.C. has consulted and acted as co-counsel for the City of Dearborn in the case City of Dearborn vs. Burton-Katzman since September 2009, and

WHEREAS: It is estimated that legal actions and continued representation in this litigation will require an extension of the professional services agreement in the amount of \$75,000; now, therefore, be it

RESOLVED: That the professional services agreement with Zausmer, Kaufman, August, Caldwell & Tayler, P.C. is extended in the amount of \$75,000; be it further

RESOLVED: That in order to fund this professional services agreement, a transfer of \$75,000 from the General Fund fund balance to the Fleet & General Legal Fees Account is approved.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-712-10. WHEREAS: Robert D. Gordon, of Clark Hill P.L.C., who specializes in complex corporate bankruptcy matters, has consulted and acted as co-counsel for the City of Dearborn in the case of City of Dearborn vs. Burton-Katzman with respect to the Chapter 7 bankruptcy filing of Burton-Katzman Development Company, Inc., West Village Commons, LLC, and Westminster Homes, LLC f/k/a Abbey Homes, LLC in U.S. Bankruptcy Court and related matters in the Wayne County Circuit Court since August 2010, and

WHEREAS: It is estimated that legal actions and continued representation in this litigation will require an extension of the professional services agreement in the amount of \$20,000; now, therefore, be it

RESOLVED: That the professional services agreement with Robert D. Gordon, of Clark Hill P.L.C. is extended in the amount of \$20,000; be it further

RESOLVED: That in order to fund this professional services agreement, a transfer of \$20,000 from the General Fund fund balance to the Fleet & General Legal Fees Account is approved.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-713-10. WHEREAS: During the execution of the Asphalt Resurfacing and Water Main Replacement Project on Mead and Ternes Streets, it was necessary to replace additional sidewalk and driveway aprons because of the conflict with the grade, to comply with the Americans with Disabilities Act (ADA) requirements and to eliminate the trip hazard especially in front of trees. At our request the staff from the Economic and Community Development has reallocated additional Block Grant funds in the amount of \$45,000 to adequately fund C.I.P. Q58310. The revised budget including ARRA Funding for C.I.P. Q58310 will be \$1,958,994 with the proposed reallocation, and

WHEREAS: The City Engineer has requested City Council authorize the Finance Director to recognize and appropriate the additional contribution of \$45,000 from the Block Grant Fund in the Local Street Fund C.I.P. Q58310; be it

RESOLVED: That City Council hereby authorizes the Finance Director to recognize and appropriate the additional contribution of \$45,000 from the Block Grant Fund to the Local Street Fund C.I.P. Q58310 in order to adequately fund the necessary replacement of additional sidewalk and driveway aprons to comply with ADA requirements and to eliminate the trip hazard in front of tress for the Asphalt Resurfacing and Water Main Replacement Project on Mead and Ternes Streets, Job #10-07-056, C.I.P. Q58310.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-714-10. WHEREAS: Ordinance No. 05-1062, Section 2-568 (b) 6, authorizes sole source procurement in certain circumstances, and

WHEREAS: The Purchasing Agent has received a request for a sole source procurement; be it

RESOLVED: That Oakland County be designated as a sole source for Membership and Maintenance for the CLEMIS Mobile Data Computer System Program for the Police in the amount of \$177,000 and that the Purchasing Agent be authorized to enter into a purchase order for the aforementioned items; be it further

RESOLVED: That this purchase order shall be financed from General Fund, Police, Professional Services Fund (FY11 \$58,000 and FY12 \$119,000) with maintenance being performed after June 30, 2011 being contingent upon the adoption of the FY12 budget.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-715-10. WHEREAS: The City Engineer has present to City Council for approval an Intergovernmental Agreement between Wayne County and the City of Dearborn for the Federal Grant related to the Rouge River National Wet Weather Demonstration Project, Round Project, West Village Drive from Mason Street to Monroe Street (RXA-01), and

WHEREAS: The work that will be completed by this grant on West Village Drive is to remove catch basin leads from the combined sewer and convert the combined sewer into the sanitary sewer. The project also consists of construction of a new storm sewer. The water main replacement is also scheduled on West Village Drive as part of this project, and

WHEREAS: The total cost of this project is \$446,000 of which the Federal grant Amount is \$102,650 with the City of Dearborn's share being \$343,350, and

WHEREAS: The City Engineer has also requested that the Mayor be authorized to execute the Intergovernmental Agreement on behalf of the City subject to the review by Corporation Counsel and that the Finance Director be authorized to recognize the grant amount of \$102,650 and appropriate it in C.I.P. Q01900, Sewer Fund; be it

RESOLVED: That City Council hereby approves the Intergovernmental Agreement between the County of Wayne and the City of Dearborn for the Rouge River National Wet Weather Demonstration Project, Round Sewer Separation Project, West Village Drive from Mason Street to Monroe Street (RXA-01), Job #00-12-117, C.I.P. Q01900; be it further

RESOLVED: That City Council hereby authorizes the Mayor to execute the Intergovernmental Agreement on behalf of the City subject to a review by Corporation Counsel and authorizes the Finance Director to recognize the grant amount of \$102,650 and appropriate it in C.I.P. Q01900, Sewer Fund; be it further

RESOLVED: That the City of Dearborn's share in the amount of \$343,350 shall be financed as follows:

Water Fund, C.I.P. Q01900	\$151,000
Sewer Fund, C.I.P. Q01900	\$192,350

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-716-10. WHEREAS: The City of Dearborn currently leases real property to CBS Outdoor, Inc. for billboards at four locations: Michigan Ave/I-94 freeway ramp, 2951 Greenfield (DPW yard), 2650 Greenfield (Motor Transport), and 2020 Telegraph (Telegraph DPW yard), and

WHEREAS: The four leases are expired and each property is now being leased on a "year-to-year" basis, and

WHEREAS: The City and CBS Outdoor, Inc. wish to enter into lease addendums for an additional five-year period and the parties have negotiated terms for the leases that will result in increased revenue for the City, and

WHEREAS: Corporation Counsel recommends that the City enter into the lease addendums; therefore, be it

RESOLVED: That based on the above, the City Council authorizes the Mayor to enter into lease agreements and/or addendums with CBS Outdoor, Inc. for five-year periods for the above-noted locations on terms and conditions to be approved by Corporation Counsel.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Darany supported by Hubbard.

12-717-10. WHEREAS: In June 2009, City Council adopted C.R. 6-395-09 which approved the dissolution of the Dearborn Municipal Building Authority which was originally created in 1988, and

WHEREAS: It has come to the attention of the Department of Law that three properties had been deeded to the Municipal Building Authority and are still in the Authority's name, and

WHEREAS: When the Municipal Building Authority was dissolved, its assets should have been distributed and taken out of the Authority's name, and

WHEREAS: Since the Authority was dissolved and no longer exists, the properties should be deeded back to the City of Dearborn, and

WHEREAS: It is recommended that the following properties be quit claimed from the Dearborn Municipal Building Authority back to the City of Dearborn:

82-10-073-24-001 (14900 Ford Rd.)

82-09-242-02-001 (16121 Michigan Ave.)

82-10-073-19-001 (5700 Greenfield)

and

WHEREAS: It is recommended that the City of Dearborn accept title to the properties listed above; be it therefore

RESOLVED: That the City of Dearborn accepts quit claim deeds from the Dearborn Municipal Building Authority for the properties located at:

82-10-073-24-001 (14900 Ford Rd.)

82-09-242-02-001 (16121 Michigan Ave.)

82-10-073-19-001 (5700 Greenfield)

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Sareini supported by Hubbard.

12-718-10. WHEREAS: The City of Dearborn holds title to Oakman Boulevard between Michigan Avenue and Miller Road, and

WHEREAS: Wayne County has jurisdiction over Oakman Boulevard, between Michigan Avenue and Miller Road, and has been maintaining the road, and

WHEREAS: Wayne County has approached the City requesting that the City transfer title of the property by way of Quit Claim Deed for the purpose of formalizing its right-of-way, and

WHEREAS: The Engineering Division and Department of Law have reviewed the proposed property transfer and Quit Claim Deed, and have recommended that the City Council authorize the Mayor to execute the Quit Claim Deed; therefore be it

RESOLVED: That the City Council authorizes execution of a Quit Claim Deed transferring title of Oakman Boulevard between Michigan Avenue and Miller Road, as described in the legal description provided in the Quit Claim Deed, to Wayne County; be it further

RESOLVED: That the Mayor or his designee is hereby authorized to sign the Quit Claim Deed on the City's behalf.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-719-10. RESOLVED: That City Council hereby concurs in the Mayor's appointments of Maureen A. McIlrath-Noland and Teresa Pulido to the Telecommunications Commission for terms ending June 30, 2012.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Sareini.

12-720-10. WHEREAS: The Dearborn Fire Department was recently awarded a highly competitive grant for fire hose for fire apparatus for the department from the 2010 Assistance to Firefighters Grant Program. The Fire Department is allowed to use up to \$44,897 to purchase various fire hoses and nozzles; the required match for this grant is 20%, making the grant \$35,918 in federal grant dollars and \$8,979 in local match dollars, and

WHEREAS: The Fire Chief has requested City Council acknowledge this grant and the Finance Department be authorized to recognize the federal portion of the Assistance to Firefighters grant in the amount of \$35,918 in Account #101-2540-330-0190 and appropriate \$35,918 from fund balance in the General Fund in Account #101-2540-621.61-05 for the purchase of the equipment. The local match dollars will be funded by the existing fire department budget; be it

RESOLVED: That City Council hereby acknowledges the 2010 Assistance to Firefighter Grant in the amount of \$44,897 for the Purchase of Various Fire Hoses and Nozzles; be it further

RESOLVED: That City Council hereby authorizes the Finance Department to recognize the federal portion of the Assistance to Firefighters grant in the amount of \$35,918 in Account #101-2540-330.01-90 and appropriate \$35,918 from fund balance in the General Fund in Account #101-2540-621.61-05 for the purchase of the equipment.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-721-10. RESOLVED: That receipt of a Christmas Tree as a gift for the Senior Center Office from the Friends of the Festival of Trees to the City of Dearborn is hereby acknowledged and accepted; be it further

RESOLVED: That this Council hereby extends its appreciation for the aforementioned gift to the donor.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported by Darany.

12-722-10. WHEREAS: CDM Michigan, Inc. is under contract with the City of Detroit Water & Sewerage Department (DWSD) to design a reservoir fill line at the Springwells Water Treatment Plant located at 8300 West Warren Avenue. The design involves connection to an existing water main owned by DWSD located within the Indiana Avenue right-of-way and installation of a 48-inch water main within the Indiana Avenue right-of-way and within the alley north of Warren Avenue, east of Indiana. CDM is requesting City Council approval to perform soil borings within the Indiana Avenue right-of-way and within the alley north of Warren Avenue, east of Indiana, and

WHEREAS: The Engineering Division and the Economic and Community Development Department have no objection to the soil boring work provided the following requirements are met:

- a) A permit from Wayne County is required for any work within the Warren Avenue right-of-way.
- b) The City of Dearborn has combined sewers in Indiana Avenue and within the alley. The City of Dearborn also has a water main in Indiana Avenue.
- c) Permits, as required by the Economic & Community Development Department, shall be obtained. A location and detail plan of monitoring wells is required with application. The proposed wells must be located at least 5 feet from the edge of the City's underground utility, sewer or water main.
- d) The location plan should be reviewed with private utility companies for conflicts with their facilities.
- e) A "Hold Harmless Agreement" shall be executed with the City.
- f) The MISS DIG System (1-800-482-7171) shall be notified three (3) working days prior to drilling well casing or soil boring.
- g) The Economic and Community Development Department and the Engineering Division shall be contacted two (2) working days prior to any work.
- h) Water samples taken will not be permitted into the City sewer system.
- i) If pumping of groundwater above the amount needed for sampling is required arrangements for the disposal of the groundwater into the City sewer system shall be subject to the approval of the Sewerage Division and treatment fees will be charged based upon quantity of flow.
- j) Wells shall be removed upon completion of testing/pumping. The well or boring holes shall be filled

- with grout and the surface restored to its previous condition.
- k) Two (2) days prior to any pavement or walk replacement work contractor shall contact the Engineering Division for inspection.
 - l) A copy of the results of the completed monitoring well report shall be provided to the Office of the City Engineer.
 - m) Submit the design drawing of 48" diameter water fill line to the City Engineer's Office.

be it

RESOLVED: That City Council hereby grants permission to CDM Michigan, Inc. to conduct soil boring and geotechnical inspections of Indiana Avenue, North of Warren Avenue, subject to the above-mentioned requirements.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Abraham supported by Sareini.

12-723-10. RESOLVED: That the proposed resolution by Councilmembers Hubbard and Darany denying the request of Hakim Fakhoury, Dearborn Village Partners, to extend the Parking Lot Lease and Preferred Developer Agreement for a one-year period be and is hereby tabled.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Darany supported unanimously.

12-724-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Maria DeLoria, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Abraham supported unanimously.

12-725-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Bruce H. Simpson, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

By Hubbard supported unanimously.

12-726-10. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Joseph Lycas, and

WHEREAS: This departure at the dictation of Divine Providence, constitutes an irreparable loss to the beloved family and numerous friends and neighbors; be it

RESOLVED: That the Mayor and members of the Council of the City of Dearborn here assembled, hereby sincerely extend and offer in this sad hour of bereavement, heartfelt sympathy and condolence to the family of the deceased.

The resolution was adopted as follows: Yeas: Abraham, Darany, Hubbard and Sareini (4). Nays: None. Absent: O'Donnell, Shooshanian and Tafelski (3).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:44 P.M.

APPROVED:

THOMAS P. TAFELSKI
President of the Council

ATTESTED:

KATHLEEN BUDA
City Clerk