

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

October 29, 2013

The Council convened at 7:33 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Council President Tafelski; absent, Sareini. A quorum being present, the Council was declared in session.

Pastor Francis Hayes of the Littlefield Presbyterian Church delivered the invocation.

By Bazzy supported by O'Donnell.

10-519-13. RESOLVED: Approving the minutes of the previous special meeting of October 3, 2013 and regular meeting of October 8, 2013 and the same are hereby approved as recorded and published.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

Councilmember Hubbard left the City Council Chambers at 7:36 p.m.

Council President Tafelski introduced Ordinance No. 13-1412, entitled, "An Ordinance to Amend the City of Dearborn 401(a) Defined Contribution Plan."

The Clerk read the Ordinance by title.

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

By Bazzy supported by Abraham.

10-520-13. RESOLVED: That proposed Ordinance No. 13-1412 be laid on the table.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Shooshanian and Tafelski (5). Nays: None. Absent: Hubbard and Sareini (2).

By Bazzy supported by Tafelski.

10-521-13. WHEREAS: The Schaefer Road Water Main and Resurfacing Project between Ford Road and Warren Avenue is scheduled to begin in February 2014. This project utilizes Federal Funds and will be administered by MDOT. The project includes replacement of the water main under the CSX Railroad grade separation at Schaefer Road, just south of Hemlock. Execution of an Agreement with CSX Transportation, Inc. is required to construct water main within their right of way, and

WHEREAS: The City Engineer has presented an agreement between CSX Transportation, Inc. and the City of Dearborn, for the construction and maintenance of the City's proposed 12" diameter water main within and under CSX right of way at Schaefer Road, and

WHEREAS: The City Engineer is requesting that this Agreement be approved subject to a review by Corporation Counsel and is also requesting that the Mayor be authorized to execute the agreement on behalf of the City; be it therefore

RESOLVED: That City Council hereby approves the Agreement for the construction and maintenance of the 12" diameter water main between CSX Transportation, Inc. and the City of Dearborn, subject to review and approval of Corporation Counsel; be it further

RESOLVED: That the Mayor is hereby authorized to execute the Agreement on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Shooshanian and Tafelski (5). Nays: None. Absent: Hubbard and Sareini (2).

By Tafelski supported by Bazzy.

10-522-13. RESOLVED: That the bid from L.E. Hunt, P.C. received for Legal Counsel for Indigent Defendants is hereby accepted in the total amount of \$76,000 for one year with four (4), one-year renewal options at \$76,000 per renewal year, 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 General Fund, 19<sup>th</sup> District Court, Indigent Attorneys Fees budget (101-1100-411.30-13) with renewals contingent upon adoption of those year's budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Shooshanian and Tafelski (5). Nays: None. Absent: Hubbard and Sareini (2).

By Tafelski supported by Bazzy.

10-523-13. WHEREAS: The City presently has a contract with United Resource, LLC (C.R. 10-561-12) for Snow and Ice Removal from Sidewalks for All City Public Buildings and Various Lots, and

WHEREAS: The original contract specifications allow for two one-season renewal options beyond the expiration of the contract, this will be the second and final season renewal, and

WHEREAS: United Resource, LLC has offered to renew the present contract prices through the Winter 2013/2014; be it therefore

RESOLVED: That the contract for Snow and Ice Removal from Sidewalks for All City Public Buildings and Various Lots is hereby renewed with United Resource, LLC through the Winter 2013/2014 Season in an amount not to exceed \$36,000; be it further

RESOLVED: That this contract shall be financed from the General Fund, Public Works, Parks Division, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, O'Donnell, Shooshanian and Tafelski (5). Nays: None. Absent: Hubbard and Sareini (2).

Councilmember Hubbard re-entered the City Council Chambers at 7:40 p.m.

By O'Donnell supported by Hubbard.

10-524-13. WHEREAS: The City presently has a contract with Kellermeyer Co. (C.R. 9-463-12) for Paper Products for City Buildings through September 20, 2013, and

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

WHEREAS: Kellermeyer Co. has offered to renew the present contract prices through September 20, 2014; be it therefore

RESOLVED: That the contract for Paper Products for City Buildings is hereby renewed with Kellermeyer Co. through September 20, 2014 in an amount not to exceed \$32,000; be it further

RESOLVED: That this contract renewal shall be financed from various department budgets with purchases made after June 30, 2014, being contingent upon the adoption of the FY15 Budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Bazzy.

10-525-13. RESOLVED: That City Council hereby approves a contract increase with Cynergy Wireless Products, Inc. (C.R. 6-310-13) in the amount of \$52,000, bringing the total contract to an amount not to exceed \$207,000, for additional Expenditures for Upfitting Services for City Specialty Vehicles; be it further

RESOLVED: That this contract increase shall be charged to various departmental budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Bazzy supported by O'Donnell.

10-526-13. RESOLVED: That Change Order No. 9 with Neumann Smith for Architect & Engineer Services for the Intermodal Passenger Rail Facility Project in the amount of \$100,000 resulting in a new contract total of \$2,524,142.67 is hereby approved; be it further

RESOLVED: That this Change Order shall be financed from the Intermodal Station project (J08011); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By O'Donnell supported by Hubbard.

10-527-13. WHEREAS: Zausmer, Kaufman, August & Caldwell, P.C. has consulted and acted as co-counsel for the City of Dearborn in the case City of Dearborn v Burton-Katzman, *et.al.* 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 \$150,000; now therefore be it

RESOLVED: That the professional services agreement with Zausmer, Kaufman, August & Caldwell, P.C. is extended in the amount of \$150,000; be it further

RESOLVED: That in order to fund this professional services agreement, the City Council authorizes that the General Fund fund balance is appropriated as a transfer in the amount of \$150,000 to the Fleet & General Liability Fund to be recognized and appropriated in the Legal Fees Account; be it further

RESOLVED: That this resolution shall be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Bazzy.

10-528-13. WHEREAS: The original MDOT Contract 2011-0230 was approved by C.R. 7-402-11 in 2011, in conjunction with the \$28.2 million grant for the Intermodal Passenger Rail Station from the Federal Railroad Administration (FRA). The construction period of the agreement ran for a period of two years and requires an extension due to the project delays caused by the sale of the Michigan Line rail corridor between Dearborn and Kalamazoo from Norfolk Southern (NS) Corporation to the Michigan Department of Transportation (MDOT), and

WHEREAS: The parties desire to extend the contract term to August 22, 2014, to provide the City sufficient time to complete the construction, and

WHEREAS: The Economic and Community Development Department is requesting that the Mayor be authorized to sign the amended MDOT Contract 2011-0230/A1, subject to review and approval of Corporation Counsel; be it therefore

RESOLVED: That City Council approves extending the construction period of the contract to August 22, 2014, subject to review and approval of Corporation Counsel; be it further

RESOLVED: That City Council hereby authorizes the Mayor to sign the amended MDOT Contract 2011-0230/A1; be it further

RESOLVED: That all other terms of the contract remain the same and in place for its twenty (20) year duration; be it further

RESOLVED: That this resolution shall be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).



By Bazzy supported by Hubbard.

10-529-13. RESOLVED: That City Council hereby accepts the FY2013 Emergency Management Performance Grant in the amount of \$57,582 for the salary and benefits of the Emergency Management Coordinator and the development and maintenance of the Emergency Management Program; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by O'Donnell.

10-530-13. WHEREAS: Council Resolution #8-423-13 authorized the sale of the HUD-NSP renovated residential property at 5034 Argyle to Fadi Hamam and Lina Abboud (6241 Rockland, Dearborn Heights) at a sale price of \$165,000, and

WHEREAS: L & S Appraisals, Inc. conducted an appraisal of the property for JPMorgan Chase Bank (the prospective buyer's mortgage lender) indicating a market value of \$147,500 as of September 9, 2013, and

WHEREAS: Council believes that a sale price reduction is reasonable and is in accordance with the spirit and intent of the HUD-NSP First-Time Homebuyer Home Sales Assistance Program; be it therefore

RESOLVED: That the sale of the rehabilitated house located at 5034 Argyle serves a public purpose by adding the house to the tax rolls to generate revenue for the City, serves the public purpose intended by the HUD-NSP Program, and is in accordance with the spirit and intent of the First-Time Homebuyer Program; be it further

RESOLVED: That this City Council does hereby determine to affect the sale at a reduced price of not less than \$147,500 to Fadi Hamam and Lina Abboud of the residential property described as:

Lot 267 Ardross Sub., City of Dearborn, Wayne County, Michigan, as recorded in Liber 36, Page 30 of Plats, Wayne County Records.

Tax I.D. No.82-10-182-23-006  
Commonly known as 5034 Argyle, Dearborn, MI.

be it further

RESOLVED: That the Corporation Counsel or her designee is authorized to execute documents on behalf of the City of Dearborn for the sale of 5034 Argyle; be it further

RESOLVED: That the Mayor be and is hereby authorized to execute a Warranty Deed for said residential property to Fadi Hamam and Lina Abboud upon delivery to the City of the net purchase price (above purchase price less HUD-NSP financial assistance), executed program mortgage and note, subject to adjustments, if any, as shown on the Closing Statement reviewed by Corporation Counsel; be it further

RESOLVED: That all other terms and conditions of Council Resolution #8-423-13 remain in full force and effect; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Bazzy.

10-531-13. RESOLVED: That City Council hereby authorizes the Mayor's Office to renew the citywide membership with the Michigan Municipal League in the amount of \$15,098 for the period of December 01, 2013 through November 30, 2014; be it further

RESOLVED: That this membership renewal has been budgeted in the citywide account 101-1299-421.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By O'Donnell supported by Hubbard.

10-532-13. WHEREAS: The Fire Department has requested City Council authorization to purchase membership in the Downriver Mutual Aid Association (Fire), and

WHEREAS: The membership provides the following services:

- participation in a multi-community mutual aid pact, in the case of the need for additional fire resources during emergencies,
- a venue to discuss and take action on regional issues involving the fire service,
- a forum for joint training exercises and shared resources for various technical aspects of providing an all hazards fire department,
- a voice on the Western Wayne County Medical Control Board (HEMS) which has an impact on developing EMS protocols for our area
- regional fire/arson investigation assistance
- dive team assistance
- hazardous material and emergency rescue assistance

be it therefore

RESOLVED: That City Council hereby authorizes the Fire Department to purchase a membership into the Downriver Mutual Aid Association (Fire) in the amount of \$18,090.66; be it further

RESOLVED: That this membership fee shall be financed from account # 101-2540-621.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Hubbard supported by Abraham.

10-533-13 RESOLVED: That Mr. Mohamad Awada on behalf of The Ashura Project be and they are hereby granted permission to conduct their 'March for Justice' Procession/Rally on Saturday, November 16, 2013, from approximately 10:00 A.M. to 2:00 P.M., subject to reimbursement of all City Services, all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the parade route shall be as follows: Beginning in the Fordson High School East Parking Lot, the march participants will proceed south exiting the parking lot to the north side of Ford Road; turn right and head west along Ford Road (sidewalk only) to Greenfield Road; turn right and advance north along Greenfield Road (sidewalk only) to Donald Street; then turn right again and continue east along Donald Street (sidewalk only) to the Ford Woods Park entrance gate, located just west of the pool; and finish inside the park near the Comfort Station; be it further

RESOLVED: That City Council hereby authorizes assistance from the Police Department with traffic safety/crowd control for the entire duration of the parade route; be it further

RESOLVED: That City Council also authorizes the use of Ford Woods Park to conduct the event; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

By Bazzy supported by Hubbard.

10-534-13 RESOLVED: That City Council hereby concurs in the Mayor's appointment of Jacqueline Lovejoy to the West Dearborn Downtown Development Authority for a term ending June 30, 2017.

The resolution was adopted as follows: Yeas: Abraham, Bazzy, Hubbard, O'Donnell, Shooshanian and Tafelski (6). Nays: None. Absent: Sareini (1).

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:57 P.M.

APPROVED:

\_\_\_\_\_  
President of the Council

ATTESTED:

\_\_\_\_\_  
City Clerk