

REGULAR MEETING OF THE COUNCIL  
OF THE  
CITY OF DEARBORN

March 7, 2011

The Council convened at 7:03 P.M., President of the Council Thomas P. Tafelski presiding. Present at roll call were Councilmembers Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and President of the Council Tafelski; absent, Councilmember Bazzy. A quorum being present, the Council was declared in session.

Reverend Linda Anderson of Dearborn Congregational Church delivered the invocation.

By Sareini supported by O'Donnell.

3-99-11. RESOLVED: That the minutes of the previous regular meeting of February 22, 2011, and the same are hereby approved as recorded and published.

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

By Shooshanian supported by O'Donnell.

3-100-11. RESOLVED: That Ordinance No. 11-1315 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. "An Ordinance to Amend the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn by Amending Article III, entitled 'Snow Removal'."

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

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

3-100-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By O'Donnell supported by Abraham.

3-101-11. RESOLVED: That Ordinance No. 11-1316 be taken from the table and placed upon its final reading.

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

The Clerk then read Ordinance No. 11-1316 entitled, "An Ordinance to Amend the Offenses Chapter (Chapter 14) of the Code of the City of Dearborn by Adding Division 1A to Article VI, entitled 'Regulation and Licensing of Certain Aspects of Medical Marijuana Cultivation, Use and Distribution'."

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

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

3-101-11. Upon roll call the Ordinance was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

Councilmember Hubbard introduced Ordinance No. 11-1317, entitled, "An Ordinance to Amend the Streets, Sidewalks and Other Public Places Chapter (Chapter 17) of the Code of the City of Dearborn by Amending Article II entitled 'Special Events'."

The Clerk read the Ordinance by title.

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

By Sareini supported by O'Donnell.

3-102-11. RESOLVED: That proposed Ordinance No. 11-1317 be laid on the table.

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

By Hubbard supported by Shooshanian.

3-103-11. RESOLVED: That all bids received for the West Village Reconstruction Project, Project No. 00-12-117, C.I.P. #Q01900 are hereby rejected except the bid of C & P Construction Company in the total amount of \$321,818, 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 available budget in C.I.P. #Q01900 as follows:

Sewer Fund (590-2006-435)	\$238,329
Water Fund (591-2011-435)	\$ 83,489

be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

3-104-11. WHEREAS: The City presently has a contract with G.V. Cement Contracting Company (3-116-10) for Street Paving, Curb and Catch Basin Repair Contract 2009/2010, and

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

WHEREAS: G.V. Cement Contracting Company has offered to renew the present contract prices; be it

RESOLVED: That the contract for Street Paving, Curb and Catch Basin Repair Contract 2011, Job # 11-11-064, C.I.P. #Q58611 & #Q59011 is hereby renewed with G.V. Cement Contracting Company in the amount of \$1,304,877; be it further

RESOLVED: That this contract renewal shall be financed through Capital Improvement Fund Project #Q58611 and #Q59011 as follows:

C.I.P #Q58611

(401-2010-435.45-20)Public Works Billable Project	\$ 22,500
(202-2009-452.45-20)Major Street Fund	202,500
(203-2009-452.45-20)Local Street Fund	630,000
(401-2009-435.45-20)General Capital Improvement	112,500
(590-2006-435.45-20)Sewer Fund	112,500
(591-2011-435.45-20)Water Fund	<u>\$ 112,500</u>
	\$1,192,500

C.I.P. #Q59011

(401-2009-435.45-20)General Capital Improvement	\$ 112,377
TOTAL	\$1,304,877

be it further

RESOLVED: That this resolution be given immediate effect.

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

Renewed pm 2/27/12 per C.R. 2-99-12

By O'Donnell supported by Hubbard.

3-105-11. RESOLVED: That all bids received for the Spring 2011 Tree Planting are hereby rejected except the bid of Crimboli Nursery, Inc. in the total amount of \$17,750, 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 General Fund, Public Works, Parks Division, Contractual Services Account; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Shooshanian.

3-106-11. WHEREAS: The City is eligible for contract pricing through the Association of Educational Purchasing Agencies (AEPA) IFB #009, pursuant to Section 2-569 of the Code of Ordinances, for the purchase of Copier Equipment Maintenance, and

WHEREAS: Konica-Minolta, the authorized vendor administered through Oakland Schools for the State of Michigan, will supply this service at the same unit pricing as received by the City over the past five years; be it

RESOLVED: That a purchase order be awarded to Konica-Minolta in the amount of \$42,000 for Copier Equipment Maintenance through February 28, 2012; be it further

RESOLVED: That this purchase order shall be financed by various City-wide funds with maintenance services made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Sareini.

3-107-11. WHEREAS: The City presently has a contract with Otis Elevator Company (C.R. 2-68-10) for Elevator Maintenance Services, and

WHEREAS: The original contract specifications allow for one four-year renewal and one (1) one-year renewal beyond the expiration of the present contract. This is the final one-year renewal, and

WHEREAS: Otis Elevator Company has offered to renew the present contract prices for the period of March, 2011 through February, 2012; be it

RESOLVED: That the contract for Elevator Maintenance Services is hereby renewed with Otis Elevator Company for the period of March, 2011 through February, 2012 in the amount of \$56,625; be it further

RESOLVED: That this contract renewal shall be financed from the Facilities Fund, Department of Public Works, Bldg. Service & Maintenance Division, Facilities Maintenance, Repair & Maintenance, Buildings Account in the amount of \$20,952 (Account #634-2007-851.43-01); the Seniors Apartment Operating Fund, Housing Dept., Urban Redevelopment & Housing, Hubbard Manors, Elevators R & M Account in the amount of \$20,385 (Account #535-5500-901.43-10); the General Fund, Recreation Dept., Dearborn Ice Skating Center, Repairs & Maintenance, Elevators, R & M Account in the amount of \$2,038 (Account #101-3060-682.43-10); the General Fund, Recreation Dept., Facility Admin-Comm. Ctr., Repair & Maintenance, Elevators, R & M Account in the amount of \$9,286 (Account #101-3056-681.43-10) and the West Dearborn Parking System Fund, Economic and Community Dev. Dept., Elevators R & M Account in the amount of \$3,964 (Account #516-6100-911.43-10) with services made after June 30, 2011 being contingent upon the adoption of the FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by O'Donnell.

3-108-11. WHEREAS: The City presently has contracts with URS Corporation (URS), Anderson, Eckstein and Westrick, Inc. (AEW), BEI Associates, Inc. (BEI), and NSA Architect, Engineers, Planners (NSA) (C.R. 2-69-10) for Architecture/Engineer Firms for Various Rehabilitation Projects of City Facilities, and

WHEREAS: The original contract specifications allow for a renewal of one year beyond the expiration of the present contract for each contractor. This will be the second and final renewal for each, and

WHEREAS: URS, AEW, BEI and NSA have offered to renew the present contract prices for the period of February, 2011 through February, 2012; be it

RESOLVED: That the contracts for Architecture/Engineer Firms for Various Rehabilitation Projects of City Facilities are hereby renewed with URS, AEW, BEI and NSA for the period of February, 2011 through February, 2012 in the amount of \$125,000; be it further

RESOLVED: That these contract renewals shall be financed from the project budget for which the architect / engineer services are being used and is contingent upon the adoption of FY12 budget; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by O'Donnell.

3-109-11. RESOLVED: That City Council hereby authorizes the Mayor's Office to renew the City's membership with The United States Conference of Mayors (USCM) in the amount of \$5,269 for calendar year 2011; be it further

RESOLVED: This membership renewal is budgeted in the FY11 budget from 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By O'Donnell supported by Abraham.

3-110-11. WHEREAS: The State of Michigan is compiling usage figures to include in their 2011/2012 road salt solicitation and has inquired if it is the City's intention to continue procuring road salt through the MiDeal Program. All quantities submitted represent a commitment to participate in the State of Michigan road salt solicitation. Intended purchase amounts are to be forwarded to the State by March 15, 2011. Pricing for the 2011/2012 salt will be available September, 2011, and

WHEREAS: Most counties and municipalities in Michigan rely on the state contract. The City has realized benefits from this program over the past four seasons when salt availability was limited and prices sky-rocketed. The state contracted vendors have always held firm to their commitment to supplying participating communities before releasing salt for sale on the open market. Dearborn has participated in salt purchases under the MiDeal Program since 2000, and

WHEREAS: The Director of Public Works has requested City Council authorize the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 7,000 tons of salt for early delivery and 1,000 tons as seasonal back-up for the 2011/2012 winter period. This compares to a 5,000 and 3,000 tons commitment respectively for the current winter season. Current season MiDeal salt prices are \$39.91 per ton for early delivery and \$46.11 per ton for seasonal backup; 2009/2010 season pricing was \$41.92 per ton and \$53.54 per ton respectively; be it

RESOLVED: That City Council hereby authorizes the Purchasing Agent to make a commitment to the State of Michigan under the MiDeal Program to purchase 7,000 tons of salt for early delivery per ton and 1,000 tons as seasonal back-up for the 2011/2012 winter period; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Sareini supported by Hubbard.

3-111-11. RESOLVED: That City Council hereby approves the FY 2011 The Senior Alliance, Area Agency on Aging 1-C Dearborn Community Match in the total amount of \$7,822; be it further

RESOLVED: That this match funding was approved as part of the FY11 budget and shall be financed from the General Fund, Senior Services, Memberships, Distribution Account (Account #101-3090-843.65-00)

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

By Abraham supported by Sareini.

3-112-11. RESOLVED: That City Council hereby accepts the Local Official Compensation Commission's (L.O.C.C.) salary determination for the City Council for Fiscal Years 2011 and 2012 in accordance with the City Charter.

By Hubbard in need of support.

3-113-11. RESOLVED: That City Council hereby reduces their salaries by 10% rather than 5% as recommended by the L.O.C.C.

The resolution died for lack of support.

The original resolution by Councilmembers Abraham and Sareini accepting the L.O.C.C.'s salary determination was adopted as follows: Yeas: Abraham, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Abraham supported by Hubbard.

3-114-11. WHEREAS: The City has been notified by the U.S. Department of Housing and Urban Development (HUD) that a certain property has become available for the City to purchase under its Dollar Sale Program, and

WHEREAS: The City has been offered the opportunity to purchase the following substandard property:

<u>ADDRESS</u>	<u>APPROXIMATE AMOUNT OF TAXES OWED</u>
7329 Williamson (30' x 125')	\$3,500

and

WHEREAS: The City will demolish the house and then combine the vacant property with the adjacent vacant property the City owns. The vacant property will be offered for sale for new construction, and/or a portion of the combined lots will be offered to the adjoining homeowners to expand their lot size, and

WHEREAS: Since the Dollar Sale Program was developed by HUD to help local governments foster opportunities for low to moderate income families, it is recommended that the City deposit profits, if any, into Project J99999 HUD \$1 Proceeds Project Reserve to be administered by the Economic and Community Development Department in accordance with the terms of the HUD Sales Contract Agreement, and

WHEREAS: The City is required to provide HUD with annual reports detailing the status of properties that are purchased under this program. The Economic and Community Development Department will be responsible for such reporting; therefore be it

RESOLVED: That City Council hereby determines that \$1.00 is a fair and reasonable price to pay for the substandard house located at 7329 Williamson; be it further

RESOLVED: That the public purpose of improving neighborhoods by eliminating substandard housing in the Dearborn neighborhoods is being satisfied by the purchase and demolition of 7329 Williamson; be it further

RESOLVED: That City Council hereby determines to acquire the above property from HUD and pay outstanding taxes and closing costs to acquire the property listed, upon furnishing to the City by said owner of a title insurance policy showing marketable title thereon and when a

warranty deed to the premises has been properly executed and approved by the Office the Corporation Counsel and delivered to the City; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to issue his proper warrant for the purchase price of \$1.00, plus the outstanding taxes in the approximate amount of \$3,500, plus closing costs, subject to adjustments, if any, as shown on the closing statement prepared and approved by the Office of the Corporation Counsel, drawn upon the General Capital Improvement Fund Project No. C03000, HUD Dollar Sale Program, payable to the grantor, or their nominee, in payment of said land; be it further

RESOLVED: That the Finance Director be and is hereby authorized and directed to pay additional costs after acquisition (demolition and appurtenant costs) in the approximate amount of \$16,000; be it further

RESOLVED: That the City deposit profits, if any, into Project J99999 HUD \$1 Proceeds Project Reserve to be administered by the Economic and Community Development Department in accordance with the terms of the HUD Sales Contract Agreement; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Hubbard supported by Abraham.

3-115-11. RESOLVED: That receipt of a donation in the amount of \$1,000 from the Dearborn Rotary Foundation to the City of Dearborn Recreation Department's Senior Services Division for the Senior Volunteer Breakfast on March 16, 2011 is hereby acknowledged and accepted; be it further

RESOLVED: That City Council hereby extends its appreciation to the donor for the aforementioned gift; be it further

RESOLVED: That City Council hereby directs the City Treasurer to credit this money to the Recreation Department, Senior Services Division, Account #101-3090-365.90-00, and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated.

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

By Sareini supported by Hubbard.

3-116-11. WHEREAS: Visual Entities, on behalf of the Dearborn Town Center Medical Office Building, has requested installation of three business signs, two (2) on private properties and one (1) in the Michigan Avenue right-of-way at Calhoun, and

WHEREAS: The City Engineer was informed that the business sign on Michigan Avenue will be installed within the planter box with the foundation of the sign at least 42" below the sidewalk elevation, and

WHEREAS: The Engineering Division and the Economic and Community Development Department have no objections to the sign placement as long as the following conditions are met:

- a) Obtain a permit from the Michigan Department of Transportation for the installation of the sign within the Michigan Avenue right-of-way.
- b) Obtain permits as required by the Economic Community Development Department.
- c. The location plan should be reviewed with private utility companies for conflicts with their facilities.
- d) A "Hold Harmless Agreement" shall be executed with the City.
- e) The MISS DIG System (1-800-482-7171) shall be notified three (3) working days prior to any work within the Michigan Avenue right-of-way.
- f) The Engineering Division shall be contacted two (2) working days prior to any work within the Michigan Avenue right-of-way.
- g) Two (2) days prior to any pavement or walk replacement work the contractor shall contact the Engineering Division for inspection.

be it

RESOLVED: That City Council hereby grants permission to Visual Entities, on behalf of the Dearborn Town Center Medical Office Building, to install a sign within the Michigan Avenue right-of-way at the Southwest corner of Michigan Avenue and Calhoun, subject to the above conditions; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Shooshanian supported by O'Donnell.

3-117-11. RESOLVED: That the Knights of Columbus, Father Patrick O'Kelley Council, No. 3860 be and they are hereby granted permission to solicit donations on the streets, sidewalks, and other public areas within the City of Dearborn for their Annual Mentally Impaired Tootsie Roll Drive on April 15, 16, and 17, 2011, subject to all applicable ordinances and the rules and regulations of the Police Department.

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

By Abraham supported by Hubbard.

3-118-11. RESOLVED: That City Council hereby grants permission to Last Call Lounge, 13736 Michigan Avenue, to place a sandwich board sign on public property in March of 2011 to coincide with their grand opening, subject to the following conditions:

- A. Proof of Valid Certificate of Occupancy.
- B. State issued Liquor License.

be it further

RESOLVED: That this resolution be given immediate effect.

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

By Council President Tafelski supported  
unanimously.

3-119-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Robert G. Richards, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

CTI AND ASSOCAITES, INC., 51331 W. PONTIAC TRAIL, WIXOM, MI 48393 - Requesting approval to install two (2) soil borings within the Schaefer Road right-of-way at the Northeast corner of Warren Ave. and Schaefer Road to perform a Phase II Environmental Site Assessment (ESA) at 7230 Schaefer.

3-120-11. The communication was referred to the Engineering Division.

By Councilmember Hubbard supported  
unanimously.

3-121-11. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Susanne Edmunds Price Rose Kraynak, 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, Hubbard, O'Donnell, Sareini, Shooshanian and Tafelski (6). Nays: None. Absent: Bazzy (1).

By Abraham supported by Sareini.

3-122-11. RESOLVED: That Change Order No. 7 with Posen Construction Company which provides for Combined Sewer Overflow Contract #6, Job #04-06-066, in the amount of \$810,00 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 by C.I.P. #N85000; be it further

RESOLVED: That this resolution be given immediate effect.

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

There being no further business, upon a motion duly made, seconded, and adopted, the Council then adjourned at 7:52 P.M.

APPROVED:

THOMAS P. TAFELSKI  
President of the Council

ATTESTED:

KATHLEEN BUDA  
City Clerk