

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

February 10, 2015

The Council convened at 7:34 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazy, O'Donnell, Sareini, Shooshanian, and President of the Council Dabaja; absent, Tafelski. A quorum being present, the Council was declared in session.

Reverend Maryjane Peck of the Christ Episcopal Church.

By Bazy supported by Shooshanian.

2-50-15. RESOLVED: That the minutes of the previous regular meeting of January 27, 2015, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

Councilmember Tafelski entered the Council Chambers at 7:37 p.m.

By Tafelski supported by Bazzy.

2-51-15. RESOLVED: That Ordinance No. 15-1455 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1455 entitled, "An Ordinance to Amend the Licensing and Business Chapter (Chapter 12) of the Code of the City of Dearborn by adding Article XXV, entitled 'Smoking Lounges'."

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?"

2-51-15. Upon roll call the Ordinance was unanimously adopted.

By Abraham supported by Tafelski.

2-52-15. RESOLVED: That Change Order No. 4 with CDM Smith, Inc. which provides for the Combined Sewer Overflow Control Project, Job No. 04-06-066 for costs associated with activities related to Sanitary Sewer/MDEQ Improvements and C-5 Caisson Closure in the amount of \$1,067,000, bringing the new contract total to \$4,893,898 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 the respective Capital Improvements projects; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

2-53-15. RESOLVED: That all bids received for Vehicle Exhaust Extraction System and Upfit Kits are hereby rejected except the bid of Hastings Air Energy Control, Inc. in an amount not to exceed \$70,000, 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, Fire Department, Capital Equipment, Operating Equipment Machinery & Equipment budget. The City will be reimbursed for 90% of the purchase via a Federal Assistance to Firefighters Grant; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Sareini.

2-54-15. WHEREAS: The City currently has a contract as authorized by C.R. 2-71-14 with Four Seasons Property Management for Private Property Lawn and Yard maintenance of Ordinance Violations, and

WHEREAS: The Purchasing Division received a request from the Residential Services Department to rescind the remainder of this contract and award a contract for the same services to Brantley Development, next-lowest bid for the remainder of the contract and an additional three (3) month period in an approximate amount of \$21,000, 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 therefore

RESOLVED: That C.R. 2-71-14 awarding a contract to Four Seasons Property Management for Private Property Lawn and Yard maintenance of Ordinance Violations be and is hereby rescinded; be it further

RESOLVED: That a five (5) month contract be awarded to Brantley Development in an approximate amount of \$21,000 for Private Property Lawn and Yard maintenance of Ordinance Violations; be it further

RESOLVED: That this contract shall be financed from General Fund, Residential services, Contractual Services budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by O'Donnell.

2-55-15. WHEREAS: The City presently has a contract with Cascade Engineering C.R. 5-265-10 and 8-422-13 for the purchase of Residential Trash and Recycling Carts, and

WHEREAS: The Purchasing Division has received a request from the Residential Services Sanitation Division for a modification to the contract to purchase additional Residential Waste/Recycling Carts, and

WHEREAS: The contract modification will include that Cascade Engineering will manufacture and deliver 580 trash carts at a unit price of \$45.98 resulting in a total of \$26,668.40, and

WHEREAS: It is necessary to recognize and appropriate anticipated proceeds of \$15,950 from the lease of the carts plus an additional appropriation of \$45,300 from the General Fund fund balance; be it therefore

RESOLVED: That the contract for Residential Waste/Recycling Carts with Cascade Engineering is hereby modified as detailed above in the total amount of \$45,300; be it further

RESOLVED: That the Finance Director be and is hereby authorized to recognize and appropriate anticipated proceeds of \$15,950 from the lease of the carts plus an additional appropriation of \$45,300 from the General Fund fund balance; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-56-15. RESOLVED: That all bids received for 19th District Court Carpet Installation are hereby rejected except the bid of Master Craft Carpet Service, Inc. in an amount not to exceed \$82,777, 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 Courts Department's Facilities Fund, Repair and Maintenance Buildings' budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

Councilmembers Sareini and Tafelski withdrew their offer and support authorizing the Finance Director to appropriate budget in the amount of \$82,777 from the Facilities Fund for Carpet Replacement in various areas throughout 19th District Court.

2-57-15. The proposed resolution died for lack of offer and support.

By Tafelski supported by Abraham.

2-58-15. WHEREAS: The City presently has a contract with Goodyear Tire & Rubber Company (C.R. 7-475-09 and 3-92-13), through the State of Michigan's Extended Purchasing Program, Contract No. 071B8200076 for the Procurement of Tires and Tubes; therefore be it

RESOLVED: That the contract for Procurement of Tires and Tubes is hereby extended with Goodyear Tire & Rubber Company for the period of January 16, 2015 through July 15, 2015 to coincide with the State's extension in an amount not to exceed \$71,000 (\$69,000 for FY15, \$2,000 for FY16); be it further

RESOLVED: That this contract extension shall be paid from the General Fund, Public Works, Fleet R & M Operations, Fleet Maintenance, Vehicle Repair & Maintenance Account with purchases made after June 30, 2015 being contingent upon the adoption of the FY16 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-59-15. WHEREAS: The Police and Fire Departments are evaluating the development of a consolidated dispatch and emergency operations center with the cities of Dearborn Heights, Melvindale, Garden City and possibly Allen Park. One of the key objectives of this project is transitioning to an 800 MHz radio system which is the State of Michigan standard and provides for interoperability. There are many dispatch operations that serve multiple communities and there is financial support to move in this direction, and

WHEREAS: The initial phase of this project is to procure the services of a consultant to evaluate and make recommendations for the operations to include at minimum, technology and software requirements, management and operational needs, and estimated total project cost. A final determination will also be made on the specific service areas to be included in the consolidation. In addition, architect and engineering services will be needed for preliminary estimate for space build-out, and

WHEREAS: The Police and Fire Departments are requesting that the Finance Director be authorized to establish Project K22515 - Consolidated Dispatch and Emergency Operations Center and also requests that the Finance Director be authorized to establish an initial project budget in the amount of \$150,000 in the Facilities Fund which will be funded by a \$100,000 appropriation from the General Fund as a contribution and a \$50,000 contribution from Ford Motor Company; therefore be it

RESOLVED: That the Finance Director is hereby authorized to establish Project K22515 - Consolidated Dispatch and Emergency Operations Center; be it further

RESOLVED: That the Finance Director is hereby authorized to establish an initial project budget in the amount of \$150,000 in the Facilities Fund which will be funded by a \$100,000 appropriation from the General Fund as a contribution and a \$50,000 contribution from Ford Motor Company; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

2-60-15. WHEREAS: CSO revenue of \$14,951,763 in excess of the original budgeted amount has been received, and

WHEREAS: Additional Liquidated Damages and Forfeit Retainage has been received by the CSO fund adjusting the SRF Loan Balance, and

WHEREAS: Water Fund cash of \$4,027,145 has been received by the CSO Fund to finance CSO Project N95500; therefore be it

RESOLVED: That the Director of Finance be authorized to establish revenue budget of \$14,951,763 and appropriate same as expense in the CSO Fund Project N95500; be it further

RESOLVED: That the Director of Finance be authorized to establish revenue budget in an amount not to exceed \$3,000,000 in the CSO Fund; be it further

RESOLVED: That the Director of Finance be authorized to recognize the cash from the Water Fund and appropriate as expense budget in the CSO Fund Project N95500; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Shooshanian.

2-61-15. WHEREAS: The Department of Economic and Community Development has reviewed and is requesting to appropriate budget for the procurement of a violation, and citation system to enforce the new time-limit parking policy in the West Dearborn Downtown parking lots. This system will allow for our enforcement team to efficiently track and ticket cars in violation of the new time limit policies, and

WHEREAS: It is anticipated that a parking management group will continue to manage the maintenance and enforcement of West Dearborn Downtown parking lots with the help of this new system, and

WHEREAS: The Department of Economic and Community Development is requesting that the Finance Director be authorized to appropriate budget of \$100,000 in the General Fund West Dearborn Downtown Parking Lots Capital Operating Equipment account; therefore be it

RESOLVED: That the Finance Director is hereby authorized to appropriate budget of \$100,000 in the General Fund West Dearborn Downtown Parking Lots Capital Operating Equipment account; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

2-62-15. WHEREAS: Authorization for the Mayor to sign agreements with the Michigan Council for Arts and Cultural Affairs to accept an award of \$65,000 from the Michigan Strategic Fund and for the recognition and appropriation by the Finance Director is requested. The award will facilitate the construction of "Connector Building" located in the City Hall Artspace Lofts project, and

WHEREAS: The Connector Building consists of three basic spaces: The "Living Room"; "The Salon" (formerly the City Council Chambers); and a 1-bedroom artist-in-residence unit, and

WHEREAS: The "Living Room" will house artist studio space, commercial space for creative businesses, a flexible co-working space for professional development training and creative entrepreneurial exploration, and a community art gallery, and

WHEREAS: The "Salon" will be a flexible auditorium space for performances, presentations, workshops, films, readings and rehearsals. Equipped with distance learning equipment, the Salon will also enable other arts organizations to be connected virtually in an expanded network, and

WHEREAS: The 1-bedroom artist-in-residence unit will afford opportunities for collaboration with local and regional arts organizations, galleries, museums, and educational institutions to develop an innovative artist-in-residency program. The artist-in-residence unit will provide space to visiting artists, curators, and all manner of creative people who will engage with local artists and the community through programming such as workshops, presentations, and collaborations, and

WHEREAS: The Mayor's office is requesting that the Finance Director be authorized to establish Grant Revenue budget & appropriate same in the East Dearborn Downtown Development Fund, Artspace Project Z77620; therefore be it

RESOLVED: That the Mayor is hereby authorized to sign agreements with the Michigan Council for Arts and Cultural Affairs in the amount of \$65,000 for the construction of "Connector Building" located in the City Hall Artspace Lofts project; be it further

RESOLVED: That the Finance Director is hereby authorized to establish a Grant Revenue budget & appropriate same in the East Dearborn Downtown Development Fund, Artspace Project Z77620; be it further

RESOLVED: That this resolution be given immediate effect.

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

By Tafelski supported by Bazzy.

2-63-15. WHEREAS: In September 2014 the Fire Chief requested that City Council recognize and appropriate a 2013 Federal Emergency Management Agency - Assistance to Firefighter grant for firefighter "bailout" harnesses and associated accessories and training. The grant is a regional effort with six other communities with Dearborn Heights acting as the lead agency. This item was approved with C.R. 10-500-14, and

WHEREAS: The harnesses are being procured by Dearborn Heights with each community paying their share of the amount over the grant award directly to Dearborn Heights which will make the purchases on behalf of all communities. The total Dearborn costs of purchasing the 128 PETZL EXO Personal Safety Systems (PSS) will be \$72,439.04 and the Dearborn amount of the federal award was \$49,600, requiring that we pay the City of Dearborn Heights for the remaining balance of \$27,799.04

Dearborn Total Costs:	\$72,439.04
AFG award:	\$44,640.00
<u>City Balance:</u>	<u>\$27,799.04</u>

and

WHEREAS: The Fire Department is requesting that the Finance Director be authorized to pay Dearborn Heights the amount of \$27,799.04 for our share of the safety equipment net of the federal grant proceeds from account 101-2540-621.61-45; therefore be it

RESOLVED: That the Finance Director is hereby authorized to pay Dearborn Heights in the amount of \$27,799.04 for our share of the safety equipment net of the federal grant proceeds from account 101-2540-621.61-45; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Abraham.

2-64-15. WHEREAS: Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC ("Comcast") currently holds a cable franchise (the "Franchise") from the City subject to the Cablevision Franchise Agreement with the City of Dearborn, ("Franchise Agreement"), and to City Ordinance No. 2-80-97 ("Cable Ordinance"), and the terms of a Transfer of Control Agreement between the City, AT&T Comcast Corporation, and Comcast Cablevision of the South, Inc. ("CCS") dated October 23, 2002, all of which documents, as any of them may lawfully be or may have been amended from time to time, are collectively referred to as the "Franchise Documents", and

WHEREAS: CCS and Comcast have provided cable television service to subscribers in the City pursuant to the Franchise Documents, through its cable system in the City of Dearborn ("System"), and

WHEREAS: Pursuant to an Agreement between Comcast Corporation, the ultimate parent of Comcast and Charter Communications, Inc. ("Charter") dated April 25, 2014 ("Merger Agreement"), Comcast will become Comcast of Michigan IV, LLC ("Comcast Michigan") and immediately thereafter New Franchisee will become a wholly-owned subsidiary of Midwest Cable, Inc. ("Midwest Cable") (the "Proposed Transaction"), and

WHEREAS: The Transaction arises out of Comcast Corporation's proposed acquisition of Time Warner Communications and is subject to that acquisition being completed, and

WHEREAS: Comcast Michigan will acquire 100% ownership of all of the wholly owned assets of Comcast, including the franchise currently held by Comcast, and

WHEREAS: The Cable Ordinance and Franchise Agreement require the City's prior consent to a transfer affecting the Franchise, while Comcast asserts that PA 480 does not, and

WHEREAS: On or about June 18, 2014, Comcast and Midwest Cable, LLC filed an FCC Form 394 with the City and requested that the City review the Proposed Transaction (the "Transfer Application") should the City deem it necessary to do so, and

WHEREAS: The City has reviewed the Transfer Application and related documents in accordance with applicable laws and the Franchise Documents, and

WHEREAS: Based on such review and examination, the City is willing to grant its consent to the Proposed Transaction, subject to the willingness of Comcast and Midwest Cable to accept and agree to terms and conditions which are necessary to protect the public interest and to provide reasonable assurance that, after the consummation of the Proposed Transaction, Midwest Cable will have adequate financial, technical and legal qualifications and will continue to fulfill the obligations of the Franchise Documents, and

WHEREAS: Comcast and Midwest Cable are willing to agree to such terms and conditions, and Midwest Cable will agreed to cause Comcast Michigan to comply with the Franchise Documents and applicable law from and after the completion of the Proposed Transaction; therefore be it

RESOLVED: That the City's consent to, and approval of, the Proposed Transaction is hereby GRANTED in accordance with Section 6-81 of the Cable Ordinance, subject to the following conditions:

1. That on or before March 31, 2015, Comcast and Midwest Cable enter into and execute a Transfer Agreement, substantially in the form of Exhibit A, attached hereto;
2. That the Transfer is consummated on or before July 31, 2015, or if a later date, that Comcast informs the City of Dearborn the anticipated later closing date;
3. That the Proposed Transaction is consummated on terms and conditions identical in all material respects to those described in the Transfer Application and the Transfer Agreement;

be it further

RESOLVED: That if any of the conditions specified Section 1 or in Exhibit A are not satisfied, then the City's consent to, and approval of, the Proposed Transaction is hereby DENIED as of the date hereof; be it further

RESOLVED: That if any representations made to the City by Comcast or Midwest Cable, Inc. prove to be incomplete, untrue or inaccurate in any material respect, it shall be deemed a breach of the Franchise Documents and the City shall have available to it all remedies provided under the Franchise Documents and applicable law; be it further

RESOLVED: That the Mayor is hereby authorized to execute a Transfer Agreement as specified in Section 1 on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-65-15. RESOLVED: That City Council hereby adopts their Council Rules of Order, as amended; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Bazzy.

2-66-15. RESOLVED: That City Council hereby approves the Proposed Updates to Chapter 21 Investment Policy Statement with New England Pension Consultants (NEPC); be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Tafelski.

2-67-15. WHEREAS: The Dearborn Fire Department is requesting the City adopt the Wayne County Hazard Mitigation Plan, as mentioned by the three amendments. This Plan was created by an Advisory Committee comprised of representatives from the County, municipalities, and stakeholder organizations that prepared a recommended Hazard Mitigation Plan that reviews the options to protect people and reduce damage from hazards, and

WHEREAS: With the adoption of this Hazard Mitigation Plan, the City of Dearborn and its Office of Emergency Management will be eligible to seek grant funding for assistance from FEMA directly rather than go through the County for these grant funds, and

WHEREAS: The Fire Department on behalf of the City of Dearborn Office of Emergency Management is requesting that the City Council authorize the adoption of the Wayne County Hazard Mitigation Plan as amended, thus allowing Dearborn to remain independent in seeking Hazard Mitigation Grant funds from FEMA in the future; therefore be it

RESOLVED: That the City Council hereby approves the adoption of the Wayne County Hazard Mitigation Plan as amended, thus allowing Dearborn to remain independent in seeking Hazard Mitigation Grant funds from FEMA in the future; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Bazzy.

2-68-15. WHEREAS: The developer of the planned Brome Artisan Hamburger restaurant at 22062 Michigan Avenue has approached the City with a proposal to lease a portion of the adjacent City-owned pocket park for outdoor seating. The area is approximately 650 square feet (16'9" x 38'10") along the western edge of the park adjacent to a new glass door wall in the east side face of the building that will be developed as part of the restaurant project. Direct access to the outdoor seating through the glass door wall will be possible once the improvements are completed, and

WHEREAS: The developer has agreed to make necessary improvements to the park to accommodate the seating. The park will remain open to the general public to enjoy this attractive urban greenspace. The park is an important pass through connection between Michigan Avenue and parking areas behind the commercial frontage on a long downtown block, and

WHEREAS: The City Assessor has reviewed this proposal and determined that a fair lease rate for this property is \$1,000 annually, plus a \$200 annual administrative fee. The lease will run for a term of five years, plus three (3) five-year renewals assuming no defaults occur. The developer has also agreed to maintain the entire park area, and

WHEREAS: The Economic and Community Development Department is requesting that City Council authorize the Mayor to execute a lease agreement to lease approximately 650 square feet of the pocket park located next to 22062 Michigan Avenue to the developers of Brome Artisan Hamburger for \$1,000 per year, plus \$200 annual administrative fee, subject to review and approval by Corporation Counsel; therefore be it

RESOLVED: That the City Council hereby authorizes the Mayor to execute a five (5) year lease agreement with three (3) five-year renewals with Brome Artisan Hamburger for approximately 650 sq. ft. of the pocket park located next to 22062 Michigan Avenue for \$1,000 per year, plus \$200 annual administrative fee, subject to review and approval by Corporation Counsel; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported unanimously.

2-69-15. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Douglas B. Thomas, 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 unanimously adopted.

By Bazzy supported by Sareini.

2-70-15. WHEREAS: Pamar Enterprises, Inc. will soon start construction for the CSO 003 Sewer Separation Project in the area west of Telegraph between Dartmouth and Railroad track. As part of the construction, Pamar is requesting to use City-owned gravel lot located at the northwest corner of Westwood and Carlisle intersection as a staging area. (Property ID #82-09-293-27-086, 82-09-293-27-087, 82-09-293-27-088, 82-09-293-27-089 and 82-09-293-27-090). See attached map, and

WHEREAS: The gravel lot will be used by Pamar for the storage of equipment and materials related to the sewer separation project, and

WHEREAS: It is recommended by the City Engineer that the City Council approves Pamar's request, provided it signs a Hold Harmless Agreement reviewed and approved by Corporation Counsel. It is also recommended that City Council authorizes the Mayor to execute the Hold Harmless Agreement on behalf of the City of Dearborn; therefore be it

RESOLVED: That Pamar Enterprises, Inc. is granted permission to use the City-owned gravel lot located at the northwest corner of Westwood and Carlisle intersection as a staging area for the storage of equipment and materials related to the CSO 003 Sewer Separation Project in the area west of Telegraph between Dartmouth and Railroad track; be it further

RESOLVED: That Pamar Enterprises, Inc. is required to sign a Hold Harmless Agreement, subject to the review and approval of the Corporation Counsel; be it further

RESOLVED: That the Mayor is authorized to enter into a hold harmless agreement with Pamar Enterprises, Inc. for the purpose of a staging area for the storage of equipment and materials related to the CSO 003 Sewer Separation Project in the area west of Telegraph between Dartmouth and Railroad track; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

There being no further business, upon a motion duly made, seconded and adopted, the Council then adjourned at 8:37 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk