

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

May 19, 2015

The Council convened at 7:33 P.M., President of the Council Susan Dabaja presiding. Present at roll call were Councilmembers Abraham, Bazzy, O'Donnell, Sareini, Shooshanian, Tafelski and President of the Council Dabaja; absent, None. A quorum being present, the Council was declared in session.

Father Hrant Kevorkian of the St. Sarkis Armenian Apostolic delivered the invocation.

Bazzy supported by O'Donnell.

5-220-15. RESOLVED: That the minutes of the previous regular meeting of May 6, special meeting of April 30 and special closed meeting of May 4, 2015, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-221-15. RESOLVED: That Ordinance No. 15-1465 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 15-1465 entitled, "An Ordinance to Amend the Water and Sewers Chapter (Chapter 19) of the Code of the City of Dearborn by Amending Article I, entitled 'In General'."

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?"

5-221-15. Upon roll call the Ordinance was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 15-1466, entitled, "An Ordinance to Amend Section 13-5.1 of the Nuisances Chapter (Chapter 13) of the Code of the City of Dearborn, entitled 'Immediate Abatement'."

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.

5-222-15. RESOLVED: That proposed Ordinance No. 15-1466 be laid on the table.

The resolution was unanimously adopted.

Councilmember Bazzy introduced Ordinance No. 15-1467, entitled, "An Ordinance to Amend Section 9.02 of Ordinance No. 06-1111 of the City of Dearborn" by rezoning Lot 182, Amended Plat of Dearborn Homes Subdivision (82-09-271-15-024), 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 of the Council announced that this was the first reading of the Ordinance.

By O'Donnell supported by Tafelski.

5-223-15. RESOLVED: That proposed Ordinance No. 15-1467 be laid on the table.

The resolution was unanimously adopted.

Councilmember Bazy introduced Ordinance No. 15-1468, entitled, "An Ordinance to Amend the Parks and Recreation Chapter (Chapter 15) of the Code of the City of Dearborn by Adding Section 15-36, entitled 'Smoking in Parks Prohibited'."

The Clerk read the Ordinance by title.

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

By O'Donnell supported by Abraham.

5-224-15. RESOLVED: That proposed Ordinance No. 15-1468 be laid on the table.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

5-225-15. WHEREAS: As part of the proposed building addition to the Geer Park Elementary School, it was necessary to remove an existing public water main and relocate it away from the proposed building. Removal of a portion of the existing water main and construction of new public water main is complete and in service, and

WHEREAS: Attached are (2) water main easement agreements to be executed by the City and Dearborn Public Schools, and

WHEREAS: The Engineering Department hereby requests that the City Council accept the new water main easements and vacate a portion of the existing water main easement, and

WHEREAS: It is also requested that the City Engineer be authorized to execute these easement agreements on behalf of the City of Dearborn, subject to the review and approval of the Corporation Counsel and to record the necessary documents with the Wayne County Register of Deeds; therefore be it

RESOLVED: That the two (2) Water Main Easements for the proposed building addition to the Geer Park Elementary School be accepted; be it further

RESOLVED: That a portion of the existing water main easement be and is hereby vacated as described in the attached agreement; be it further

RESOLVED: That the City Engineer be and is hereby authorized to execute these easement agreements on behalf of the City of Dearborn, subject to the review and approval of the Corporation Counsel; be it further

RESOLVED: That the Engineering Division be and is hereby authorized to record the necessary documents with the Wayne County Register of Deeds; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-226-15. WHEREAS: Dearborn Public Schools (DPS) is proposing the construction of two (2) student drop off lanes for the Snow Elementary School located at 2000 Culver Avenue. The drop off lanes are proposed for Culver Avenue and Houston Avenue, and

WHEREAS: The addition of the drop off lane required relocation of a portion of the public sidewalk onto private property owned by the Dearborn Public Schools. The drawing and legal description of the school property to be dedicated is shown in the attached Exhibit A, B and C. The legal description of the property is as follows:

WEST RIGHT-OF-WAY ANNEX DESCRIPTION (HOUSTON AVENUE)

The West Right-of-Way Annex is described as follows:

Commencing at the northwesterly corner of property (furnished legal description); thence $S28^{\circ}56'50''W$ 230.98 feet along the east right-of-way line of Houston Avenue (60' wide) and to the point of beginning; thence $S11^{\circ}13'03''W$ 7.55 feet; thence $S28^{\circ}56'50''W$ 252.65 feet; thence $S46^{\circ}42'25''W$ 7.54 feet to the existing east right-of-way line of Houston Avenue; thence $N28^{\circ}56'50''E$ 267.03 feet along the existing east right-of-way line of Houston Avenue and to the point of beginning, containing 597.63 square feet (0.130 Acres).

EAST RIGHT-OF-WAY ANNEX DESCRIPTION (CULVER AVENUE)

The East Right-of-Way Annex is as follows:

Commencing at the northwesterly corner of property (furnished legal description); thence $S29^{\circ}00'00''W$ 125.22 feet along the west right-of-way line of Culver Avenue (60' wide) and to the point of beginning; thence $S46^{\circ}46'22''W$ 9.50 feet; thence $S29^{\circ}00'00''W$ 402.09 feet; thence $S11^{\circ}17'01''W$ 9.53 feet to the existing west right-of-way line of Culver Avenue; thence $N29^{\circ}00'00''E$ 420.21 feet along the existing west right-of-way line of Culver Avenue and to the point of beginning, containing 1192.33 square feet (0.027 Acres), and

WHEREAS : It is requested that City Council accept the above described School's private property as offered by the Dearborn Public Schools and dedicate the same as public right-of-way of Houston Avenue and Culver Avenue to accommodate the public sidewalk; therefore be it

RESOLVED: That the Dearborn Public Schools private property, as described above, be and is hereby accepted and dedicated as public right-of-way of Houston Avenue and Culver Avenue to accommodate the public sidewalk; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-227-15. WHEREAS: Michigan Ave. N. Holdings, LLC (d.b.a. All Pro Nissan) has requested permission to encroach onto an existing 16 foot wide public sewer easement for (a) asphalt resurfacing of parking lot, (b) construction and maintenance of canopy per approved site plan and (c) curb and island construction as indicated in the attached letter of May 6, 2015, and

WHEREAS: The City owns a 96 inch diameter combined sewer, approximately 25 feet deep within the easement as shown in the attached drawing, and

WHEREAS: The Engineering Division, Economic & Community Development Department and Legal Department have no objection to the easement encroachment subject to the following conditions:

- a. Execution of a "Hold Harmless" and "Revocable Permit to Occupy" Agreement with the City prepared by the Legal Department. The cost of the repair, removal or replacement of the parking lot, canopy, curb and island necessary for the maintenance, repair, and/or replacement of the 96 inch diameter combined sewer shall be the responsibility of the property owner.
- b. A permit from the Economic & Community Development Department is required;

therefore be it

RESOLVED: That City Council hereby grants permission to Michigan Ave. N. Holdings, LLC (d.b.a. All Pro Nissan) to encroach onto an existing 16' wide sanitary sewer easement located at 24501 Michigan Ave., subject to the above-mentioned conditions; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

5-228-15. RESOLVED: That Change Order No. 5 with CDM Smith, Inc. which provides for the Combined Sewer Overflow Control Project, Job #04-06-066 in the amount of \$1,265,689, bringing the new contract total to \$6,159,587, 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 the respective Capital Improvements projects; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-229-15. RESOLVED: That all bids received for Removal and Replacement of Waste Oil Tanks are hereby rejected except the bid of Matzak Inc. in an amount not to exceed \$55,690, 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 a contingency in the amount of \$7,860 from the Police budget is hereby approved in the event the soil around the underground tank is hazardous, and will need more excavating than planned, as well as for the installation of a monitoring well if it is needed; be it further

RESOLVED: That the Police Department designee be and is hereby authorized to execute all change orders or modifications that utilize all approved contingency; be it further

RESOLVED: That this contract shall be financed from the Facilities Fund, Repair & Maintenance budgets of the Police (\$37,640) and Public Works (\$18,050), project V44000; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

5-230-15. RESOLVED: That City Council hereby issues purchase orders to Baker & Taylor, Inc. in the amount of \$12,000, Baker and Taylor Books in the amount of \$142,000, Midwest Tape in the amount of \$93,000, Ingram Library Service in the amount of \$23,500, Cengage Learning, Inc. in the amount of \$30,000, Recorded Books, LLC in the amount of \$5,000, and Random House in the amount of \$4,000 for Various Purchases for the Library Department through the Michigan Library Cooperative Directors Association Program; be it further

RESOLVED: That these purchase orders, in an amount not to exceed \$309,500 shall be financed from the Library Fund, Libraries, Capital Equipment Budget and shall be pending approval of the Fiscal Year 16 budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

5-231-15. WHEREAS: The City is eligible for contract pricing through the State of Michigan's MiDeal Cooperative Program, Contract No. 071B3001358 for Telecommunications Services from AT&T, and

WHEREAS: AT&T, the authorized distributor for the State of Michigan, will supply Telecommunications Services in an amount not to exceed \$90,000; therefore be it

RESOLVED: That a three year contract be awarded to AT&T in an amount not to exceed \$90,000 for Telecommunication Services for the MIS Department; be it further

RESOLVED: That this contract shall be financed from various Departments' telephone service budgets based on usage, with subsequent fiscal year expenditures contingent upon adoption of the respective budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

5-232-15. WHEREAS: Council Resolution 5-245-14 authorized the purchase of Various Computer Equipment from Ultra Level, Inc. in the amount of \$400,000, and

WHEREAS: The Purchasing Division has received a request from the MIS Department to purchase additional equipment for the Police and Library Departments in the amount of \$300,000, bringing the total amount for purchases through the end of June 2015 to \$700,000; therefore be it

RESOLVED: That the contract with Ultra Level, Inc. for Various Computer Equipment be and is hereby increased in the amount of \$300,000, bringing the total amount for purchases through June 2015 to \$700,000; be it further

RESOLVED: That these additional purchases shall be charged to the Information Systems Fund, MIS, Capital Equipment budget, Project ZT2699; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-233-15. WHEREAS: Ordinance No. 05-1062, Section 2-568 (b) 6 (b), authorizes sole source procurement in certain circumstances, and

WHEREAS: The Purchasing Agent has received a request for a sole source procurement, and

WHEREAS: DTE Energy is the sole source for purchase of Street Light Fixtures Conversion to LED, and

WHEREAS: The value of the 2015 contract is not to exceed \$34,631, and

WHEREAS: The 2014 contract with DTE for the purchase of street light fixtures authorized by Council Resolutions 1-15-14 and 3-121-14 has resulted in an additional \$6,696 in DTE Energy Optimization Rebates; be it therefore

RESOLVED: That DTE Energy be designated as a sole source for purchase of Street Light Fixtures Conversion to LED in an amount not to exceed \$34,631 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 Capital Improvement Fund, Public Works, Repair and Maintenance budget, Project S04801; be it further

RESOLVED: That the Finance Director be and is hereby authorized to recognize revenue and appropriate rebates in the approximate amount of \$16,609 and to appropriate fund balance from the General Capital Improvement Fund in the amount of \$18,022 for the 2015 contract; be it further

RESOLVED: That the Finance Director is hereby authorized to recognize and appropriate the additional revenue from the 2014 contract rebates in the amount of \$6,696; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzzy supported by Sareini.

5-234-15. WHEREAS: The Department of Recreation, Camp Dearborn and Mystic Creek Divisions are requesting an appropriation in Fiscal Year 2015 in the General Fund. Camp Dearborn part-time wages require supplemental budget. This is a result of an increase of the minimum wage, as well as pay scale adjustments across the board which is necessary to attract and retain part-time staff. An appropriation of \$94,000 is estimated to cover through the end of the current fiscal year, and

WHEREAS: Various Mystic Creek Golf Course accounts require supplemental budget. This is due to increased activity and food costs, and the same part-time pay challenges. An appropriation of \$96,000 is estimated to cover through the end of the fiscal year. Revenue performance has also exceeded budget and this will offset cost; therefore be it

RESOLVED: That City Council hereby authorizes a budget appropriation in the amount of \$190,000 to the Recreation Camp Dearborn and Mystic Creek Divisions accordingly financed by a revenue budget of \$48,000 with the remainder of \$142,000 coming from the General Fund fund balance; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by Sareini.

5-235-15. WHEREAS: It is recommended that City Council approve the fire unit sick-leave article Memorandum of Understanding; therefore be it

RESOLVED: That this Council does hereby approve the fire unit sick-leave article Memorandum of Understanding; be it further

RESOLVED: That this Council appropriates from the General Fund balance an annual amount of \$200,000 to the Fire Department's personnel account to effectuate the sell-back options; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

5-236-15. RESOLVED: That City Council hereby authorizes the Dearborn Public Library to renew their membership with the Michigan Library Association (MLA) in the amount of \$3,408 for the period of July 1, 2015 through June 30, 2016; be it further

RESOLVED: That this membership renewal shall be financed from the Library account 271-5100-721.65-00; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Bazzy.

5-237-15. RESOLVED: That City Council hereby grants permission to the Dearborn Allied War Veterans Council to conduct their annual Flag Day Ceremony, preparation and cleanup from 4 p.m. to approximately 7:30 p.m., with the Ceremony scheduled for 6 p.m. on June 14, 2015, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That the parking lot on top of the hill be reserved for the participants and attendees of the ceremony, and the Police Department is authorized to block off the parking lot from approximately 11 a.m. to 7 p.m.; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by O'Donnell.

5-238-15. RESOLVED: That receipts of donations in the amount of \$450 from Royal Truck and Trailer Repair, Westborn Chrysler Jeep, Lafontaine Automotive Group; \$1,350 from Jorgensen Ford, \$1,668 from Wal-Mart Dearborn, \$2,500 from Jack Demmer Lincoln Mercury and commitments in the amount of \$2,500 from Prime Lending Group "Ali Saad", \$1,000 from Kenwal Steel and \$450 from Les Stanford Chevrolet to the City of Dearborn for the "LOCK IT OR LOSE IT" campaign 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 deposit this money in the General Fund Police Department Budget, and authorizes the Director of Finance to process expenditures from this account in support of the purpose for which it was donated; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported unanimously.

5-239-15. WHEREAS: The Mayor and the Council have learned with sorrow of the passing of Dale Van Dorp, 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 Abraham supported by Bazzy.

5-240-15. RESOLVED: That The Board of Trustees Valley of Detroit be and are hereby granted permission to conduct their "Scottish Rite Reunion" on Saturday, May 30, 2015 from approximately 9:00 A.M. to 9:00 P.M. in the City-owned Parking Lot D, located just north of the Commandant's Quarters and east of Monroe Street, subject to all applicable ordinances and the rules and regulations of the Police Department; be it further

RESOLVED: That City Council hereby authorizes the closure of City-owned Parking Lot D for the period of Friday, May 29, 2015 at 2:00 P.M. through Sunday, May 31, 2015 at 12:00 P.M. in order to facilitate the set-up and take-down of a tent, tables and chairs for the event; 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 9:07 P.M.

APPROVED:

President of the Council

ATTESTED:

City Clerk