

REGULAR MEETING OF THE COUNCIL
OF THE
CITY OF DEARBORN

February 15, 2017

The Council convened at 7:30 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.

The Reverend Seok Nam Lim of Good Shepherd United Methodist delivered the invocation.

By Tafelski supported by Bazzy.

2-66-17. RESOLVED: That the minutes of the previous regular meeting and closed meeting of January 31, 2017, and the same are hereby approved as recorded and published.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

2-67-17. RESOLVED: That City Council hereby suspends their Council Rules of Order to allow the Senior Alliance presentation by Abdullah Aldahhan.

The resolution was unanimously adopted.

By Tafelski supported by Bazzy.

2-68-17. RESOLVED: That Ordinance No. 17-1569 be taken from the table and placed upon its final reading.

The resolution was unanimously adopted.

The Clerk then read Ordinance No. 17-1569 entitled, "An Ordinance to Amend Chapter 5, Article XII of the Code of the City of Dearborn Entitled 'Signs'."

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?"

2-68-17. Upon roll call the Ordinance was unanimously adopted.

Councilmember Sareini introduced Ordinance No. 17-1570, entitled, "An Ordinance to Amend the Administration Chapter (Chapter 2) of the Code of the City of Dearborn by Amending Article III, Division 6, Entitled 'Housing Commission'."

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 Tafelski.

2-69-17. RESOLVED: That proposed Ordinance No. 17-1570 be laid on the table.

The resolution was unanimously adopted.

By Abraham supported by Shooshanian.

2-70-17. WHEREAS: The Michigan Department of Transportation (M-DOT) Contract No. 16-5540, Job No. 124126A and 124126C provides for the Installation of LED Street Name Signs at the Intersection of Highway US-12 and Schlaff Avenue; together with necessary related work, located within the corporate limits of the City, and

WHEREAS: The Michigan Department of Transportation is planning signal modernization work at 15 intersections along Highway US- 12 (Michigan Avenue). The City of Dearborn has requested installation of "LED" Street Name Signs at the intersection of Highway US-12 and Schlaff Avenue as additional work to be paid for fully by the City. The estimated cost of this additional work requested by the City is \$17,200, and

WHEREAS: The Engineering Division is requesting that City Council approve this Contract in the amount of \$17,200 subject to review by the Legal department and that the Mayor be authorized to sign the contract on behalf of the City, and

WHEREAS: Per contract, the City of Dearborn is required to pay \$6,900 to the Michigan Department of Transportation to be used as working capital that will be applied toward the end of the project for contract work; therefore be it

RESOLVED: That the M-DOT Contract No. 16-5540 in the amount of \$17,200 for Installation Work of LED Street Name Signs at the Intersection of Highway US-12 (Michigan Avenue) and Schlaff Avenue, together with necessary related work be and is hereby approved; be it further

RESOLVED: That the Mayor be and is hereby authorized to sign the contract on behalf of the City; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Shooshanian.

2-71-17. RESOLVED: That all proposals received for Golf Course Maintenance Operations at Dearborn Hills are hereby rejected except the proposal of Davey Tree Expert Company (Golf Division) in an amount not to exceed \$1,476,200, 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 the contract shall be for a term of five years with two (2) five-year renewals pending satisfactory performance by the vendor; be it further

RESOLVED: That this contract shall be financed from the General Fund, Recreation, Dearborn Hills Golf Course, Contractual Services budget. Future funding is contingent upon adoption of the respective Fiscal Year budgets; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Shooshanian supported by O'Donnell.

2-72-17. RESOLVED: That all proposals received for Consulting and Installation of E-Mail Upgrade are hereby rejected except the proposal of UltraLevel, Inc., in an amount not to exceed \$30,000, 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 Information Systems Funds, MIS, Contractual Services budget.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-73-17. RESOLVED: That all bids received for Tree Planting 2017 are hereby rejected except the bid of Crimboli Nursery in an amount not to exceed \$359,582, 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, Contractual Services budget in the amount of \$120,000; the Sewer Fund-CSO, Public Works, Sewerage Division, Construction Services budget, Project N95300 in the amount of \$173,528, and Project N85005 in the amount of \$16,132; the Local Street Fund, Public Works, Engineering, Construction Services budget, Project Q74010 in the amount of \$47,960; and the Sewer Fund, Public Works, Construction Services budget, Project N95311 in the amount of \$1,962. Funding for FY18 is contingent upon adoption of the budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-74-17. 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; be it

RESOLVED: That Bullex, Inc. be designated as a sole source for purchase of a Digital Fire Training System Prop in an amount not to exceed \$28,860.89 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, Fire, Capital Equipment budget, Project K25602; be it further

RESOLVED: That this purchase is pending approval of an amendment to a grant from FEMA. If the amendment is not approved, the item will not be purchased; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Sareini.

2-75-17. WHEREAS: The City presently has a contract with Zuniga Cement Construction, Inc. (C.R. 3-122-16) for Street Paving, Curb, Catch Basin, and Sidewalk Replacement - 2016; Job #2016-021, and

WHEREAS: The original contract specifications allow for two renewals of one year beyond the expiration of the present contract, this is the first renewal; therefore be it

RESOLVED: That the contract for Paving, Curb, Catch Basin, and Sidewalk Replacement - 2017; Job #2017-030 is hereby renewed with Zuniga Cement Construction, Inc. in the amount of \$2,877,000; be it further

RESOLVED: That this contract shall be financed from the Major Street & Trunkline Fund and Local Street Funds, Maintenance and Roads budgets and the Water and Sewer Funds, Capital Project Support budgets, Project Q74019 (\$2,857,000) and the General Capital Improvement Fund, Demolition Expense account (\$20,000); be it further

RESOLVED: That the concrete work for the non-City-owned properties shall be financed by the Property Maintenance and Development Services Department, Building Demolition Services account in the General Fund and will be billed to the property owner; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By O'Donnell supported by Shooshanian.

2-76-17. 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; be it

RESOLVED: That Cummins Bridgeway, LLC be designated as a sole source for purchase of Cummins Engine Repairs, Parts and Supplies in the amount of \$55,000 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, Public Works, Vehicle Repair and Maintenance budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Abraham supported by Shooshanian.

2-77-17. WHEREAS: The Rouge River Greenway extension project connecting the UM-Dearborn campuses was planned in 2012-13, but was unable to be implemented due to a protracted negotiation with the Taubman Companies regarding the required permanent easement across two of the Fairlane Town Center roads. This issue was eventually resolved just at the time the Mall was sold to the Starwood Companies and the issue had to be renegotiated and finalized, and

WHEREAS: The Michigan Department of Transportation (MDOT) provided some funding for this project through its Transportation Enhancement Program, and ultimately bids for these projects for construction. MDOT recently bid this project, and as expected the bids came in about 20% higher than originally anticipated due to a combination of the passage of time and the booming construction activity in the current marketplace, and

WHEREAS: The City originally committed \$250,000 to this project to be matched with \$305,500 from UM-D and \$205,500 from MDOT for a project total of \$761,000. With the combination of work added by UM-D, the final cost of the HAWK signal crossing Evergreen, and the final bid to complete the project, the proposed breakdown of project contributions is as follows:

• UM-D	\$489,087
• City of Dearborn	\$364,715
• <u>MDOT Enhancement Funds</u>	<u>\$242,830</u>
Project Total	\$1,096,632,

and

WHEREAS: The additional amount required by the City to complete this project is \$121,885.25, which brings the City share to \$364,715 or 33% of the project total. The remaining 66% has been leveraged by State and University contributions. If approved, this project will move forward with construction occurring this spring/summer. This project is also a component of the City's Central Greenway Loop that will eventually connect the Dingell Transit Center, UM-D, HFC, Fairlane Town Center, Ford WHQ and the Civic Center to the MDOT rail corridor, and

WHEREAS: The Economic & Community Development Department is requesting that Council approve an additional \$121,885.25 that will be funded by CIP Q61213, Local Street Fund; therefore be it

RESOLVED: That an additional \$121,885.25 to complete the Rouge River Greenway Extension project (C.R. 6-314-12 & C.R. 4-220-13) connecting UM-Dearborn Campuses be and is hereby authorized; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-78-17. WHEREAS: Per Council Resolution 1-14-17, Midwest Medical Center was authorized to provide physical assessments for the City. Purchasing received a letter from the new owner of Midwest Medical Center requesting that the formal contract to be executed be in the name of Molina Medical Group of Michigan, PC. Molina has agreed to honor all of the terms, conditions, and pricing that Midwest Medical Center offered. The reason behind the name change is that the name, Midwest Medical Center, belongs to Beaumont Health System who is not allowing Molina to continue using the name, and

WHEREAS: The Purchasing Division is requesting that Council rescind the original authorization for Midwest Medical Center and authorize the execution of a contract in the name of Molina Medical Group of Michigan, PC; therefore be it

RESOLVED: That the original authorization for Midwest Medical Center (C.R. 1-14-17) be and is hereby rescinded; be it further

RESOLVED: That the Purchasing Division be and is hereby authorized to execute a contract in the name of Molina Medical Group of Michigan, PC for Physical Assessments; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Sareini.

2-79-17. WHEREAS: Over the last 18 months, the ECD Department has been working with the Mayor's Office, the Housing Commission, and the U.S. Department of Housing and Urban Development (HUD) to bring the Housing Division in compliance with the various federal requirements, policies, and procedures. The deficiencies identified by HUD primarily relate to short staffing attributable to reductions in overall City budgets, and

WHEREAS: HUD has expressed dissatisfaction with the Housing Commission and City regarding the relationship of the two entities in managing the federal senior housing and housing voucher programs. In general, HUD's preference is for housing commissions to operate independently of the City government once the Mayor appoints the commissioners. That means that once appointed the commission hires an Executive Director, who then hires staff or contractors to operate the federal housing buildings and programs, and

WHEREAS: In Dearborn's case, the Mayor appoints the Commissioners and the Commission has typically retained the City staff to work with them to operate the buildings and voucher programs. It has been an efficient arrangement for the operation of the three federal buildings (Sisson Manor, Kennedy Plaza, and Townsend Towers), the Section 8 Housing Choice Vouchers (96) and the two City-owned senior buildings (Hubbard East and Hubbard West), and

WHEREAS: HUD's focus is only on the three federal buildings and the housing vouchers and wants the Dearborn Housing Commission to restructure and improve compliance with the numerous, complicated federal requirements. Therefore, the administration has worked with the Housing Commission and the HUD Detroit staff to develop the attached Memorandum of Understanding (MOU) that spells out the relationship between the City and the Housing Commission and also identifies minimum staffing to operate the federal (and City) housing and voucher programs. This MOU provides the Housing Commission with the ability to choose its operational model from the two options outlined above. It can opt for the current model of retaining the City to assist the Commission in its operations, or, it can choose the independent model whereby it selects an Executive Director, who hires staff and contractors as needed. An ordinance amendment is required by the terms of the proposed MOU so that the previously removed language which enables the Housing Commission to select its own Executive Director and staff is restored, and

WHEREAS: The Housing Commission approved the MOU at its regular meeting of January 12, 2017. The Housing Commission wants to continue operating under the current model but believes that a minimum staffing level must be included to ensure sufficient coverage to properly administer these programs. Since the Housing Commission funds the staffing associated with the federal housing and voucher programs, it devised a minimum staffing chart that must now be reviewed by Council; therefore be it

RESOLVED: That the Memorandum of Understanding between the City and the Dearborn Housing Commission be and is hereby approved.

The resolution was unanimously adopted.

MEMORANDUM OF UNDERSTANDING
CITY OF DEARBORN / DEARBORN HOUSING COMMISSION

This Memorandum of Understanding is entered into on this ____ day of _____, 2017, between the City of Dearborn ("Dearborn") and the City of Dearborn Housing Commission ("the Housing Commission").

WHEREAS, Dearborn and the Housing Commission each provide housing within the City of Dearborn through operation of their respectively-owned high-rise apartment buildings. The City owns and operates Hubbard Manor East and Hubbard Manor West in compliance with all applicable laws. The Housing Commission operates Sisson Manor, Townsend Towers, and Kennedy Plaza in compliance with all laws and federal Housing and Urban Development ("HUD") regulations and policies; and

WHEREAS, the Housing Commission has historically utilized Dearborn employees for administration, operation, and maintenance functions, for which it pays Dearborn; and

WHEREAS, Dearborn merged its former Housing Department with its Economic & Community Development Department in 2014 as a cost-saving measure and in so doing amended its ordinances to reflect this merger, but with no intention of diminishing the authority of the Housing Commission. Subsequent to the merger, there was concern expressed by HUD officials that the Housing Commission's authority was diminished and audit procedures were out of compliance. This Memorandum of Understanding was negotiated to resolve and clarify operational issues.

NOW THEREFORE, the City and the Housing Commission enter into this Memorandum of Understanding and agree as follows:

:

1. The City administration will recommend to the City Council that the two (2) sentences deleted from Section 2-474 of the City Code in 2014 be reinserted, to wit:

"The commission may appoint a director who may also serve as secretary, and such other employees or officers as shall be necessary. The

commission shall prescribe the duties of all its officers and employees and may, with the approval of the appointing authority, fix their compensation.”

2. The City administration will recommend granting the Mayor the authority to execute this Memorandum of Understanding.
3. The Housing Commission will vote whether to authorize its Chairman to execute this Memorandum of Understanding.
4. The Housing Commission may select an Executive Director and other required staff to operate its buildings who are not City employees, at its sole discretion and its sole expense, or
5. The Housing Commission may determine that it is in its best interests to utilize City employees in the Housing Division of the Economic and Community Development Department to operate its buildings. If so, then:
 - a. The Housing Commission compensate the City of Dearborn for the City staff it utilizes to manage the low income federally subsidized programs. The same staff will operate the City-owned senior housing buildings at the City's expense and manage day-to-day operations of the federal buildings and low income programs under the direction of the Housing Commission. The agreement between the Housing Commission and the City of Dearborn will be for a period of three years and renewable by mutual agreement between the City and the Housing Commission. The Housing Commission may cancel this agreement at any time.
 - b. The Housing Commission shall discuss necessary and appropriate City staffing levels and budgetary matters with the Mayor and/or the Director of the Economic Development Department. The City will agree to minimum staffing and budgets as developed by the Housing

Commission as long as no subsidy from the City is required and there will be no adverse impact on City operation..

- c. The City Housing Division staff will be sufficiently trained and qualified and will comply with all HUD federal regulations related to the management and operation of senior housing and housing choice (Section 8) vouchers.
 - d. Accounting, audit procedures and operational processes will be reviewed annually to assure compliance and accuracy in financial management of the HUD buildings and Section 8 vouchers.
 - e. The Housing Commission shall continue to be responsible for listening to residents' concerns and serving as a liaison with City staff on behalf of residents.
6. This Agreement constitutes the entire agreement of the parties hereto and cannot be amended except by writing signed by authorized representatives of the parties.

For: City of Dearborn

Dated: _____



For: Dearborn Housing Commission

Dated: JAN 12, 2017

By Shooshanian supported by Tafelski.

2-80-17. WHEREAS: REDICO developers are applying for a Low Income Housing Tax Credit (LIHTC) through the Michigan State Housing Development Authority (MSHDA/MEDC) in conjunction with their partners MHT Housing to complete the Independent Senior Housing component of the Dearborn Town Center project. The Town Center project is located on the SE corner of Michigan Ave. and Schaefer Road in the heart of the East Dearborn Downtown Development Authority District. The senior housing site faces Calhoun Street, directly across the street from the project medical office building, and

WHEREAS: A three story senior apartment building is proposed, with 77 one and two bedroom units. This project has explored several models for senior housing beginning in 2008-2010 with approximately 100 units of independent senior living and American House assisted living, then rent only market rate senior living, and now the currently proposed MHT-LIHTC approach, and

WHEREAS: The LIHTC model essentially requires local community participation in the form of a Payment in Lieu of Taxes (PILOT) for the developer to be competitive in receiving the Tax Credit for senior only (55 and older) housing for the life of the project. The advantage of the tax credit approach is that the developer is able to build similar quality housing to that which would otherwise occur in a market rate building, but is not currently justified in the East Dearborn market. Comparison data is attached to this memo, and

WHEREAS: The PILOT being offered for this project is 12% of net rents, which results in approximately \$53,470 annually to the City. This number would compare to a hypothetical \$231,000 in taxes (approximately \$70,000 in City taxes annually) using a market rate model, but as illustrated in the attached comparison, the market rate approach is financially infeasible to develop, and

WHEREAS: REDICO is requesting the City Council to consider approval of the PILOT that will allow the REDICO/MHT to file a competitive application for a Low Income Housing Tax Credit by April 1, 2017. The goal of the REDICO/MHT development team is to complete the Senior Housing element of the project by the required Michigan Economic Development Corporation (MEDC) Brownfield incentives deadline of December 2018, and

WHEREAS: In addition to the PILOT, the Development Agreement between REDICO and the City of Dearborn must be modified to allow the additional incentive of the PILOT to be added to the project. These modifications also require downsizing the project and permitting the assignment of part of REDICO's interest to its partner, MHT Housing. These changes will be discussed and drafted between the attorneys and the MEDC staff, if Council approval is granted. It is also requested that the City Council authorize the Mayor to amend the Dearborn Town Center Development Agreement to accommodate the PILOT for the Senior Housing element of the project, subject to final approval by Corporation Counsel. This request will be brought before the Council at their March 7th meeting for consideration at the same time as the PILOT ordinance second reading, and

WHEREAS: At this time, it is requested that the Mayor be authorized to execute an Amendment to the Development Agreement with REDICO, after approval by Corporation Counsel, which eliminates the American House product requirement, reduces the scope of the Senior Housing element in number of stories and units, permits the assignment of part of REDICO's interest to MHT, and restricts occupancy to individuals who are 55 years of age or older; therefore be it

RESOLVED: That the Mayor be and is hereby authorized to execute an amendment to the Development Agreement with REDICO, after approval by Corporation Counsel, which eliminates the American House product requirement, reduces the scope of the Senior Housing element in number of stories and units, permits the assignment of part of REDICO's interest to MHT, and restricts occupancy to individuals who are 55 years of age or older.

The resolution was adopted as follows: Yes: Abraham, Bazzy, Dabaja, and Shooshanian (4). No: O'Donnell, Sareini and Tafelski (3). Absent: None.

Councilmember Shooshanian introduced Ordinance No. 17-1571, entitled, "An Ordinance to Amend Article III of the Occupancy and Building Standards Chapter (Chapter 11 - Tax Exemption) of the Code of the City of Dearborn by Adding Division 5, Entitled 'Dearborn Town Center Senior Housing'."

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.

2-81-17 RESOLVED: That proposed Ordinance No. 17-1571 be laid on the table.

The resolution was unanimously adopted.

By Shooshanian supported by Abraham.

2-82-17. WHEREAS: The feasibility study, due diligence and design drawings and specifications for the Ford Field Comfort Station Replacement project has been completed. Initial bids on the project came back significantly higher than anticipated so the project has been re-designed and is now ready for re-bid. Demolition and construction is anticipated to begin this spring and an additional \$250,000 is needed in existing Project I51820 to complete the funding to replace the facility, and

WHEREAS: The comfort station at Levagood Park is antiquated and has deteriorated to the point of such disrepair that it needs to be replaced with a new pre-engineered precast concrete restroom building equipped to accommodate the high volume of park patrons. The cost of this project is estimated at \$250,000, and

WHEREAS: The Dearborn Hills Golf Course pump house is original to the date of reconstruction of the golf course in 1992 and is well beyond its useful life expectancy. System inefficiencies and continued repairs and maintenance have negatively impacted guest use of the golf course and associated revenue opportunities. The cost to replace the pump house is estimated at \$175,000, and

WHEREAS: The Recreation Department is requesting an appropriation of \$675,000 from fund balance in the General Fund as a contribution to the Facilities Fund for these three projects. It is also requested that the contribution be recognized and appropriated in the Facilities Fund, and

WHEREAS: The Recreation Department further requests the establishment of Project I22510 Dearborn Hills Pump House Replacement and Project I29500 Levagood Park Comfort Station Replacement; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to appropriate \$675,000 from the General Fund fund balance as a contribution to the Facilities Fund for the Recreation Park Improvement Projects; also that the funds be recognized and appropriated in the Facilities Fund; be it further

RESOLVED: That the Finance Director be and is hereby authorized to establish Project I22510 Dearborn Hills Pump House Replacement and Project I29500 Levagood Park Comfort Station Replacement.

The resolution was unanimously adopted.

By Bazzy supported by Abraham.

2-83-17. WHEREAS: Engineering and the Facility Advisory Board are proposing improvements to City parking lots and park pathways. These include resurfacing, crack seal, sealcoat, striping, repainting and patching in several parking lots, walking paths, and tennis and basketball courts throughout the City. The parking lot between the Police/Court building and the FC&PAC, the lot at Crowley Park, two lots at Levagood Park, and the tennis courts at Ford Woods Park are all being reconstructed, and

WHEREAS: Engineering and the Facility Advisory Board are requesting an appropriation of \$2 million from fund balance in the General Fund as contribution of \$502,000 to the General Capital Improvements Fund and \$1,498,000 to the Facilities Fund for the improvements. It is also requested that the contributions be recognized and appropriated in each fund, and

WHEREAS: Engineering and the Facility Advisory Board further request the establishment of Project I29600 Levagood Park Reconstruction, Project M25000 City Parking Lots Replacement 2017 and M26000 City Parking Lots Repair Program 2017; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to appropriate \$2,000,000 from the General Fund fund balance as a \$502,000 contribution to the General Capital Improvements Fund and a \$1,498,000 contribution to the Facilities Fund for the Parking Lots and Park Pathways Improvements Projects; also that the contributions be recognized and appropriated in each fund; be it further

RESOLVED: That the Finance Director be and is hereby authorized to establish Project I29600 Levagood Park Reconstruction, Project M25000 City Parking Lots Replacement 2017 and M26000 City Parking Lots Repair Program 2017.

The resolution was unanimously adopted.

By Bazzy supported by O'Donnell.

2-84-17. WHEREAS: In FY2011, \$1.25 million was taken from the Retiree Death Benefit Fund to support the General Fund in covering the budget at that time. In FY16 \$50,000 and in FY17 \$75,000 were paid back. The Retiree Death Benefit Fund currently has \$409,000 accumulated with the value of the policies being \$1.488 million with 618 participants. The program is therefore currently 27% funded, and

WHEREAS: Returning \$800,000 to the fund would bring the funding level to 81% and elevate the fund to good position. The annual General Fund contribution would then be suspended indefinitely, and

WHEREAS: The Finance Department is requesting that \$800,000 be appropriated from fund balance in the General Fund as a contribution to the Retiree Death Benefit Fund and that it be recognized in that fund; therefore be it

RESOLVED: That the Finance Director be and is hereby authorized to appropriate \$800,000 from fund balance in the General Fund as a contribution to the Retiree Death Benefit Fund and that it be recognized in that fund.

The resolution was unanimously adopted.

By Tafelski supported by Bazzy.

2-85-17. WHEREAS: The City of Dearborn Treasury Division reported \$238,967.40 in delinquent miscellaneous and special assessment billings as of December 31, 2016, and

WHEREAS: In accordance with City Charter, the Treasury Division certifies that the amounts are due the City for the several services affecting private property as follows:

Tall (Weed Cuttings)	\$ 88,487.12
Litter	4,637.00
Trash	2,834.00
Nuisance Abatements	9,388.00
Special Pickup	10,455.00
Ordinance Special Pickup	5,982.50
Recycle Bins	3,300.00
Secure/Board-Up Building	3,846.50
Demo/Demo Related Bills	10,770.00
False Alarm Bills	34,485.00
Fire False Alarm Bills	2,090.00
General Fund Interest	7,783.14
Sidewalk Bills	16,700.69
Sewer	37,316.95
SD869	<u>891.50</u>
Total	\$238,967.40,

and

WHEREAS: The City of Dearborn Treasury Division requests that these miscellaneous receivable and special assessment items be spread on the 2016 Miscellaneous Receivable Assessment Roll as supported by the subsidiary Accounts Receivable systems; therefore be it

RESOLVED: That this Council does hereby confirm and approve the Consolidated Miscellaneous Roll for 2016 for the several services affecting private property in the approximate amount of \$238,967.40 plus 25% per Council Resolution 11-1102-02; be it further

RESOLVED: That this resolution be given immediate effect.

This resolution was adopted unanimously.

By Bazzy supported by Sareini.

2-86-17. WHEREAS: The City of Dearborn, County of Wayne, State of Michigan (the "City") intends to issue and sell bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in one or more series, in an aggregate principal amount of not to exceed Eleven Million Two Hundred Thousand Dollars (\$11,200,000) for the purpose of paying the cost of acquiring, constructing, furnishing and equipping certain public improvements in the City, including streetscape and utility infrastructure improvements related to the Wagner Place Project and recreation improvements, together with all related site improvements, appurtenances and attachments (the "Project"), and

WHEREAS: On December 13, 2016 the City Council approved a notice of intent to issue bonds in an amount not to exceed Seven Million Two Hundred Thousand Dollars (\$7,200,000) for the Wagner Place Project (the "Prior Notice"), and

WHEREAS: The City anticipates that it will be necessary to issue bonds in excess of the amount described in the Prior Notice for the Wagner Place Project improvements and desires to pay the cost of recreation improvements from the bond issue, and desires to publish a new notice for an additional authorization of bonds in an amount not to exceed Four Million Dollars (\$4,000,000) which notice shall provide additional borrowing authority for the Project and shall be in addition to the principal amount of the bonds authorized by the Prior Notice, and

WHEREAS: The total amount of capital improvement bonds to be so issued to finance the acquisition and construction of the Project shall not exceed Eleven Million Two Hundred Thousand Dollars (\$11,200,000), and

WHEREAS: A notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 517(2) of Act 34, and

WHEREAS: The City intends at this time to restate its intention to be reimbursed from proceeds of the bonds for any expenditures undertaken by the City for the Project prior to issuance of the bonds; therefore be it

RESOLVED: That the City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Press and Guide*, a newspaper of general circulation in the City; be it further

RESOLVED: That said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

**NOTICE TO TAXPAYERS AND ELECTORS OF THE CITY OF DEARBORN
OF INTENT TO ISSUE BONDS AND THE
RIGHT OF REFERENDUM RELATING THERETO**

PLEASE TAKE NOTICE that the City of Dearborn, County of Wayne, State of Michigan (the "City"), intends to issue and sell bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in one or more series, in an aggregate principal amount not to exceed Four Million Dollars (\$4,000,000) for the purpose of paying the cost of acquiring, constructing, furnishing and equipping certain public improvements in the City, including streetscape and utility infrastructure improvements related to the Wagner Place Project and recreation improvements, together with all related site improvements, appurtenances and attachments (the "Projects"). The City previously authorized the publication of a notice of intent to issue bonds for the Projects in an amount not to exceed Seven Million Two Hundred Thousand Dollars (\$7,200,000) on December 13, 2016 (the "Prior Notice"). This principal amount of bonds to be issued and sold pursuant to this notice is in addition to the principal amount of bonds to be issued and sold pursuant to the Prior Notice.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS SHALL BE PAYABLE from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed twenty (20) in number and will bear interest at the rate or rates to be determined at public or private sale but in no event to exceed the maximum permitted by law on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE CITY UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK OF THE CITY WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517 (2), Act 34, Public Acts of Michigan, 2001, as amended.

Lola Isiminger
Acting City Clerk

RESOLVED: That the City Council of the City does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to the electors residing in the boundaries of the City of this City's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed; be it further

RESOLVED: That the City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from the general funds of the City subsequent to sixty (60) days prior to today.
- (b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$11,200,000.

- (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution;

be it further

RESOLVED: That all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Tafelski supported by Bazzy.

2-87-17. WHEREAS: Over the last 18 months, the ECD Department has been working with the Mayor's Office, the Housing Commission and the U.S. Department of Housing and Urban Development (HUD) to bring the Housing Division in compliance with the various federal requirements, policies, and procedures. The deficiencies identified by HUD primarily relate to short staffing attributable to reductions in overall City budgets, and

WHEREAS: Since the actual staff time spent on city-owned facilities is paid from program revenues or reserves, the housing staff is self-funded either by HUD or the Hubbard's and does not rely on a General Fund subsidy. This will continue to be the case under the minimum staffing model, and

WHEREAS: The Housing Division staffing stood at 19 full time and 6.16 part time (FTE) in 2001, prior to budget reductions. Today, staffing stands at 14 full time and 7.24 part time (FTE). Minimum staffing will bring the staffing to 17 full time and 10 part-time employees (7 FTE), and the Commission believes this will be sufficient to meet their needs. The Administration believes this will also meet the needs of the two Hubbard buildings as well, and

WHEREAS: The Economic & Community Development Department is requesting the City Council to authorize adjusting staffing levels in the Housing Division with a personnel increase of 3 full time employees; therefore be it

RESOLVED: That the Economic & Community Development Department be and is hereby authorized to adjust staffing levels in the Housing Division with a personnel increase of 3 full time employees.

The resolution was unanimously adopted.

By Sareini supported by Tafelski.

2-88-17. WHEREAS: AK Steel is the largest single water user within the City of Dearborn. Its daily purchase of water through its 4 water meters has historically averaged approximately 1.3 million gallons per day. This water purchase comes with the normal corresponding charge for sewerage, and

WHEREAS: A.K. Steel approached the City of Dearborn late in 2015 concerning its sewage bill, as the vast majority of its daily water purchase was process water used in steel making, which is consumptive in nature (most of the potable water purchased flashes off as steam) and all of its process water that is recovered is directed to its own industrial sewage treatment system and returned directly to the Rouge River without being discharged to the City's sewers for conveyance and treatment by the Great Lakes Water Authority ("GLWA"), and

WHEREAS: As a result of the initial meeting with the City, AK Steel retained the services of a third party sewage metering company, Martin Controls (that was suggested and has been used by the Dearborn Sewer Department), in an attempt to quantify and verify A.K. Steel's discharges to the City's sewers for treatment. This metering, along with additional field investigations, supported A.K. Steel's contention that process water and wet weather inflow were being directed, treated, and discharged without entering sanitary sewers for conveyance to Dearborn's sewers, and ultimately, treatment by GLWA. The data as presented suggests that upwards of 90% of the water purchased by AK Steel is used and consumed in the steelmaking process, and the remaining amount purchased is used in a normal fashion and returned to the City's sewers as sanitary sewage. A.K. Steel's total flows to City sewers also consist of an unmeasured quantity of dry weather inflow into the joints and manholes of its common sewers, similar to dry weather inflow to all of Dearborn's common sewers. AX Steel's rain water is directed to its own on-site storm sewers and does not contribute to flows within its sanitary sewers, and

WHEREAS: In recognition of these unique conditions and the extremely large consumptive use of AK Steel's daily water purchases, the Department of Public Works recommends a 50% reduction as a fair and equitable adjustment for sewerage bills prepared from accounts and water meters located at:

25-0010-1	9 Mellon
25-0020-1	12900 Dix
25-0030-3	10700 Dix
25-0040-4	10701 Southern,

and

WHEREAS: If this recommendation is approved, a 50% consumptive reduction adjustment in A.K. Steel's sewerage usage (commodity) charges will be applied to its quarterly bills. Presently, its annual bill for sewerage charges is approximately \$2.4 million. So, the proposed credit will reduce its annual sewerage charge by approximately \$1.2 million, and

WHEREAS: These quarterly billing adjustments will remain in effect for as long as the current steel making process and corresponding reduced utilization of Dearborn sewers remains accurate. In order to modify this sewerage charge reduction, A.K. Steel must hire a mutually agreeable flow analysis and sewer metering expert to review, verify, and submit a report that modification to this adjustment is warranted. The Department of Public Works may request that the adjustment be modified or terminated by giving A.K. Steel one complete quarterly water billing cycle notice along with the reason it believes the conditions that warranted these adjustments have changed, or that more sewage is being directed to Dearborn sewers than what is being paid for. Also A,K. Steel will have a duty and obligation to inform Dearborn of any changes made or discovered that increases or may be increasing the flows into the sewers that get conveyed to Dearborn for final treatment by the GLWA; therefore be it

RESOLVED: That the Department of Public Works be and is hereby authorized to approve a 50% consumptive reduction in A.K. Steele's sewerage bills prepared from accounts and water meters located at 9 Mellon, 12900 Dix, 10700 Dix and 10701 Southern, subject to certain stipulations.

The resolution was unanimously adopted.

By O'Donnell supported by Sareini.

2-89-17. WHEREAS: The Fire Department is requesting authorization to hire six firefighters, above their current staffing levels in advance of up to eleven projected retirements in FY 2017/18. Upon these retirements staffing levels will return to the City Charter and labor contracted minimum mandated levels, and

WHEREAS: The Fire Department is respectfully requesting the budget to hire six firefighters early for the following reasons:

- **Retirements:** The DFD currently has eleven firefighters who are eligible to retire within the year. Four have already confirmed retirement dates with the Chief's office. Hiring in advance will allow the Fire Department to have a seamless transition of staff.
- **Orientation Program:** DFD's orientation program is four weeks long during which new hires are not considered or used as daily staffing for emergencies while on orientation. It is more efficient for the Fire Department to run an orientation for six firefighters at one time rather than six separate orientations.
- **Current FMLA Staffing Needs:** DFD currently has a number of staff on extended FMLA, causing excessive overtime. Overtime needs are customarily the highest in the summer regardless of FMLA. Having the additional staff, once off orientation, will help reduce some of the overtime (temporary and short term),

and

WHEREAS: For six firefighters, six months' salary and benefits will cost approximately \$240,000. The Fire Department is also requesting an additional \$10,000 for new hire personal protective equipment (PPE). The Fire Department is requesting that Council authorize and appropriate \$250,000 from fund balance in the General Fund into the Fire Department budget to advance hire six firefighters; therefore be it

RESOLVED: That the Fire Department be and is hereby authorized to hire six firefighters, above current staffing levels, in early FY2017/2018 in advance of eleven projected retirements in FY2017/2018; be it further

RESOLVED: That the Finance Director be and is hereby authorized to appropriate \$250,000 for six months' salary and benefits as well as new hire personal protective equipment (PPE) for six firefighters from fund balance in the General Fund into the Fire Department budget; be it further

RESOLVED: That this resolution be given immediate effect.

The resolution was unanimously adopted.

By Sareini supported by Dabaja.

2-90-17. WHEREAS: The City of Dearborn has a long history of welcoming immigrants and building a strong community which celebrates its diversity, regardless of religion. As the hometown of Henry Ford, who invited immigrants to Dearborn by instituting the \$5 a day compensation, it is more important than ever that our leaders respond with compassion and ensure that America remains the place of freedom and opportunity, and

WHEREAS: On January 27, 2017, the President of the United States issued the Executive Order, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States," commonly known as President Trump's "travel ban," which prohibits citizens of Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen from entering the U.S. for 90 days and suspends the admission of all refugees for 120 days, with an indefinite ban on refugees from Syria, and

WHEREAS: The Executive Order applied to all visitors from the aforementioned countries, including students with valid visas, legal permanent residents (green card holders), airline crew members, refugees, and all other travelers except naturalized U.S. citizens, and prevents all of these men, women, and children from entering this country, and

WHEREAS: On February 1, 2017, the White House issued a memorandum which clarifies that the Executive Order does not apply to lawful permanent residents of the U.S., and

WHEREAS: The Executive Order was issued without agency guidelines which created chaos at airports, separating families by preventing people from reconnecting with family and loved ones from the affected countries, and

WHEREAS: The Executive Order prevents valid visa holders from reaching their legitimate educational and employment destinations in the U.S., and

WHEREAS: Enforcement of the Executive Order has already been-enjoined all or in part by several courts, including by the U.S. District Court, Eastern District of Michigan on February 2, 2017 in case number 17-10310, and

WHEREAS: Many cities and corporations, including Ford Motor Company, the first Automotive company to issue a statement "Respect for all people is a core value of Ford Motor Company, and we are proud of the rich diversity of our company here at home and around the world," and further stated "That is why we do not support this policy or any other that goes against our values as a company"; therefore be it

RESOLVED: That the Dearborn City Council opposes the travel ban and welcomes every law-abiding person to this community, regardless of their race, creed, nationality, or religion; be it further

RESOLVED: That a copy of this resolution shall be transmitted to President Trump and to all Michigan members of the U.S. House of Representatives and the U.S. Senate; be it further

RESOLVED: That this resolution is 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 9:55 P.M.

APPROVED:

President of the Council

ATTESTED:

Acting City Clerk