



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Minutes - Final Common Council

Mayor John T. Dickert
Alderman Jeff Coe, Alderman Gregory Holding
Alderman Michael Shields, Alderman Jim Kaplan, Alderman
David L. Maack
Alderman Sandy Weidner, Alderman Terry McCarthy,
Alderman Raymond DeHahn
Alderman Q.A. Shakoor, II, Alderman Aron Wisneski,
Alderman Robert Mozol
Alderman James T. Spangenberg, Alderman Ronald D. Hart,
Alderman Eric Marcus, Alderman Dennis Wisner

Monday, August 2, 2010

7:00 PM

Room 205, City Hall

A. Call To Order

PRESENT: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

B. Pledge of Allegiance To The Flag

Mayor Dickert led the Council in the Pledge of Allegiance to the Flag.

C. Approval of Journal of Council Proceedings (Minutes)

Minutes of the previous meeting were approved as printed on motion of Alderman Coe.

D. Public Hearings

Racine 2010-2014 Consolidated Plan, including the 2010 Annual Plan, to be submitted to the U.S. Department of Housing and Urban Development being Item 10-5327 of the Community Development Committee Report

His honor the Mayor declared the Public Hearing Closed at 7:06 pm.

E. Public Comments

The following people spoke:

Sue Cordier
Lynn Nielsen
Jon Eeg
Mary Palmer
David Sanchez
Jim Rasmussen

*Sue DeKeuster
Norb DeKeuster
Paula Sanchez
Jan Roland
Bob Klinkhammer
Wayne Clingman
Karlessa Barcalow*

F. Communications

Refer to Finance and Personnel Committee, by Ald. Spangenberg

10-5415

Subject: Communication from the City Attorney submitting the claim of Dennis Thompson for consideration.

Recommendation of the Finance Department & Personnel Committee on 8-9-10: The claim of Dennis Thompson, 1753 Park Ave., requesting reimbursement of \$3,000 arising from a warrant recommendation made to the Racine County District Attorney by the Police Department as the result of a complaint received on March 10, 2009 be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

10-5416

Subject: Communication from the City Attorney submitting the claim of Brian Matsen for consideration.

Recommendation of the Finance Department & Personnel Committee on 8-9-10: The claim of Brian Matsen, 2100 Shoop St., requesting reimbursement of \$1,036 for repairs after a tree branch allegedly fell on his fence during the storm on June 18, 2010 be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

10-5417

Subject: Communication from the City Attorney submitting the claim of Valentin Saldivar and Amelia Saldivar for consideration.

Recommendation of the Finance Department & Personnel Committee on 8-9-10: The claim of Valentin Saldivar and Amelia Saldivar requesting \$1,836.61 for repairs after a tree allegedly fell on their parked vehicle during the storm on June 18, 2010 be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

[10-5418](#)

Subject: Communication from the City Attorney submitting the claim of Maricela Martinez for consideration.

Recommendation of the Finance & Personnel Committee on 8-9-10: The claim of Maricela Martinez, 2037 Franklin St., requesting reimbursement of \$665 for repairs to her vehicle after a tree branch allegedly fell on her parked vehicle during a storm on June 18, 2010 be denied.

Fiscal Note: N/A

Referred to Finance and Personnel Committee

[10-5396](#)

Subject: Communication from the Police Chief, requesting to apply for the 2010 USDOJ, COPS, Child Sexual Predator Program grant (Grant Control # 2010-028).

Recommendation of the Finance & Personnel Committee 8-9-10: Permission be granted for the Chief of Police to apply for the \$299,700 2010 United State Department of Justice, COPS, Child Sexual Predator Program grant (Grant Control No. 2010-028).

Fiscal Note: There is a soft match required on the part of the City. The City will continue staffing the CAC for a third year being approximately 20 hours each week.

Referred to Finance and Personnel Committee

[10-5421](#)

Subject: Communication from Kuko Padilla requesting the waiving of rental fees to use the Skateboard Park and a portion of Pershing Park for the annual Bike Jam on Saturday, September 4, 2010 from 12:00 noon to 10:00 pm.

Recommendation of the Finance & Personnel Committee on 8-9-10: Permission be granted for the fees to be waived for Kuko Padilla to utilize the Pershing Skateboard Park and a portion of Pershing Park for the annual "Bike Jam" on Saturday, September 4, 2010 with a Hold Harmless Agreement.

Fiscal Note: The Park's Department fee would have been \$318. Mr. Padilla has maintained the Pershing Skateboard Park for the last 13 years at no cost to the City.

Referred to Finance and Personnel Committee

[10-5451](#)

Subject: Communication from the Public Health Administrator requesting permission to accept additional funds from the Division of

Public Health, Department of Health Services for the Women, Infants and Children Program. (Grant Control #2006-049)

Recommendation of the Finance & Personnel Committee on

8-9-10: The Mayor and City Clerk be authorized and directed to enter into an amended contract with the Division of Public Health, Department of Health Services for the Women, Infants and Children Program grant (Grant Control No. 2006-049).

Fiscal Note: The contract has increased in the amount of \$27,863. \$7,909 will be utilized for day-to-day operations of the WIC Program, \$2,298 for the WIC Farmer's Market and \$17,656 for WIC Peer Counseling.

Referred to Finance and Personnel Committee

Refer to Public Works and Services Committee, by Ald. Holding

[10-5411](#)

Subject: Communication from Kristin Niemiec, Community Development Manager, requesting a review of the \$30 banner fee.

Referred to Public Works and Services Committee

[10-5412](#)

Subject: Communication from Kristin Niemiec, Community Development Manager, requesting the installation of dedicated banner poles in the reconstruction of Douglas Avenue from Goold Street to Three Mile Road.

Referred to Public Works and Services Committee

[10-5445](#)

Subject: Communication from Pentecost Lutheran Church requesting permission to close Jerome Boulevard, from Coolidge Avenue to Case Avenue, on Saturday, August 21, 2010 for a church block party.

Referred to Public Works and Services Committee

Refer to Public Safety and Licensing Committee, by Ald. Wisneski

[10-5425](#)

Subject: Application of G&M Entertainment (Granger's Lounge), Kristina Christensen, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 240B Main Street. (1st District)

Referred to Public Safety and Licensing Committee

[10-5426](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to present the bids for Boiler Upgrades at Bryant Community Center and Wustum Museum.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be deferred until more information is received.

Referred to Public Safety and Licensing Committee

[10-5427](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to present the bids received for Door and Window Replacement at Humble Community Center.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the request for Door and Window Replacement at Humble Community Center be approved.

Fiscal Note: Funds are available in account 990-650-5010, Humble Exterior Doors and Windows.

Referred to Public Safety and Licensing Committee

[10-5439](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation be approved.

Fiscal Note: Funds are available in account 890-030-5760, 2010 Island Park Bridge Renovation CDBG.

Referred to Public Safety and Licensing Committee

[10-5449](#)

Subject: Communication from the Alderman of the 2nd District requesting the Committee determine what distance a day care center may be located from a licensed premise including Class A and Class B licensed premises.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Motion passed by the following voice vote:

AYES: Maack and Kaplan

NOES: Marcus

NON-VOTING: Wisneski

EXCUSED: Mozol

Fiscal Note: N/A

Referred to Public Safety and Licensing Committee

[10-5447](#)

Subject: Request from the Alderman of the 2nd District requesting comments from a representative of the Police Department on the current loitering ordinance.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Fiscal Note: N/A

Referred to Public Safety and Licensing Committee

Refer to Community Development Committee, by Ald. Coe

[10-5446](#)

Subject: Request from St. Paul Community and Economic Development for Local Option Funding to support the Racine Council of Pastors Community Development Initiative.

Referred to Community Development Committee

Refer to Committee of the Whole, by Ald. Coe,

Alderman DeHahn made a motion to send the following to their appropriate committees, and Alderman Hart amended the motion they be brought back to the next council meeting to be then sent to their appropriate committee. After discussion a roll call vote was taken on the above motion with the following vote:

Ayes: McCarthy, Mozol, Shakoor, Shields, Spangenberg, Wiser, DeHahn, Hart, Holding and Kaplan (10)

Noes: Marcus, Weidner, Wisneski, Coe and Maack (5)

[10-5430](#)

Subject: communication from the Alderpersons of the 1st District, the 2nd District, and the 6th District requiring that the Mayor of the City of Racine appoint at least two (2) Alderman to the City of Racine Loan Review Board and that the Alderman with the most seniority on the Board report out the Board's actions for approval by the Common Council.

Referred to Common Council

[10-5431](#)

Subject: communication from the Alderman of the 1st District requiring the City of Racine Building Department not grant a raze permit or building permit for the property located at 1132 Irving Place for the next 60-days.

Staff Recommendations: Receive and File

Referred to Common Council

10-5432

Subject: communication from the Alderman of the 1st District requiring a 60-day moratorium on all in-fill construction in the City of Racine to review the policies and procedures involved in selecting property developers and contractors including the role of the City of Racine in a general contractor or similar role to begin immediately upon approval by the Common Council.

Referred to Common Council

10-5435

Subject: communication from the Alderman of the 1st District requiring a 60-day moratorium on the transfer of property by the City of Racine and the Redevelopment Authority of the City of Racine to Habitat for Humanity to review the policies and procedures of such transfers to begin immediately upon approval by the Common Council.

(Also refer to Redevelopment Authority)

Referred to Common Council

Refer to Cemetery Commission, by Ald. Weidner**10-5397**

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting the amendment of Ordinance Sec. 30-121. Sale; numbering of burial spaces, to change the number of burial spaces to be sold to one person from 20 graves to 10 graves.

Referred to Board of Cemetery Commissioners

G. Committee Reports**Finance and Personnel Committee Report, by Ald. Spangenberg****10-5306**

Subject: Communication from the City Attorney submitting the claim of Debra Larson for consideration.

Recommendation of the Finance & Personnel Committee on 7-26-10: The claim of Debra Larson, 1405 Warwick Way, 53406, requesting reimbursement in the amount of \$81.42 for tire replacement after she allegedly drove over road tar in the 4900 block of Washington Avenue on May 26, 2010 be denied.

Fiscal Note: N/A

A motion was made that this Claim be Received and Filed as Reported. The

motion was APPROVED.

[10-5307](#)

Subject: Communication from the City Attorney submitting the claim of James Wenzell for consideration.

Recommendation of the Finance & Personnel Committee on

7-26-10: The claim of James Wenzell, 1347 West Blvd., 53405, requesting reimbursement in the amount of \$1,720.20 for vehicle repairs after he allegedly crested the top of the hill on Chicago Street and broke a window on June 7, 2008 be denied.

Fiscal Note: N/A

A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.

[10-5361](#)

Subject: Communication from the City Attorney submitting the claim of Gary Haas and Sharon Haas for consideration.

Recommendation of the Finance & Personnel Committee on

7-26-10: The claim of Gary & Sharon Haas, 1316 Cleveland Ave., 53405, requesting reimbursement in the amount of \$229.11 for a door that was allegedly broken during the execution of a search warrant on June 29, 2010 be denied.

Fiscal Note: N/A

A motion was made that this Claim be Received and Filed as Reported. The motion was APPROVED.

[10-5367](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to accept a donation of \$5,000.00 from Caron Butler for the 2010 Juneteenth Celebration that was held on June 19, 2010 at the Dr. John Bryant Community Center.

Recommendation of the Finance & Personnel Committee on

7-26-10: Permission be granted for the Department of Parks, Recreation and Cultural Services to accept a donation of \$5,000.00 from Caron Butler for the 2010 Juneteenth Celebration that was held on June 19, 2010 at the Dr. John Bryant Community Center and that an appropriate letter of thanks be sent.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5381](#)

Subject: Communication from the Public Health Administrator requesting permission to accept \$71,541 from the Department of Health Services for Centers for Disease Control (CDC) Preparedness.

(Grant Control #2010-027) (Res.10-2135)

Recommendation of the Finance & Personnel Committee on

7-26-10: Permission be granted for the Public Health Administrator to accept \$71,541 from the Department of Health Services for Centers for Disease (CDC) Preparedness. (Grant Control #2010-027)

Fiscal Note: No City match required.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5382

Subject: Communication from the Purchasing Agent wanting to discuss Official Notice #8 Razing and Removal of Residential Buildings located at 716 - 17th Street and 720 - 17th Street. (Res.10-2133)

Recommendation of the Finance & Personnel Committee on

7-26-10: That the bid be awarded to Azar, LLC. at their bid price of \$27,334.00

Fiscal Note: The cost would be \$27,334.00. Funds for this project are available in accounts 895.020.5510 and 804.011.5310.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 13 - Shakoor, II, Shields, Hart, Kaplan, Wiser, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 2 - Coe and Marcus

10-5383

Subject: Communication from the Alderman of the First District requesting to transfer funds within Car 25 budget from Professional Services Account 203-000-5610 into Furniture and Equipment under \$5,000 account 203-000-5430. (Res.10-2132)

Recommendation of the Finance & Personnel Committee on

7-26-10: To approve the transfer of \$40,000 within the CAR25 budget from Professional Services Account 203-000-5610 into Furniture and Equipment under \$5,000 account 203-000-5430.

Fiscal Note: Funds are available for the transfer.

After a discussion Alderman Maack requested a vote when the question was called:

Ayes: Marcus, Mozol, Shields, Wiser, Coe, DeHahn, Hart, Holding, and Kaplan (9)

Noes: McCarthy, Shakoor, Spangenberg, Weidner, Wisneski and Maack (6)

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

[10-5387](#)

Subject: Communication from the Alderman of the 2nd District requesting that the Common Council waive the fees charged to him for access to records relating to Countryside Humane Society from 11/2004-7/13/2010 provided to Marcia Fernholz in her capacity as a member of the Countryside Humane Society Board of Directors by the Mayor of the City of Racine.

Recommendation of the Finance & Personnel Committee on 7-26-10: To deny the request.

Fiscal Note: N/A

Alderman Coe made an amendment to refer 10-5387 to the Committee of the Whole. The motion failed by the following vote:

AYES: Shields

NOES: McCarthy, Mozol, Shakoor, Spangenberg, Weidner, Wisner, Wisneski, Coe, DeHahn, Hart, Holding, Kaplan and Maack

ABSTAIN: Marcus

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

ABSTENTIONS: 1 - Marcus

[10-5388](#)

Subject: Communication from the Public Health Administrator requesting the reclassification of an existing Health Department Laboratory Limited Term Employee (LTE) position to a full time position due to a change in responsibilities.

Recommendation of the Finance & Personnel Committee on 7-26-10: Permission be granted to reclassify an existing Health Department Laboratory Limited Term Employee (LTE) position to a full time position.

Fiscal Note: Increasing the position from 32 to 40 hours per week will result in additional annual salary and fringe benefits of approximately \$8,900 and health insurance of approximately \$14,300. Funding to cover these additional costs will be provided from grant funds, the Storm Water Utility and direct revenue generation. There will be no additional cost to the City for tax levy purposes.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5389](#)

Subject: Communication from the Assistant Commissioner of Public

Works/Engineering requesting funding for the Three Mile Road project (N. Main St. to Douglas Ave.). Funding will be through the Intergovernmental Revenue Sharing agreement. (Res.10-2134)

Recommendation of the Finance & Personnel Committee on 7-26-10: Amend the 2010 Intergovernmental Revenue Sharing budget by adding expense account number 919.990.5010, Three Mile Road Survey, with a budget of \$18,180; and by adding revenue account number 919.990.6830, Caledonia-Three Mile Road, with a budget of \$5,554.

Fiscal Note: There are sufficient funds available for the City's portion of the project.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Q.A. Shakoor, II that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

Public Works and Services Committee Report, by Ald. Holding

10-5352

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 4 to Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor. (Res.10-2122)

Recommendation of the Public Works and Services Committee on 7-27-10: That Change Order No. 4 on Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved in the amount of \$3,136.72.

Further recommends that funding to defray the cost of this change order be appropriated from Account 990.220.5030, CHP-Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5353

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor. (Res.10-2124)

Recommendation of the Public Works and Services Committee

on 7-27-10: That the work done by Seater Construction Co., Inc. under Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be accepted and final payment authorized for a total contract amount of \$118,756.22.

Fiscal Note: Contract was authorized under Resolution No. 10-1892, dated March 2, 2010.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5354

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting Amendment No. 4 for Contract 38-07 (K7-044) PS - Stormwater Utility, AECOM Technical Services, Inc., consultant. (Res.10-2127)

Recommendation of the Public Works and Services Committee

on 7-27-10: That Amendment No. 4 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further recommends that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5355

Subject: Communication from the Assistant Commissioner of Public Works/Engineering requesting a relocation order for 3215 Douglas Avenue for the Douglas "STH32" Goold Street to 3 Mile Road project, WISDOT ID: 2350-13-70. (Res.10-2125)

Recommendation of the Public Works and Services Committee

on 7-27-10: That the City Attorney be authorized and directed to file a relocation order for 3215 Douglas Avenue and to proceed with acquisition of the property needed for the State Highway 32 Reconstruction Project.

Further recommends that funding for this acquisition is available in Account 989.908.5110, Douglas-Goold to 3 Mile.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5368

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Engineering submitting a professional services agreement from Nielsen, Madsen and Barber for survey work for Three Mile Road, Douglas to N. Main. (Res.10-2126)

Recommendation of the Public Works and Services Committee on 7-27-10: That the Mayor and City Clerk be authorized and directed to enter into an agreement with the Village of Caledonia for survey work necessary for the Three Mile Road reconstruction project from Douglas to N. Main in the not-to-exceed amount of \$18,180.00.

Further recommends that the Mayor and City Clerk be authorized and directed to enter into an agreement with Nielsen, Madsen & Barber to perform survey work for the Three Mile Road reconstruction project from Douglas to N. Main in the not-to-exceed amount of \$18,180.00.

Further recommends that funding to defray the cost of these professional services is available through the Intergovernmental Revenue Sharing Agreement.

Fiscal Note: Funds are available as herein delineated. The City of Racine's share of the cost will be \$12,626.01 and the Village of Caledonia's share will be \$5,553.99, based on centerline mileage of Three Mile Road from Douglas to N. Main.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5373

Subject: Communication from the Assistant Commissioner of Public Works/Engineering submitting Change Order No. 1 on Contract 10-10 (K0-010), 2010 Republic Avenue Reconstruction CDBG, A.W. Oakes and Son, contractor. (Res.10-2128)

Recommendation of the Public Works and Services Committee on 1-12-10: That Change Order No. 1 on Contract 10-10 (K0-010), 2010 Republic Avenue Reconstruction CDBG, A.W. Oakes & Son, contractor, be approved in the amount of \$122,080.78.

Further recommends that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 19,762.30 - Account 890.030.5540, 2010 Street Resurfacing
\$ 13,993.00 - Account 890.030.5510, 2010 Curb & Gutter Replacement
\$ 38,570.00 - Account 890.030.5690, 2010 Crosswalk Ramps

\$ 25,000.10 - Account 990.908.5010, Concrete Str. Paving, Misc.
Loc.
\$ 13,755.48 - Account 990.908.5020, Concrete Pvmt. Repl. - Misc.
\$ 11,000.00 - Account 990.908.5520, Sidewalk Replacement
\$ 122,080.88 - Total

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5401](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 41-10 (K0-050), Festival Hall AC Replacement. (Res.10-2120)

Recommendation of the Public Works and Services Committee on 7-27-10: That Contract 41-10 (K0-050), Festival Hall AC Replacement, be awarded to Grunau Co., Inc., Milwaukee, WI, at their bid price of \$58,960.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from Account 108.989.5010, Festival Hall Rooftop A/C.

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5402](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting bid results on Contract 45-10 (K0-054), Solid Waste Garage Tuckpointing. (Res.10-2121)

Recommendation of the Public Works and Services Committee on 7-27-10: That Contract 45-10 (K0-054), Solid Waste Garage Tuckpointing, be awarded to AZAR LLC, Racine, WI, at their bid price of \$48,070.00, plus Alternate Bid #1 in the amount of \$4,180.00, for a total contract amount of \$52,250.00, they being the lowest responsible bidder.

Further recommends that funding to defray the cost of this public works project be appropriated from the following accounts:

\$24,075.72 - Account 989.410.5010, Solid Waste Garage Insulation
\$28,174.28 - Account 990.410.5010, Solid Waste Garage Tuckpointing
\$52,250.00 - Total

Fiscal Note: Funds are available as herein delineated.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5410

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, Arnold & O'Sheridan, Inc., consultant. (Res.10-2123)

Recommendation of the Public Works and Services Committee on 7-27-10: That the professional services provided by Arnold & O'Sheridan, Inc., under Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restorations, be accepted and final payment authorized for a total contract amount of \$51,200.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0614, dated February 5, 2008.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Shakoore, II, Coe, Marcus, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NON VOTING: 1 - Shields

Public Safety and Licensing Committee Report, by Ald. Wisneski

10-5296

Subject: Communication from the Director of Parks, Recreation and Cultural Services to meet with the Public Safety and Licensing Committee to request final payment for preparing plans and specifications and project administration for window and door replacement at the Tyler-Domer and Dr. King Community Centers and Park Service Center. (Res.10-2131)

Recommendation of the Public Safety and Licensing Committee on 7-26-10: To approve the request for final payment for preparing plans and specifications and project administration for window and door replacement at the Tyler-Domer and Dr. King Community Centers and Park Service Center.

Fiscal Note: \$10,000 from account 989.670.5010.

A motion was made that this Communication be Received and Filed as

Reported. The motion was **APPROVED**.

[10-5372](#)

Subject: Ord.13-10

To amend Chapter 50, Sec. 50-66(b) of the Municipal Code of the City of Racine, Wisconsin relating to Fire Prevention Code.

Recommendation of the Public Safety & Licensing Committee on 7-12-10: That the item be deferred.

Recommendation of the Public Safety & Licensing Committee on 7-26-10: That Ord. 13-10 be recommended for approval.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was **APPROVED**.

[10-5374](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Scott Hansen, Agent for The Warning Track, 1301 Washington Avenue, due to recent incidents at the establishment.

Recommendation of the Public Safety and Licensing Committee on 07-26-10: That a Due Process hearing be scheduled for Scott Hansen, Agent for The Warning Track, 1301 Washington Avenue be referred to a due process hearing based on recent incidents to determine whether the license should be revoked or suspended.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was **APPROVED**.

[10-5386](#)

Subject: Communication from Joey Legath, Agent for Joey's on Taylor, 1863 Taylor Avenue wishing to amend his Premise Description to include the adjacent parking lot.

Recommendation of the Public Safety and Licensing Committee on 07-26-10: That the request for Joey Legath, Agent for Joey's on Taylor, 1863 Taylor Avenue wishing to amend his Premise Description to include the adjacent parking lot be approved.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was **APPROVED**.

10-5393

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the report of bids received on the sale of abandoned vehicles 07-16-2010.

Recommendation of the Public Safety and Licensing Committee on 07-26-10: That the item be received and filed.

Fiscal Note: This will generate \$6255.01 in revenue.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Aron Wisneski that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

Traffic Commission Report, by Ald. Holding10-5155

Subject: Communication from the Alderman of the 2nd District, requesting a stop sign at the intersection of 18th Street and Clark St.

Recommendation of the Traffic Commission on 06-21-10: Defer

Fiscal Note: N/A

Recommendation of the Traffic Commission on 07-19-10: Receive and file.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5340

Subject: Communication from the Alderman of the 6th District requesting to extend the No Parking restriction 40 feet or so east on the north side of the 2500 block of Prospect Street.

Recommendation of the Traffic Commission on 07-19-10: The request to change "No parking at any time from December 1 to April 1" restrictions on Prospect Street, north side, between Lewis Street and Brooker Street, to "No parking at any time" be approved.

Fiscal Note: The estimated cost of this signage will result in an

installation cost of \$200.00 and an annual maintenance cost of \$80.00.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5399

Subject: In accordance with Section 2-95 of the Municipal Code of the general ordinances of the City of Racine, recommends that the following requests for changes in traffic code be granted:

A. Recommends that Section 94-141 (1) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time" be amended:

By Deleting:

1. Prospect Street, north side, from 80 feet east of Lewis Street to David Street.

By Including:

1. Prospect Street, north side, from 120 feet east of Lewis Street to David Street.

B. Recommends that Section 94-141 (34) of Schedule F of the Municipal Code of the General Ordinances of the City of Racine relative to "No parking at any time from December 1 to April 1" be amended:

By Deleting:

1. Prospect Street, north side, from Brooker Street to State Street.

By Including:

1. Prospect Street, north side, from Jefferson Street to State Street.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 14 - Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NON VOTING: 1 - Shakoor, II

Transit and Parking Commission Report, by Ald. DeHahn

[10-5293](#)

Subject: Communication from Mary Newbold requesting a review of the bus transfer issue at Regency Mall during the Saturday bus route schedule.

Recommendation of the Transit and Parking Commission on 06-28-10: Receive and file the communication and direct staff to review this issue and come back with a report on potential corrections to this issue.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5325](#)

Subject: Communication from the Assistant Finance Director requesting to execute the 2010 Section Urban Mass Transit Operating Assistance Contracts between the Wisconsin Department of Transportation and the City of Racine. (Res.10-2136)

Recommendation: Mayor and City Clerk be authorized to execute the 2010 Section Urban Mass Transit Operating Assistance Contracts between the Wisconsin Department of Transportation and the City of Racine in the amount of \$1,989,153 for Belle Urban System funding.

Fiscal Note: This contract will provide the BUS with \$1,989,153 in State operating funds.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5332](#)

Subject: Communication from the General Manager of PTMR submitting the financial and operating report for June 2010.

Recommendation: Receive and file.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

[10-5333](#)

Subject: Communication from the General Manager of PTMR, requesting the Transit and Parking Commission to review the document, "City of Racine Belle Urban System Policies and Procedures No. 1 (Belle Urban System (B.U.S.) Revenue Generating Display Advertising, Concessions and Merchandise)." Commission

established and approved this document on 06/25/97.

Recommendation: That the "City of Racine Belle Urban System Policies and Procedures No. 1 (Belle Urban System (B.U.S.) Revenue Generating Display Advertising, Concessions and Merchandise)" be amended by modifying Section 1.9.2 to delete "attention Mike Glasheen, Transit Planner, Room 304" and be approved as modified.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5360

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting the report from Len Brandrup regarding the future management of Transit Services for the City of Racine. (Res.10-2137)

Recommendation: Recommend that the report as submitted by Len Brandrup regarding the future management of the Transit System be adopted.

Further recommend that a Request for Proposal for the management of the Belle Urban System be authorized.

Further recommend that a Technical Steering Committee be formed for the analysis of management proposals.

Further recommend that the position of Transit Coordinator be included in the 2011 Budget.

Fiscal Note: The Transit Coordinator position is estimated to be \$104,337 annually with the City funded portion estimated at \$42,000 annually.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

10-5433

Subject: In accordance with Sec. 19.84(3), Wis. Stat., good cause exists for giving less than 24 hours' notice of this agenda item because such notice was impossible or impractical.

(Direct Referral) Communication from the Commissioner of Public Works submitting the operating Assistance Contract with the Wisconsin Department of Transportation.

Recommendation of the Transit and Parking Commission on 07-28-10: Receive and file.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED.

Council Action

A motion was made by Raymond DeHahn that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

City Plan Commission Report, by Ald. Holding10-5419

Subject: (Direct Referral) Request from Cyndi Knapp-Finley representing Racine Joint Venture d/b/a Regency Mall seeking consideration of a request by Halloween Express for a conditional use permit to erect a temporary structure for a sales event at 5200 Durand Avenue. (Res.10-2129)

Recommendation of the City Plan Commission on 7-28-10: That the item be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

10-5420

Subject: (Direct Referral) Request from Ahmad Otallah representing OSM Investment Group seeking consideration of a request for a conditional use permit for a mixed use development at 2000 Lathrop Avenue to immediately accommodate a group daycare center as well as additional future tenants. (Res.10-2130)

Recommendation of the City Plan Commission on 7-28-10: That the item be approved subject to conditions.

Fiscal Note: N/A

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 1 - Marcus

Alderman Marcus made a motion to refer 10-5420 to Public Safety and Licensing and then back to City Planning. Motion failed with the following vote:

AYES: Marcus, McCarthy, Shields, Weidner, Wisneski, Coe and DeHahn (7)

NOES: Mozol, Shakoor, Spangenberg, Wisner, Hart, Holding, Kaplan and Maack ((8)

Community Development Committee Report, by Ald. Coe

10-5327

Subject: Approval of the 2010-2014 Consolidated Plan.
(Res.10-2138)

The city is required to prepare and adopt this plan to remain eligible for CDBG and other funding from the U.S. Department of Housing and Urban Development. The plan was on the agendas for the July 7, 2010 and July 28, 2010 meetings of the committee. However, the committee was unable to act due to lack of a quorum. In order to meet the deadline for action, it is intended that the Common Council recall the measure from committee pursuant to section 2-92, municipal code, so that the Council may act on the measure.

Alderman Coe made a motion to recall item 10-5327 and to adopt 10-5327 2010-14 Consolidated Action Plan.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 1 - Marcus

Office of the Mayor Report, by Ald. Coe

10-5440

Subject: Communication from Mayor Dickert nominating appointments/reaappointments to the following committees, boards and/or commissions:

Appoint Joseph LeGath 1423 Hickory Way Racine, 53405 to the Community Development Committee to fill the current vacancy expiring May 1st, 2011.

Reappoint Dale Miller 6520 Douglas Ave Racine, 53402 to the Stationary Engineers Examining Board to a 3 year term expiring April 1, 2013

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

Board of Harbor Commissioners Report, by Ald. Coe

10-5315

Subject: (Direct Referral) Communication from the Assistant Director of Public Works/Engineering requesting permission to accept the State of Wisconsin Department of Natural Resources Recreational Boating Facilities Grant Award, RBF-1318 in the amount of \$163.00.

Recommendation: Accept the \$163.00 and deposit it into Account 215.001.6820, Navigational Aids.

Fiscal Note: The Harbor Commission will receive \$163.00 in revenue for navigational aids.

A motion was made that this Communication be Received and Filed as Reported. The motion was APPROVED by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

H. Consent Agenda - Resolutions

Res.10-2120

Contract 41-10 (K0-050), Festival Hall AC Replacement, be awarded to Grunau Company, Inc.

Resolved, that Contract 41-10 (K0-050), Festival Hall AC Replacement, be awarded to Grunau Co., Inc., Milwaukee, WI, at its bid price of \$58,960.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from Account 108.989.5010, Festival Hall Rooftop A/C.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2121

Contract 45-10 (K0-054), Solid Waste Garage Tuckpointing, be awarded to AZAR, LLC

Resolved, that Contract 45-10 (K0-054), Solid Waste Garage Tuckpointing, be awarded to AZAR LLC, Racine, WI, at its bid price of \$48,070.00, plus Alternate Bid #1 in the amount of \$4,180.00, for a total contract amount of \$52,250.00, it being the lowest responsible bidder.

Further resolved, that funding to defray the cost of this public works project be appropriated from the following accounts:

\$24,075.72 - Account 989.410.5010, Solid Waste Garage Insulation

\$28,174.28 - Account 990.410.5010, Solid Waste Garage Tuckpointing

\$52,250.00 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2122

Change Order No. 4 to Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved

Resolved, that Change Order No. 4 on Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, Seater Construction Co., Inc., contractor, be approved in the amount of \$3,136.72.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 990.220.5030, CHP-Structural Repairs.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2123

Professional services provided by Arnold & O'Sheridan, Inc., under Contract 10-08 (K8-011), Central Heating Plant Structural Slab and Wall Restoration, be accepted and final payment authorized

Resolved, that the professional services provided by Arnold & O'Sheridan, Inc., under Contract 10-08 (K8-011), Professional Services - Central Heating Plant Structural Slab and Wall Restoration, be accepted and final payment authorized for a total contract amount of \$51,200.00.

Fiscal Note: Contract was authorized under Resolution No. 08-0614, dated February 5, 2008.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2124

Work done by Seater Construction Co., Inc., contractor, under Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be approved and final payment authorized

Resolved, that the work done by Seater Construction Co., Inc. under Contract 2-10 (K0-002), Incinerator Building Structural Slab Repair, be accepted and final payment authorized for a total contract amount of \$118,756.22.

Fiscal Note: Contract was authorized under Resolution No. 10-1892,

dated March 2, 2010.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2125

City Attorney's Office be authorized to file a relocation order for 3215 Douglas Avenue and proceed with acquisition of the property for the Douglas "STH32" Goold Street to 3 Mile Road project

Resolved, that the City Attorney's Office be authorized and directed to file a relocation order for 3215 Douglas Avenue, and to proceed with acquisition of the property needed for the State Highway 32 Reconstruction Project, WISDOT ID: 2350-13-70.

Further resolved, that funding for this acquisition is available in Account 989.908.5110, Douglas-Goold to 3 Mile.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2126

Mayor and City Clerk be authorized to enter into an agreement with the Village of Caledonia for survey work necessary for the Three Mile Road reconstruction project from Douglas to N Main, and the Mayor and City Clerk be authorized to enter into an agreement with Nielsen, Madsen and Barber to perform survey work for the Three Mile Road reconstruction project from Douglas to N. Main

Resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with the Village of Caledonia for survey work necessary for the Three Mile Road reconstruction project from Douglas to N. Main in the not-to-exceed amount of \$18,180.00.

Further resolved, that the Mayor and City Clerk be authorized and directed to enter into an agreement with Nielsen, Madsen and Barber to perform survey work for the Three Mile Road reconstruction project from Douglas to N. Main in the not-to-exceed amount of \$18,180.00.

Further resolved, that funding to defray the cost of these professional services is available through the Intergovernmental Revenue Sharing Agreement.

Fiscal Note: Funds are available as herein delineated. The City of Racine's share of the cost will be \$12,626.01 and the Village of Caledonia's share will be \$5,553.99, based on centerline mileage of Three Mile Road from Douglas to N. Main.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2127

Amendment No. 4 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc., be approved

Resolved, that Amendment No. 4 to Contract 38-07 (K7-044), Stormwater Utility Professional Services, AECOM Technical Services, Inc., consultant, as submitted, be approved in the time-and-material amount not-to-exceed \$25,000.00.

Further resolved, that funding to defray the cost of these professional services be appropriated from Account 104.000.5610, Professional Services.

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2128

Change Order No. 1 on Contract 10-10 (K0-010), 2010 Republic Avenue Reconstruction CDBG, A.W. Oakes and Son. contractor, be approved

Resolved, that Change Order No. 1 on Contract 10-10 (K0-010), 2010 Republic Avenue Reconstruction CDBG, A.W. Oakes & Son, contractor, be approved in the amount of \$122,080.78.

Further resolved, that funding to defray the cost of this change order be appropriated from the following accounts:

\$ 19,762.30 - Account 890.030.5540, 2010 Street Resurfacing
\$ 13,993.00 - Account 890.030.5510, 2010 Curb & Gutter Replacement
\$ 38,570.00 - Account 890.030.5690, 2010 Crosswalk Ramps
\$ 25,000.10 - Account 990.908.5010, Concrete Str. Paving, Misc. Loc.
\$ 13,755.48 - Account 990.908.5020, Concrete Pvmt. Repl. - Misc.
\$ 11,000.00 - Account 990.908.5520, Sidewalk Replacement
\$ 122,080.88 - Total

Fiscal Note: Funds are available as herein delineated.

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2129

Conditional Use Permit to erect a temporary structure for a sales event at 5200 Durand Avenue be approved subject to conditions

Resolved, that a request from Cyndi Knapp-Finley representing Racine Joint Venture, d/b/a Regency Mall, seeking consideration of a request by

Halloween Express for a conditional use permit to erect a temporary structure for a sales event at 5200 Durand Avenue be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on July 28, 2010 be approved subject to the conditions contained herein.
- b. That this event is approved for only the dates specified in the application.
- c. That all codes and ordinances be complied with.
- d. That the hours of operation match those of the Mall.
- e. That sign plans be submitted to the Director of City Development for review and approval.
- f. That noise levels not exceed code allowances.
- g. That the duration of the event (setup to teardown) not exceed 60 consecutive days.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2131

Work be accepted and final payment authorized for preparing plans and specifications and project administration for Window and Door Replacement at the Tyler-Domer and Dr. King Community Centers and Park Service Center, Industrial Roofing Services, Inc.

Resolved, that the work be accepted and final payment authorized for preparing plans and specifications and project administration for window and door replacement at the Tyler-Domer and Dr. King Community Centers and Park Service Center, Industrial Roofing Services, Inc., for a total contract amount of \$10,800.00.

Fiscal Note: Funds are available in Account 989.670.5010.

Sponsors: Aron Wisneski

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2133

Official Notice #8, Razing and Removal of Residential Buildings located at 716 - 17th Street and 720 - 17th Street, be awarded to Azar, LLC

Resolved, that Official Notice #8, Razing and Removal of Residential Buildings located at 716 - 17th Street and 720 - 17th Street, be awarded to Azar, LLC., at its bid price of \$27,334.00.

Fiscal Note: The cost would be \$27,334.00. Funds for this project are available in Accounts 895.020.5510 and 804.011.5310.

Sponsors: James T. Spangenberg

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2134

Approve amending the 2010 Intergovernmental Revenue Sharing Budget

Resolved, that the 2010 Intergovernmental Revenue Sharing Budget be amended by adding Expense Account Number 919.990.5010, Three Mile Road Survey, with a budget of \$18,180; and by adding Revenue Account Number 919.990.6830, Caledonia-Three Mile Road, with a budget of \$5,554.

Fiscal Note: There are sufficient funds available for the City's portion of the project.

Sponsors: James T. Spangenberg

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2135

Permission granted to Public Health Administrator to accept a grant from the Department of Health Services for Centers for Disease (CDC) Preparedness for continuation of the Childhood Lead Poisoning Prevention Program, and the Mayor and City Clerk be authorized to enter into the grant agreement

Resolved, that permission be granted for the Public Health Administrator to accept \$71,541 from the Department of Health Services for Centers for Disease (CDC) Preparedness, (Grant Control #2010-027), for continuation of the Childhood Lead Poisoning Prevention Program, and the Mayor and City Clerk be authorized and directed to enter into the grant agreement. The Racine Health Department will provide environmental case management, surveillance, education and outreach to residents of Racine. The grant period is from July 1, 2010 through June 30, 2011.

Fiscal Note: No City match required.

Sponsors: James T. Spangenberg

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2136

Mayor and City Clerk be authorized to execute the 2010 Section Urban Mass Transit Operating Assistance Contracts between the Wisconsin Department of Transportation and the City of Racine

Resolved, that the Mayor and City Clerk be authorized and directed to execute the 2010 Section Urban Mass Transit Operating Assistance Contracts between the Wisconsin Department of Transportation and the City of Racine, in the amount of \$1,989,153, for Belle Urban System funding.

Fiscal Note: This contract will provide the BUS with \$1,989,153 in State operating funds.

Sponsors: Raymond DeHahn

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Council Action

A motion was made by Jeff Coe that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

Res.10-2130

Conditional Use Permit for a mixed use development at 2000 Lathrop Avenue be approved subject to conditions

Resolved, that the request from Amad Otallah, representing OSM Investment Group, seeking consideration of a request for a Conditional Use Permit for a mixed use development at 2000 Lathrop Avenue to immediately accommodate a group daycare center as well as additional future tenants, be approved subject to the following conditions:

- a. That the plans and presented to the Plan Commission on July 28, 2010 be approved subject to the conditions contained herein.
- b. That by this approval a group day care facility is permitted to operate at this location in accordance with the plans and descriptions submitted with the application for this mixed use facility unless otherwise specified herein. This and all other uses intended for this facility shall be in compliance with all applicable ordinances and codes.
- c. That the maximum hours the mixed use facility is open to the public be from 6:00 a.m. to 10:00 p.m. daily.
- d. That all aspects of the operation of this mixed use facility be conducted indoors except the playground areas intended for the group day care.
- e. That drop-off and pick up for the daycare operation be conducted on-site or on the south side of 20th Street.
- f. That prior to the issuance of an occupancy permit for any use in this mixed use facility, the following shall be accomplished:
 1. The building be painted in a color(s) to be reviewed and approved by the Director of City Development.
 2. That all parking and drive areas be repaired or re-paved with either concrete or asphalt, and striped. That a site drainage plan be submitted to the Building Department for review and approval, if required by code or ordinance.

3. That a landscape plan shall be submitted to the Director of City Development for review and approval that illustrates the following:

- Treatment of the yard area long Russet Street and at a minimum, illustrating the removal, replanting and/or pruning shrubs and trees.
- The installation of privacy slats in the fencing or the planting of a dense hedge along the fence line.
- The illustration of the location of a dumpster enclosure and its design.
- The placement of wheel stops along Lathrop Avenue frontage adjacent to the side walk.

4. That a cross access and parking agreement be presented for the review and approval of the Director of City Development and, upon approval, recorded at the Racine County Register of Deeds.

5. That a site maintenance plan be submitted to the Director of City Development for review and approval that stipulates, among other things, the frequency of exterior maintenance and responsible parties.

6. That a unified sign plan be submitted to the Director of City Development for review and approval.

g. Those improvements as required by above conditions d. 1, 2, 3 shall be fully implemented prior to occupancy for any use at 2000 Lathrop Avenue. If the applicant or owner fails to implement the required improvements prior to the issuance of an occupancy permit for any use at 2000 Lathrop Avenue, the City is authorized by this conditional use permit to enter the site, implement the plan(s) and draw on a letter of credit for the cost of implementation. The letter of credit shall be equal to 100% of the value of the improvements and be submitted for the review and approval of the Director of City Development. Any costs incurred in excess of the value of the letter of credit shall be paid by the applicant or owner or shall be imposed as a special charge against the real property in accordance with the applicable statute. By operating under this conditional use, the applicant and owner give permission to the City to enter upon the property for this purpose.

h. That any exterior architectural modifications or alterations to the building façade be submitted to the Plan Commission for review and approval.

i. That customer access to and from Russet Street is prohibited.

j. That fire separation and suppression methods and systems be approved by the Racine Fire Department and implemented prior to the issuance of any occupancy permit for this mixed use facility.

j. That all codes and ordinances be complied with and required permits acquired.

k. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Common Council.

l. That this permit is subject to compliance review by the Plan Commission

for adherence to the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

A motion was made by Coe that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 1 - Marcus

I. Resolutions

Res.10-2137

Report regarding future management of the Transit System be adopted, a Request for Proposal for management of Belle Urban System be authorized, and a Technical Steering Committee be formed for the analysis of management proposals

Resolved, that the report as submitted by Len Brandrup regarding the future management of the Transit System be adopted.

Further resolved, that a Request for Proposal for the management of the Belle Urban System be authorized.

Further resolved, that a Technical Steering Committee be formed for the analysis of management proposals.

Further resolved, that the position of Transit Coordinator be included in the 2011 Budget.

Fiscal Note: The Transit Coordinator position is estimated to be \$104,337 annually with the City funded portion estimated at \$42,000 annually.

Sponsors: Raymond DeHahn

A motion was made that this Resolution be Adopted. The motion was APPROVED.

Res.10-2132

Transfer of funds within CAR25 Budget from Professional Services to Furniture and Equipment be approved

Resolved, that the transfer of \$40,000 within the CAR25 budget from Professional Services, Account 203-000-5610, into Furniture and Equipment under \$5,000, Account 203-000-5430, be approved.

Fiscal Note: Funds are available for the transfer.

Sponsors: James T. Spangenberg

A motion was made by Coe that this Resolution be Adopted. The motion was

APPROVED by the following vote:

AYES: 15 - Shakoor, II, Coe, Marcus, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

Res.10-2138

2010-2014 Consolidated Plan and the 2010 Action Plan be adopted

Resolved, that the 2010-2014 Consolidated Plan, and the 2010 Action Plan be adopted as presented.

Fiscal Note: The 2010-2014 Consolidated Plan includes goals and objectives for the allocation of federal Community Development Block Grant (CDBG), HOME Housing Investment Partnerships, and Emergency Shelter Grant (ESG) funds. An estimated \$2,757,050 in CDBG funding, \$731,000 in HOME funding, and \$87,830 in ESG funding will be available annually.

Sponsors: Jeff Coe

A motion was made by Coe that this Resolution be Adopted. The motion was APPROVED by the following vote:

AYES: 14 - Shakoor, II, Coe, Shields, Hart, Kaplan, Wisner, Maack, Weidner, Wisneski, McCarthy, DeHahn, Holding, Spangenberg and Mozol

NOES: 1 - Marcus

J. Adjourn

Mayor Dickert thanked those who helped with recent flood related services such as removal of the sand bags, as well as Alderman Shakoor.

Alderman Kaplan reminded everyone to attend National Night Out.

Dottie Bowersock had handed out information "Testing the Waters" publication and pointed out the high rating which Racine received.

Mayor Dickert invited the general public to an event August 3 on North Beach.

The meeting was adjourned at 9:34 pm by ALERMAN SHAKOOR. The next scheduled meeting of the Council is Tuesday August 17th, 2010 at 7:00 pm..

ATTEST: JANICE M. JOHNSON-MARTIN

CITY CLERK