



# City of Racine

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

## Meeting Agenda - Final Common Council

*Mayor John T. Dickert, Alderman Jeff Coe,  
Alderman Mollie Jones, Alderman Michael Shields,  
Alderman Jim Kaplan, Alderman Steve Smetana,  
Alderman Sandy Weidner,  
Alderman Raymond DeHahn,  
Alderman Q.A. Shakoor II,  
Alderman Terry McCarthy, Alderman Dennis Wisner,  
Alderman Mary Land, Alderman Henry Perez,  
Alderman James Morgenroth,  
Alderman Ronald Hart, Alderman Melissa Lemke*

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Tuesday, October 6, 2015

7:00 PM

Room 205, City Hall

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- A. Call To Order
- B. Pledge of Allegiance To The Flag
- C. Approval of Journal of Council Proceedings (Minutes) for:  
September 1st, 2015  
September 15th, 2015
- D. Public Comments
- E. Communications

### Refer to Finance and Personnel Committee, by Ald. Shakoor

- [15-00814](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a \$1,150.00 donation from the Girls Gear Foundation dba AGA Foundation.
- [15-00849](#) **Subject:** Communication from the Assistant Finance Director requesting to receive an unqualified or "clean" audit opinion this year.
- [15-00854](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply & accept \$9,500.00 in grant funds from the SC Johnson, Maxi Grant for School/Government Agency, to support the Performing Arts Program at the Dr. John Bryant Community Center. No match required. Grant Control #00065.
- [15-00866](#) **Subject:** Communication from the Finance Director requesting to enter into an agreement to add parking tickets to the official payments contracts.

[15-00867](#)      **Subject:** Communication from the Police Chief requesting to accept donations for the "No Good or Services were exchanged for the donation" care of needy dogs and cats in the community.

[15-00875](#)      **Subject:** Communication from the Chief of Police requesting to apply for and accept the 2016 Beat Control Grant for \$121,434.00.

[15-00876](#)      **Subject:** Communication from the Chief of Police requesting to purchase a Police Mobile Command Vehicle from LDV Inc. in the amount of \$344,888.00 under GSA grant pricing.

FURTHER RECOMMENDS THAT THIS ITEM ALSO BE REFERRED TO PUBLIC SAFETY AND LICENSING.

[15-00882](#)      **Subject:** Communication from the Chief of Police requesting to discuss the Safety & Security Officer position with Racine Unified School District.

[15-00889](#)      **Subject:** Communication from the Alderman of the 6th District asking for referral to the Finance and Personnel Committee a request to discuss Administration discretion in City policy regarding pre-employment conditions.

#### **Refer to Public Works and Services Committee, by Ald. Morgenroth**

[15-00853](#)      **Subject:** Communication from the Assistant Commissioner of Public Works/City Engineer submitting a list of streets to be included in the 2016 Public Hearings for 2017 Construction.

#### **Refer to Public Safety and Licensing Committee, by Ald. Coe**

[15-00880](#)      **Subject:** Application of Pizza Hut, Inc., Rebecca J. Pohlman, Agent, for a Change of Agent for a Class "B" Retail Fermented Malt Beverage Liquor License for 5000 Washington Avenue (12th District).

#### **Refer to Committee of the Whole, by Ald. Wisner**

[15-00868](#)      **Subject:** Communication from the Alderman of the 12th District proposing to change Section 2-112, Limitation on Debate, to read as follows: "No member shall speak more than twenty times at the same meeting on any question except by leave of the Common Council."

[15-00869](#)      **Subject:** Communication from the Alderman of the 12th District proposing that a class on Ethics be held for aldermen.

[15-00873](#) **Subject:** Communication from Mayor Dickert submitting the proposed 2016-2025 10-Year Capital Improvement Plan.

[15-00874](#) **Subject:** Communication from Mayor Dickert submitting the proposed 2016 City of Racine Budget consisting of the General Fund, Special Revenue Funds, Debt Service Fund, Capital Project Funds, Enterprise Funds and Internal Service Funds.

[15-00883](#) **Subject:** Communication from the Alderman of the 12th District requesting referral to Committee of the Whole his request to have the City Attorney's office present a review of Robert's Rules.

## F. Committee Reports

### Finance and Personnel Committee Report, by Ald. Shakoor

[15-00738](#) **Subject:** Developers Agreement for Mt. Pleasant Corporate Park - Phase 1, Local Water Main Construction (Res No. 15-0366)

**Recommendation of the Waterworks Commission on 8/25/15:** To approve and authorize the Mayor and City Clerk to sign the agreement.

**Recommendation of the Finance and Personnel Committee on 09/21/2015:** Permission be granted to the Mayor and City Clerk to approve and authorize the agreement for Mt. Pleasant Corporate Park - Phase 1, Local Water Main Construction.

**Fiscal Note:** The Village of Mt. Pleasant will reimburse the Racine Water Utility for any expenses incurred as a result of this agreement.

[15-00762](#) **Subject:** (Direct Referral) Communication from the Deputy City Attorney and the Human Resources Manager requesting to appear before the Finance & Personnel Committee to address collective bargaining for 2016.

**Recommendation to the Finance & Personnel Committee on 08/24/2015:** Defer

**Recommendation to the Finance & Personnel Committee on 09/21/2015:** Recieve and File

**Fiscal Note:** N/A

[15-00789](#) **Subject:** Communication from the City Attorney submitting the claim of

Cathy Harcus for consideration.

**Recommendation of the Finance & Personnel Committee on 09/21/2015:** That the claim of Cathy Harcus be denied.

**Fiscal Notes:** N/A

[15-00813](#)

**Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting permission to apply & accept \$4,440.00 in grant funds from United Way, Community Investment Grant, to assist the GED/HSED program at the Dr. M.L. King Community Center. No match required. Grant Control #00062. (Res No. 15-0364)

**Recommendation of the Finance & Personnel Committee on 09/21/2015:** Permission be granted to the Director of Parks, Recreation & Cultural Services to apply and accept \$4,440.00 in grant funds from United Way, Community Investment Grant, to assist the GED/HSED program at the Dr. M.L. King Community Center (Grant Control #00062).

**Fiscal Note:** No match required.

[15-00824](#)

**Subject:** Communication from the Chief of Police requesting to apply for and accept the 2015 -2016 Alcohol Saturation Grant (Grant Control #00062) (Res No. 15-0365)

**Recommendation of the Finance & Personnel Committee on 9/21/2015:** Permission be granted to the Chief of Police to apply and accept the 2015-2016 Alcohol Saturation Grant (Grant Control #00062).

**Fiscal Note:** City soft match of \$12,500.

[15-00841](#)

**Subject:** (Direct Referral) Communication from the Deputy City Attorney and the City Assessor requesting to meet with the Finance & Personnel in Closed Session pursuant to Wisconsin Statutes section 19.85(1)(g), regarding *Racine Joint Venture II LLC vs. City of Racine*, Racine County Case Number 2010 CV 1235.

**Recommendation of the Finance & Personnel Committee on 02/09/2015:** Receive and File.

**Fiscal Note:** N/A

### **Public Works and Services Committee Report, by Ald. Morgenroth**

[15-00819](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to amend Resolution 15-0339, of September 1, 2015, to change the date of the

Stephen Bull Fine Arts 5K Run/Walk from October 17, 2015 to the new date of May 7, 2016. (Res No. 15-0372)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That Resolution 15-0339, of September 1, 2015, be amended to change the date of the Stephen Bull Fine Arts 5K Run/Walk from October 17, 2015 to the new date of May 7, 2016.

**Fiscal Note:** N/A

[15-00820](#)

**Subject:** (Direct Referral) Communication from the Alderman of the 9th District requesting a preliminary resolution for paving the alley bounded by Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (NS) and Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (EW). (Res No. 15-0367)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That the prayer of the petitioner be granted and that a preliminary resolution be introduced for the paving of the alley bounded by Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (NS) and Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (EW).

**Fiscal Note:** This is an assessable alley project and, therefore, all costs will be paid for by the abutting property owners.

[15-00832](#)

**Subject:** Final Payment on Contract 27-15 (20150027), PS - Kinzie/Roosevelt I/I Investigation, AECOM, consultant. (Res No. 15-0376)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That the work done by AECOM, under Contract 27-15 (20150027), PS - Kinzie/Roosevelt I/I Investigation, be accepted and final payment authorized for a total contract amount of \$48,286.24.

**Fiscal Note:** Contract was authorized under Resolution 15-0114, dated March 17, 2015.

[15-00837](#)

**Subject:** Amendment No. 1 to Contract 32-15 (20150032), PS - Civil Design & Surveying Proposal - BUS Garage, Nielsen, Madsen & Barber, S.C., consultant. (Res No. 15-0373)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That Amendment No. 1 on Contract 32-15 (20150032), PS - Civil Design & Surveying Proposal - BUS Garage, Nielsen, Madsen & Barber, S.C., consultant, as submitted, be approved in the

not-to-exceed amount of \$2,500.00.

Further recommends that funding to defray the cost of the amendment be appropriated from Org-Object 60282011-57110, BUS Land Improvements.

**Fiscal Note:** Funds are available as herein delineated.

[15-00838](#)

**Subject:** Final Payment on Contract 16-15 (20150016), Samuel Myers Park Renovations, A.W. Oakes & Son, Inc., contractor. (Res No. 15-0375)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That the work done by A.W. Oakes & Son, Inc., under Contract 16-15 (20150016), Samuel Myers Park Renovations, be accepted and final payment authorized for a total contract amount of \$108,578.00.

**Fiscal Note:** Contract was authorized under Resolution 15-0134, dated April 8, 2015.

[15-00839](#)

**Subject:** Change Order No. 1 to Contract 20150052, BUS Garage-Parking Lot Improvements, A.W. Oakes & Son, Inc., contractors. (Res No. 15-0374)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That Change Order No. 1 on Contract 20150052, BUS Garage - Parking Lot Improvements, A.W. Oakes & Son, Inc., contractor, as submitted, be approved in the amount of \$34,678.00.

Further recommends that funding to defray the cost of the change order be appropriated from Org-Object 60282011-57100, BUS Garage-Concrete Improvements.

**Fiscal Note:** Funds are available as herein delineated.

[15-00842](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer requesting to waive formal bidding procedures for the purchase of a Trimble Survey device. (Res No. 15-0370)

**Recommendation of the Public Works and Services Committee on 9-29-15:** The request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Purchasing Agent be authorized and directed to purchase the Trimble Robotic Total Station from Seiler Geospatial Division, for the price of \$36,638.65, they being the sole source provider for this equipment.

**Fiscal Note:** Funding to defray the cost of these services is available in Org-Object 45140-57301, DPW Equipment Replace.

[15-00843](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting bids on Official Notice No. 9-2015, Assessor's Office Furniture. (Res No. 15-0369)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That Official Notice No. 9-2015, Assessor's Office Furniture, be awarded to Corporate Design Interiors at their bid price of \$34,500.57.

**Fiscal Note:** Funds for this purchase are available in Org-Object 45040-57200, City Hall-Facilities Plan.

[15-00844](#)

**Subject:** (Direct Referral) Communication from Tristin Erickson (5K Events) requesting to use City right-of-way on November 26, 2015 from 8:00 A.M. to 9:30 A.M. for the Thanksgiving Day 5K Run/Walk. (Res No. 15-0368)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That 5K Events be granted permission to use City right-of-way on November 26, 2015 for the Thanksgiving Day 5K Run/Walk event with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- F. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- G. Sponsor is responsible for cleaning the streets.
- H. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking

violation expenses of the violators.

Further recommends that the Commissioner of Public Works, City Engineer and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

**Fiscal Note:** There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

[15-00845](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations requesting to waive formal bidding procedures for the purchase of materials for the Johnson Controls Metasys System. (Res No. 15-0371)

**Recommendation of the Public Works and Services Committee on 9-29-15:** The request of the Purchasing Agent to waive formal bidding procedures be approved in accordance with State Statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further recommends that the Purchasing Agent be authorized and directed to purchase the necessary materials from Johnson Controls, they being the sole source provider for these items.

**Fiscal Note:** Funding to defray the cost of these services is available in Org-Object 70240-54200, Equipment Repairs & Maintenance-Building Complex.

[15-00848](#)

**Subject:** (Direct Referral) Communication from the Assistant Commissioner of Public Works/City Engineer submitting a proposal from AECOM for Contract 20150060, PS - Shoring and Retaining Wall System Construction Inspection - Lake Michigan Pathway, Phase III. (Res No. 15-0377)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM, on Contract 20150060, PS - Shoring and Retaining Wall System construction Inspection - Lake Michigan Pathway, Phase III, in the not-to-exceed amount of \$13,451.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Org-Object 45040-57550, DPW-Pathways.

**Fiscal Note:** Funds are available as herein delineated.



[15-00850](#)

**Subject:** (Direct Referral) Amendment No. 1 to State Project ID: 2703-00-02, West 6th Street Bridge Project, Ayres Associates, Inc., consultant. (Res No. 15-0378)

**Recommendation of the Public Works and Services Committee on 9-29-15:** That Amendment No. 1 to State Project ID: 2703-00-02, West 6th Street Bridge Project, Ayres Associates, Inc., consultant, as submitted, be approved in the not-to-exceed amount of \$21,587.85. The City's share is \$5,396.96 (25%) and the State's share is \$16,190.89 (75%).

Further recommends that funds to defray the cost of this amendment be appropriated from Org-Object 45040-57540, West 6th Street Bridge.

**Fiscal Note:** Funds are available as herein delineated.

#### Public Safety and Licensing Committee Report, by Ald. Coe

[15-00786](#)

**Subject:** (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Tropical Paradise, located at 1600 Douglas Avenue, Carl Stewart, Agent. (4th District)

**Recommendation of the Public Safety and Licensing Committee on 9-22-2015:** That the new application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Tropical Paradise, located at 1600 Douglas Avenue, be approved.

**Fiscal Note:** N/A

[15-00790](#)

**Subject:** (Direct Referral) Communication from the Alderman of the First District requesting a change to the Racine Ordinance sec. 22-835(2), permitting Motor Vehicle Recovery and Towing by a licensee with a place of business within three (3) miles of the City limits.

**Recommendation of the Public Safety and Licensing Committee on 9-22-2015:** That the communication from the Alderman of the First District requesting a change to the Racine Ordinance sec. 22-835(2), permitting Motor Vehicle Recovery and Towing by a licensee with a place of business within three (3) miles of the City limits, be approved.

**Fiscal Note:** N/A

[15-00821](#)

**Subject:** (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Harbourwalk Restaurant LLC dba Third Coast Woodfire Pizza & Pub, located at 207 Gaslight Circle, Lori Jaime, Agent. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 9-22-2015:** That the new application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Harbourwalk Restaurant LLC dba Third Coast Woodfire Pizza & Pub, located at 207 Gaslight Circle, be approved.

**Fiscal Note:** N/A

[15-00831](#)

**Subject:** (Direct Referral) Communication from the Purchasing Agent submitting the report on bids received for the sale of Abandoned Vehicles, September 15, 2015.

**Recommendation of the Public Safety and Licensing Committee on 9-22-2015:** That the item be recommended to be received and filed as the highest responsible bidder out of three bids was Sturtevant Auto Salvage.

**Fiscal Note:** This will generate \$8,280.00 in revenue for account 13101 48301.

[15-00834](#)

**Subject:** Stipulation Agreement with Kenny's on Main, 1300 N. Main Street.

**Recommendation of the Public Safety and Licensing Committee on 9-22-2015:** That the Stipulation Agreement with Kenny's on Main, 1300 N. Main Street, be approved.

**Fiscal Note:** N/A

#### Traffic Commission Report, by Ald. Morgenroth

[15-00828](#)

**Subject:** (Direct Referral) Communication from Robert Mozol wishing to discuss parking enforcement around schools by the Racine Police Department.

**Recommendation of the Traffic Commission on 9-21-15:** Recommends that the item be received and filed.

**Fiscal Note:** N/A

[15-00830](#)

**Subject:** (Direct Referral) Communication from Dave Bradshaw, Midwest Screw Company, Inc., wishing to discuss a parking issue at 2000 Melvin Avenue.

**Recommendation of the Traffic Commission on 9-21-15:** Recommends that "No Parking from 6:00 A.M. to 6:00 P.M. on Monday through Friday" be installed on "Melvin Avenue, north side, from 220 feet east of Mount Pleasant Street east 100 feet; and Melvin Avenue, south side, from

260 feet east of Mount Pleasant Street east 100 feet".

**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.

[15-00871](#)

**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:

**Recommends that Section 94-141 (23) of Schedule F relating to "No parking from 6:00 A.M. to 6:00 P.M. on Monday through Friday", be amended:**

**By Including:**

1. Melvin Avenue, north side, from 220 feet east of Mount Pleasant Street east 100 feet.
2. Melvin Avenue, south side, from 260 feet east of Mount Pleasant Street east 100 feet.

**Fiscal Note:** N/A

**Transit and Parking Commission Report, by Ald. DeHahn**

[15-00817](#)

**Subject:** (Direct Referral) Communication from the BUS General Manager requesting a possible change to Route #5 in the vicinity of Rapids Plaza at Rapids Drive and Mt. Pleasant Street.

**Recommendation of the Transit and Parking Commission on 09-16-15:** Approve changes to Route #5.

**Fiscal Note:** N/A

**City Plan Commission Report, by Ald. Wisner**

[14-10787](#)

**Subject:** (Direct Referral) A request from Richard Donner of Reinhart Boerner Van Dueren s.c., representing TMC Wisconsin 2 LLC, for a conditional use permit to allow for a CVS Pharmacy on the south side of Washington Avenue in the 4600 Block between Ohio Street and Virginia Street.

**Recommendation of the City Plan Commission on 4-8-15:** That the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

**Recommendation of the City Plan Commission on 8-12-15:** That the request for a conditional use permit to allow a CVS Pharmacy on the

south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

**Recommendation of the City Plan Commission on 8-26-15:** That the request for a conditional use permit to allow a CVS Pharmacy on the south side of Washington Avenue in the 4600 block between Ohio Street and Virginia Street be received and filed.

**Fiscal Note:** N/A

[15-00856](#)

**Subject:** (Direct Referral) A request by Glenn Oakes of Sekao, Inc. for approval of a 2-Lot Certified Survey Map at 1610 Oakes Road. (PC-15) (Res No. 15-0379)

**Recommendation of the City Plan Commission on 9-30-15:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

[15-00860](#)

**Subject:** (Direct Referral) A request by Jay Williams and Dewayne Perry, representing Care Bear Child Care, for a conditional use to operate a 24-hour day care facility at 1315 Douglas Avenue, with a playground at 1317 Douglas Avenue. (PC-15) (Res No. 15-0380)

**Recommendation of the City Plan Commission on 9-30-15:** That the request be approved subject to conditions.

**Fiscal Note:** N/A

#### **Executive Committee Report, by Ald. Wisner**

[15-00884](#)

**Subject:** (Direct Referral) Communication from the City Attorney requesting to meet with the Executive Committee in Closed Session pursuant to Wisconsin Statutes section 19.85(1)(g), regarding Holmes, et al v. City of Racine, et al., US District Court for the Eastern District of Wisconsin Case No. 14-CV-208.

**Recommendation of the Executive Committee on 10-05-2015:**

Approve the proposed Settlement Agreement in the case of Holmes, et al v. City of Racine, et al., US District Court for the Eastern District of Wisconsin Case No. 14-CV-208.

**Fiscal Note:** None

#### **Committee of the Whole Report, by Ald. Wisner**

[15-00544](#)

**Subject:** Communication from the Commissioner of Public Works submitting a proposal to establish a special revenue fund for Pedestrian Facilities Maintenance. (Res No. 15-0381)

**Recommendation of the Public Works and Services Committee on 06-30-15:** Recommend this item be referred to the Committee of the Whole.

**Recommendation of the Committee of the Whole on 08-18-2015:** the Item be Deferred.

**Recommendation of the Committee of the Whole on 09-01-2015:** the Item be Deferred.

**Recommendation of the Committee of the Whole on 09-23-2015:** That a comprehensive Pedestrian Facilities Management Program be established, to include the maintenance of sidewalks in the right-of-way, sidewalks in city parks and on levy supported City properties, curb ramps, and the City's Pathway System, funded through an annual fee charged to all non-municipal property owners, per authority granted by §66.0907(6) and §66.028(2) of Wisconsin State Statutes. This program shall replace the current system of maintaining or replacing sidewalks in the right-of-way via Repair Orders issued to abutting property owners, and General Obligation Bond funding of the maintenance or replacement of sidewalks on and abutting municipally-owned property, curb ramps and the Pathway System. Program provisions include: The program shall be funded through a \$27.00 annual Pedestrian Facilities Maintenance Fee charged to all property owners, with the exception of levy supported municipally-owned properties. The fee shall be based on the direct and indirect use of, or benefit derived from, the City's pedestrian facilities. The Parking System, Library, Redevelopment Authority, Neighborhood Stabilization Program, and Water and Waste Water Utilities shall pay the annual fee for the properties under their control.

All funds collected from the Pedestrian Facilities Maintenance Fee shall be deposited in a dedicated account, and the funds collected in a given year, and funds carried over from prior years, if any, shall be used to administer the City's Pedestrian Facilities Management Program, which includes, but is not limited to, pedestrian facilities system inspection, design, repair, replacement, contract management activities and 50% of new sidewalk installation costs at locations abutting 1 to 4-family residential properties, and up to 60 feet at locations abutting properties with classifications other than 1 to 4-family residential.

Monies collected from the Pedestrian Facilities Maintenance Fee shall not be used for general or other governmental purposes of the City,

except to pay for activities related to the operation and administration of the Pedestrian Facilities Management Program.

Fee increases, if required, shall be included in the Annual Budget, and shall not exceed the increase in the Consumer Price Index for All Urban Users (CPI-U) for the Milwaukee/Racine area as published by the U.S. Department of Labor, Bureau of Labor Statistics.

Owners of properties that received Sidewalk Repair Orders, or independently completed sidewalk permits, from 2011 to 2015 shall be exempted from paying the annual fee for a period of 5 years from the year the order or permit was issued.

Nothing contained herein shall be construed as limiting the city's authority to levy special assessments in connection with public improvements, or issue Sidewalk Repair Orders in cases of damage attributable to abutting property owners, pursuant to applicable law.

**Fiscal Note:** The program is expected to generate \$500,000 annually at inception and \$715,000 annually after the five-year look-back exemptions have expired. All fee collected will be dedicated to Pedestrian Facilities Assets. No proceeds can be used for purposes or supplant other activities.

[15-00723](#)

**Subject:** Communication from the 9th District Alderman requesting a presentation by the Chief of Police on the Department's policy regarding Use of Force and follow-up investigation and action when used.

**Recommendation of the Committee of the Whole on 09-15-2015:**  
the Item be Received and Filed.

**Fiscal Note:** N/A

#### **Water Works Committee Report, by Ald Hart**

[15-00803](#)

**Subject:** Submittal of the Report of the Finance Committee of the Racine Waterworks Commission Regarding Year 2016 Water Utility Operations and Maintenance Budget and the 2016-2020 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Waterworks Commission on 9/22/15:** To adopt

FURTHER RECOMMEND THAT THIS ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

#### **Wastewater Commission Report, by Ald Hart**

[15-00808](#) **Subject:** Submittal of the Report of the Finance Committee of the Racine Wastewater Commission Regarding Year 2016 Wastewater Utility Operations and Maintenance Budget and the 2016-2020 Capital Improvements Budget Recommending Adoption

**Recommendation of the Racine Wastewater Commission on 9/22/15:** To adopt

FURTHER RECOMMEND THAT THIS ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

[15-00809](#) **Subject:** Submittal of the 2016 Sewer Service Rates

**Recommendation of the Racine Wastewater Commission on 9/22/15:** To adopt

FURTHER RECOMMEND THAT THIS ITEM BE REFERRED TO THE COMMITTEE OF THE WHOLE

## G. Consent Resolutions

[Res.15-0364](#) United Way, Community Investment Grant

Resolved, that permission is granted to the Director of Parks, Recreation & Cultural Services to apply and accept \$4,440.00 in grant funds from United Way, Community Investment Grant, to assist the GED/HSED program at the Dr. M.L. King Community Center (Grant Control #00062).

Fiscal Note: No match required.

Sponsors: Q.A. Shakoor II

[Res.15-0365](#) 2015 -2016 Alcohol Saturation Grant

Resolved, that permission is granted to the Chief of Police to apply for and accept the 2015-2016 Alcohol Saturation Grant in the amount of \$50,000.00 (Grant Control #00062).

Fiscal Note: City soft match of \$12,500.00.

Sponsors: Q.A. Shakoor II

[Res.15-0366](#) Developers Agreement for Mt. Pleasant Corporate Park - Phase 1, Local Water Main Construction

Resolved, that the Mayor and City Clerk are authorized to approve and enter into an agreement for Mt. Pleasant Corporate Park - Phase 1, Local Water Main Construction.

Fiscal Note: The Village of Mt. Pleasant will reimburse the Racine Water Utility for any expenses incurred as a result of this agreement.

Sponsors: Q.A. Shakoor II

[Res.15-0367](#) Preliminary - Ten (10) Year  
Benefits and Damages

RESOLVED, by the Common Council of the City of Racine, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under § 66.0703, Wis. Stats., to levy special assessments upon property within the following described area for benefits conferred upon such property by improvement of the following street(s):

All property fronting upon both sides:

**PORTLAND CEMENT CONCRETE PAVING**

**Alley bounded by Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (NS)**

**Alley bounded by Arthur Ave. to Blaine Ave.; Washington Ave. to Lindermann Ave. (EW)**

2. Said public improvement shall consist of **PORTLAND CEMENT CONCRETE PAVING**.

3. The total amount assessed against such district shall not exceed the total cost of the improvements and the amount assessed against any parcel shall not be greater than the benefits accruing thereto from said improvements.

4. The assessments against any parcel may be paid in cash or in ten (10) annual installments.

5. The Commissioner of Public Works is directed to prepare a report consisting of:

- a. Preliminary or final plans and specifications for said improvement.
- b. An estimate of the entire cost of the proposed work or improvement.
- c. An estimate, as to each parcel of property within the assessment district, of:

- (1) The assessment of benefits to be levied.
- (2) The damages to be awarded for property taken or damaged.
- (3) The net amount of such benefits over damages or the net amount of such damages over benefits.



Upon completing such report, the Commissioner of Public Works is directed to file a copy thereof on the City Clerk's Office for public inspection.

6. Upon receiving the report of the Commissioner of Public Works, the City Clerk is directed to give a Class 1 notice of a public hearing on such report as specified in § 66.60(7), Wis. Stats.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with § 66.0703(7)(a), Wis. Stats.

Fiscal Note: This is an assessable alley project; therefore all costs will be paid for by the abutting property owners.

Sponsors: James Morgenroth

[Res.15-0368](#) 2015 Thanksgiving Day 5K Run/Walk

Resolved, that 5K Events is granted permission to use City right-of-way on November 26, 2015 for the Thanksgiving Day 5K Run/Walk event with the following stipulations:

- A. A hold harmless agreement be executed and a \$75.00 processing fee paid.
- B. A liability insurance certificate be filed prior to this event.
- C. Any overtime costs incurred by any City department be charged to the sponsor.
- D. The sponsor shall notify all abutting property owners seventy-two (72) hours in advance of this event.
- E. If required, sponsor shall be responsible for submitting a Temporary Traffic Control Plan to the Engineering Department for approval, and providing and removing all temporary traffic control devices and detour signs.
- F. If required, sponsor shall provide a detour plan for the closure of all State connecting highways, arterial and collector streets to the City Engineer for approval.
- G. Sponsor is responsible for cleaning the streets.
- H. If required, sponsor shall install parking meter hoods or temporary parking signs at least twenty-four (24) hours in advance of the event and if this is not done, sponsor is responsible for vehicle towing and parking violation expenses of the violators.

Further resolved, that the Commissioner of Public Works, City Engineer and Chief of Police provide limited assistance, in the interest of public safety, to implement this event.

Fiscal Note: There will be nominal costs to various City departments, on a regular shift basis, to assist in implementing this event.

Sponsors: James Morgenroth

[Res.15-0369](#) Official Notice No. 9-2015, Assessor's Office Furniture

Resolved, that Official Notice No. 9-2015, Assessor's Office Furniture, is awarded to Corporate Design Interiors at their bid price of \$34,500.57.

Fiscal Note: Funds for this purchase are available in Org-Object 45040-57200, City Hall-Facilities Plan.

Sponsors: James Morgenroth

[Res.15-0370](#) Purchase of Trimble Survey Device

Resolved, that the request of the Purchasing Agent to waive formal bidding procedures is approved in accordance with State statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Purchasing Agent is authorized and directed to purchase the Trimble Robotic Total Station from Seiler Geospatial Division, for the price of \$36,638.65, it being the sole source provider for this equipment.

Fiscal Note: Funding to defray the cost of these services is available in Org-Object 45140-57301, DPW Equipment Replace.

Sponsors: James Morgenroth

[Res.15-0371](#) Purchase of Materials for Johnson Controls Metasys System

Resolved, that the request of the Purchasing Agent to waive formal bidding procedures is approved in accordance with State statutes that allow for the waiving of public bids for the purpose of maintaining uniformity of equipment and services.

Further resolved, that the Purchasing Agent is authorized and directed to purchase the necessary materials from Johnson Controls, it being the sole source provider for these items.

Fiscal Note: Funding to defray the cost of these services is available in Org-Object 70240-54200, Equipment Repairs & Maintenance-Building

Complex.

**Sponsors:** James Morgenroth

[Res.15-0372](#) Change Date of Stephen Bull Fine Arts 2015 5K Run/Walk

Resolved, that Resolution 15-0339, of September 1, 2015, shall be amended to change the date of the Stephen Bull Fine Arts 5K Run/Walk from October 17, 2015 to the new date of May 7, 2016.

**Fiscal Note:** N/A

**Sponsors:** James Morgenroth

[Res.15-0373](#) Amendment No. 1 to Contract 32-15 (20150032), PS - Civil Design & Surveying Proposal - BUS Garage

Resolved, that Amendment No. 1 on Contract 32-15 (20150032), PS - Civil Design & Surveying Proposal - BUS Garage, Nielsen, Madsen & Barber, S.C., consultant, as submitted, is approved in the not-to-exceed amount of \$2,500.00.

**Fiscal Note:** Funding to defray the cost of the amendment be appropriated from Org-Object 60282011-57110, BUS Land Improvements.

**Sponsors:** James Morgenroth

[Res.15-0374](#) Change Order No. 1 to Contract 20150052, BUS Garage-Parking Lot Improvements

Resolved, that Change Order No. 1 on Contract 20150052, BUS Garage - Parking Lot Improvements, A.W. Oakes & Son, Inc., contractor, as submitted, is approved in the amount of \$34,678.00.

**Fiscal Note:** Funding to defray the cost of the change order be appropriated from Org-Object 60282011-57100, BUS Garage-Concrete Improvements.

**Sponsors:** James Morgenroth

[Res.15-0375](#) Final Payment on Contract 16-15 (20150016), Samuel Myers Park Renovations

Resolved, that the work done by A.W. Oakes & Son, Inc., under Contract 16-15 (20150016), Samuel Myers Park Renovations, is accepted and final payment authorized for a total contract amount of \$108,578.00.

**Fiscal Note:** Contract was authorized under Resolution 15-0134, dated

April 8, 2015.

**Sponsors:** James Morgenroth

[Res.15-0376](#) Final Payment on Contract 27-15 (20150027), PS - Kinzie/Roosevelt I/I Investigation

Resolved, that the work done by AECOM, under Contract 27-15 (20150027), PS - Kinzie/Roosevelt I/I Investigation, is accepted and final payment authorized for a total contract amount of \$48,286.24.

**Fiscal Note:** Contract was authorized under Resolution 15-0114, dated March 17, 2015.

**Sponsors:** James Morgenroth

[Res.15-0377](#) Contract 20150060, PS - Shoring and Retaining Wall System Construction Inspection - Lake Michigan Pathway, Phase III

Resolved, that the Mayor and City Clerk are authorized and directed to enter into a professional services agreement with AECOM, on Contract 20150060, PS - Shoring and Retaining Wall System construction Inspection - Lake Michigan Pathway, Phase III, in the not-to-exceed amount of \$13,451.00.

**Fiscal Note:** Funds to defray the cost of these professional services be appropriated from Org-Object 45040-57550, DPW-Pathways.

**Sponsors:** James Morgenroth

[Res.15-0378](#) Amendment No. 1 to State Project ID: 2703-00-02, West 6th Street Bridge Project

Resolved, that Amendment No. 1 to State Project ID: 2703-00-02, West 6th Street Bridge Project, Ayres Associates, Inc., consultant, as submitted, is approved in the not-to-exceed amount of \$21,587.85. The City's share is \$5,396.96 (25%) and the State's share is \$16,190.89 (75%).

**Fiscal Note:** Funds to defray the cost of this amendment be appropriated from Org-Object 45040-57540, West 6th Street Bridge.

**Sponsors:** James Morgenroth

[Res.15-0379](#) 2-Lot Certified Survey Map - 1610 Oakes Road

Resolved, that the request by Glenn Oakes of Sekao, Inc. for a 2-lot certified survey map at 1610 Oakes Road is approved subject to the following conditions:

1. That the certified survey map as prepared by Mark Madsen, of Nielsen, Madsen, & Barber, S.C. with a revision date of September 24, 2015 and presented to the Plan Commission on September 30, 2015 be approved subject to the conditions contained herein.
2. That all ownership documents shall be reviewed and approved by the City Attorney's office prior to recording.
3. That all necessary technical corrections shall be made prior to recording.
4. That the map comply with all applicable Wisconsin State Statutory requirements (Ch. 236.34) and Racine Municipal Code requirements (Ch. 86) in its preparation.
5. That there shall be no cross-access between Lot 1 and Lot 2. Each lot shall utilize its own access drive from Oakes Road.
6. That no business activity shall occur on Lot 2 until all required plans have been approved and all site improvements installed.
7. That the signature lines on behalf of the City of Racine be modified to add space for documentation of the approving Resolution number and date by the Common Council.
8. That within thirty (30) days of recording, a certified recorded copy of this CSM shall be provided to the Department of City Development.

Fiscal Note: N/A

Sponsors: Dennis Wisner

[Res.15-0380](#) Day Care Facility at 1315 Douglas Avenue

Resolved, that the request by Jay Williams and Dewayne Perry to operate a child care facility at 1315 Douglas Avenue is approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on September 30, 2015 be approved subject to the conditions contained herein.
- b. That all codes and ordinances be complied with, and all inspections and required permits be obtained.
- c. That all required State licenses be obtained and inspections be performed, passed, and kept up to State standards at all times.
- d. That there be adequate state certified staff, as dictated by state licensing requirements, present at all times children are on the

premises.

e. That the rear parking lot shall be paved, striped, and wheel stops installed prior to issuance of an occupancy permit.

f. That detail of the proposed screening (fence, wall, vegetation) for the north side of the parking lot adjacent to the residential lot to the north be provided for review and approval to the Department of City Development prior to installation and issuance of an occupancy permit.

g. That detail on the dumpster enclosure be provided, and that the location be reviewed with all handicapped parking access requirements and re-located if required, prior to issuance of an occupancy permit.

h. That the hours of operation may be 24 hours a day, 7 days a week, as authorized by the State license for the child care facility.

i. That a site maintenance plan be submitted to the Department of City Development for review and approval prior to issuance of an occupancy permit.

j. That a Lighting Plan be submitted for review and approval by the Department of City Development prior to issuance of an occupancy permit. Said plan shall identify all existing site lighting, as well as reflect location for lighting of appropriate size and lumens to be installed along the south side of the building leading to the rear parking lot.

k. That signage is not approved with this review. Proposed signage shall be reviewed by the Department of City Development prior to issuance of a sign permit.

l. That the loading and unloading of children shall take place in the rear parking area. Children may not be dropped-off or picked-up from Douglas Avenue.

m. 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.

n. That this permit is subject to review by the Plan Commission for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: James Morgenroth

[Res.15-0381](#) Special Revenue Fund for Pedestrian Facilities Maintenance

Resolved, that a comprehensive Pedestrian Facilities Management Program be established, to include the maintenance of sidewalks in the right-of-way, sidewalks in City parks and on levy supported City properties, curb ramps, and the City's Pathway System, funded through an annual fee charged to all non-municipal property owners, per authority granted by § 66.0907(6) and § 66.028(2), Wis. Stats. This program shall replace the current system of maintaining or replacing sidewalks in the right-of-way via Repair Orders issued to abutting property owners, and General Obligation Bond funding of the maintenance or replacement of sidewalks on and abutting municipally-owned property, curb ramps and the Pathway System.

Program provisions include:

The program shall be funded through a \$27.00 annual Pedestrian Facilities Maintenance Fee charged to all property owners, with the exception of levy supported municipally-owned properties. The fee shall be based on the direct and indirect use of, or benefit derived from, the City's pedestrian facilities. The Parking System, Library, Redevelopment Authority, Neighborhood Stabilization Program, and Water and Waste Water Utilities shall pay the annual fee for the properties under their control.

All funds collected from the Pedestrian Facilities Maintenance Fee shall be deposited in a dedicated account, and the funds collected in a given year, and funds carried over from prior years, if any, shall be used to administer the City's Pedestrian Facilities Management Program, which includes, but is not limited to, pedestrian facilities system inspection, design, repair, replacement, contract management activities and 50% of new sidewalk installation costs at locations abutting 1 to 4-family residential properties, and up to 60 feet at locations abutting properties with classifications other than 1 to 4-family residential.

Monies collected from the Pedestrian Facilities Maintenance Fee shall not be used for general or other governmental purposes of the City, except to pay for activities related to the operation and administration of the Pedestrian Facilities Management Program.

Fee increases, if required, shall be included in the Annual Budget, and shall not exceed the increase in the Consumer Price Index for All Urban Users (CPI-U) for the Milwaukee/Racine area as published by the U.S. Department of Labor, Bureau of Labor Statistics. Owners of properties that received Sidewalk Repair Orders, or independently completed sidewalk permits, from 2011 to 2015 shall be exempted from paying the annual fee for a period of 5 years from the year the order or permit was issued.

Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements, or issue Sidewalk Repair Orders in cases of damage attributable to abutting property owners, pursuant to applicable law.

Fiscal Note: The program is expected to generate \$500,000.00 annually at inception and \$715,000.00 annually after the five-year look-back exemptions have expired. All fees collected will be dedicated to Pedestrian Facilities Assets. No proceeds can be used for purposes or supplant other activities.

Sponsors: Dennis Wiser

[Res.15-0382](#) Settlement of *Holmes, et al v. City of Racine, et al*

Resolved, that the proposed Settlement Agreement in the case of *Holmes, et al v. City of Racine, et al*, US District Court for the Eastern District of Wisconsin Case No. 14-CV-208 is approved.

Fiscal Note: None.

Sponsors: Dennis Wiser

## H. Consent Agenda

## I. Adjourn

## Office of The City Clerk

**If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 636-9171 at least 48 hours prior to this meeting.**