



City of Racine

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

Meeting Minutes - Final Common Council

*Alderman Jeff Coe, Alderman Robert Anderson
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 Gregory Holding
Alderman James T. Spangenberg, Alderman Ronald D. Hart, Alderman Robert Mozol*

Tuesday, March 17, 2009

7:00 PM

Room 205, City Hall

A. Call to order

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

B. Pledge of Allegiance To The Flag

Mayor Friedel 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 Maack.

D. Public Comments

The following individuals spoke during the public comment:

*Robert Turner
Elliott Cohen
Frank Garrett
Tessa Brown
Kyle Lawrena
Ministee Edmonds
Laville Russell
Stephen Ogunghe
Keith Fair
Tiffany McWhoter
Kathy Mahony*

Alderman Holding made a motion to suspend the rules to allow Mayor Friedel to address the audience regarding stimulus comments. Alderman Shields objected to the suspension of the rules. Suspension of the rules passed with the following vote:

Ayes: Kaplan, Maack, Mozol, Shakoor, Spangenberg, Weidner, Wisneski, Anderson, Coe, DeHahn, Hart, Holding.

Noes: McCarthy, Shields.

E. Communications

[09-3298](#) **Subject:** Monthly Building Department report for February 2009.
Received and Filed as Reported

Refer to Finance and Personnel Committee, by Ald. Spangenberg

[09-3167](#) **Subject:** communication from the City Attorney submitting the claim of Kathryn Puma for consideration.
Referred to Finance and Personnel Committee

[09-3169](#) **Subject:** Communication from the City Attorney submitting the claim of Glenda Gordon for consideration.
Referred to Finance and Personnel Committee

[09-3170](#) **Subject:** communication from the City Attorney submitting the claim of Travelers Insurance (D. Lopiccio) for consideration.
Referred to Finance and Personnel Committee

[09-3293](#) **Subject:** communication from the City Attorney submitting the claim of Triangle Truck Center, Inc. for consideration.
Referred to Finance and Personnel Committee

[09-3311](#) **Subject:** communication from the City Attorney submitting the claim of Michelle Gilbertson for consideration.
Referred to Finance and Personnel Committee

[09-3326](#) **Subject:** Communication from the Director of Parks, Recreation & Cultural Services requesting to apply for a grant from Youth As Resources (City Grant Control #2009-009) for the Girl Power Program.
Referred to Finance and Personnel Committee

[09-3327](#) **Subject:** A Communication from the Fire Chief requesting that the Mayor and City Clerk be authorized to sign the Clinical Affiliation Agreement between the Racine Fire Department and the Caledonia Fire Department.

(Also refer to Public Safety and Licensing Committee)

Referred to Finance and Personnel Committee

Referred to Public Safety and Licensing Committee

[09-3328](#) **Subject:** Request for an increase in funding for the demolition and holding costs for 1130 Washington Avenue.
Referred to Finance and Personnel Committee

[09-3340](#)

Subject: Communication from the Alderman of the Third District requesting a 4 year audit of the Mayor's expenses.

Referred to the Finance and Personnel Committee

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

[09-3291](#)

Subject: Communication from Alderman of 4th District, on behalf of Ken Taylor, 1442 Superior Street, regarding an icing problem by his driveway.

Referred to Public Works and Services Committee

[09-3299](#)

Subject: Communication from the President of 4th Fest of Greater Racine requesting permission to use city right-of-way for the 4th of July parade and permission to use North Beach for the fireworks.

(Also refer to Board of Parks, Recreation and Cultural Services)

Referred to Public Works and Services Committee

Referred to Board of Park, Recreation and Cultural Services

[09-3309](#)

Subject: Communication from Elite Food Market, 2703 Washington Avenue, requesting permission to place a sign over public right-of-way.

Referred to Public Works and Services Committee

[09-3315](#)

Subject: Communication from the Apostolic Church Ministries, 933 LaSalle Street, requesting to close the 900 block of LaSalle Street on Sunday, June 21, 2009, for a special event.

Referred to Public Works and Services Committee

[09-3330](#)

Subject: Communication from Catherine Collins, Gilmore Middle School, requesting permission to stencil the storm drains surrounding the school.

Referred to Public Works and Services Committee

[09-3335](#)

Subject: Communication from the Racine County Convention and Visitors Bureau, in conjunction with The Promotion Company of Indianapolis, IN, requesting to use city right-of-way on Sunday, June 7, 2009, for the Hot Rod Magazine Power Tour.

Referred to Public Works and Services Committee

[09-3336](#)

Subject: Communication from the Pete Henkes, Lighthouse Run Meet Director, requesting to use city right-of-way and Monument Square on June 20, 2009 for the 31st Annual Lighthouse Run.

Referred to Public Works and Services Committee[09-3337](#)

Subject: Communication from the Sales/Marketing Director of the Racine County Convention and Visitors Bureau requesting permission to use city right-of-way on Thursday, July 23, 2009, for the 2009 International Cycling Classic.

Referred to Public Works and Services Committee[09-3338](#)

Subject: Communication from James Bittner, 1931 Saturn Avenue, requesting to change city ordinance to require abutting property owners to clear public crosswalks.

Referred to Public Works and Services Committee**Refer to Public Safety and Licensing Committee, by Ald. Shakoor**[09-3312](#)

Subject: (New) Application of Lakeside Liquor, Caroline Chuu, Agent for a "Class A" Retail Fermented Malt Beverage and Intoxicating Liquor License for 420 Sixth Street. (1st District)

Referred to Public Safety and Licensing Committee**Refer to Traffic Commission, by Ald. Holding**[09-3313](#)

Subject: Communication from Jose Arteaga wishing to discuss handicap parking spaces at 1330 State Street.

Referred to Traffic Commission[09-3325](#)

Subject: Communication from St. Paul Missionary Baptist Church requesting current "No Parking" signs be changed to "Loading Zone" signs at 1100 Grand Avenue.

Referred to Traffic Commission**Refer to Community Development Committee, by Ald. Maack**[09-3300](#)

Subject: Request by United Way of Racine for Local Option funds for the Advancing Family Assets (AFA) program.

Referred to Community Development Committee[09-3332](#)

Subject: Request from Project New Life for Local Option Funding to provide transportation for Racine employees working at Six Flags Great America.

Referred to Community Development Committee[09-3341](#)

Subject: Request from the Parks, Recreation and Cultural Services Department to apply for Local Option Funding to establish a youth

jobs training initiative with Six Flags Great America.

Referred to the Community Development Committee

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Spangenberg

08-3052

Subject: Communication from the Director of Environmental Health requesting permission to enter into an agreement with Wheaton Franciscan Health Care-All Saints to provide home visitation services for the Racine Healthy Births Healthy Families Program.

Recommendation of the Finance & Personnel Committee on 2-09-09: That the item be deferred.

Recommendation of the Finance & Personnel Committee on 3-09-09: That the item be received and filed.

Fiscal Note: N/A

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

09-3240

Subject: Communication from the 5th District Alderman requesting that the procedure for reimbursing the Mayor for certain expenses be reviewed.

Recommendation of the Finance & Personnel Committee on 3-09-09: Staff develop policies for reimbursing employee travel expenses and for the Mayor's car and phone allowances and further recommend that the Finance Committee review the Mayor's budget on a quarterly basis.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

09-3254

Subject: Request from the Department of Fair Housing to accept a \$1,000 donation from S.C. Johnson for use in hosting the 2009 Wisconsin Fair Housing Network Conference and Awards Luncheon on April 23 & 24.

Recommendation of the Finance & Personnel Committee on

3-09-09: That permission be granted for the Director of Fair Housing to accept a \$1,000 donation from S. C. Johnson on behalf of the Fair Housing Department and thereafter the funds be donated to the Wisconsin Fair Housing Network for use in hosting the 2009 Wisconsin Fair Housing Network Conference and Awards Luncheon and that an appropriate letter of thanks be sent.

Fiscal Note: There is no match required on the part of the City.

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

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

NON VOTING: 1 - McCarthy

09-3265

Subject: Communication from M.J.I., Inc. wishing to extend it's contract with the City of Racine for janitorial work at the Community Centers and to discuss a price adjustment and possible increase in hours. (Res.09-1284)

Recommendation of the Finance & Personnel Committee on

3-09-09: To extend the contract with M.J.I., Inc. for janitorial work at the Community Centers for up to three years at an increased dollar amount if, when and equal to any mandatory increase in the minimum wage.

Fiscal Note: Current budgets will be able to absorb any increases.

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

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

NON VOTING: 1 - McCarthy

09-3269

Subject: Communication from Narcotics Anonymous requesting to lower the fees for the use of the Dr. M.L. King, Jr. Community Center and the Tyler-Domer Community Center. (Res.09-1285)

Recommendation of the Finance & Personnel Committee on

3-09-09: That the fees for the use of Dr. M.L. King, Jr. Community Center and Tyler-Domer Community Center be lowered to \$65 per event for Narcotics Anonymous on August 15 and October 7, 2009.

Fiscal Note: Standard rates for each event would be 6 hours x \$44/hour = \$264.

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

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

NON VOTING: 1 - McCarthy

[09-3270](#)

Subject: Communication from the City Attorney submitting the claim of Kathleen Ayala for consideration.

Recommendation of the Finance & Personnel Committee on

3-09-09: The claim of Kathleen Ayala requesting reimbursement in the amount of \$259.09 for tire repairs after her vehicle allegedly drove over a pothole on Ohio Street on December 23, 2008 be denied.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

[09-3271](#)

Subject: Communication from the City Attorney submitting the claim of Justin Schurian, Joseph Schurian, and Cynthia Schurian for consideration.

Recommendation of the Finance & Personnel Committee on

3-09-09: The claim of Justin, Joseph & Cynthia Schurian, of Caledonia, requesting reimbursement in the amount of \$8,910.00 for repairs after Justin allegedly swung left of center to go around a snowplow operating in the same direction on Main Street on January 9, 2009 be denied.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

[09-3272](#)

Subject: Communication from the City Attorney submitting the claim of Elmer Ricchio for consideration.

Recommendation of the Finance & Personnel Committee on

3-09-09: The claim of Elmer Ricchio, 2414 Rosalind Avenue, requesting reimbursement in the amount of \$242.26 for tire repairs after his vehicle allegedly drove over a pothole on Ohio Street on December 24, 2008 be denied.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

09-3273

Subject: Communication from the City Attorney submitting the claim of Stefan Ward for consideration.

Recommendation of the Finance & Personnel Committee on

3-09-09: The claim of Stefan Ward, 915 College Avenue Apt. 6, requesting reimbursement in the amount of \$220.27 for tire repairs after her vehicle allegedly drove over a pothole on Douglas Avenue on December 29, 2008 be denied.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

09-3285

Subject: Communication from the Director of Parks, Recreation & Cultural Services requesting permission to accept a donation in the amount of \$3,712.22 for the Mound Cemetery maintenance fund from the Earl J. Pokorny estate.

Recommendation of the Finance & Personnel Committee on

3-09-09: That permission be granted for the Director of Parks, Recreation & Cultural Services to accept a donation for the Mound Cemetery maintenance fund in the amount of \$3,712.22 from the Earl J. Pokorny estate and that an appropriate letter of thanks be sent.

Fiscal Note: The donation will be used for general cemetery expenses.

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

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

NON VOTING: 1 - McCarthy

09-3286

Subject: Request for the Establishment of a Complete Count Committee for the 2010 U.S. Census. (Res.09-1288)

Recommendation of the Finance & Personnel Committee on

3-09-09: That the Mayor establish a complete count committee to facilitate public awareness of the Census and encourage Racine residents to respond on Census day for the 2010 U.S. Census.

Fiscal Note: N/A

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

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

NON VOTING: 1 - McCarthy

Council Action

A motion was made by Alderman James T. Spangenberg that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

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

Public Works and Services Committee Report, by Ald. Holding[09-3245](#)

Subject: Communication from the Greater Racine Kennel Club, Inc. (GRKC) requesting the use of the parking area along Pershing Park Drive during the All Breed Dog Show on August 9-10, 2009. (Res.09-1289)

Recommendation of the Public Works and Services Committee

on 3-10-09: That the Greater Racine Kennel Club be granted permission to lease the gravel parking area north of the skateboard park north to the Pershing Park football field for the parking of recreational vehicles in conjunction with the American Kennel Club's All Breed Dog Show, in exchange for policing the area of all garbage, debris and trash generated during the weekend of Saturday, August 8, 2009, through Monday, August 10, 2009.

Fiscal Note: Not applicable.

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

[09-3278](#)

Subject: Communication from the Executive Director of the Big Fish Bash requesting to use the turn-arounds at Festival Park for parking during the Big Fish Bash on July 16-19, 2009. (Res.09-1290)

Recommendation of the Public Works and Services Committee

on 3-10-09: That Big Fish Bash be granted permission to close 5th Street from the Civic Center Parking Ramp to Festival Park Drive,

Festival Park Drive from Fifth Street to Sam Johnson Parkway, and the turnaround adjacent to Christopher Columbus Causeway, on July 16-19, 2009, in accordance with their request.

Further recommends that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- 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. The sponsor shall pay a \$250.00 special event fee.

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.

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

[09-3283](#)

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 14-08 (K8-015), Street Paving, John's Concrete, contractor. (Res.09-1292)

Recommendation of the Public Works and Services Committee on 3-10-09: The work done by John's Concrete, Inc. under Contract 14-08 (K8-015), Street Paving, be accepted and final payment authorized for a total contract amount of \$409,548.07.

Fiscal Note: Contract was authorized under Resolution No. 08-0730, dated April 2, 2008.

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

[09-3297](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/ Engineering submitting a proposal from AECOM Technical Services for Sanitary Sewer Lateral Fee

On-Call Services. (Res.09-1296)

Recommendation of the Public Works and Services Committee on 3-10-09: That the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for Sanitary Sewer Lateral Fee On-Call Services, at a price not-to-exceed \$24,500.00.

Further recommends that funds to defray the cost of these professional services be appropriated from Account 287.989.5310, Sanitary Sewer-Miscellaneous Locations.

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.

[09-3301](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids for two (2) Three Wheel Broom Type Street Sweepers. (Res.09-1291)

Recommendation of the Public Works and Services Committee on 3-10-09: That the contract for Two (2) Three Wheel Broom Type Street Sweepers be awarded to Bruce Municipal Equipment, at their bid price of \$295,920.00 with trade-ins.

Bruce Municipal Equipment was the only bidder to meet all specifications and providing equipment which will provide the least long term operating cost to the City of Racine.

Further recommends that funding to defray the cost of these services be appropriated from Account 101.000.5790, Unlicensed Vehicles-Solid Waste Utilities.

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.

[09-3302](#)

Subject: (Direct Referral) Communication from the Assistant Commissioner of Public Works/Operations submitting Change Order No. 3 on Contract 53-08 (K8-061), City Hall Renovation - Phase II, Absolute Construction Enterprises, Inc., contractor. (Res.09-1295)

Recommendation of the Public Works and Services Committee on 3-10-09: That Change Order No. 3 on Contract 53-08 (K8-061), City Hall Renovation-Phase II, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$11,741.00.

Further recommends that funding to defray the cost of this change order be appropriated from Account 988.100.5010, City Hall-Facilities Plan Implementation.

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.

09-3306

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request for final payment on Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage Improvements, G.B. Johnson Company, Inc., contractor. (Res.1293)

Recommendation of the Public Works and Services Committee on 3-10-09: The work done by G.B. Johnson Company, Inc. under Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage Improvements, be accepted and final payment authorized for a total contract amount of \$148,793.90.

Fiscal Note: Contract was authorized under Resolution No. 08-0928, dated July 15, 2008.

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

09-3307

Subject: (Direct Referral) Communication from the Commissioner of Public Works/City Engineer submitting a request to reduce the retainage on Contract 2-08 (K8-002), Belle Urban System Administrative Office Expansion, Absolute Construction Enterprises, Inc., contractor. (Res.09-1294)

Recommendation of the Public Works and Services Committee on 3-10-09: That the request of the contractor to reduce the retainage on Contract 2-08 (K8-002), Belle Urban System Administrative Office Expansion, to 1% of the project cost, or \$4,070.00, be approved.

Fiscal Note: The amount of retainage is sufficient to cover the value of the remainder of the work on this 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 Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

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

Public Safety and Licensing Committee Report, by Ald. Shakoor

[09-3261](#)

Subject: (New) Application for a Class "B" Fermented Malt Beverage License for Mi Lindo Jalisco, Fernando E. Barajas, Agent for 1221 Douglas Avenue. (4th District)

Recommendation of the Public Safety & Licensing Committee on

3-09-09: The application for a Class "B" Fermented Malt Beverage License for Mi Lindo Jalisco, Fernando E. Barajas, Agent for 1221 Douglas Avenue be approved.

Fiscal Note: N/A

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

[09-3279](#)

Subject: Communication from Police Chief, requesting to amend the 2009 Asset Forfeiture Spending Plan, by adding \$40,000 for investigation and information. (Res.09-1286)

Recommendation of the Finance & Personnel Committee on

3-09-09: That permission be granted for the Police Chief to amend the 2009 Asset Forfeiture Spending Plan, Account 241.000.5920, as adopted by Council, by adding \$40,000 for investigation and information.

Recommendation of the Public Safety & Licensing Committee on

3-09-09: That the Chief of Police be granted permission to amend the 2009 Asset Forfeiture Spending Plan, Account 241.000.5920, as adopted by Council, by adding \$40,000 for investigation and information.

Fiscal Note: There are sufficient funds available to defray the cost of this addition.

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

[09-3282](#)

Subject: A Communication from the Purchasing Agent recommending to award the bid for Self-Contained Breathing Apparatus for the Fire Department to Jefferson Fire and Safety, Inc. for their bid of \$205,982.75. Funds are available in account 213.030.5750 FEMA, SCBA, Communications. (Res.09-1287)

Recommendation of the Finance & Personnel Committee on

3-09-09: To award the bid for Self-Contained Breathing Apparatus for the Fire Department to Jefferson Fire and Safety, Inc. at their bid price of \$205,982.75 they being the low responsive, responsible bidder.

Recommendation of the Public Safety & Licensing Committee on

3-09-09: That the bid for Self-Contained Breathing Apparatus for the Fire Department to Jefferson Fire and Safety, Inc. at their bid price of \$205,982.75 they being the lowest responsible bidder.

Fiscal Note: Funds for this expenditure are available in account 213.030.5750, FEMA, SCBA, Communications.

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

[09-3294](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for March 2, 2009.

Recommendation of the Public Safety & Licensing Committee on

3-09-09: That the item be received and filed.

Fiscal Note: This will generate \$7,575.01 in revenues.

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

Council Action

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

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

City Plan Commission Report, by Ald. Holding

[07-1016](#)

Subject: Consideration of the designation of a Racine Historic District encompassing certain properties in the 1100 blocks of Lake Avenue and South Main Street, and the 100 block of Twelfth Street.

Recommendation of the Landmarks Preservation Committee on

7-2-07: That this item be deferred.

Recommendation of the Landmarks Preservation Committee on

8-6-07: That an H-Historic properties District be established for certain properties in the area of 11th Street and Lake Avenue.

Further that this item be referred to the Plan Commission for a public hearing to consider a rezoning to establish an H-Historic Properties District.

Fiscal Note: N/A

Recommendation of the City Plan Commission on 3-11-09: That

the item be received and filed.

Fiscal Note: N/A

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

07-1352

Subject: (Direct Referral) Review of contributing property descriptions for the 11th Street and Lake Avenue Racine Historic District.

Recommendation of City Plan Commission on 10-31-07: That this item be deferred.

Recommendation of City Plan Commission on 11-14-07: That this item be deferred.

Recommendation of City Plan Commission on 11-28-07: That this item be deferred.

Recommendation of City Plan Commission on 1-9-08: That this item be deferred.

Recommendation of the City Plan Commission on 3-11-09: That the item be received and filed.

Fiscal Note: N/A

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

09-3310

Subject: (Direct Referral) Consideration of a request from Genesis Behavioral Services seeking a consideration of a conditional use permit at 4107 St. Clair St. to increase the number of beds from eight (8) to nine (9) in a transitional residential AODA treatment facility. (Res.09-1298)

Recommendation of the City Plan Commission on 3-11-09: That the item be approved subject to staff recommendations.

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 Alderman Gregory Holding that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

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

Redevelopment Authority of the City of Racine Report, by Ald. Spangenberg**09-3226**

Subject: Request to transfer 1501 West Street and 1500 May Street to Habitat for Humanity.

Recommendation of the Redevelopment Authority on 3-4-09: That the Common Council approve the action of the Redevelopment Authority authorizing the transfer of 1501 West Street and 1500 May Street to Habitat for Humanity for construction of single family, owner-occupied homes.

Fiscal Note: Each of the vacant parcels would be transferred for one dollar subject to conditions described in the Authority resolution that is attached to this item in Legistar. All costs associated with the transfer will be paid by Habitat for Humanity.

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

Office of the Mayor Report, by Ald. Maack**09-3303**

Subject: Communication from Mayor Thomas Friedel nominating appointments/reappointments to the following committees, boards and/or commissions:

Community Development Committee:

Appoint Debra Embry, City Grant Facilitator, to fill an unexpired term of Benjamin Hughes, ending May 1, 2011.

Board of Review:

Reappoint Randy Sanders, 70 Steeplechase Drive, for a 5 year term ending March 1, 2014.

Business Improvement District Board 3 - Uptown:

Appoint Linea Anthony, 1341 Washington Avenue, to fill an unexpired term of Aldrenna Smith, ending December 1, 2009.

Affirmative Action Human Rights Commission:

Appoint Raquel Freeman, 2817 Wright Avenue, to fill an unexpired term, ending May 1, 2011.

Wastewater Commission:

Appoint Victor Puente, 1725 Wisconsin Avenue, to fill an unexpired

term of Jeff Pellegrom, ending October 1, 2011.

Waterworks Commission:

Appoint Victor Puente, 1725 Wisconsin Avenue, to fill an unexpired term of Jeff Pellegrom, ending October 1, 2011.

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

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

Board of Parks, Recreation, and Cultural Services Report, by Ald. Wisneski

09-3276

Subject: Communication from Dan Bieser, Blue School Principal, Park High School requesting to have a community garden near Park High School. (Res.09-1299)

Recommendation of the Board of Parks, Recreation & Cultural Services 3-11-09: to approve with the following stipulations:

- A. A hold harmless agreement be executed.
- B. A liability insurance certificate be filed prior to the event.

Further recommend that the Director of Parks, Recreation & Cultural Services provide limited assistance in the interest of public safety to implement this event. Passed unan.

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 - Coe, Anderson, Shields, Kaplan, Maack, Weidner, McCarthy, DeHahn, Shakoore, II, Holding, Wisneski, Spangenberg, Hart and Mozol

G. Consent Agenda - Resolutions

Res.09-1284

Extension of Contract for Janitorial Work at the Community Centers

Resolved, that the Mayor and City Clerk be authorized and directed to extend the contract with M.J.I., Inc. for janitorial work at the Community Centers under the same terms and conditions for up to three years at an increased dollar amount if, when and equal to any mandatory increase in the minimum wage.

Fiscal Note: Current budgets will be able to absorb any increases.

Sponsors: James T. Spangenberg

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

Res.09-1285

Permission to lower fees for use of Dr. M. L. King Jr. Community Center and Tyler-Domer Community Center for Narcotics Anonymous

Resolved, that the fees for the use of Dr. M.L. King, Jr. Community Center and Tyler-Domer Community Center be lowered to \$65 per event for Narcotics Anonymous on August 15 and October 7, 2009.

Fiscal Note: Standard rates for each event would be 6 hours x \$44/hour = \$264.

Sponsors: James T. Spangenberg

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

Res.09-1286

Permission for Police Chief to amend 2009 Asset Forfeiture Spending Plan

Resolved, that the Chief of Police be granted permission to amend the 2009 Asset Forfeiture Spending Plan, Account 241.000.5920, as adopted by Council, by adding \$40,000 for investigation and information.

Fiscal Note: There are sufficient funds available to defray the cost of this addition.

Sponsors: James T. Spangenberg and Q.A. Shakoor, II

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

Res.09-1287

Award bid to Jefferson Fire and Safety for Self-Contained Breathing Apparatus for Fire Department

Resolved, that the bid for Self-Contained Breathing Apparatus for the Fire Department be awarded to Jefferson Fire and Safety, Inc. at their bid price of \$205,982.75 they being the lowest responsible bidder.

Fiscal Note: Funds for this expenditure are available in account 213.030.5750, FEMA, SCBA, Communications.

Sponsors: James T. Spangenberg and Q.A. Shakoor, II

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

Res.09-1288

Permission to establish a Complete Count Committee for the 2010 U.S. Census

WHEREAS, the City of Racine recognizes the importance of the 2010 U.S. Census to the residents of Racine and to the nation as a whole; and

WHEREAS, the City of Racine supported the 2000 Census with an active Complete Count Committee; and

WHEREAS, the U.S. Census Bureau has requested that the City of Racine support the 2010 Census by creation a Complete Count Committee to facilitate public awareness of the Census and encourage Racine residents to respond on Census Day, April 1, 2010.

RESOLVED, that a Complete Count Committee for the 2010 U.S. Census is hereby established and the Mayor is authorized and directed to appoint members of the committee.

FURTHER RESOLVED, that

- The committee shall be organized in the manner recommended in the U.S. Census Bureau publication Complete Count Committee Guide of November 2008,
- The committee shall have no fewer than five members and the Mayor shall designate the initial chairperson of the committee,
- The committee shall submit to the Common Council a progress report on or before January 1, 2010, and a final report on or before December 31, 2010, after which the committee shall dissolve, and
- The Department of City Development shall provide staff support to the committee.

FURTHER RESOLVED, that the Mayor and City Clerk are authorized to enter into such agreements with the U.S. Census Bureau as necessary to accomplish the intent of this resolution.

Fiscal Note: No funding requested at this time. Any request for funding would be submitted during preparation of the 2010 city budget.

Sponsors: James T. Spangenberg

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

Res.09-1289

Permission for Greater Racine Kennel Club to lease the parking area along Pershing Park Drive for dog show

Resolved, that the Greater Racine Kennel Club be granted permission to lease the gravel parking area north of the skateboard park north to the Pershing Park football field for the parking of recreational vehicles in conjunction with the American Kennel Club's All Breed Dog Show, in exchange for policing the area of all garbage, debris and trash generated during the weekend of Saturday, August 8, 2009, through Monday, August 10, 2009.

Fiscal Note: Not applicable.

Sponsors: Gregory Holding

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

Res.09-1290

Permission for Big Fish Bash to use turn-arounds at Festival Park for parking during Big Fish Bash Event

Resolved, that Big Fish Bash be granted permission to close 5th Street from the Civic Center Parking Ramp to Festival Park Drive, Festival Park Drive from Fifth Street to Sam Johnson Parkway, and the turnaround adjacent to Christopher Columbus Causeway, on July 16-19, 2009, in accordance with their request.

Further resolved, that permission be granted with the following stipulations:

- A. A hold harmless agreement be executed.
- B. Proof of liability insurance 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. The sponsor shall pay a \$250.00 special event fee.

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: Gregory Holding

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

Res.09-1291

Contract for Three Wheel Broom Type Street Sweepers be awarded to Bruce Municipal Equipment

Resolved, that the contract for Two (2) Three Wheel Broom Type Street Sweepers be awarded to Bruce Municipal Equipment, at their bid price of \$295,920.00 with trade-ins.

Bruce Municipal Equipment was the only bidder to meet all specifications and providing equipment which will provide the least long term operating cost to the City of Racine.

Further resolved, that funding to defray the cost of these services be appropriated from Account 101.000.5790, Unlicensed Vehicles-Solid Waste Utilities.

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.09-1292

Work done by John's Concrete for Contract 14-08 (K8-015), Street Paving, be approved and final payment authorized

Resolved, that the work done by John's Concrete, Inc. under Contract 14-08 (K8-015), Street Paving, be accepted and final payment authorized for a total contract amount of \$409,548.07.

Fiscal Note: Contract was authorized under Resolution No. 08-0730, dated April 2, 2008.

Sponsors: Gregory Holding

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

Res.09-1293

Work done by G.B. Johnson Company under Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage Improvements be accepted and final payment authorized

Resolved, that the work done by G.B. Johnson Company, Inc. under Contract 46-08 (K8-054), Victorian Drive Stormwater Drainage Improvements, be accepted and final payment authorized for a total contract amount of \$148,793.90.

Fiscal Note: Contract was authorized under Resolution No. 08-0928, dated July 15, 2008.

Sponsors: Gregory Holding

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

Res.09-1294

That the request to reduce the retainage on Contract 2-08 (K8-002), Belle Urban System Administrative Office Expansion be approved

Resolved, that the request of the contractor to reduce the retainage on Contract 2-08 (K8-002), Belle Urban System Administrative Office Expansion, to 1% of the project cost, or \$4,070.00, be approved.

Fiscal Note: The amount of retainage is sufficient to cover the value of the remainder of the work on this project.

Sponsors: Gregory Holding

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

Res.09-1295

Change Order No. 3 on Contract 53-08 (K8-061), City Hall Renovation-Phase II, Absolute Construction be approved

Resolved, that Change Order No. 3 on Contract 53-08 (K8-061), City Hall Renovation-Phase II, Absolute Construction Enterprises, Inc., contractor, be approved in the amount of \$11,741.00.

Further resolved, that funding to defray the cost of this change order be appropriated from Account 988.100.5010, City Hall-Facilities Plan Implementation.

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.09-1296

Enter into professional services agreement with AECOM Technical Services for Sanitary Sewer Lateral Fee On-Call Services

Resolved, that the Mayor and City Clerk be authorized and directed to enter into a professional services agreement with AECOM Technical Services for Sanitary Sewer Lateral Fee On-Call Services, at a price not-to-exceed \$24,500.00.

Further resolved, that funds to defray the cost of these professional services be appropriated from Account 287.989.5310, Sanitary Sewer-Miscellaneous Locations.

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.09-1297

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 s. 66.0703, Wisconsin Statutes, 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:

SEWER AND WATER LATERALS

Summit Avenue from Layard Avenue to the Dead End.

2. Said public improvement shall consist of **SEWER AND WATER LATERALS**.

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 in 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 s. 66.60 (7), Wisconsin Statutes.

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

Sponsors: Gregory Holding

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

Res.09-1298

Conditional Use Permit for Genesis Behavioral Services at 4107 St. Clair Street

Resolved, that the request by Genesis Behavioral Services, Inc., seeking consideration of a Conditional Use Permit at 4107 St. Clair Street to increase the number of beds from eight (8) to nine (9) in a Transitional Residential AODA Treatment Facility, be approved, subject to the following conditions:

- a. That the plans presented to the Plan Commission on March 11, 2009 be

approved, subject to the conditions contained herein.

- b. That all applicable building and occupancy permits be obtained from the Building Inspection Department.
- c. That the building retain the existing exterior appearance of a duplex residence.
- d. That this location be used solely for the housing of (9) males being current clients of Genesis Behavioral Services, Inc.
- e. That the facility be professionally staffed 24 hours per day, seven days per week.
- f. That all staff parking be contained on site.
- g. That no resident shall be allowed to have personal vehicles on site during their treatment stay.
- h. That, if a sign is installed, it be professionally made, comply with zoning ordinance requirements and be approved by the Director of City Development.
- i. That Genesis Behavioral Services, Inc. be at all times in full compliance with the provisions of its contract with the state.
- j. That all trash and recyclables be stored in closed containers and screened from view.
- k. That all codes and ordinances be complied with and required permits acquired.
- l. 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.
- m. That this permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors: Gregory Holding

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

Res.09-1299

Permission for Park High School to plant a community garden near Park High School

Resolved, that permission be granted to Park High School to plant a community garden near Park High School with the following stipulations:

- a. A Hold Harmless Agreement be executed.
- b. Proof of liability insurance be filed prior to the event.

Further resolved, that the Director of Parks, Recreation and Cultural Services provide limited assistance in the interest of public safety to implement this event.

Fiscal Note: N/A

Sponsors: Aron Wisneski

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

Council Action

A motion was made by Alderman David L. Maack that this be Considered as Reported to Adopt the Report. Adopted by the following vote:

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

H. Ordinances

Ord.07-09

Ordinance No. 7-09

To amend Chapter 2, Article I, of the Municipal Code of the City of Racine, Wisconsin relating to Administration.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Chapter 2, Article I, of the Municipal Code of the City of Racine is hereby amended by creating the following sections:

“Sec. 2-1. Common Council to Fill Mayoral Vacancy.

Vacancies in the Office of the Mayor shall be filled on an interim basis by appointment of the common council, pursuant to section 2-2, pending a special election ordered by the common council. The person so appointed shall be styled “Mayor” and shall serve as mayor on a full-time basis. The person so appointed shall serve until a successor is elected, qualified to fill the unexpired term, and takes the oath of office at the next regularly scheduled meeting of the common council following the special election.

Sec. 2-2. Procedure for Filling Vacancy.

(1) Upon the occurrence of a vacancy in the Office of the Mayor, the president of the common council shall serve as Acting Mayor until a mayor is appointed on an interim basis pending a special election.

(2) A vacancy in the Office of Mayor, pending special election, shall be filled on an interim basis by the common council pursuant to the following order of succession:

(a) The president of the common council, the chairman of the finance and personnel committee, the chairman of the public works and services committee, and the chairman of the public safety and license committee.

(b) If all the persons named in subsection (a) decline to serve as mayor pending special election, the common council shall fill the vacancy on an interim basis pursuant to the following process:

(i) The common council shall designate a date and time by which applicants to fill the vacancy shall submit a letter of interest and resume to the city clerk. The common council may specify the format and information to be contained in the letter of interest.

(ii) The committee of the whole shall meet at such reasonable time as is directed to review the applications and to make a recommendation to the common council.

(iii) The common council shall review the recommendation of the committee of the whole and shall appoint a mayor on an interim basis by majority vote. The person so appointed shall take the oath of office as soon as is practicable and shall then immediately begin serving as mayor."

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Sponsors: David L. Maack

Referred to Committee of the Whole

I. Miscellaneous Business

Cemetery Board Appointment

Alderman Weidner moved that nominations be opened for a citizen member of the Cemetery Commission.

There were no objections.

Alderman Weidner nominated Betty Larsen for a four-year term ending March 2013.

Alderman Shakoor moved that nominations be closed.

Alderman Weidner moved that the City Clerk cast the unanimous ballot of the Council for Betty Larsen.

Alderman Maack along with Mayor Friedel wanted everyone to be aware that this week was proclaimed Flood Awareness Week.

J. Adjourn

The meeting was adjourned at 8:03 pm by Alderman Shakoor. The next scheduled meeting of the Council is April 8th, 2009.

*ATTEST: JANICE M. JOHNSON-MARTIN
CITY CLERK*