



City of Racine

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

Meeting Agenda - Final Common Council

Alderman Jeff Coe
Alderman Mollie Jones
Alderman John Tate II
Alderman Tracey Larrin
Alderman Steve Smetana
Alderman Sandy Weidner
Alderman Raymond DeHahn
Alderman Q.A. Shakoor II
Alderman Terry McCarthy
Alderman Carrie Glenn
Alderman Mary Land
Alderman Henry Perez
Alderman James Morgenroth
Alderman Jason Meekma
Alderman Melissa Lemke

Tuesday, July 3, 2018

7:00 PM

City Hall, Room 205

A. Call To Order

B. Pledge of Allegiance To The Flag

C. Approval of Journal of Council Proceedings (Minutes) June 19, 2018

D. Public Comments

E. Communications

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

[0689-18](#)

Subject: Communication from the Director of Parks, Recreation, and Cultural Services requesting permission to accept a donation from Educator's Credit Union for the Gus Macker Tournament.

[0703-18](#)

Subject: Communication from the Fire Chief requesting permission to accept a donation of \$1,000 from the FBI Milwaukee Citizens Academy Alumni Association for the UTV Fund.

[0708-18](#)

Subject: Communication from the Public Health Administrator requesting permission to accept the contract amendment and funding in the amount of \$15,000 from the Department of Health Services / Division of Public Health for the AIDS / HIV Partner Services program.

[0709-18](#) Subject: Communication from the Public Health Administrator requesting permission to enter into a grant agreement and accept funding in the amount of \$75,000 from the Fund for Lake Michigan at the Greater Milwaukee Foundation.

[0710-18](#) Subject: Communication from the Public Health Administrator requesting permission to enter into an agreement and accept funding in the amount of \$29,000 from the Wisconsin Department of Natural Resources for the Wisconsin Beach Monitoring Program.

Refer to Public Works and Services Committee, by Ald. Tate II

[0683-18](#) Subject: Communication from RAMAC, requesting to close 5th Street between Wisconsin Avenue and College Avenue, for a member summer block party on August 23, 2018 (rain date August 28, 2018), from 12:00 Noon to 8:00 P.M.

[0707-18](#) Subject: Communication from Jason Roetz, Fast Signs, on behalf of Twin Disc, requesting permission to place banners over City right-of-way at 1328 Racine Street.

[0712-18](#) Subject: Communication from the Alderman of the 9th District requesting a preliminary resolution for paving Blaine Avenue from Lindermann Avenue to Kinzie Avenue.

[0713-18](#) Subject: Communication from the Alderman of the 9th District requesting a preliminary resolution for paving Hayes Avenue from Osborne Boulevard to Harvey Drive.

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

[0711-18](#) Subject: (New) Application of Pamela Leville dba As Time Goes By Antique to Modern for a Secondhand Article/Jewelry Dealer License located at 223 Sixth Street. (1st District)

[0716-18](#) Subject: Communication from the Alderman of the 3rd District wishing to discuss safety concerns and issues associated with the number of police calls for the property located at 1948 Hickory Grove Ave.

[0717-18](#) Subject: (New) Application of Pauls Pub LLC dba Paul's Pub, Jeremy Sigwart, Agent, for a Change of Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 2416 Lathrop Ave. (11th District)

F. Committee Reports

Finance and Personnel Committee Report, by Ald. Shakoor II

[0611-18](#) Subject: Communication from the Director of Parks, Recreation & Cultural

Services requesting permission to accept a \$1,500.00 from United Healthcare Services, Inc. for the Juneteenth Day Event at the Dr. John Bryant Community Center. (Res. 0213-18)

Recommendation of the Finance & Personnel Committee on 06/25/2018: Permission be granted to the Director of Parks, Recreation & Cultural Services to accept a \$1,500.00 from United Healthcare Services, Inc. for the Juneteenth Day Event at the Dr. John Bryant Community Center.

Fiscal Note: No City match required.

[0632-18](#)

Subject: Communication from the City Attorney requesting authorization to represent employees in the case of Cobbs v. Chiapete, et al., U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-338.

Recommendation of the Finance & Personnel Committee on 06/25/2018: To authorize the City Attorney to represent employees in the case of Cobbs v. Chiapete, et al., U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-338.

Fiscal Note: Outside counsel has been retained and will be paid through the use of the City Attorney's Office professional services account Org-Obj 11004 52100. Total fees are to be determined.

[0633-18](#)

Subject: Communication from the City Attorney requesting authorization to represent employees in the case of Denwiddie v. Mueller, et al., U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-601-JPS.

Recommendation of the Finance & Personnel Committee on 06/25/2018: To authorize the City Attorney to represent employees in the case of Denwiddie v. Mueller, et al., U.S. District Court Eastern District of Wisconsin Case No. 2018-CV-601-JPS.

Fiscal Note: N/A

[0685-18](#)

Subject: Communication from the Mayor and the Alderperson of the 15th District requesting that Chapter 62 of the Racine Code of Ordinances be amended to provide for greater protection against sexual orientation and gender identity discrimination.

Recommendation of the Finance & Personnel Committee on 06/25/2018: To amend Chapter 62 of the Racine Code of Ordinances to provide for greater protection against sexual orientation and gender identity discrimination.

Fiscal Note: N/A

[0704-18](#)

Subject: (Direct Referral) A request by the Director of City Development for the termination of Tax Incremental District No. 8 (State Street Corridor). (Res. 0214-18)

Recommendation of the Finance and Personnel Committee on 06/25/2018: That the request by the Director of City Development for the termination of Tax Incremental District No. 8 (State Street Corridor) be approved. Further that the Mayor and City Clerk be authorized and directed to submit the necessary forms and reports to the Wisconsin Department of Revenue.

Fiscal Note: N/A

[0706-18](#)

Subject: (Direct Referral) Presentation of First Quarter Fiscal Results.

Recommendation of the Finance & Personnel Committee on 06/25/2018: Receive and File.

Fiscal Note: N/A

Public Safety and Licensing Committee Report, by Ald. Coe[0508-18](#)

Subject: (Direct Referral) Request of the the Committee for the appearance of Samantha Ryder, applicant for an Operator's License.

Recommendation of the Public Safety and Licensing Committee on 05-22-18: That the operator license application for Samantha Ryder be deferred until the June 12, 2018 meeting.

Recommendation of the Public Safety and Licensing Committee on 6-12-18: That the operator license application for Samantha Ryder be deferred until the June 26, meeting.

Recommendation of the Public Safety and Licensing Committee on 6-26-18: That the operator license application for Smanatha Ryder be denied.

Fiscal Note: N/A

[0677-18](#)

Subject: (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Beacon Hospitality INC, located at 3113 Douglas Ave, Dan Taivalkoski, Agent. (7st District).

Recommendation of the Public Safety and Licensing Committee on 6-26-18: That the (New) Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Beacon Hospitality INC, located at 3113 Douglas Ave, Dan Taivalkoski, Agent, be approved.

Fiscal Note: N/A

Traffic Commission Report, by Ald. Jones

[1207-17](#)

Subject: Communication from the Alderman of the 8th District, on behalf of Marco Chavez - 1443 Carlisle Avenue, requesting stop signs at the intersection of Carlisle Avenue and Kewaunee Street.

Recommendation of the Traffic Commission on 01-15-18: Defer

Recommendation of the Traffic Commission on 06-18-18: Receive and file.

Fiscal Note: N/A

[0551-18](#)

Subject: Communication from Sue Smith, 2018 Starving Artist Fair Chairman, requesting the use of "Temporary No Parking" signs and requesting parking restrictions in conjunction with the Starving Artist Outdoor Fair, on Sunday, August 5, 2018.

Recommendation of the Traffic Commission on 06-18-18: Recommends that the request to use Temporary No Parking signs on the north side of 11th Street between Wisconsin Avenue and S. Main Street on August 5, 2018 between 7:30 A.M. and 1:00 P.M. be granted.

Fiscal Note: N/A

Transit and Parking Commission Report, by Ald. DeHahn

[0678-18](#)

Subject: (Direct Referral) Communication from the Transit and Parking System Manager requesting to change the lost ticket fee in ramps managed by ABM. (Res. 0215-18)

Recommendation of the Transit and Parking Commission on 06-20-18: Approve increasing the lost ticket fee in parking ramps managed by ABM to \$5.00.

Fiscal Note: There would be an increase in revenue of \$900.00 annually.

City Plan Commission Report, by Ald. Meekma

[0705-18](#)

Subject: (Direct Referral) A request by Alex Martinez of Casa Del Alfarero Global seeking a conditional use permit to operate a religious institution at 1344 Lathrop Avenue. (PC-18) (Res. 0216-18)

Recommendation of the City Plan Commission on 6-27-18: That the

request be approved subject to conditions.

Fiscal Note: N/A

Community Development Committee Report, by Ald. Meekma

[0572-18](#)

Subject: (Direct Referral) A request by Parks Department - Main Gallery for an amendment of the 2017 CDBG contract to extend the expiration date until September 30, 2018. (Res. 0217-18)

Recommendation of the Community Development Committee on 6-14-18:
To approve the amendment to the 2017 CDBG contract with Parks Department - Main Gallery to extend the expiration date until September 30, 2018.

Fiscal Note: The total FY 2017 CDBG contract budget of the Parks Department - Main Gallery will remain \$32,000.

[0573-18](#)

Subject: (Direct Referral) A request by Parks Department - Forestry for an amendment of the 2017 CDBG funds contract to extend the expiration date until May 31, 2019. (Res. 0218-18)

Recommendation of the Community Development Committee on 6-14-18:
To approve an amendment to the 2017 CDBG contract with Parks Department - Forestry to extend the expiration date until May 31, 2019.

Fiscal Note: The total FY 2017 CDBG contract budget of the Parks Department - Forestry will remain \$54,500.

[0608-18](#)

Subject: (Direct Referral) Request for \$50,000 of HOME funds by Lutheran Social Services for Tenant Based Rental Assistance (TBRA) Program (Res. 0219-18)

Recommendation of the Community Development Committee on 6-14-18:
Approve the request by Lutheran Social Services for \$50,000 of HOME funds for the Tenant Based Rental Assistance program and further authorize the Mayor and City Clerk to enter into an agreement with Lutheran Social Services consistent with HOME regulations.

Fiscal Note: Funds for the Tenant-Based Rental Assistance program were approved in the 2018 Annual Action Plan.

Committee of the Whole Report, by Ald. Meekma

[785-17](#)

Subject: Communication from the Alderman of the 3rd District requesting a comprehensive review/modification of alley maintenance policy.

Recommendation to the Public Works and Services Committee on 08-29-17: Refer this item to the Finance and Personnel Committee for alley maintenance funding consideration.

Recommendation of the Finance & Personnel Committee on 11.27.2017: The communication be deferred until the Committee of the Whole has an opportunity to discuss and make a recommendation.

Recommendation of the Committee of the Whole on 06-19-2018: the Item be Received and Filed.

Fiscal Note: N/A

[0385-18](#)

Subject: Communication from the Mayor proposing an ordinance effecting the consolidation of the Board of Cemetery Commissioners and the Golf Course Liaison Committee with the Board of Parks, Recreation and Cultural Services Commissioners.

Recommendation of the Committee of the Whole on 06-19-2018: The Item be referred to the Board of Parks, Recreation and Cultural Services Commissioners.

Fiscal Note: N/A

[0386-18](#)

Subject: Communication from the Mayor proposing an amendment to City of Racine Ordinance 62.29(a) adding two members to Affirmative Action and Human Rights Commission.

Recommendation of the Committee of the Whole on 06-19-2018: the City Attorney's Office to draft an ordinance to increase AA/Hr Board by one member who self-identifies as a member of the LGBTQ community and one member with a recognized disability.

Fiscal Note: N/A

Office of the Mayor Report, by Ald. Meekma

[0698-18](#)

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

Appoint Melissa Abel, 808 Arthur Avenue, Racine, 53405 to the Board of Parks, Recreation and Cultural Services for a three year term expiring April 30, 2021.

G. Consent Resolutions

[Res.0045-18](#)

Change Donations Policy Adopted as Item 6 - February 1, 2005 Finance and Personnel Committee Report

Resolved, that the Donations Policy, adopted as Item 6 of the February 1, 2005, Finance and Personnel Committee Report, is amended to change the dollar limit delineated in restriction number 3 from \$500.00 to \$2,500.00.

Fiscal Note: Efficiency gains will be realized by amendment of the policy.

Sponsors:

Q.A. Shakoor II

Res.0163-18

Donations Policy

Resolved, that the revision to the donations policy adopted as item 6 of the February 1, 2005 Finance and Personnel Committee Report by changing the dollar limit delineated in restriction number 3 from \$500 to \$10,000 is approved as presented, with the stipulation that the item must be sent to the City Attorney in order to create a donations policy including verbiage stating that if one entity submits a donation three or more times within a six month period, the donations must be presented to the Finance and Personnel Committee.

Fiscal Note: N/A

Sponsors:

Q.A. Shakoor II

Res.0180-18

Extension of the First Transit Contract

Resolved, that extending the existing contract to July 31, 2018, is approved so attorneys can conclude their review and acceptance of a newly redrafted contract.

Fiscal Note: N/A

Sponsors:

Raymond DeHahn

Res.0213-18

\$1,500.00 from United Healthcare Services, Inc. for the Juneteenth Day Event at the Dr. John Bryant Community Center

Resolved, that permission is granted to the Director of Parks, Recreation & Cultural Services to accept a \$1,500.00 donation from United Healthcare Services, Inc. for the Juneteenth Day Event at the Dr. John Bryant Community Center.

Fiscal Note: No City match required.

Sponsors:

Q.A. Shakoor II

Res.0214-18

Termination of Tax Incremental District No. 8 (State Street Corridor)

Resolved, that the request by the Director of City Development for the termination of Tax Incremental District No. 8 (State Street Corridor) is approved. Further that the Mayor and City Clerk are authorized and directed to submit the necessary forms and reports to the Wisconsin

Department of Revenue.

Fiscal Note: N/A

Sponsors:

Q.A. Shakoor II

Res.0215-18

Lost Ticket Fee in Ramps Managed by ABM

Resolved, that increasing the lost ticket fee in parking ramps managed by ABM to \$5.00 is approved.

Fiscal Note: There would be an increase in revenue of \$900.00 annually.

Sponsors:

Raymond DeHahn

Res.0216-18

1344 Lathrop Avenue

The request from Casa Del Alfarero, seeking a conditional use permit to allow a type 1 non-commercial-type use at 1344 Lathrop Avenue is approved, subject to the following conditions:

a) That the plans presented to the Plan Commission on June 27, 2018 be approved subject to the conditions contained herein.

b) That all of the following occur by October 31, 2018:

1. Building walls be washed and touch up paint to match the existing color of the walls of the building be applied to the building. If switching paint scheme, colors shall be submitted to City Development Department for approval, prior to application.

2. Landscaping shrubs be installed on the property as indicated on the submitted site plan. Unplanted green areas shall remain as grass or mulched with organic materials. Stone or rocks are not allowed.

3. Two street trees be installed along the right-of-way for Lathrop Avenue adjacent to the property frontage. Species and planting methodology to be approved by the City Forester prior to installation with installation to occur in October under presence of City Forester or designee if requested by City Forester.

4. If trash collection from the City of Racine is not allowed, submission to and approval by the Department of City Development of plans for the trash storage area which shows that all trash and recycling be kept in closed containers which are completely screened from public view and includes a gate on the trash storage area.

c) That if, prior to the issuance of an Occupancy Permit, required site improvements listed in "b" above have not been or cannot be completed, a

financial surety shall be provided to the City. The surety shall be in a format as approved by the City Attorney's office, and subject to all stipulations as identified for financial sureties in the City of Racine. The dollar amount shall be determined at the time of application based upon estimates provided by the applicants for any incomplete work, and shall be valid for no less than one (1) year from the date of issuance. The surety format and content is subject to review and approval by the City Attorney.

d) That hours of operation are 8:00 AM-5:00 PM on weekends and on Mondays and Fridays from 7:00 AM-9:00 AM and 6:00 PM-10:00 PM, Tuesdays and Thursdays from 7:00 AM-9:00 AM and 5:00PM-10:00 PM and on Wednesdays from 9:00 AM-10:00 PM.

e) That no string or LED lights be placed in interior or exterior of windows or as building accent lighting.

f) That all codes and ordinances are complied with and required permits acquired.

g) That no minor changes be made from the conditions of this permit without approval of the Plan Commission, and no major changes be made from the conditions of this permit without the approval of the Common council.

h) That this conditional use permit is subject to Plan Commission review for compliance with the listed conditions.

Fiscal Note: N/A

Sponsors:

Jason Meekma

[Res.0217-18](#)

Main Gallery - Amend 2017 CDBG Contract Extending to September 30, 2018

Resolved, that the Community Development Committee is approved to amend the 2017 CDBG contract with Parks Department - Main Gallery to extend the expiration date until September 30, 2018.

Fiscal Note: The total FY 2017 CDBG contract budget of the Parks Department - Main Gallery will remain \$32,000.00.

Sponsors:

Jason Meekma

[Res.0218-18](#)

2017 CDBG Funds Contract Expiration Extended to May 31, 2019

Resolved, that the Community Development Committee is approved to amend the 2017 CDBG contract with Parks Department - Forestry to extend the expiration date until May 31, 2019

Fiscal Note: The total FY 2017 CDBG contract budget of the Parks Department - Forestry will remain \$54,500.00.

Sponsors: Jason Meekma

Res.0219-18 \$50,000.00 of HOME funds for Tenant Based Rental Assistance (TBRA) Program

Resolved, that the request by Lutheran Social Services for the use of \$50,000.00 of HOME funds for the continuation of the Tenant Based Rental Assistance program.

Further resolved, that the Mayor and City Clerk are authorized to enter into an agreement with Lutheran Social Services consistent with HOME regulations.

Fiscal Note: Funds for the Tenant-Based Rental Assistance program were approved in the 2018 Annual Action Plan.

Sponsors: Jason Meekma

H. Consent Agenda

I. Ordinances

Refer to Public Works and Services

Ord.0005-18 Ordinance 0005-18 - Transit, Parking, and Traffic

An ordinance to amend Chapter 2, Articles II, III, and V, and Chapter 94, Articles III and V, of the Municipal Code of the City of Racine, Wisconsin.

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

Part 1: Amend Chapter 2, Article II, Division 4 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Delete the words "traffic commission" from Section 2-95(a) and substitute the words "public works and services committee" therefor.

Delete the words "traffic commission" from the third sentence of Section 2-95(b) and substitute the words "public works and services committee" therefor.

Part 2: Amend Chapter 2, Article II, Division 4 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Insert the word “parking,” between the word “traffic,” and the word “utilities.”

Part 3: Repeal Chapter 2, Article III, Division 9 of the Municipal Code of the City of Racine, Wisconsin.

Part 4: Repeal and Recreate Chapter 2, Article III, Division 10 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Sec. 2-291. - Created; composition.

There is hereby created a transit commission, which shall constitute a public utility within the meaning of Wis. Stats. §§ 66.0801, et seq., and shall function as a transit utility for the operation of the transit system for the city. The transit commission shall consist of five commissioners. Included in the membership of the transit commission shall be a citizen member, three citizens of recognized business ability, and one alderman elected by the common council. The citizen members of the commission shall be appointed by the mayor, subject to the confirmation of the common council; vacancies shall be filled in the same manner.

Sec. 2-292. - Terms of office; compensation.

All appointments of citizen members of the transit commission shall be for a term of three years. The other members of the commission shall serve during the period of time they hold their respective offices. Appointments shall be made on October 1. The term of office shall begin upon appointment, confirmation, and qualification, and shall continue until the qualification of a successor. Vacancies shall be filled for the unexpired term. Members of the commission shall receive no compensation for their services.

Sec. 2-293. - Election of officers; secretary.

Each year within 30 days after the time designated in this division for the beginning of terms, the members of the transit commission shall organize by the election of a citizen member as chairman of the commission and the selection of such other officers as they may deem necessary. The traffic engineer or his representative shall serve as secretary of the commission.

Sec. 2-294. - Duties

It shall be the general duty of the transit commission to provide overall supervision of the assets and operation of the transit system to ensure that it functions as an integrated part of the overall transportation system. This supervision shall include, but is not limited to, recommendations to the common council relating to: the issuance of revenue bonds, service

agreements and contracts, retention of professional transit management firms, routes, fares, hours of service, buildings and grounds, purchase and maintenance of transit vehicles and transit related items, personal recruitment and training, labor relations and negotiations, advertising and insurance, the general financial status of the transit system, and other items which concern the physical and operational aspects of bus transit management.

Sec. 2-295. - Budget.

The transit commission shall annually prepare operating and outlay budgets for the activities in which it is engaged, which budgets shall be approved by a majority of the members of the commission and shall be submitted to the common council for its approval. The commission shall be subject to the budget ordinance of the city and shall have no authority to expend funds other than those appropriated or approved by the common council.

Sec. 2-296. - Finances.

All accounts relating to the mass transit system shall be audited by the transit commission, and if approved by a majority of the commission, shall be paid by orders upon the city treasurer, signed by the mayor, city clerk, and finance director. The finance director shall keep, as separate funds, all income and revenue derived from the mass transportation system and any funds especially provided for either by the common council and pay therefrom all orders legally drawn upon such funds.

Sec. 2-297. - Real estate purchases; construction work.

The transit commission shall purchase no real estate to be used as part of the mass transit system without the prior approval of a majority of the members of the common council. Any construction work undertaken by the commission shall be under the immediate supervision of the commissioner of public works.

Sec. 2-298. - Recommendations to the council.

The common council and its committees shall refer to the transit commission for its recommendation all matters coming before them relating to mass transit. The common council shall vote upon any recommendation of the commission within 90 days after the filing of such recommendation with the city clerk. If any proposed ordinance, resolution, petition, or request referred to the commission is disapproved by the commission, such ordinance, resolution, petition or request shall not be adopted or granted, except by at least a majority vote of the full

membership of the common council.

Part 5: Amend Chapter 2, Article V, Division 8 of the Municipal Code of the City of Racine, Wisconsin as follows:

Delete the words “and parking,” “parking and,” and “and of the traffic commission” from the third sentence of Section 2-531(e).

Create Section 2-531(g) as follows:

The city engineer:

(a) shall evaluate, and issue decisions regarding, all traffic-related requests;

(b) shall study and consider matters pertaining to vehicular and pedestrian traffic, school crossing guards, on-street parking, and other related matters of the city;

(c) shall recommend to the public works and services committee ways and means of handling, improving, and controlling such traffic problems, on-street parking, including the location of on-street parking meters within the established parking meter zones, and related matters as may arise in the city, and shall, with the approval of the common council, carry on, conduct, and direct such programs of education and publicity as deemed advisable for handling, improving, and controlling such traffic conditions, on-street parking problems and related matters;

(d) may adopt and publish in writing standards, warrants and criteria for control of traffic on streets and on-street parking operations, which shall not become effective until approval by the common council.

Part 6: Amend Chapter 94, Article III, Division 2 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Delete the words “traffic commission” from Section 94-142 and substitute the words “public works and services committee” therefor.

Part 7: Amend Chapter 94, Article III, Division 3 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Delete the words “traffic commission” from Section 94-163 and substitute the words “public works and services committee” therefor.

Part 8: Amend Chapter 94, Article V, of the Municipal Code of the City of Racine, Wisconsin as follows:

Delete the words “transit and parking commission” from Section 94-276.

Delete the words “transit and parking commission” from Section 94-285(a) and substitute the words “common council” therefor.

Delete the words “transit and parking commission” from Section 94-286(a) and substitute the words “public works and services committee” therefor.

Part 9: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

Q.A. Shakoor II

Refer to Public Works and Services

[Ord.0008-18](#) Ordinance 0008-18 - Racine Works

An ordinance to amend Chapter 46, Articles II, of the Municipal Code of the City of Racine, Wisconsin.

Part 1: Repeal and Recreate Section 46-41 of the Municipal Code of the City of Racine, Wisconsin, as follows:

Sec. 46-41. - Racine Works Program.

(a) Purpose. U.S. Department of Labor statistics show that the unemployment rate in the City of Racine is one of the highest in the state and is consistently higher than other parts of the State of Wisconsin. The City of Racine Common Council finds that the high unemployment rate, especially among low and moderate income groups, has a substantial adverse impact on the social and economic fiber of the entire community. The Racine Works Program is designed and intended to reduce unemployment by creating work opportunities for Racine residents and by retaining current jobs of residents through imposition of a requirement that, for certain public works contracts, a designated percent of hours worked under the contract be performed by qualified low-income Racine residents

(b) Definitions. The following words and phrases have the meaning indicated for this section:

Direct financial assistance means the value of below-market land sales, any direct subsidies to developers, and city expenditures for private improvements, with a combined value of \$1 million or more, as determined

by the director of city development, targeted specifically to a project. It includes the value of tax increment financing and below-market-rate loans provided by the city.

Eligible resident means an individual who resides in the City of Racine, Wisconsin, for contracts awarded by the city, or an individual who resides in a municipality served by the water utility for water utility contracts and whose income does not exceed the area Housing and Urban Development (HUD) income limits set forth for low- or very low-income households, as of the date of hire, which is 80 percent of the county median income, as determined annually by HUD. Such residents shall have completed at a minimum a pre-apprentice program geared toward a specific trade. Residents who possess an apprenticeship or journeyman status shall also be eligible provided their current income status make them eligible.

Racine Works Program (RWP) means the residents' preference program created and implemented in this section.

Qualified low income resident a person who has completed a pre-apprentice, apprentice, or journeyman program or status in a particular trade such as carpentry, cement finishing, iron worker, plumbing, electrical, and similar trades. Qualifying contract means (1) a public works contract, as defined in Wis. Stats. § 66.0901(1)(c), awarded by the city or its water utility in an amount greater than \$200,000.00 and is paid by city source funds for city public works contracts or by water utility funds for water utility contracts, (2) a contract for site preparation, including, but not limited to, razing of buildings, filling, grading, and other similar work, or (3) a construction contract or contract for site preparation awarded by a developer for a development that received direct financial assistance from the city or from the redevelopment authority. A contract shall constitute a qualifying contract irrespective of the funding source to the fullest extent possible considering the requirements of state and federal law.

Qualifying work means all labor, including skilled and non-skilled labor, and including but not limited to, general laborer, labor performed in journeyman, sub-journey, pre-apprenticeship, apprenticeship, and on-the-job training programs.

Worker hours means the total hours qualifying work performed pursuant to a qualifying contract, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. Worker hours includes work performed by persons filling apprenticeships and participating in on-the-job training programs and work performed by

supervisors and superintendents on job sites who are not hourly wage workers.

(c) Applicability; exceptions. RWP applies to all qualifying contracts, excepting that in exceptional circumstances where the commissioner of public works for department of public works contracts, or the general manager of the water utility for water utility contracts, determines that substantial grounds exist to exempt a contract from RWP, such as where a contract requires special skill or experience, then the commissioner of public works for department of public works contracts or the general manager of the water utility for water utility contracts, may exempt such contracts from RWP.

(d) Worker hours requirement. Contractors performing work under a non-exempt qualifying contract shall employ or ensure employment of eligible residents in the work under such contract and subcontracts to the extent that eligible residents perform qualifying work in the amount of 20 percent of the total worker hours.

(e) Verification; documentation. The contractor shall, upon completion of each non-exempt qualifying contract, and before final payment under the contract is requested, certify by affidavit whether it has complied with RWP. Such affidavit shall include the name, street address, municipality of residence, race, gender, and total hours worked of each employee used for the contract, including such records of subcontractors for work under subcontracts. Such certification shall submit such affidavit to the city affirmative action/human rights officer. Contractors shall maintain personnel records listing the name, address, race, and gender of each employee used for the contract as well as payroll records that provide information from which compliance with RWP requirements can be determined, including such records of subcontractors for work of eligible residents under the subcontract. The contractor shall provide such documents to city upon reasonable notice during the pendency of the contract and shall maintain such payroll records for a period of at least three years after city's final payment under the contract. Contractors and subcontractors shall permit a city representative to engage in on-the-job interviews with employees to assist in determining compliance with RWP.

(f) Administration. RWP shall be administered by the city affirmative action/human rights officer, who shall provide prospective contractors with information regarding RWP, with forms required for compliance certification, who shall also determine compliance with RWP requirements. The affirmative action/human rights officer shall, on a semi-annual basis, provide the common council with information regarding RWP and the common council shall review the program and determine whether to enact revisions to RWP.

(g) Prohibition and penalty. No contractor or agent thereof shall fail to employ and use on non-exempt qualifying contracts eligible residents for at least the percent of qualifying work specified in this section. Upon failure of a contractor or agent to timely submit the affidavit required under paragraph (e), above, such contractor or agent shall be prohibited from bidding on any qualifying contract until such affidavit is submitted. Upon failure of a contract or agent thereof to fail to employ and use on non-exempt contracts eligible residents for at least the percent of qualifying work specified in this section, such contractor or agent thereof may be cited for such failure. Upon conviction, such person shall forfeit \$10,000, or two and one-half percent of the total cost of the qualifying contract as awarded, whichever is greater, plus statutory court costs.

(h) Debarment. If after recommendation of the public works and services committee, the due process board determines that a contractor or agent thereof has failed to employ eligible residents under a non-exempt qualifying contract in the percentage required in this section, or if upon recommendation of the general manager of the water utility, the due process board finds that a contractor or agent thereof has failed to employ eligible residents under a non-exempt qualifying contract in the percentage specified in this section, the common council, for department of public works contracts, and the water works commission, for water utility contracts, may not award any contract to such person unless otherwise recommended by the public works and services committee and approved by the common council or recommended by such general manager and approved by the water works commission, respectively, or unless three years have elapsed from the date the due process board made its determination, or three years have elapsed from the date of final determination by a court of competent jurisdiction that is adverse to the contractor, whichever is later.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

John Tate II

Refer to Public Safety and Licensing

[Ord.0011-18](#) Ordinance 0011-18 Sec. 6-21 - Social Host Ordinance

An Ordinance to amend Section 6-18, Article I, Chapter 6, of the Municipal Code of the City of Racine, Wisconsin.

WHEREAS, in order to comply with recent change in case law governing social host ordinances,

NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To recreate Sec. 6-18 - Social host ordinance as follows:

(a) This section may be referred to as the social host ordinance.

(b) The purpose of this section is to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and to hold any person who knowingly permits or fails to take action to prevent the illegal consumption of alcohol by underage persons.

(c) Definitions. For purposes of this section, the following terms have the following meanings:

Allow or host means to aid, conduct, entertain, organize, supervise, control, or permit an event or gathering.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic beverage means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

Control means having the authority or power, or both, to direct, manage, oversee, or restrict the affairs, assets, or business of a person or entity.

Event or gathering means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Parent means a person having legal custody of a juvenile as a natural, adoptive, or step parent; a legal guardian; or a person to whom legal custody has been given by court order.

Present means at hand or in attendance.

Public or private property includes, but is not limited to, any apartment, condominium, dwelling unit, farm, field, hall, hotel room, home, land,

meeting room, motel room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis and whether leased, owned, rented, or used with or without permission or compensation.

Underage person means any individual under 21 years of age.

(d)

Prohibited acts.

(1) It is unlawful for any adult to knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including any premises, owned and occupied by the adult or occupied by the adult and under the adult's control. (2) It is unlawful for any adult to intentionally encourage or contribute to a violation of sub.

(1). Exceptions.

(1) This section does not apply to a person who procures for or dispenses, gives, or sells alcohol or any alcoholic beverage to an underage person if the underage person is in the direct company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse has attained the legal drinking age, has consented to the underage person possessing or consuming the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to an underage person who is lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Penalties.

(1) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$500.00 if the person has not committed a previous violation within 30 months of the violation.

(2) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$500.00 if the person has committed a previous violation within 30 months of the violation.

(3) Upon conviction for a violation of any provision of this section, a person will forfeit not less than \$1000.00 if the person has committed 2 previous violations within 30 months of the violation.

(4) Upon conviction for a violation of any provision of this section, a person

will forfeit not less than \$10,000.00 if the person has committed 3 or more previous violations within 30 months of the violation.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

Jeff Coe

J. Common Council Announcements

Announcements are limited to recognition of City residents and employees, memorials, and non-political community events. Discussion of matters related to governmental business is prohibited.

K. 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.