



CITY OF WAUWATOSA
7725 WEST NORTH AVENUE
WAUWATOSA, WI 53213
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COMMON COUNCIL
Regular Meeting, Tuesday, August 4, 2009

PRESENT: Alds. Stepaniak, Walsh, Wilke, Berdan, Birschel, Dennik, Donegan, Ewerdt, Herzog, Jay, Krol, McBride, Meaux, Nikceovich, Organ -15

EXCUSED: Ald. Hanson

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Braier, Finance Director; Mr. Wehrley, City Engineer; Ms. Welch, Community Development Director; Mr. Rusch, Asst. to Administrator; Ms. Ledesma, City Clerk; Ms. Van Hoven, Deputy City Clerk

Mayor Didier in the Chair

The Mayor called the meeting to order at 7:30 p.m.

It was moved by Ald. McBride, seconded by Ald. Organ that the reading of the minutes of the last regular meeting be dispensed with and they be approved as printed. – 15

OLD BUSINESS

The following item was held after the public hearing on July 21, 2009:

ORDINANCE O-09-14

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WAUWATOSA BY REZONING A PORTION OF THE PROPERTY LOCATED AT 1530 CHURCH STREET FROM BB TWO FAMILY RESIDENCE DISTRICT TO VILLAGE TRADE DISTRICT

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

Part I. The Official Zoning Map of the City of Wauwatosa is hereby amended to reflect the following change:

The Easternmost 28.5 feet of Lot 9 in Greenwood's Subdivision all being in the Northeast ¼ of the Southeast ¼ of Section 21, in Township 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin is rezoned from BB Two Family Residence District to Village Trade District.

Part II. The City Administrator is hereby directed to change the Official Zoning Map of the City of Wauwatosa to conform to the provisions of the Ordinance, and said Map is declared amended accordingly.

Part III. This ordinance shall take effect on and after its date of publication.

It was moved by Ald. Herzog, seconded by Ald. Birschel to adopt the foregoing ordinance. -15

APPOINTMENTS BY THE MAYOR

Civic Celebration Commission

John Hallanger, 1255 N. 68th Street
(term ends 12/31/12)

Board of Review

Robert Lemke, 1134 Kavanaugh Place
(term ends 6/30/14)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. **Notice of Claim:** Latoya L. Parish, 5134 N. 24th Place, Milwaukee
City Attorney
2. **Summons & Complaint:** Wheaton Franciscan Healthcare, 400 W. River Woods Parkway, Glendale
City Attorney
3. Letter from William Poull, The Club Tap, 8828 W. North Avenue, requesting an extension of their liquor license for the rear parking lot from 5:00 p.m. to 10:00 p.m., Friday, September 11, 2009
Legislation, Licensing & Communications Committee
4. Letter from Ald. Don Birschel, 7th District, requesting acknowledgement by the Common Council for Richard Bachman's work in placing, maintaining and raising funds for the display of American flags along W. North Avenue from 60th to 124th Streets
Mayor

FROM THE COMMITTEE ON LEGISLATION, LICENSING & COMMUNICATIONS FOR INTRODUCTION

1. Ordinance creating a provision for a 6-month waiting period for the re-application of denied operator license applicants
Re-referred to originating committee

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT FOR INTRODUCTION

1. Ordinance repealing and recreating Section 2.13 of the city code creating the position of Economic Development Manager
Re-referred to originating committee
2. Ordinance deleting Section 7.65.060 of the city code prohibiting launching or landing of any boat from any county park or parkway
Re-referred to originating committee

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-178

WHEREAS, Marco Tapia, 9610 S. 92nd Street, West Allis, WI, applied for an operator's license in conjunction with his employment at Habaneros, 869 N. Mayfair Road, Wauwatosa, WI; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested on two occasions that Mr. Tapia appear before the Committee to discuss his record and on both occasions the applicant did not appear;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Marco Tapia is hereby denied.

BE IT FURTHER RESOLVED THAT the Clerk shall notify Mr. Tapia in writing of this decision and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-179

WHEREAS, Katrianna D. Bockhorn, 2964 N. Maryland Avenue, Milwaukee, WI, applied for an operator's license in conjunction with her employment at The Cheesecake Factory, Wauwatosa, WI; and

WHEREAS, the Committee on Legislation, Licensing & Communications requested on two occasions that Ms. Bockhorn appear before the Committee to discuss her record and on both occasions the applicant did not appear;

NOW, THEREFORE, BE IT RESOLVED THAT the operator's license application of Katrianna D. Bockhorn is hereby denied;

BE IT FURTHER RESOLVED THAT the Clerk shall notify Ms. Bockhorn in writing of this decision and the reasons for the denial.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-180

WHEREAS, Rebecca Herrera, agent for Mega Marts, LLC, d/b/a Pick N Save #6414, 1717 N. Mayfair Road, Wauwatosa, WI, has applied for a Class A Beer/Class A Liquor license for its new location;

NOW, THEREFORE, BE IT RESOLVED THAT a Class A Beer/Class A Liquor license be awarded to Rebecca Herrera, agent for Mega Marts, LLC, d/b/a Pick N Save #6414, 1717 N. Mayfair Road, Wauwatosa, WI, for the period ending June 30, 2010.

FROM THE COMM. ON LEGISLATION, LICENSING AND COMMUNICATIONS

RESOLUTION R-09-181

WHEREAS, Rob Messinger of Hector's-A Mexican Restaurant, 7118 W. State Street, Wauwatosa, WI, has requested a temporary extension of the licensed premises to include the parking lot on September 17, 2009, for a festival;

NOW, THEREFORE, BE IT RESOLVED THAT the licensed premises of Hector's-A Mexican Restaurant be extended to include the parking lot of the building on September 17, 2009, between the hours of 5:00 PM to 10:00 PM;

BE IT FURTHER RESOLVED THAT the proprietors of Hector's shall perform garbage cleanup on neighboring properties resulting from the outdoor event and will cooperate with any requested noise abatement.

It was moved by Ald. Birschel, seconded by Ald. Organ to approve the four foregoing resolutions. -15

FROM THE COMMITTEE ON COMMUNITY DEVELOPMENT

ORDINANCE O-09-15

AN ORDINANCE CREATING CHAPTER 2.30 OF THE CODE OF THE CITY OF WAUWATOSA PERTAINING TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

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

Part I. Chapter 2.30 of the Code of the City of Wauwatosa is hereby created to read as follows:

Chapter 2.30 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Section 2.30.10 Created.

A. There is hereby created a commission to be known as the Wauwatosa Economic Development Advisory Committee, comprised of (1) six Wauwatosa residents to be selected at large by the Mayor, such appointments being subject to confirmation by a majority of the Common Council and members being selected so as to provide a broad range of expertise on economic development issues; and (2) one member of the Common Council, elected by a majority of the Common Council on a biennial basis.

B. City staff shall not be eligible for appointment.

Section 2.30.020 Appointment.

A. Appointments to the Committee by the Mayor shall be for a term of three years.

B. No member shall serve more than two terms.

C. One-third of the initial appointments shall be for one year, one-third for two years, and one-third for three years.

Section 2.30.030 Mission.

The Committee's mission shall be to assist the Mayor, Common Council, Department of Community Development, and related agencies, boards, commissions, and entities to foster and facilitate the development of a healthy, diversified economy in Wauwatosa in which businesses can innovate, grow, and prosper and support and maintain a strong property tax base.

Section 2.30.040 Duties.

The Committee shall:

A. Evaluate economic conditions in the community and provide recommendations to the Mayor and Common Council.

B. Identify opportunities to spur catalytic developments or business ventures.

C. Recommend and evaluate specific policies, programs, and projects.

- D. Recommend items for inclusion in the capital and operating budgets in support of development strategy.
- E. Work with staff to oversee the creation and regular update of the city's strategy for economic development, receive regular reports from staff regarding the progress of strategic initiatives, and recommend appropriate action to council.
- F. On a discretionary basis, respond to reasonable requests from the Mayor, Common Council, Department of Community Development, and other related agencies, boards, commissions, and entities.

Part II. An ordinance shall be introduced at the Common Council meeting of August 4, 2009, creating the position of Economic Development Manager.

Part III. This ordinance shall take effect on and after its date of publication.

It was moved by Ald. Herzog, seconded by Ald. Dennik
to adopt the forgoing ordinance. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-182

WHEREAS, the City of Wauwatosa has been informed that replacement of the 70th Street bridge across the Menomonee River has been approved for funding through the American Recovery Reinvestment Act; and

WHEREAS, a proposal was received from Graef, Inc. for designing the replacement of the bridge in the amount of \$132,243.50, with an additional amount of \$13,500.00 if surveying is necessary;

NOW, THEREFORE, BE IT RESOLVED THAT City officials are hereby authorized to enter into a Professional Services Contract with Graef, Inc. in the amount of \$132,243.50, with an additional amount of \$13,500.00 if surveying is required, for design of a replacement for the 70th Street bridge with funding from the American Recovery Reinvestment Act.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-183

WHEREAS, the City has previously entered into a Professional Services Agreement with Ruekert Mielke for sewer designs in the Ruby Avenue area in the City of Wauwatosa; and

WHEREAS, initial reports from Ruekert Mielke identified additional storm sewer improvements upstream of the Ruby Avenue area which may be necessary to prevent additional flooding during

large storms in the area from approximately Ruby Avenue to Congress Street and 105th Street to 110th Street; and

WHEREAS, expanded sewer analysis and design in this area as part of the existing Ruby Avenue contract with Ruckert Mielke can be performed with the addition of \$68,000.00 to the existing Professional Services Contract;

NOW, THEREFORE, BE IT RESOLVED THAT City of Wauwatosa officials are hereby authorized to enter into an Agreement with Ruckert Mielke for additional professional services related to expanded sewer analysis and design in the Ruby Avenue area in the amount of \$68,000.00.

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-185

WHEREAS, the City of Wauwatosa Purchasing Manager received proposals for a five year contract for custodial cleaning services beginning in 2010; and

WHEREAS, Gibbs Building Maintenance submitted a proposal which will save approximately \$4,000.00 annually over the existing contract for these services and is in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT City officials are hereby authorized to enter into a multi-year agreement with Gibbs Building Maintenance, renewable annually, in the amount of \$127,524.00 per year for custodial cleaning services.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh
to approve the three forgoing resolutions. -15

FROM THE COMMITTEE ON BUDGET AND FINANCE

RESOLUTION R-09-184

WHEREAS, the City of Wauwatosa's internet website was last redesigned and implemented in the year 2002; and

WHEREAS, the technology utilized for management of the existing website is outdated and requires an upgrade in order to be more user friendly and provide services that citizens expect; and

WHEREAS, City staff issued a Request for Proposals from companies desiring to take part in the redevelopment of the City's website; and

WHEREAS, a team of staff members concluded that the proposal by CivicPlus is in the best interest of the City when combined with services to be provided by various other vendors to complete the rebuild of the website;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to expend \$65,270.00 for the purpose of redesigning, redeveloping and hosting of the City website including ecommerce portals;

BE IT FURTHER RESOLVED THAT as part of this expenditure, appropriate City officials are hereby authorized to enter into a contract with CivicPlus consistent with the proposal received on April 30, 2009, in the amount of \$34,168.00 for redevelopment of the software and hosting, in addition to a multi-year contract for annual support, hosting and maintenance consistent with the proposal, as well as other optional services which may be appropriate and are within the overall budget.

It was moved by Ald. Ewerdt, seconded by Ald. Walsh to approve the foregoing resolution –

It was moved by Ald. Walsh, seconded by Ald. Meaux to refer the matter back to committee for further discussion. Roll call vote, Ayes 7 (Stepaniak, Walsh, Donegan, Krol, McBride, Meaux, Nikcevich), Noes 8. – Motion failed.

Roll call vote on original motion, Ayes 8, Noes 7 (Stepaniak, Walsh, Donegan, Krol, McBride, Meaux, Nikcevich)

FROM THE COMMITTEE ON BUDGET AND FINANCE

BILLS AND CLAIMS FOR THE PERIOD 7/22/09 – 8/4/09--

The Committee on Budget and Finance hereby reports to the Common Council that it has examined the accounts of bills and claims and hereby certifies the same as correct and recommends that each of said accounts be allowed and paid.

Total bills and claims for 7/22/09 – 8/4/09: \$3,20,936.58

It was moved by Ald. Meaux, seconded by Ald. Walsh that each and every account of bills and claims be allowed and ordered paid. Roll call vote, Ayes 15

FROM THE BOARD OF PUBLIC WORKS

RESOLUTION R-09-186

BE IT RESOLVED by the Common Council of the City of Wauwatosa that the proper city officials be and they are hereby authorized and directed to enter into a contract with D. C.

Burbach, Inc., for the work of repaving portions of N. 68th Street, Auburn Avenue, Kinsman Street, and the alley bounded by W. Meinecke Avenue – W. North Avenue/N. 66th Street to 100 feet east, and work incidental thereto under Contract 09-6, Street Repaving, at and for their bid price of \$397,912.00, this being the lowest and best bid.

BE IT FURTHER RESOLVED that the surety deposits, if any, be returned to the unsuccessful bidders.

It was moved by Ald. Krol, seconded by Ald. Ewerdt
to approve the foregoing resolution. -15

There being no further business, the meeting adjourned at 7:50 p.m.

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Carla A. Ledesma, CMC, City Clerk