



CITY OF WAUWATOSA

COMMON COUNCIL

MINUTES • JANUARY 15, 2013

Regular Meeting

Common Council Chambers

7:30 PM

7725 West North Avenue, Wauwatosa, WI 53213

PRESENT: Alds. Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson, Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt

ALSO PRESENT: Mr. Archambo, City Administrator; Mr. Kesner, City Attorney; Mr. Porter, Public Works Director; Mr. Ruggini, Finance Director; Mr. Otzelberger, IT Manager; Police Chief Weber; Ms. Enders, Development Director; Ms. Szudy, Principal Planner; Ms. Ledesma, City Clerk

Mayor Ehley in the Chair

A moment of silence was observed in memory of Police Officer Jennifer Sebena who was killed on Christmas Eve.

APPROVAL OF MINUTES

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 that they be approved as printed. -16

PUBLIC HEARING

1. Ordinance repealing and recreating Chapter 24 of the Wauwatosa Municipal Code pertaining to a new zoning code for the City of Wauwatosa

The first item of business was a public hearing to consider an ordinance repealing and recreating Chapter 24 of the Wauwatosa Municipal Code pertaining to a new zoning code for the City.

Proof of publication is in the file.

In a meeting held on November 12, 2012, the City Plan Commission unanimously recommended approval of the proposed ordinance.

The following spoke in favor of the proposed ordinance:

Nancy Welch, 8213 Rockway Place, former Community Development Director for the City, voiced support for the proposal, noting that she had spent many years working with the current, outdated 1972 zoning ordinance. Once funds had been secured, she was pleased to retain the services of Duncan & Associates to draft the revision. This repeal and recreation will eliminate confusion and duplication and will guide land use decisions well into the 21st century. This ordinance will support small businesses and maintains the quality of the city's neighborhoods.

Ms. Welch opined that the most current version of the draft proposal is still in need of some corrections and refinement and suggested that community-wide, the residents may still be largely unaware of this proposed document. She urged that it be made more available in a variety of media.

Cheryl Nenn, Milwaukee Riverkeepers, 1845 N. Farwell Avenue, Milwaukee, spoke in support of the draft ordinance, noting that the update eliminates provisions that promoted urban sprawl. She made several

recommendations as well: including some strategic additions to better address the City's responsibility as a river steward; adding 'water quality protection' to the existing sustainability goal; adding a purpose statement in the PUD overlay section to address protection of wetlands, stream buffer areas, natural areas, native vegetation, and tree canopy; including design standards under the historic overlay that address green infrastructure techniques; adding stormwater management facilities under the 'Utilities and Services' portion of the code; adding additional provisions under the 'big box' section dealing with effective stormwater management practices; including bio-swales in the areas dealing with berms; supporting a reduction in parking ratios and allowance for shared parking; encouraging the use of biodegradable mulch under the landscaping code; correcting some wording under the 'exemption for land disturbing activity' to reflect changes on the state level; amending the proposal to better address Wauwatosa's role in the Menomonee River Watershed Group Permit; and strengthening the illicit discharge detection section of the stormwater code.

The following member of the public present had the following comment: John Kastl, 2112 Crestview Court, stated that unless there is provision included requiring the city to obey the law, he would oppose the draft document. He questioned whether appropriate requirements had been met with respect to the sale of historic property, and whether any historic preservation laws had been violated. Will the new code address this?

The public hearing was declared closed. Ordered held to the next Community Development Committee meeting on January 29, 2013.

APPOINTMENTS BY THE MAYOR

1. Design Review Board (for approval)

Jessica Basile, 2452 N. 68th Street (District 5) Background: architect
(Term expires 12/31/14)

It was moved by Ald. Pantuso, seconded by Ald. Tilleson
to concur with the foregoing appointment. -16

2. Youth Commission (first reading)

Betsy DuCanto, 1809 Wauwatosa Avenue (District 1) Experience: East PTA parent, community
volunteer
(Term expires 8/31/15)

3. Residential Design Review Board (first reading)

Christine Westfall, 6171 Washington Circle (District 1) Experience: home remodeling
John Niemer, 7424 Kenwood Avenue (District 1) Experience: home remodeling
Traci Elliott, 2415 N. Pasadena Blvd. (District 6) Experience: architecture
Robert Sebastian, 2431 N. 115th Street (District 7) Experience: architectural design; remodeling;
construction
(Terms expire 12/31/14)

4. Commercial Design Review Board (first reading)

Dennis Scherr, 2390 N. 100th Street (District 6) Experience: architecture
Tom DiSalvo, 2234 N. 115th Street (District 7) Experience: landscape architect
Fouad Saab, 1630 Church Street (District 1) Experience: Architecture
(Terms expire 12/31/14)

5. Committee for Citizens with Disabilities (first reading)

Julie Alexander, 7224 W. State Street (District 2)
Mary Callen, 7439 Harwood Avenue (District 2)

Paul Sokolowski, 7439 Harwood Avenue (District 2)
(Terms expire 12/31/14)

Foregoing appointments ordered held as this was the first reading.

APPLICATIONS, COMMUNICATIONS, ETC.

1. Request by Sherry Carlin, 2013 Tosafest Chair, for a Street Festival permit for the Village area for Tosafest on September 6-7, 2013

Community Development Committee

2. Wauwatosa Water Utility Statement of Receipts and Disbursements for the month ended 12/31/12

Place on file

3. Letter from Juli Beth Hinds, Birchline Planning LLC, commending the city for overhauling the Zoning Code, and suggesting revisions thereto

Add to existing file

ORDINANCES FOR INTRODUCTION

1. Ordinance amending Chapter 9.04 of the Wauwatosa Municipal Code pertaining to the keeping of chickens within the city limits

Re-refer to originating committee

FROM THE COMMITTEE ON TRAFFIC & SAFETY

1. Resolution authorizing a Memorandum of Understanding between the City and High Pointe Office Center, 1200 N. Mayfair Road, regarding access to Watertown Plank Road

Committee recommended approval 4-1

RESOLUTION R-13-01

WHEREAS, future construction of Zoo Interchange improvements by the Wisconsin Department of Transportation will result in inconvenience for traffic patterns at the High Pointe Office Center, 1220 North Mayfair Road, Wauwatosa; and

WHEREAS, discussion among the City, property owner, Milwaukee County, and the Department of Transportation have resulted in a draft Memorandum of Understanding which outlines a new access plan for the Office Center which utilizes a portion of the soon-to-be-abandoned Underwood Parkway as a driveway entrance for the Office Center to and from Watertown Plank Road; and

WHEREAS, the proposed MOU was reviewed and approved by the Committee on Traffic and Safety at its meeting of January 8, 2013;

NOW, THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the proposed Memorandum of Understanding between the City and the owners of the High Pointe Office Center, 1200 North Mayfair Road, which was presented to the Committee on Traffic and Safety at its meeting of January 8, 2013.

It was moved by Ald. Wilke, seconded by Ald. McBride to approve the foregoing resolution. -16

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Jason Wilke, Alderman |
| SECONDER: | Dennis McBride, Alderman |
| AYES: | Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |

FROM THE COMMITTEE ON BUDGET & FINANCE

1. Resolution approving a Level 3 fund transfer for acceptance of revenue of \$125,989 from the WI DOT for the replacement of the Fire Station #3 boiler

Committee recommended approval 7-0

RESOLUTION R-13-02

WHEREAS, construction of the Zoo Interchange by the Wisconsin Department of Transportation will necessitate eliminating the supply of steam which provides heat and other services to Fire Station Number 3; and

WHEREAS, in order to compensate for this change in service, the Wisconsin Department of Transportation has provided necessary funds to the City for the purchase and installation of a new boiler at Fire Station number 3, in the amount of \$125,989;

NOW, THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to accept \$125,989 from the Wisconsin Department of Transportation for the purchase and installation of a new boiler at Fire Station Number 3; and

BE IT FURTHER RESOLVED THAT a Level III fund transfer is hereby approved such that necessary revenue and expenditure categories of the approved 2013 City of Wauwatosa budget are hereby adjusted accordingly to reflect this change in funding.

It was moved by Ald. Wilson, seconded by Ald. McBride to approve the foregoing resolution. -16

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Craig Wilson, Alderman |
| SECONDER: | Dennis McBride, Alderman |
| AYES: | Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |

2. Resolution waiving the RFP process and authorizing issuance of a purchase order to Unitrends, Inc., in the amount of \$159,560 for the purchase of a server/data backup solution

Committee recommended approval 7-0

RESOLUTION R-13-03

WHEREAS, the Information Systems manager has described the City’s current backup system as being unworkable into the future and should be updated to provide for a new system compliant with Best Practices within the industry; and

WHEREAS, the new solution requires a new server and affiliated services which are budgeted in the 2013 budget; and

WHEREAS, the City was able to obtain a quote for a disk-based backup solution from Unitrends, Inc., which is currently in use by a large number of municipalities and school districts in the State of Wisconsin with great success, at a price which represents a 42% savings below the state contract price, saving over \$100,000;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate City officials are hereby authorized to forego the competitive bidding process and enter into an agreement with Unitrends, Inc., to purchase a new data backup solution for the City of Wauwatosa, as more particularly described by the Information Systems manager in his memorandum of January 2, 2013, and presented to the Committee on Budget and Finance on January 8, 2013, at a cost not to exceed \$159,560.

It was moved by Ald. Wilson, seconded by Ald. McBride to approve the foregoing resolution. -16

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Craig Wilson, Alderman |
| SECONDER: | Dennis McBride, Alderman |
| AYES: | Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |

- 3. Resolution approving a three-year renewable general maintenance contract with Fabco Cat in the amount of \$6,030 for Water Department generators

Committee recommended approval 7-0

RESOLUTION R-13-05

WHEREAS, the current contract for maintenance of generators within the Water Department has expired; and

WHEREAS, the Water Department received proposals for a new three-year maintenance contract on December 18, 2012, of which the proposal by Fabco Cat was in the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED THAT, appropriate City officials are hereby authorized to enter into a three-year maintenance contract with Fabco Cat of Milwaukee, WI, for maintenance of Water Department generators, according to the terms of the proposal submitted by that company on December 18, 2012, and reviewed by the Committee on Budget and Finance.

It was moved by Ald. Wilson, seconded by Ald. McBride to approve the foregoing resolution. -16

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Craig Wilson, Alderman |
| SECONDER: | Dennis McBride, Alderman |
| AYES: | Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |

4. Resolution approving a Development Agreement with UWM Real Estate Foundation and approving matching funds for the EDA grant-funded project

Committee recommended approval 5-2

RESOLUTION R-13-04

WHEREAS, the development of the UWM Innovation Campus has proceeded as a cooperative effort between the City of Wauwatosa and the UWM Real Estate Foundation, including the joint application for and administration of a grant from the United States Economic Development Administration; and

WHEREAS, the joint grant application requires a pre-determined amount of matching funds or in-kind contributions from both the City and the Real Estate Foundation, but the value of the City's in-kind contribution has been reduced as a result of cost savings on the contract for the construction of Discovery Parkway, requiring that matching funds be provided to a separate part of the overall EDA project; and

WHEREAS, a proposed Development Agreement was presented to the Committee on Budget and Finance which would allow the City to provide additional funds toward its matching grant obligations by funding a portion of the construction of the proposed Innovation Campus Accelerator building in the amount of \$700,000; and

WHEREAS, additional private developments throughout the UWM Innovation Campus, including the one most recently announced by ABB, may also require some form of financial assistance, primarily in the form of structured parking and other necessary infrastructure, requiring an amendment to the existing TIF 6 Project Plan in order to be fully available in the future;

NOW, THEREFORE BE IT RESOLVED THAT appropriate City officials are hereby authorized to execute the proposed Development Agreement between the City and the UWM Real Estate Foundation which was presented to the Committee on Budget and Finance at its meetings of January 8, 2013; and

BE IT FURTHER RESOLVED THAT officials are hereby authorized to provide up to \$700,000 in additional TIF funding to the UWM Real Estate Foundation in order to meet the City's previously-agreed matching fund obligations as part of the grant from EDA; and

BE IT FINALLY RESOLVED THAT City staff are hereby directed to begin the process of drafting amendments to the TIF 6 project Plan which would allow for future financial assistance to private taxable developments which would be proposed with the TIF district in the form of structured parking or other appropriate development incentives.

It was moved by Ald. Wilson, seconded by Ald. McBride to approve the foregoing resolution. --

It was moved by Ald. Wilke, seconded by Ald. Wilson to amend the developer's agreement to add in the first paragraph, "including the habitat restoration plan." -16
Vote on original motion, as amended, 14-2 (Birschel, Hanson)

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| RESULT: | ADOPTED [14 TO 2] |
| MOVER: | Craig Wilson, Alderman |
| SECONDER: | Dennis McBride, Alderman |
| AYES: | Berdan, Causier, Donegan, Dubinski, Ewerdt, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |
| NAYS: | Birschel, Hanson |

5. Bills and Claims

It was moved by Ald. Causier, seconded by Ald. Dubinski that each and every account of bills and claims be allowed and paid. Roll call vote, Ayes 15, Present 1 (Donegan)

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| RESULT: | ADOPTED [15 TO 0] |
| MOVER: | Kathleen Causier, Alderman |
| SECONDER: | John Dubinski, Alderman |
| AYES: | Berdan, Birschel, Causier, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |
| ABSTAIN: | Donegan |

FROM THE BOARD OF PUBLIC WORKS

1. Resolution accepting an easement, and authorizing an easement agreement, for property at 10745 W. Capitol Drive in conjunction with a Water Utility construction project

Board recommended approval 5-0

RESOLUTION R-13-06

WHEREAS, the Wauwatosa Water Utility construction project has required that the City of Wauwatosa obtain an easement on West Capitol Drive; and

WHEREAS, the property owner has agreed and executed the easement document presented to the Board of Public Works at its meeting of January 14, 2013;

NOW, THEREFORE, BE IT RESOLVED THAT appropriate City officials are hereby authorized to accept the easement and enter into the proposed easement agreement for the following parcel:

Parcel #260-0057-00 10745 West Capitol Drive

The above address is located in the City of Wauwatosa.

It was moved by Ald. Hanson, seconded by Ald. Birschel

to approve the foregoing resolution. -16

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Tim Hanson, Alderman |
| SECONDER: | Donald Birschel, Alderman |
| AYES: | Berdan, Birschel, Causier, Donegan, Dubinski, Ewerdt, Hanson, McBride, Moldenhauer, Organ, Pantuso, Roznowski, Tilleson, Walz-Chojnacki, Wilke, Wilson |