



CITY OF WAUWATOSA

COMMITTEE OF THE WHOLE

AGENDA • APRIL 22, 2014

Regular Meeting

Common Council Chambers

7:00 PM

7725 West North Avenue, Wauwatosa, WI 53213

PLEASE NOTE: The items on this agenda may be revised before the time of the Common Council meeting, some items may be removed and others added prior to the completion of the final Common Council agenda. The final agenda will be available in the City Clerk's office and on the city website at www.wauwatosa.net. It is anticipated that each item listed on the agenda may be discussed, referred or acted upon unless it is noted in the specific agenda item that no action is contemplated.

COMMITTEE OF THE WHOLE ITEMS

1. Continued discussion regarding possible restructuring of Council Committee responsibilities

Email from Ald. Berdan suggesting a revised standing committee structure

Email from Ald. McBride suggesting a revised standing committee structure

Email from Ald. McBride recommending creation of term limits for the Common Council President

Email from Ald. McBride suggesting a revision to aldermanic vacancy selection process

2. Proposed ordinance amending Wauwatosa City Code Section 2.02.040, 2.02.150 and 2.24.020 and creating Section 2.24.030 to effect changes and procedures for consideration of items from the City Plan Commission

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires the meeting or materials at the meeting to be in an accessible location or format, must contact the City Clerk at voice telephone 479-8917 or TTY 471-8484 (City Hall, 7725 W. North Avenue, Wauwatosa, Wisconsin 53213) for accommodations. Requests for accommodations for meetings should be made at least three (3) business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings; so please give the City Clerk as much advance notice as possible.

Colleagues,

Although I believe that our present committee system works well in many ways, I am confident that as we put our creative minds together we could come up with some ways to make it more efficient and easier for our constituents and petitioners to navigate.

My proposal for Standing Committee structure would be to fold into 2 major committees. One could be called “Budget and Internal Affairs” which would be formed by merging the Budget and Finance Committee, the Legislation and Licensing Committee (putting the communication part in the other committee) and the Employee Relations Committee. The other committee could be called “Community Affairs” which would be formed by merging the Community Development Committee, the Traffic and Safety Committee and the communication part of LLC.

Both Committees could begin their meetings at 7pm or earlier if need be.

This structure simplifies our system and ensures that one alder from each district is investigating and hearing every issue that is brought into our system.

It also prevents one committee from encroaching on the next committee’s time.

This proposal is meant to be something to get all of our creative juices working. I am looking forward to our discussion on Tuesday.

Thank you,
Cheryl

Restructuring of Wauwatosa Common Council Committees

Proposal by Alderman Dennis McBride

April 18, 2014

I. Revisions to the Plan Commission and Community Development Committee

The City of Wauwatosa’s Zoning Ordinance (Title 24 of the Wauwatosa Municipal Code) gives the Common Council final decision-making authority over each of the following activities reviewed by the Plan Commission: zoning text and map (rezoning) amendments, conditional use permits, preliminary review of development plans for planned unit developments, historic designation, and historic overlay zoning map amendment. After its reviews, the Plan Commission forwards its recommendations to the Common Council for approval, rejection, or further consideration of the Plan Commission’s actions. For zoning changes and planned unit development plan review, the Council is required to conduct a public hearing. For conditional use permits, it is not.

In July 2013, the City of Wauwatosa Economic Development Advisory Committee (“EDAC”) communicated to the Common Council’s Community Development Committee (“CDC”) several recommendations for improving development processes, including the following proposal for the Plan Commission:

Eliminate the requirement that Plan Commission items go before the Community Development Committee for additional review and approval. This is a common practice and model used throughout most Wisconsin communities. In most cases, applicants are presenting the same information to multiple committees – adding time to the approval process, as well as additional costs to the applicants if consultants are being utilized, etc. As done in the past, if an issue is brought forward to the Common Council and the Council feels more discussion is warranted, the item could be referred back to the Committee on Community Development. Videotaping of Plan Commission meetings is also recommended for the benefit of Alderpersons, as well as residents.

Building on this proposal, I further propose the following revisions to the Plan Commission and CDC:

A. Plan Commission

The Plan Commission’s duties shall remain as currently stated in Section 24.16 of the Wauwatosa Municipal Code, except as otherwise stated below. Section 2.04.020(A) of the Wauwatosa Municipal Code, pertaining to the Plan Commission’s membership, shall be amended to read as follows:

2.24.020 Membership.

A. The common council elects pursuant to Section 62.23(1)(a), Wis. Stats. to provide for Plan Commission membership, which shall be as follows:

1. The mayor, who shall be its presiding officer.

Communication: Email from Ald. McBride suggesting a revised standing committee structure (Committee of the Whole Items)

- 2. Four citizen members, at least three of whom are not municipal officials, appointed by the mayor and subject to confirmation by the common council to serve staggered three-year terms.
- 3. An alderperson appointed by the mayor to serve a two-year term.
- 4. An alderperson elected by a majority vote of the common council to serve a two-year term.

B. Development, Legislation & Personnel Committee

The Development, Legislation & Personnel Committee shall replace the CDC and assume most of the duties of the Legislation & Licensing Committee and the Employee Relations Committee. The DL&P’s duties shall include ordinance changes; employee personnel matters; all development and planning matters that do not move on automatically to the full Common Council from the Plan Commission; all development and planning matters that are referred back to the Common Council following approval by the Plan Commission; all special licensing issues; and all non-financial city issues requiring discussion before being considered for approval by the full Common Council.

The following matters currently reviewed by the Plan Commission and referred to the CDC shall no longer be referred to the CDC or its successor, the DL&P Committee, but instead shall be referred directly to the full Common Council for approval, rejection, or further consideration: conditional use permits; the scheduling of public hearings on zoning matters; land combinations and divisions; and general updates.

The following matters currently reviewed by the Plan Commission and referred to the CDC shall continue to be referred to the CDC’s successor, the DL&P Committee, for consideration before final approval or rejection by the full Common Council: ordinance changes; planned unit developments; development agreements; designations of historic buildings and sites; and items referred by the City Attorney which pertain to zoning and development matters.

The DL&P Committee shall be comprised of one-half of the Common Council (currently 8 of the 16 members, one from each district) appointed by the Mayor, who also shall select a chair and a vice-chair. As stated in Chapter 2.30 of the Wauwatosa Municipal Code, the Mayor also shall appoint a standing Economic Development Advisory Committee, with seven members including an alder selected by a Common Council majority and six community members who have expertise in various facets of economic development, to advise the DL&P Committee.

II. Revisions to Other Common Council Committees

Legislation & Licensing Committee; Employee Relations Committee

The Legislation & Licensing Committee and the Employee Relations Committee shall be abolished, and their duties shall be delegated to other committees, except that the LLC’s former primary duty – approving or denying bartender licenses – shall be delegated by ordinance to the City Clerk and the City Attorney.

Finance Committee

The Finance Committee’s duties shall include all matters of city spending including (but not limited to) bills and claims, emergency spending and fund transfers, bond issuance, and TIF funding. The committee also will handle legal settlements and contractor negotiations.

The committee shall be comprised of one-half of the Common Council (currently 8 of the 16 members, one from each district) appointed by the Mayor, who also shall select a chair and a vice-chair.

Transportation Committee

The Transportation Committee’s duties shall include all matters of street and traffic planning, pedestrian and bicycle safety, and transportation planning.

The committee shall be comprised of four alders appointed by the Mayor, who also shall select a chair and a vice-chair.

Marketing & Communications Committee

The Marketing & Communications Committee’s duties shall include written communications with City residents (including, but not limited to, the City’s web site and newsletter), public relations (including, but not limited to, a plan for communicating with residents and news media during emergencies), and marketing of the City for economic development and other purposes.

The committee shall be comprised of four alders appointed by the Mayor, who also shall select a chair and a vice-chair. The Mayor also shall appoint a standing advisory committee, with five members, from among community members who have expertise in marketing, advertising, and public relations, to advise the Marketing & Communications Committee.

Budget Committee

The Budget Committee shall meet from September through November, on a schedule determined by the City Administrator and Finance Director, to prepare the annual city budget for the next fiscal year.

The committee shall be comprised of seven alders, including the chairs of the DL&P Finance, Transportation, Finance, and Marketing & Communications Committees, the Common Council President, and two members elected by a majority of the Council for two-year terms. The Council President shall be the committee chair.

Aldermanic Appointment Committee

See the attached McBride draft from January 2012, proposing a revision of Section 2.04.020 of the Wauwatosa Municipal Code. The key is to ensure that the selection of committee members is apolitical.

Carla Ledesma

From: Dennis McBride
Sent: Friday, April 18, 2014 4:22 PM
To: DL-Alderspersons
Cc: Kathleen Ehley; James Archambo; Carla Ledesma
Subject: COW proposal: Term limits for Council President

Colleagues:

For the Committee of the Whole meeting on April 22, I wish to have another idea discussed: limiting the terms of the Council President.

When I was appointed to the Civil Service Commission 22 years ago, the Chair of that Commission seemed to serve indefinitely, even though he or she was elected every year. After several years and much turnover, I became Chair. After I served two terms, and it appeared that the position would be mine into perpetuity, I said: "I am not the President of a banana republic. Every organization needs occasional changes in leadership. I propose that we limit the Chair to two consecutive terms, and that anyone serving such terms not be eligible to be Chair again until at least a full term has elapsed." My proposal was adopted, and I became Chair again after five or six years, and then cycled off again.

The Wauwatosa School Board also follows this procedure, with Board Presidents being limited to two consecutive terms. The late, great Lois Weber, who served on the School Board for 37 years, was President a number of times, but she cycled in and out of the position.

With this as background, I propose that we change our ordinances to state that the President of the Common Council shall be limited to two consecutive two-year terms, and that any person serving such terms shall be prohibited from being considered for additional terms as President until at least one two-year term has elapsed since he or she served as President.

In this manner, more alders will have the opportunity for leadership, fresh ideas will come forward, and no one should feel precluded from serving.

In case you're wondering why I didn't make this proposal before last week's organizational meeting, I didn't want to be seen as making a proposal that might be seen as an inducement in exchange for voting for me. I would like this proposal to rise or fall on its own merits.

We might want to revisit the terms of other Council and Mayoral appointees, and whether there should be term limits. I take no position on this. I do oppose any term limits on the number of terms that alders can serve their districts. I believe that voters are wise, and know when to turn the rascals out of office.

Best wishes,

Dennis R. McBride
Alderman - 4th District
President, Common Council
City of Wauwatosa, Wisconsin
(414) 258-4574

Restructuring of Aldermanic Selection in Case of a Vacancy

Proposal by Alderman Dennis McBride

April 18, 2014

Section 2.04.020 of the Wauwatosa Municipal Code shall be amended to read as follows:

2.04.020 Vacation of the office of alderman; Selection of replacement.

A. Vacation of Office.

1. An alderman's office shall be deemed vacant upon the occurrence of any one of the following events:

- (a) The alderman's resignation;
- (b) A change in the alderman's residency from the aldermanic district in which he was elected to another aldermanic district within Wauwatosa;
- (c) A change in the alderman's residency from Wauwatosa to a place outside Wauwatosa; or
- (d) The alderman's death.

An alderman also may file a written declaration of prospective vacancy to announce his intention to vacate his aldermanic position, on a date certain, by resignation or expected change in residency. The purpose of declaring a prospective vacancy is to allow the Common Council to fill the vacancy without leaving an aldermanic district unrepresented for a period of time. Once an alderman has filed a written declaration of prospective vacancy, that declaration shall be binding and he may not withdraw it.

2. When an alderman changes his residency from the aldermanic district in which he was elected to another aldermanic district within Wauwatosa, he may serve in a de facto capacity until his successor is appointed.

3. When an alderman changes his residency to a place outside Wauwatosa, the alderman shall have no authority to serve as an alderman in any capacity, de facto or otherwise.

4. For purposes of this section, "residency" shall be defined in the same manner as are qualifications for voting in local elections under the Wisconsin Statutes.

B. Committee to Nominate Replacements.

1. When an aldermanic vacancy occurs, or when alderman has declared a prospective vacancy, an Aldermanic Nomination Committee of five current Council members shall be formed to assess the qualifications of applicants and to recommend one of the applicants to the full Common Council to fill the vacancy.

2. Four members of the Aldermanic Nomination Committee shall be selected as follows: If the vacancy is in an odd-numbered aldermanic district, the senior aldermen from the four even-numbered districts shall serve as members of the Aldermanic Nomination Committee. If the vacancy is in an even-numbered aldermanic district, the senior aldermen from the four odd-numbered districts shall serve as

members of the Aldermanic Nomination Committee. If a senior alderman from such districts chooses not to serve on the Committee, the junior alderman in his or her district shall serve instead.

3. The Mayor shall appoint the fifth member of the Aldermanic Nomination Committee from among the Common Council members who are not chosen to serve on the Committee in accordance with Paragraph (B)(2) above; except, however, that the Mayor may not appoint to the Committee the other alderman from the aldermanic district in which the vacancy has occurred.

4. The Mayor shall appoint the chair of the Aldermanic Nomination Committee from among the five Common Council members who were chosen in accordance with Paragraphs (B)(2) and (B)(3) above.

C. Selection of Replacements by Common Council.

1. The process for filling an aldermanic vacancy shall be as follows:

(a) The City Clerk shall announce the vacancy in the manner customarily used for official City announcements for such vacancies. Wauwatosa residents interested in the vacancy shall have two weeks from the date of the announcement to submit an application to the Aldermanic Nomination Committee.

(b) No later than two weeks after the close of the application deadline, the Aldermanic Nomination Committee shall meet and conduct interviews of the applicants. The Committee may select an applicant to recommend to the full Common Council at that meeting, or at a subsequent meeting to be held within seven days of the first meeting.

2. Those interviews of the aldermanic applicants shall be videotaped and broadcast on the public access television channel customarily used by the City for broadcasting meetings of the Common Council and of Common Council committees.

3. To allow for public comment and appropriate consideration by aldermen who are not members of the Aldermanic Nomination Committee, the Common Council shall not vote to fill any aldermanic vacancy unless at least seven days have elapsed since the Aldermanic Nomination Committee has selected an applicant to recommend to the Common Council.

4. After the time period specified in subsection (C)(3) above has ended, the Common Council shall select one of the applicants for the aldermanic vacancy by a majority vote. It is not bound to follow the Aldermanic Nomination Committee's recommendation.

Ordinance

PROPOSED ORDINANCE AMENDING WAUWATOSA CITY CODE SECTION 2.02.040, 2.02.150 AND 2.24.020 AND CREATING SECTION 2.24.030 TO EFFECT CHANGES AND PROCEDURES FOR CONSIDERATION OF ITEMS FROM THE CITY PLAN COMMISSION

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

Part I. Section 2.02.040 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

No business shall be considered by the Common Council unless presented by a member of the Common Council, the Mayor, a standing committee of the Common Council, the Plan Commission, the Board of Public Works, or the City Administrator.

Part II. Section 2.02.150 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- A. Any alderperson must submit to the City Clerk, in writing, his or her intent to be a candidate for either the office of Common Council President and/or member of the City Plan Commission, by the second Tuesday in April following a regular aldermanic election.
- B. The City Clerk shall, on or before the Friday prior to the election of the Common Council President and City Plan Commission member, advise the alderpersons of the names of the candidates, which names shall be placed on the ballot for the election to be held by the Common Council, sitting as a Committee of the Whole, prior to the Common Council meeting on the third Tuesday in April.
- C. In the event of a vacancy in either of the above offices, the candidate shall submit his or her name on or before the Tuesday prior to the date on which the election is to be held and said election shall be held in the same manner described above, not later than two weeks following the occurrence of the vacancy.
- D. The aldermanic representative to the plan commission shall be elected for a two-year term by a majority vote of the Common Council, sitting as a Committee of the Whole, on the third Tuesday in April following a regular aldermanic election.

Part III. Section 2.24.020 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

The Common Council elects pursuant to Section 62.23(1)(a), Wis. Stats. to provide for Plan Commission membership which shall be as follows:

1. The Mayor who shall be its presiding officer.

2. Four citizen members, none of whom are municipal officials, appointed by the Mayor and subject to confirmation by the Common Council to serve staggered three-year terms.
3. An alderperson appointed by the Mayor to serve a two-year term.
4. An alderperson elected by a majority vote of the Common Council, pursuant to section 2.02.150, to serve a two-year term, or until the next regular aldermanic election, whichever shall come first.

Part IV. Section 2.24.030 of the Wauwatosa Municipal Code is hereby created to read as follows:

- A. The following items considered by the Plan Commission shall be referred directly to the full Common Council for approval: conditional uses permits; scheduling of public hearings; land combinations and divisions; matters not otherwise specified within these subsections.
- B. The following items considered by the Plan Commission shall be referred to the Committee on Community Development for further action: zoning ordinance changes; planned unit developments; development agreements; designation of historic buildings and sites; other items referred by the City Attorney pertaining to zoning and development matters
- C. Following a referral from plan commission to the Common Council pursuant to subsection A, above, and prior to any action by the Common Council, any five alderpersons may require that an item be referred to the Committee on Community Development by submitting a written request to the Common Council President.

Part V. Non-codified provisions:

Plan Commission meetings shall be videotaped and made available for later viewing in the same manner as other meetings of the Common Council and its standing committees; and

Any issue brought forward to the Common Council pursuant to subsection 2.24.030 A., for which the council feels more detailed committee discussion is warranted, may be referred to the Committee on Community Development by a majority vote of the Common Council.

Part VI. Parts I, II and III of this ordinance shall be effective following the general aldermanic election of April 1, 2014, and Part IV shall become effective at and following the Plan Commission meeting scheduled for May 12, 2014.

Passed and Dated _____

City Clerk

Approved _____

Mayor