

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

DATE: April 29, 2013

TO: Supervisor Marina Dimitrijevic, Chairwoman, Board of Supervisors

FROM: Teig Whaley-Smith, Economic Development Director, Department of Administrative Services

SUBJECT: Second Amendment to Development Agreement for UWM Innovation Park

REQUEST

Pursuant to Resolution 11-14(a)(a) (“Resolution”), approval is requested to enter into a Second Amendment to Development Agreement with UWM Innovation Park, LLC and The UWM Real Estate Foundation, Inc. (together “Developer”) regarding the development of an extended stay hotel

BACKGROUND

The County and the Developer are parties to a Development Agreement dated February 15, 2011 (the “Agreement”), wherein the parties set forth certain terms and conditions under which certain property purchased by the Developer from the County may be developed.

The County first amended the Agreement on December 21, 2011 to allow for the Industry Accelerator Facility.

The Developer is requesting of the County that the Agreement be amended to provide for a narrow and limited expansion of the uses permitted under the Agreement. Specifically, paragraph 1(e) of the Agreement will be modified to provide that an extended stay hotel containing up to 128 rooms may be developed in the northernmost portion of the northeast corner of Lot 3 of Certified Survey Map No. 8523, within the area north and east of Discovery Parkway, on a site not to exceed 3.5 acres.

RECOMMENDATION

Approval is recommended to allow the Department of Administrative Services – Economic Development division to enter into a Second Amendment to Development Agreement between the County and Developer to allow for an extended stay hotel, contingent upon a review of Risk Management and Corporation Counsel.

Teig Whaley-Smith
Economic Development Director, Department of Administrative Services

Attachments: Second Amendment to Development Agreement
CSM

cc: Supervisor Patricia Jursik, Chair, Economic & Community Development
Committee (ECD)
Supervisor David Bowen, Vice Chair, ECD Committee
Supervisor Willie Johnson, Jr., ECD Committee
Supervisor Michael Mayo, Sr., ECD Committee
Supervisor James (Luigi) Schmitt, ECD Committee
Supervisor Steve F. Taylor, ECD Committee
Supervisor John F. Weishan, Jr., ECD Committee
Don Tyler, Director, Department of Administrative Services
Julie Esch, Director of Operations, Department of Administrative Services
Amber Moreen, Chief of Staff, Office of the County Executive
Raisa Koltun, Director of Legislative Affairs, Office of the County Executive
Paul Kuglitsch, Corporation Counsel

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(ITEM NO.) From the Director, Department of Administrative Services – Economic Development Division, requesting authorization to enter into a Second Amendment to Development Agreement with UWM Innovation Park, LLC and The UWM Real Estate Foundation, Inc. to provide for the development of an extended stay hotel at Innovation Park.

A RESOLUTION

WHEREAS, Milwaukee County (the “County”) and UWM Innovation Park, LLC and The UWM Real Estate Foundation, Inc. (together “Developer”) are parties to a Development Agreement dated February 15, 2011 (the “Agreement”), wherein the parties set forth certain terms and conditions under which certain property purchased by the Developer from the County may be developed; and

WHEREAS, the Agreement was previously amended on December 21, 2011 to provide for the Industry Accelerator Facility; and

WHEREAS, the Developer is now requesting of the County that the Agreement again be amended to provide for a narrow and limited expansion of the uses permitted under the Agreement; and

WHEREAS, this expansion of the permitted uses is the development of an extended stay hotel containing up to 128 rooms and located in the northernmost portion of the northeast corner of Lot 3 of Certified Survey Map No. 8523, within the area north and east of Discovery Parkway, on a site not to exceed 3.5 acres; and

BE IT RESOLVED, that the Director, Department of Administrative Services – Economic Development Division, is hereby authorized to enter into a Second Amendment to Development Agreement between the County and the Developer to provide for the development of an extended stay hotel at Innovation Park, contingent upon a review of Risk Management and Corporation Counsel.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 4/24/13

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: Second Amendment to Development Agreement for UWM Innovation Park

FISCAL EFFECT:

- | | |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0
Capital Improvement Budget	Expenditure	\$0	\$0
	Revenue	\$0	\$0
	Net Cost	\$0	\$0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated. ¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.
 - A. Approval of the resolution will allow County to enter into a Second Amendment to Development Agreement with UWM Innovation Park, LLC and The UWM Real Estate Foundation, Inc. (together "Developer") regarding the development of an extended stay hotel.
 - B. Although there is no immediate costs or savings, if the affected parcel is sold the County would receive 75% of the land sale.
 - C. There are no budgetary impacts at this time.
 - D. There are no assumptions or interpretations used at this time.

Department/Prepared By Economic Development, Department of Administrative Services

Authorized Signature _____
Teig Whaley-Smith

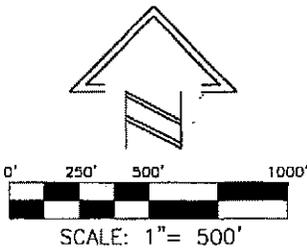
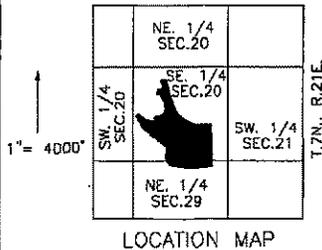
Did DAS-Fiscal Staff Review? Yes No

Did CDBP Review?² Yes No Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.
² Community Business Development Partners' review is required on all professional service and public work construction contracts.

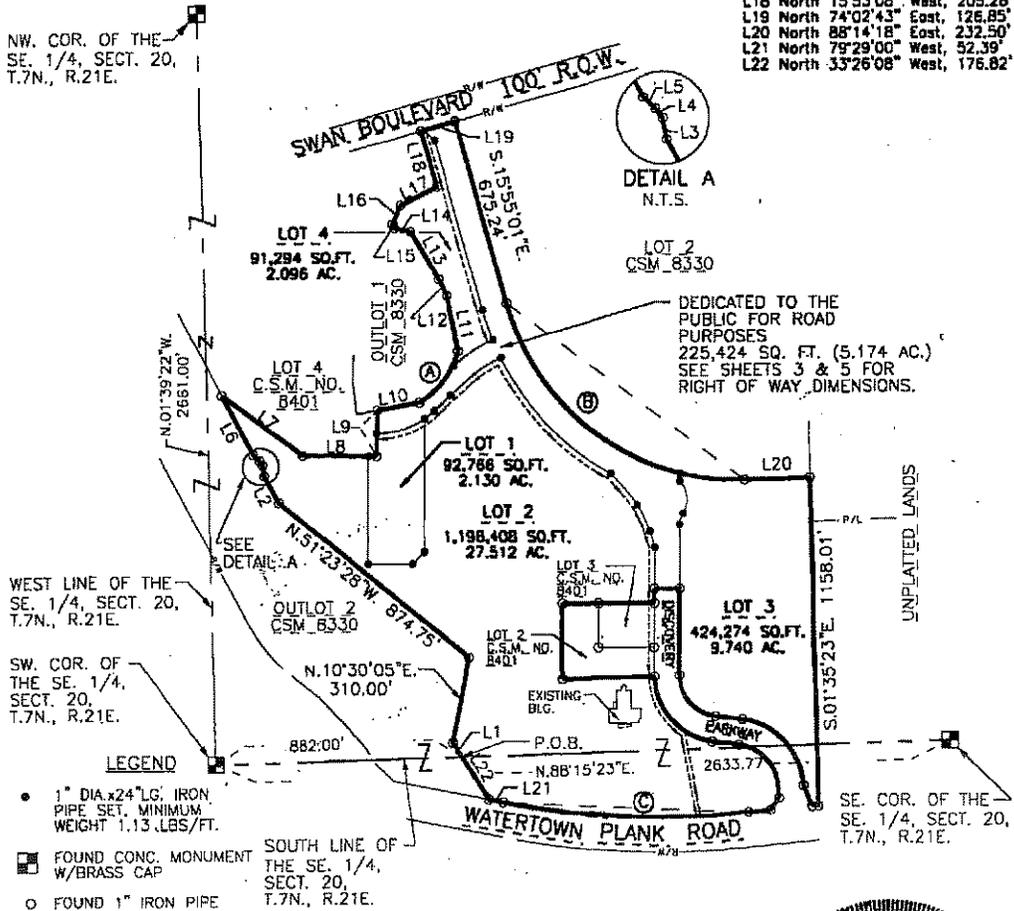
CERTIFIED SURVEY MAP NO. 8523

Being a division of Lot 1 of Certified Survey Map No. 8401 in the Northwest 1/4, Southeast 1/4, and the Southwest 1/4 of the Southeast 1/4 of Section 20 and the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 29 in the Township 7 North, Range 21 East, in the City of Wauwatosa, Milwaukee County, Wisconsin.



LINE TABLE

L1	North	33°26'08"	West	57.68'
L2	North	28°29'22"	West	109.67'
L3	North	09°02'58"	West	38.81'
L4	North	34°18'22"	West	20.13'
L5	North	49°10'23"	West	30.80'
L6	North	28°29'22"	West	233.86'
L7	South	54°14'37"	East	356.08'
L8	North	69°11'42"	West	265.49'
L9	North	00°48'25"	East	160.83'
L10	North	80°00'16"	East	153.37'
L11	North	11°55'15"	West	203.18'
L12	North	25°29'54"	West	67.42'
L13	North	30°33'36"	West	197.94'
L14	North	78°18'30"	West	60.47'
L15	North	24°44'55"	West	15.71'
L16	North	23°31'53"	East	71.75'
L17	North	63°08'26"	East	146.23'
L18	North	15°53'08"	West	205.28'
L19	North	74°02'43"	East	126.85'
L20	North	88°14'18"	East	232.50'
L21	North	79°29'00"	West	52.39'
L22	North	33°26'08"	West	176.82'



LEGEND

- 1" DIA. x 24" LG. IRON PIPE SET, MINIMUM WEIGHT 1.13 LBS/FT.
- FOUND CONC. MONUMENT W/BRASS CAP
- FOUND 1" IRON PIPE

REFERENCE BEARING

All bearings are referenced to the south line of the SE. 1/4 of Sect. 20, T.7N., R.21E. which bears N.88°15'23"E. and is referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone.

OWNER
UWM INNOVATION PARK, LLC

- NOTES:**
- SEE SHEET 2 FOR INTERSECTION LOT LINES AND CURVE DATA.
 - SEE SHEET 3, 4 AND 5 FOR ACCESS EASEMENT AND UTILITY EASEMENTS



THIS INSTRUMENT WAS DRAFTED BY: MICHAEL J. RATZBURG JOB NO. 20090184 SHEET 1 OF 15

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

UW-MILWAUKEE INNOVATION PARK

THIS SECOND AMENDMENT to Development Agreement (this "Amendment") is made as of the ___ day of _____, 2013 (the "Effective Date"), by and between MILWAUKEE COUNTY (the "County"), and UWM INNOVATION PARK, LLC, a Wisconsin limited liability company, and THE UWM REAL ESTATE FOUNDATION, INC., a Wisconsin non-stock corporation (together, hereinafter "Developer").

RECITALS:

WHEREAS, the County and the Developer are parties to that certain Development Agreement dated February 15, 2011 (the "Agreement"), wherein the parties set forth certain terms and conditions under which certain property purchased by the Developer from the County may be developed; and

WHEREAS, the Developer is requesting of the County that the Agreement be amended to provide for a narrow and limited expansion of the uses permitted under the Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, it is agreed as follows:

PROVISIONS:

1. **PERMITTED USES.** Paragraph 1(e) of the Agreement is hereby modified to provide that an extended stay hotel containing up to 128 rooms may be developed in the northernmost portion of the northeast corner of Lot 3 of Certified Survey Map No. 8523, within the area north and east of Discovery Parkway, on a site not to exceed 3.5 acres.
2. **CONFLICT.** In the event of any conflict between the terms and provisions of this Amendment and the terms and provisions of the Agreement, the terms and provisions of this Amendment shall govern, control and prevail. Except as specifically provided herein, the terms and provisions of the Agreement shall remain in force and effect.
3. **COUNTERPARTS.** This Amendment may be executed in counterpart originals, each of which shall constitute an original of this Amendment and that, collectively, shall constitute one and the same agreement.
4. **AUTHORIZATION.** The County has executed this Amendment pursuant to action taken by its Board of Supervisors on _____, Resolution File No. _____.

SIGNATURE PAGE FOLLOWS:

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Effective Date.

MILWAUKEE COUNTY

By: _____ Date: _____
Chris Abele, County Executive

UWM INNOVATION PARK, LLC

By: _____ Date: _____
Name:
Title:

THE UWM REAL ESTATE FOUNDATION, INC.

By: _____ Date: _____
Name:
Title:

Approved as to form and independent status:

Reviewed as to insurance requirements:

By: _____ Date: _____
Corporation Counsel

By: _____ Date: _____
Risk Management

PUBLIC HEARING NOTICE

The County of Milwaukee is inviting citizen comments on the proposed Community Development Block Grant (CDBG) funding for 2014.

Milwaukee County will be receiving 2014 federal CDBG funding totaling approximately \$1,200,000. The CDBG funding is to be shared between Milwaukee County and 16 participating municipalities. The municipal share will be allocated in accordance with Inter-Governmental Cooperation Council policy adopted for this purpose. It is proposed that the County's share be used for County-wide projects. Approximately 20% is set aside for administrative costs.

The Economic and Community Development Committee is holding a public hearing on Monday, June 10, 2013 at 9 a.m. in Rm. 201B of the Milwaukee County Courthouse to obtain the views of county citizens on the general needs of the CDBG funds. Non-profit agencies are eligible to apply for these grants. For further information, please contact Jean Wolfgang at 278-4880 or Jean.Wolfgang@milwcnty.com.



Chicago Sky

1. **Project Overview**

2. **Project Description**

3. **Project Location**

4. **Project Goals**

5. **Project Timeline**

6. **Project Budget**

7. **Project Risks**

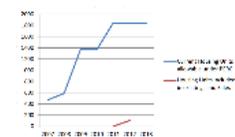
8. **Project Conclusion**

RFP

Item	Description	Quantity	Unit Price	Total Price
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Housing Projects Sponsored	Year	Units
St. Luke's Apartments	2002	46
LeBron House	2003	20
Franklin Apartments	2003	24
St. Luke's Park Apartments	2003	24
LeBron Center Apartments	2003	51
Franklin Park Apartments	2003	65
Highland Gardens	2011	58
LeBron House II	2012	24
Autumn Haven	2013	21
Total		289






Municipal Group
 City of Denver
 Department of Planning and Economic Development

RFP







COUNTY CLERK
Milwaukee County
 MARK RYAN - County Clerk

STATE OF WISCONSIN)
 COUNTY OF MILWAUKEE) SS

I, Mark Ryan, County Clerk in and for the County of Milwaukee, State of Wisconsin, do hereby certify that the attached copy of File No. 2008-0002, is a true and correct copy of the original resolution duly adopted by the Milwaukee County Board of Supervisors at a meeting held on December 16, 2008.

Given under my hand and official seal, at the Milwaukee County Courthouse, in the City of Milwaukee, this 16th day of December, 2008.


 MARK RYAN
 County Clerk

CONFIDENTIAL, PUBLIC USE - BY ORDER OF SUPERVISOR - SUPERVISOR RESOLUTION - SUPERVISOR RESOLUTION

DEC 18 2008
 Chapter
 15-4
 of 3-05
 Retired
 by RBL
 on 12/16/08
 via resolution
 15-4

By Supervisors Johnson, Coggins, Borkwick, Diering, Wise, White, Holzman, Wrothen, Quindel, Deffen

DEC 16 2008
 RESOLUTION FILE NO. 04-492

4 To create the Community and Economic Development (CED) Fund and adopt the Park East Redevelopment Compact (PERC) in order to provide additional sustainable community benefits for the development of the County Park East land.

10 WHEREAS, Milwaukee County will seek the sale of significant real estate assets, including approximately 18 acres of land in the Park East former corridor and these lands represent tremendous assets held in trust by Milwaukee County for the benefit of the citizens of this County. This revenue has been used to various ways, but other it has been used to offset basic operating expense or tax levy; and

16 WHEREAS, while offsetting tax levy to fund operating expense is a tool that is sometimes necessary, such major sales should provide a long-term and sustainable benefit to the community. True stewardship of these major public resources requires that their sale provide a benefit for the citizens; and

20 WHEREAS, the redevelopment of the Park East land, by itself, using private development, will not take advantage of unique opportunities to provide sustainable community benefits especially to those in most need of jobs; and

24 WHEREAS, adoption of the Park East Redevelopment Compact (PERC), as provided in this resolution, will provide the best opportunity to provide increased jobs and tax base not only on this land, but also for the entire community; and

28 WHEREAS, this resolution also provides for the creation of a Community and Economic Development (CED) Fund. The CED (previously "seed") Fund would be comprised of a series of programs designed to address "gap" needs in the marketplace and it is not intended to reproduce resources that are available either in the commercial marketplace or through other public resources; and

32 WHEREAS, the CED Fund recognizes that there are areas where the market does not make available the resources required for sustainable development and by providing these resources, the Fund seeks to be a catalyst that will enable businesses to develop and grow, commensurate to proper, and the lives of all of our citizens to be enriched; and

36 WHEREAS, this Fund would be endowed with all net revenue generated by the sale of land in the Park East Corridor and be used to carry out this resolution for the Park East Redevelopment Compact (PERC); and

40 WHEREAS, in the future, with the exception of revenue allocated to other purposes for streets, sidewalks, resolution, or budget action, revenue produced by the sale of real estate assets (except park land sales) may be allocated to the CED Fund by the County Board at the time of each sale; and

44 The following are some possible uses of the CED Fund:

- Minority Business Working Capital
- Small & Minority Business Contract Financing
- Housing Development
- Neighborhood Business Development
- Economic Development
- Environmental Mitigation/Restoration
- Carry out Park East Redevelopment Compact (PERC), now therefrom.

50 BE IT RESOLVED that this resolution adopts the principle and creation of the Community Economic Development (CED) Fund and adopts the Park East Redevelopment Compact (PERC) with the specifics of the policies and provisions to implement this resolution to be adopted separately by the County Board; and

54 BE IT FURTHER RESOLVED, that the following Park East Redevelopment Compact (PERC) shall apply to the sale of the Park East land:

RFP


COUNTY CLERK
Milwaukee County
 MARK RYAN - County Clerk

STATE OF WISCONSIN)
 COUNTY OF MILWAUKEE) SS

I, Mark Ryan, County Clerk in and for the County of Milwaukee, State of Wisconsin, do hereby certify that the attached copy of File No. 2008-0002, is a true and correct copy of the original resolution duly adopted by the Milwaukee County Board of Supervisors at a meeting held on December 16, 2008.

Given under my hand and official seal, at the Milwaukee County Courthouse, in the City of Milwaukee, this 16th day of December, 2008.


 MARK RYAN
 County Clerk

CONFIDENTIAL, PUBLIC USE - BY ORDER OF SUPERVISOR - SUPERVISOR RESOLUTION - SUPERVISOR RESOLUTION

DEC 18 2008
 Chapter
 15-4
 of 3-05
 Retired
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By Supervisors Johnson, Coggins, Borkwick, Diering, Wise, White, Holzman, Wrothen, Quindel, Deffen

DEC 16 2008
 RESOLUTION FILE NO. 04-492

4 To create the Community and Economic Development (CED) Fund and adopt the Park East Redevelopment Compact (PERC) in order to provide additional sustainable community benefits for the development of the County Park East land.

10 WHEREAS, Milwaukee County will seek the sale of significant real estate assets, including approximately 18 acres of land in the Park East former corridor and these lands represent tremendous assets held in trust by Milwaukee County for the benefit of the citizens of this County. This revenue has been used to various ways, but other it has been used to offset basic operating expense or tax levy; and

16 WHEREAS, while offsetting tax levy to fund operating expense is a tool that is sometimes necessary, such major sales should provide a long-term and sustainable benefit to the community. True stewardship of these major public resources requires that their sale provide a benefit for the citizens; and

20 WHEREAS, the redevelopment of the Park East land, by itself, using private development, will not take advantage of unique opportunities to provide sustainable community benefits especially to those in most need of jobs; and

24 WHEREAS, adoption of the Park East Redevelopment Compact (PERC), as provided in this resolution, will provide the best opportunity to provide increased jobs and tax base not only on this land, but also for the entire community; and

28 WHEREAS, this resolution also provides for the creation of a Community and Economic Development (CED) Fund. The CED (previously "seed") Fund would be comprised of a series of programs designed to address "gap" needs in the marketplace and it is not intended to reproduce resources that are available either in the commercial marketplace or through other public resources; and

32 WHEREAS, the CED Fund recognizes that there are areas where the market does not make available the resources required for sustainable development and by providing these resources, the Fund seeks to be a catalyst that will enable businesses to develop and grow, commensurate to proper, and the lives of all of our citizens to be enriched; and

36 WHEREAS, this Fund would be endowed with all net revenue generated by the sale of land in the Park East Corridor and be used to carry out this resolution for the Park East Redevelopment Compact (PERC); and

40 WHEREAS, in the future, with the exception of revenue allocated to other purposes for streets, sidewalks, resolution, or budget action, revenue produced by the sale of real estate assets (except park land sales) may be allocated to the CED Fund by the County Board at the time of each sale; and

44 The following are some possible uses of the CED Fund:

- Minority Business Working Capital
- Small & Minority Business Contract Financing
- Housing Development
- Neighborhood Business Development
- Economic Development
- Environmental Mitigation/Restoration
- Carry out Park East Redevelopment Compact (PERC), now therefrom.

50 BE IT RESOLVED that this resolution adopts the principle and creation of the Community Economic Development (CED) Fund and adopts the Park East Redevelopment Compact (PERC) with the specifics of the policies and provisions to implement this resolution to be adopted separately by the County Board; and

54 BE IT FURTHER RESOLVED, that the following Park East Redevelopment Compact (PERC) shall apply to the sale of the Park East land:



Lending the power to succeed.

- HOME
- ABOUT US
- LOAN PROGRAMS
- CITY RESOURCES
- NEWS
- CONTACT US
- FAQ



Milwaukee County Revolving Loan Fund

The Milwaukee County Revolving Loan Fund (RLF) allows Milwaukee County companies to take advantage of low-interest loans to assist in financing their business projects. Using this \$1 million fund, businesses are able to receive financing of 40% of the total project cost or up to \$250,000.

To be eligible, businesses must be for-profit and located within Milwaukee County.

[How to Qualify](#)

How to Qualify

- For-profit Business
- Business located in Milwaukee County
- Business has minimum 10% equity in project
- Business creates or retains jobs in County

Lending Structure

A typical private equity fund:

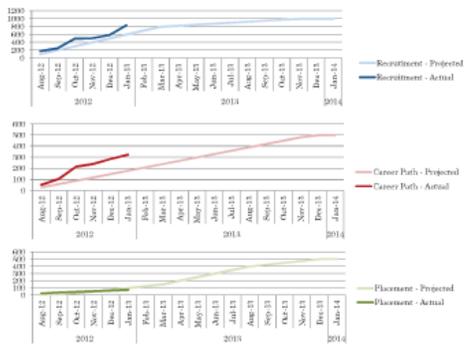
Bank	\$200,000	60%
County PEP	\$200,000	40%
Investor's Cash	\$500,000	100%
Total	\$900,000	100%

[Click Here to Apply for PEP Funding](#)
[Click Here to Apply for PEP Funding](#)

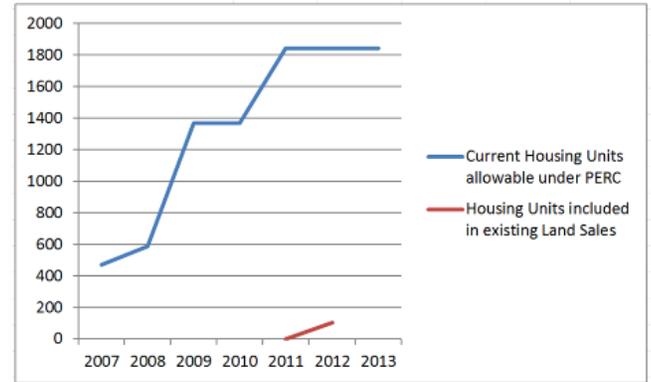
Copyright 2013 WRTP. All Rights Reserved.
 Milwaukee Economic Development Corporation | 260 East Wisconsin | Suite 100 | Milwaukee, WI 53202 | Phone: (414) 286-2644 | Fax: (414) 286-2779



HOW ARE WE DOING? OUTCOMES FOR Q1 & Q2



<u>Housing Projects Sponsored</u>	<u>Year</u>	<u>Units</u>
St. Catherine's Residence	2007	46
United House	2007	24
Prarie Apartments	2007	24
Washington Park Apartments	2008	24
Johnston Center Residences	2009	91
Empowerment Village	2009	65
Highland Commons	2011	50
UMCS Phase III	2011	24
Autumn West	2011	21
Total		369



**COUNTY OF MILWAUKEE
INTER-OFFICE COMMUNICATION**

4

DATE : May 31, 2013

TO : Marina Dimitrijevic, County Board Chairwoman

FROM : Teig Whaley-Smith, Economic Development Director
Department of Administrative Services

SUBJECT : From Rainier Properties II, LLC requesting an extension to the option to purchase the triangular-shaped, .37-acre Block 6E in the Park East Corridor, located between North Water Street, North Edison Street and East Knapp Street in the City of Milwaukee, east of the Milwaukee River.

Milwaukee County Board Resolution File No. 06-14(a)(a) was adopted on April 13, 2006, accepting a development proposal from MLG Commercial, the predecessor to Rainier Properties II, LLC (“Rainier”) for Block 6E, in the amount of \$676,000, which is \$72,000 above the appraised value. The approved development project, estimated at \$8 million, included a four-story mixed-use building, comprising 8,000 rental square feet of retail on the first floor, approximately 36,000 square feet of rentable office space on the upper three floors and up to 31 underground parking spaces.

As referenced above, the proposal from Rainier reflected a stand-alone mixed-use development for Block 6E, however, their proposal also presented an assemblage of Block 6E with a riverfront parcel controlled by Rainier across North Edison Street (exhibit attached). Developing a project on the assembled 2.6-acre site offers an opportunity for landmark development with a tax base beyond what could be achieved solely on the .37-acre County-owned Block 6E.

Rainier continues to invest professional and monetary resources in the project and is committed to bring the project to a successful completion. Therefore, Rainier is requesting a three-month extension to their option to purchase for Block 6E until September 30, 2013.

In addition to the \$65,000 in nonrefundable option fees already committed by Rainier and previously increasing the purchase price \$24,000 from \$676,000 to \$700,000, Rainier agrees to provide copies of all site related due diligence to the County relating to the approved development, including reports pertaining to the adjoining parcels not owned by the County, but not any Phase I, Phase II or similar environmental reports. This includes, without limitation, geo-technical reports, surveys and other supporting documents. Rainier also pledges to continue providing snow clearing of the sidewalks abutting Block 6E, litter removal and mowing services and providing these services helps reduce County maintenance costs and improves the aesthetics of the surrounding area.

RECOMMENDATION

Staff respectfully requests that the Committee on Economic and Community Development recommend to the Milwaukee County Board of Supervisors an extension to the existing option to purchase with Rainier for Block 6E until September 30, 2013.

FISCAL NOTE

Extending the existing option to purchase with Rainier for Block 6E until December 30, 2012 and until June 30, 2013 , if needed, will not include the payment of an extension fee, but Rainier continues to provide maintenance services on and abutting the block that reduces operating costs for the County. The \$65,000 nonrefundable option fee paid to date will be credited toward the \$700,000 purchase price, but will not be refunded if the option is not exercised and the purchase is not finalized.

Teig Whaley-Smith
Economic Development Director

cc: Supervisor Patricia Jursik, Chair, Economic and Community Development Committee
Supervisor David Bowen, Vice Chair, ECD Committee
Economic and Community Development Committee Members
Don Tyler, Director, Department of Administrative Services
Julie Esch, Director of Operations, Department of Administrative Services
Amber Moreen, Chief of Staff, Office of the County Executive
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(ITEM) From Rainier Properties II, LLC requesting an extension to the option to purchase for the triangular-shaped, .37-acre Block 6E in the Park East Corridor, located between North Water Street, North Edison Street and East Knapp Street in the City of Milwaukee, east of the Milwaukee River, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Milwaukee County Board Resolution File No. 06-14(a)(a) was adopted on April 13, 2006, accepting a development proposal from MLG Development, the predecessor to Rainier Properties II, LLC (“Rainier”) for Block 6E, in the amount of \$676,000, which was \$72,000 above the appraised value; and

WHEREAS, the approved development, estimated at \$8 million, included a four-story mixed-use building, comprising 8,000 rental square feet of retail on the first floor, approximately 36,000 square feet of rentable office space on the upper three floors and up to 31 underground parking spaces; and

WHEREAS, Block 6E was marketed as a stand-alone mixed-use development site and the original proposal from Rainier reflected a stand-alone mixed-use development for Block 6E, however the original proposal also presented an assemblage of Block 6E with a riverfront parcel controlled by Rainier across North Edison Street; and

WHEREAS, Rainier continues to invest professional and monetary resources in the project and is committed to bring the project to a successful completion; and

WHEREAS, Rainier requested and was granted a six-month extension to their option to purchase for Block 6E until December 30, 2012, with an option to extend for an additional six months, to June 30, 2013; and

WHEREAS, Rainer is requesting a three month extension to their option to purchase for Block 6E until September 30, 2013; and

WHEREAS, in addition to the \$65,000 option fees already paid, Rainier agrees to provide copies of all site related due diligence to the County relating to the approved development, including reports pertaining to the adjoining parcels not owned by the County, but not any Phase I, Phase II or similar environmental reports. This includes, without limitation, geo-technical reports, surveys and other supporting documents; Rainier also pledges to continue providing snow clearing of the sidewalks abutting Block 6E, litter removal and mowing services and providing these services helps reduce County maintenance costs and improves the aesthetics of the surrounding area; now, therefore,

BE IT RESOLVED, the Director of Economic Development is hereby authorized to extend the existing option to purchase with Rainier for Block 6E until September 30, 2013.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: May 31, 2013

Original Fiscal Note x

Substitute Fiscal Note

SUBJECT: From Rainier Properties II, LLC requesting an extension to the option to purchase for the triangular-shaped, .37-acre Block 6E in the Park East Corridor, located between North Water Street, North Edison Street and East Knapp Street in the City of Milwaukee, East of the Milwaukee River.

FISCAL EFFECT:

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> No Direct County Fiscal Impact
x Existing Staff Time Required
<input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below)
<input type="checkbox"/> Absorbed Within Agency's Budget
<input type="checkbox"/> Not Absorbed Within Agency's Budget
<input checked="" type="checkbox"/> Decrease Operating Expenditures
<input type="checkbox"/> Increase Operating Revenues
<input type="checkbox"/> Decrease Operating Revenues | <input type="checkbox"/> Increase Capital Expenditures
<input type="checkbox"/> Decrease Capital Expenditures
<input type="checkbox"/> Increase Capital Revenues
<input type="checkbox"/> Decrease Capital Revenues
<input type="checkbox"/> Use of contingent funds |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	
	Revenue	0	
	Net Cost	0	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Extending the existing option to purchase for Block 6E until September 30, 2013, will not include the payment of an extension fee, but Rainier will continue to provide maintenance services for the County on Block 6E that reduces operating costs for the County. In addition Rainier will provide copies of all site related due diligence for the development included adjoining parcels not owned by the county. The \$65,000 nonrefundable option fee paid to the date will be credited toward the \$700,000 purchase price, but will not be refunded if the option is not exercised and the purchase is not finalized.

Department/Prepared By Economic Development / David A Cialdini

Authorized Signature 

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.

COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

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DATE: May 23, 2013

TO: Supervisor Patricia Jursik, Chair, Economic & Community
Development Committee

FROM: Teig Whaley-Smith, Economic Development Director, Department of
Administrative Services

SUBJECT: Status of Excess Property Sales (Informational Only)

The Real Estate Services Section of the Economic Development Division reports, on a monthly basis, the status of excess property sales. Attached is the report for period beginning May 1, 2013 and ending May 31, 2013.

cc: Chris Abele, County Executive
Marina Dimitrijevic, County Board Chairwoman
Economic and Community Development Committee Members
Don Tyler, Director, Dept. of Administrative Services
Amber Moreen, Chief of Staff, Office of the County Executive
Raisa Koltun, Director of Legislative Affairs, County Executive's Office
Julie Esch, Director of Operations, DAS
David Cialdini, Economic Development, DAS

REAL ESTATE SERVICES SECTION

REVENUE STATUS REPORT
Period ending May 31, 2013

CLOSED PROPERTIES

Property	Committee Date	Closed	Gross Sale Proceeds
North of 8310 South 100 th Street, Franklin		January 2013	\$ 3,750.00
2254 South 75 th Street, West Allis		January 2013	\$ 26,900.00
UWM Innovation Park – Release of Mortgage for ABB		March 29, 2013	\$ 225,000.00
		TOTAL	\$ 255,650.00
		2013 Budget	\$ 400,000.00

PENDING PROPERTY CLOSINGS

Property	Committee Date	Pending Closing	Gross Sale Proceeds
Block 6E, Park East Development	April 3, 2006	2013	\$ 406,000.00 ¹
		TOTAL	\$ 406,000.00

GENERAL PROPERTY STATUS

Property	Committee Date	Status	Asking Price
5414-22 South Packard Avenue, Cudahy		Available for sale	\$ 35,000.00
3618 East Grange, Cudahy		Available for sale	\$ 4,900.00
3749 East Squire, Cudahy		Available for sale	\$ 16,900.00
8450 West Beatrice Ct., Milwaukee		Available for sale	\$ 375,000.00 ²
3802 East Cudahy Avenue, Cudahy		Available for sale	\$ 18,900.00
9074 S 5 th Ave, Oak Creek		Available for sale	\$ 28,900.00

1. County's share of \$700,000 sales price

2. Net proceeds to Federal Transit Administration or Future Transit Capital Project

SUMMARY DETAIL OF PENDING PROPERTY CLOSINGS

PROPERTY	BUYER	CLOSING	COMMENTS
Block 6E, Park East	Rainier Properties II, LLC	2013	Option granted until December 30, 2012 with an extension to June 30, 2013 if needed. If Buyer exercises option, closing will occur within 30 days

SUMMARY DETAIL OF UWM, INNOVATION PARK, LLC SALE

PROPERTY	BUYER	CLOSING	COMMENTS
NE Quadrant County Grounds	UWM, Innovation Park, LLC	February 15 2011	<p>Initial \$5 million paid February 15, 2011.</p> <p>County Board extended each of the purchase price installment payment dates after closing by twenty-four (24) months as follows:</p> <ul style="list-style-type: none"> • Second \$5 million payable on February 15, 2014 • \$887,500 payable on February 15, 2015 • \$887,500 payable on February 15, 2016 • \$887,500 payable on February 15, 2017 • \$887,500 payable on February 15, 2018

BUDGET MODIFICATIONS

Motion:

Move to:

Education and Building Program

1. *State Laboratory of Hygiene OWI Testing.* Require the Board of Regents to transfer \$136,400 in 2013-14 and 2014-15 from the UW System's program revenue appropriation balances to the appropriation titled "State Laboratory of Hygiene, drivers." Funding provided through this appropriation is used to support the testing of blood samples for alcohol, controlled substances, and other drugs under the state implied consent laws. In addition, create 2.0 two-year project positions under the State Laboratory of Hygiene beginning in 2013-14.

2. *Center for Investigative Journalism.* Prohibit the Board of Regents from permitting the Center for Investigative Journalism to occupy any facilities owned or leased by the Board of Regents. In addition, prohibit UW employees from doing any work related to the Center for Investigative Journalism as part of their duties as a UW employee.

3. *UW System PR Balances.* Clarify earlier Committee action to specify that the Board of Regents would develop an appropriate methodology to calculate program revenue balances and reserves, expressed both in dollar terms as well as a percentage of total annual expenses, for the UW System as a whole and for individual UW institutions. As under earlier Committee action, the proposed methodology must be submitted to the Joint Audit Committee by September 1, 2013, for its review and approval. In addition, require that the plan submitted by the Board relating to sources of PR funds include the moneys that would be transferred to an appropriation under HEAB for the WHEG-UW program.

4. *Radio Tower Siting.* Clarify earlier Committee action relating to siting of radio towers to include counties, cities, villages, and towns, rather than only cities and towns.

General Government and Justice

5. *Juvenile Placements in Juvenile Detention Facilities.* Modify s. 938.34(3)(f) of the statutes to authorize a juvenile's placement from 180 days to 365 days at a juvenile detention facility, a juvenile portion of a county jail, or a place of non-secure custody designated by the court.

6. *Modifying Statutory Language Relating to Product Liability Law.* Modify current law relating to product liability provisions, as follows:

a. Create a "Legislative Findings and Intent" section which states: "The legislature finds that it is in the public interest to clarify product liability law, generally, and the application of the risk contribution theory of liability first announced by the Wisconsin Supreme Court in *Collins v. Eli Lilly Company*, 116 Wis. 2d 166 (1084), specifically, in order to return tort law to its historical, common law roots. This return both protects the rights of citizens to pursue legitimate and timely claims of injury resulting from defective products, and assures that businesses may conduct activities in this state without fear of being sued for indefinite claims of harm from products which businesses may never have manufactured, distributed, sold, or promoted, or which were made and sold decades ago. The legislature finds that the application of risk contribution to former white lead carbonate manufactures in *Thomas v. Mallet*, 285 Wis. 2d 236 (2005), was an improperly expansive application of risk contribution theory of liability announced in *Collins*, and that application raised substantial questions of deprivation of due process, equal protection, and right to jury trial under the federal and Wisconsin constitutions. The legislature finds that this section protects the right to a remedy found in article I, section 9, of the Wisconsin Constitution, by preserving the narrow and limited application of the risk contribution theory of liability announced in *Collins*."

b. Modify the "Applicability" section to specify that the provision applies to all actions "whenever filed or accrued."

c. Specify that the new sections first apply to actions or special proceedings pending on or commenced after the effective date of the section.

7. *DNA Collection at Arrest.* Provide that biological samples collected from adults and juveniles arrested for a felony could not be analyzed or forwarded to DOJ by the collecting law enforcement agency: (a) unless the arrest was made pursuant to a warrant; (b) until a judicial finding of probable cause that the adult or juvenile committed a felony or what would be a felony if committed by an adult; (c) unless the adult failed to appear at the initial appearance or preliminary examination or waived the preliminary examination; or (d) unless the juvenile failed to appear for juvenile delinquency proceedings. Require the courts to notify relevant collecting law enforcement agencies whenever (b), (c), or (d) occurs in an individual case. Require a collecting law enforcement agency to destroy an individual's biological sample if the sample has not been forwarded to DOJ under the conditions specified above within one year after collection.

8. *Pay Progression for Attorneys.* Delete Motion #344 related to pay progression for assistant district attorneys, assistant state public defenders and assistant state attorney generals. Adopt the provisions related to pay progression as introduced in AB 40. In addition, move to extend pay progression to deputy district attorneys. Provide the following additional amounts for pay progression: (a) \$397,900 GPR in 2013-14, and \$2,383,000 GPR in 2014-15, to the District Attorney function; and (b) \$313,600 GPR in 2013-14, and \$620,500 GPR in 2014-15, to the Office of the State Public Defender.

9. *County Crime Prevention Funding Boards.* Move to amend Motion #421 which would create county crime prevention funding boards and a crime prevention funding board surcharge to provide that: (a) the presiding judge of the circuit court, or his or her designee, be deleted as a member of any county crime prevention funding board; and (b) the crime prevention

funding board surcharge be assessed only after an offender pays the global positioning system tracking surcharge in full.

10. *OpenBook Requirement for Municipalities Revision.* Modify Motion #236 related to local expenditure reporting (OpenBook) to make reporting requirements effective September 1, 2016, rather than July 1, 2015.

11. *Register of Deeds Fees and Statewide Digital Parcel Map Modifications.* Modify Motion #249 associated with required access to land records to specify that all counties must post to the Internet the following property tax assessment data provided to the county by municipalities: (a) the assessed values of land; (b) the assessed values of improvements; (c) the total assessed values; (d) the class of property as specified under s. 70.32(2)(a) and the estimated fair market value; and (e) the total property tax.

12. *Rehired Annuitants: Substitute Motion on Previous Action.* Delete the provisions adopted under Motion #352 and Motion #510. Instead adopt Alternative 2 in LFB Paper #259. In addition, provide that, if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, enters into a contract to provide employee services with a participating employer and he or she is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds, as determined by rule, the participant's annuity must be terminated and no annuity payment may be payable until after the participant no longer provides employee services under the contract. [The provision adopts the Governor's 75-day break-in-service requirement and two-thirds standard, applies the two-thirds standard to contracts, and adopts the ETF process for administering the accounts of rehired annuitants.]

13. *2013-15 Executive Branch Agency Position Reductions.* Require the Secretary of DOA, during the 2013-15 biennium, to delete a total of 450 positions from executive branch agencies. Require the Secretary of DOA to submit a report to the Joint Committee on Finance by January 1, 2015, that identifies the deleted positions by appropriation, by agency.

Health Services, Insurance and Professional Regulation

14. *Bail Bond Agents, Bail Bond Agencies, and Bail Recovery Agents in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties.* Establish credentialing requirements in the Department of Safety and Professional Services (DSPS) for bail bond agents, bail bond agencies, and bail recovery agents, as described below. Allow a licensed bail bond agent or bail bond agency to act as a surety under current law provisions related to bail and other conditions of release. Allow a licensed bail bond agent or a licensed bail bond agency to be compensated at a rate of 10 percent of the amount of the bail bond set.

Specify that a licensed agent or licensed agency may only be compensated to act as a surety for a bail bond in an action brought in Dane, Kenosha, Milwaukee, Racine, or Waukesha Counties. Specify that five years after the effective date of the bill, this limitation on the area where agents or agencies may be compensated no longer applies (effectively implementing this policy statewide).

Require a surety that is a bail bond agent or a bail bond agency to pay a filing fee equal to three percent of the bail bond amount to a court at the time that a bail bond is posted with that court.

Definitions. Define the following terms for these purposes.

"Bail bond" as a bond executed under Chapter 969 of the statutes.

"Bail bond agency" as a business that is compensated to act as a surety for a bail bond.

"Bail bond agent" as an individual who is compensated to act as a surety for a bail bond.

- "Bail recovery agent" as an individual who is compensated to locate, apprehend, transport, or surrender a principal (as defined below).

- "Business" as a sole proprietorship, partnership, limited liability company, joint venture, or corporation.

- "Business representative" as an owner, officer, director, manager, member, partner, or other agent of a business.

"Certified bail recovery agent" as an individual who is certified as a bail recovery agent.

- "Law enforcement officer" as defined under current law related to the law enforcement standards board.

"Licensed agency" as a business that is licensed as a bail bond agency under this proposal.

"Licensed agent" as an individual licensed as a bail bond agent under this proposal.

"Principal" as a defendant who is released on a bail bond.

Licensure and Certification Requirements. Prohibit an individual from acting as a bail bond agent, or a business from acting as a bail bond agency, without being licensed by DSPS, and the bail bond being underwritten by a surety company authorized to do business in Wisconsin. Prohibit individuals from acting as a bail recovery agent without a certification from DSPS.

Require the Department to grant a license to act as a bail bond agent to an individual who meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, that includes the individual's name and address, a recent photograph of the individual, and any other information required by DSPS by rule; (b) satisfies the education, training, and examination requirements established by DSPS by rule; (c) subject to current law on unlawful discriminatory actions, does not have an arrest or conviction record; (d) pays an initial licensure fee of \$1,000; and (e) satisfies any other requirements established by DSPS by rule.

Require the Department to grant a license to act as a bail bond agency to a business that meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, which must include the business' name and address, the name and addresses of the business representatives of the business and any bail bond agents who are employed by the business, and any

other information required by DSPS by rule; (b) has at least one business representative that is a licensed bail bond agent; (c) pays the initial credential fee of \$1,000; and (d) satisfies any other requirement established by DSPS by rule.

Require the Department to grant a certification to act as a bail recovery agent to an individual who meets all of the following requirements: (a) submits an application on a form prescribed by DSPS, that includes the individual's name and address, a recent photograph of the individual, and any other information required by DSPS by rule; (b) is a licensed private detective under current law; (c) satisfies the education, training, and examination requirements established by DSPS by rule; (d) subject to current law on unlawful discriminatory actions, does not have an arrest or conviction record; and (e) satisfies any other requirements established by DSPS by rule.

Require a renewal application to be submitted on a form prescribed by DSPS and including any information required by DSPS by rule by the following dates: (a) by December 1 of each odd-numbered year for renewal of licenses for bail bond agents and bail bond agencies; and (b) renewal of certifications for bail recovery agents by September 1 of each even-numbered year. Set the license renewal fee for bail bond agents and bail bond agencies at \$1,000.

Create a sum certain, annual PR appropriation in DSPS for the administration of bail bond agent licenses, bail bond agency licenses, and bail bond recovery certifications. Credit all fees received under the provisions of this motion to this provision. Provide no expenditure authority for DSPS in this appropriation in the 2013-15 biennium.

Allow DSPS to conduct a criminal background check on applicants for a credential as a bail bond agent or a bail recovery agent.

Register. Require DSPS to compile and keep current a register of the names and addresses of all licensed agents, licensed agencies, and certified bail recovery agents. Require DSPS to make that register available for public inspection during regular state office hours, and allow DSPS to make the register available on the DSPS website.

Require DSPS to annually provide a complete copy of the register to clerk of circuit court in each county. Require DSPS to promptly notify the clerk of circuit court in each county concerning any disciplinary action taken against a licensed agent, licensed agency, or certified bail recovery agents.

Required Bond or Liability Requirement. Require each licensed agency to file with DSPS a bond or liability policy approved by the Department, in an amount determined by DSPS by rule that covers all licensed agents of the agency. Require each licensed agent who is not included under such a bond or liability policy to file with DSPS a bond or liability policy approved by the Department, in an amount determined by DSPS by rule.

Restrictions on Business Referrals. Prohibit a licensed agent, licensed agency, or certified bail recovery agent (and no agent or employee of a licensed agent, licensed agency, or certified bail recovery agent) from, in the course of its business, suggesting in any manner that a principal or a prospective principal contact or engage the services of any attorney or law firm. Prohibit any law

enforcement officer or other employee of the state or of a city, town or county from suggesting in any manner that a defendant contact or engage the services of any bail bond agent or bail bond agency.

Advisory Committee. Require DSPS to establish and appoint members to an advisory committee to advise the Department on matters relating to the regulation of bail bond agents, bail bond agencies, and bail recovery agents. Specify that the seven members of the committee would consist of the following: (a) one private criminal defense attorney licensed to practice law in Wisconsin; (b) one current or former law enforcement officer; (c) one current or former judge for the circuit court in any county; (d) one member of the public who is a Wisconsin resident and is not a current or former law enforcement officer; (e) one member of the state Legislature, to be appointed by the Governor with the advice and consent of the Senate; and (f) two representatives of the bail bond industry in Wisconsin. Specify that the committee members be appointed to three-year terms, and that no member may serve more than two consecutive terms.

Disciplinary Proceedings and Actions. Authorize DSPS to conduct investigations and hearings to determine whether a violation of any of the following has occurred: (a) the new DSPS provisions described in this motion; (b) any administrative rules related to these provisions; or (c) any other law of this state, a law of another state, or a federal law substantially related to the activity or a bail bond agent, bail bond agency, or bail recovery agent. Allow DSPS to reprimand a licensed agent, licensed agency, or certified bail recovery agent, or deny, limit, suspend, or revoke a license or certification if the Department finds that an applicant for licensure or certification, a licensed agent, licensed agency, or certified bail recovery agent has done any of the following: (a) made a material misstatement in an application for a license or license renewal or a certification or certification renewal; (b) advertised in a false or misleading manner; (c) obtained or attempted to obtain compensation through fraud or deceit; (d) violated the new DSPS provisions described in this motion, any administrative rules related to these provisions; or any other law of this state, a law of another state, or a federal law substantially related to the activity or a bail bond agent, bail bond agency, or bail recovery agent; or (e) engaged in unprofessional conduct. In addition to, or instead of, a reprimand or other action, allow DSPS to establish by rule other penalties for violations, including a forfeiture not to exceed \$5,000 for each violation.

Rules. Require DSPS to promulgate rules necessary to administer these new provisions, including rules that do all of the following: (a) establish photographic identification requirements for licensed agents and certified bail recovery agents; (b) establish rules of conduct that prohibit the use or display of badges, shields, or any other similar images or items normally associated with law enforcement officers, require contact with appropriate local law enforcement officers or other officials before an attempt is made to apprehend a principal, and establish other requirements concerning the location, apprehension, transportation, and surrender of principals; (c) establish procedures for the temporary certification in this state of bail recovery agents from other states (with DSPS being able to enter into reciprocal agreements with other states concerning the activities of bail bond agencies, and bail recovery agents in the respective states; and (d) establish education, training, examination, and other requirements for the initial licensure of bail bond agents, and the initial certification of bail recovery agents, and establish such requirements for the renewal of those licenses and certifications. When promulgating these rules, require DSPS to consult federal law and

the laws of other states concerning the licensure requirements that exist under those laws for bail bond agents, bail bond agencies, and bail recovery agents, and require DSPS to attempt to make the requirements it established by rule consistent with those laws.

Agents and Agencies are Not Insurance Intermediaries. Specify that a bail bond agent or a bail bond agency is not an "intermediary" for the purposes of regulation of insurance intermediaries by the Office of the Commissioner of Insurance.

Pretrial Release and County Reports. Require the Director of State Courts to create and make available to the clerks of court in Dane, Kenosha, Milwaukee, Racine, and Waukesha Counties forms for reporting the information described below, and prescribe a schedule for the clerks of court to return the completed forms. Require the Director of State Courts to require, at a minimum, annual reports from the clerks of those counties.

Require the clerks of court in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties (using the forms provided by, and according to the schedule prescribed by, the Director of State Courts) to provide the following information to the Director of State Courts: (a) the number of people charged in the county with a misdemeanor who were released without bail; (b) the number of people in the county charged with a misdemeanor who were released with the execution of an appearance bond, and the amount of the appearance bond required, and for each person so released who used a surety, whether the surety is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (c) the number of people charged with felonies who were released without bail; (d) the number of people in the county charged with a felony who were released with the execution of an appearance bond, the amount of the appearance bond required, and for each person so released who used a surety, whether the surety is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (e) the number of court orders entered for forfeiture of bail due to noncompliance with the conditions of the bond, and for each order, whether the person used a surety who is a natural person, a surety under current law related to guaranteed traffic arrest bonds, or a licensed bail bond agent or bail bond agency; (f) the amount of bail forfeited and subsequently collected, and a description of how the collected amounts were allocated by the clerk of courts and the county treasurer; (g) the amounts of bail collected and not collected; (h) the disposition of the case against every person subject to an order counted under (e), including a statement as to whether, when, and by whom the person was located after he or she failed to make a required court appearance; and (i) a statement of the time and costs expended by the county to locate a person subject to an order counted under (e).

Report by Director of State Courts. Require the Director of State Courts to, no later than four years and four months after the effective date of the bill, to submit to the chief clerk of each house of the Legislature, for distribution to the Legislature under current law procedures, a report summarizing the reports prepared by the clerks of courts in Dane, Kenosha, Milwaukee, Racine and Waukesha Counties.

Emergency Rules. Allow DSPS to promulgate emergency rules to implement these provisions for the period before any permanent rules go into effect, but not to exceed the period of time authorized for emergency rules under current law. Specify that DSPS is not required to provide

evidence that promulgating such a rule is necessary for the preservation of public peace, health, safety, or welfare, and is not required to provide a finding of emergency for these rules.

Specify that these provisions would take effect on the first day of the seventh month beginning after publication of the bill.

15. *Speech Language Pathologist and Audiologist Credential Fees.* Establish in statute the biennial credential renewal fees for speech language pathologists and audiologists at \$75. Reduce estimates of program revenues to DSPS by \$186,300 in 2014-15 and GPR-earned estimates by \$20,700 in 2014-15.

16. *Veterans Affairs -- Grants to Federally-Recognized Veterans Service Organizations.* Permit, rather than require, the Department of Veterans Affairs to award grants to federally-recognized veterans service organizations, based on the revised funding formula in the bill. Under the bill, DVA would be required to award grants to federally-recognized veterans service organizations by creating two categories of grantees: (a) those with paid salary and travel expenses of up to \$119,999 in the previous year, which would receive grants equaling 50% of the amounts paid; and (b) those with salary and expenses of \$120,000 or more in the previous year, which would receive a grant of \$70,000. Currently, the four organizations that qualify for grants are the American Legion, Disabled American Veterans, the Military Order of the Purple Heart, and the Veterans of Foreign Wars.

This item would provide DVA discretion in awarding grants, and the amount of each grant, to these qualifying organizations.

Natural Resources and Commerce

17. *Eliminate Contractor Registration Program.* Eliminate the contractor registration program under s. 101.147 of the statutes. In addition, prohibit the Department of Safety and Professional Services (DSPS) from promulgating or enforcing any rule that requires a person who is engaged, or who offers to engage in a construction business, to hold a registration issued by DSPS, unless the rule relates to a registration specifically authorized by Chapters 101 and 145 of the statutes. This would result in a reduction of program revenues from the \$115 four-year contractor registration and application fees collected by DSPS of approximately \$200,000 in 2013-14 and \$285,000 in 2014-15. (The fees are deposited in a program revenue appropriation for administration of building code, plan review, and inspection activities related to construction such as commercial buildings, multi-family dwellings, one- and two-family dwellings, plumbing, private sewage systems, electrical and heating systems, boilers, elevators, electrical wiring, fire safety codes, and amusement rides.)

18. *Establishing Lake Michigan Shoreline in the City of Milwaukee.* Specify that the shoreline of Lake Michigan in the City of Milwaukee is fixed and established to extend from approximately Lafayette Place on the north to the present north harbor entrance on the south, as specified in the agreement between the City of Milwaukee and the Chicago and Northwestern Railway Company, and in conformance with the conveyance to the City of Milwaukee recorded with the Office of the Register of Deeds of Milwaukee County on April 23, 1913, in volume 662,

pages 326 to 330, as document number 762955. Provide this shoreline constitutes the division between the lake bed of Lake Michigan and land that is not part of the lake bed of Lake Michigan.

Further, specify any of the restrictions, conditions, reverters or limitations imposed on the use of land or conveyance of land under the following legislative acts [generally relating to lakebed conveyances], or any other legislative act granting a portion of lake bed to the City of Milwaukee, do not apply to land located west of the shoreline described: (a) Chapter 358, Laws of 1909; (b) Chapter 389, Laws of 1915; (c) Chapter 284, Laws of 1923; (d) Chapter 150, laws of 1929; (e) Chapter 151, Laws of 1929; (f) Chapter 516, Laws of 1929; (g) Chapter 381, Laws of 1931; (h) Chapter 76, Laws of 1973; and (i) 1985 Act 327.

Provide that in the event the boundary for the shoreline as described above may contain any portion of the lake bed of Lake Michigan, the State of Wisconsin declares the cession of such lake bed by the City of Milwaukee to a private party under the 1913 agreement, in exchange for the conveyance to the City of Milwaukee of land and riparian rights, was essential to the fostering of the public purposes for which the lake bed was granted to the City of Milwaukee, as recited and affirmed by the Wisconsin Supreme Court in *City of Milwaukee v. State of Wisconsin*, 193 Wis. 423 (1927), including such public purposes as: park and boulevard, breakwaters, bulkheads, piers, wharves, warehouses, transfer sheds, railway tracks, airports and other harbor facilities, together with such other uses not inconsistent with the improvement of navigation and fisheries in Lake Michigan, and the navigable waters tributary thereto, as the City of Milwaukee may deem expedient. Provide the declaration of shoreline as described above is made in lieu of, but has the same effect as, a final judgment entered by a court under Chapter 841 of the statutes regarding a declaration of an interest in real property.

Further, specify the Department of Natural Resources is not required to prepare an analysis of this legislation under s. 13.097 of the statutes for legislative proposals conveying an area of a lake bed.

19. *Brownfields Site Assessment Grant Program.* Reverse prior Committee action [Motion 112] that transferred \$1,000,000 environmental fund SEG and the authority to administer the brownfield site assessment grant program from WEDC to DNR (the program and funding would remain at WEDC).

20. *Sporting Heritage Grant.* Modify prior Committee action [Motion 527] to provide funding for a \$500,000 grant in the 2013-15 biennium as follows: (a) provide \$200,000 GPR in 2013-14 and allocate \$300,000 in 2014-15 from federal Pittman-Robertson funds (including the required state match to the federal funds).

21. *Aircraft Company Job Creation and Retention Grants.* Provide \$2,000,000 economic development fund SEG in 2013-14 and 2014-15 in the Joint Committee on Finance's Supplemental SEG appropriation for an aircraft maintenance and repair company grant program to be administered by the Wisconsin Economic Development Corporation (WEDC). Require that the program be used to provide grants to companies included in the 2007 North American Industry Classification System (NAICS) as aerospace product and parts manufacturing or support activities for air transportation companies that create or retain jobs in the state. Require WEDC to submit, to

Joint Finance, a plan and policies for awarding grants that ensure grant recipients are retaining and/or creating jobs. Require the Committee to approve the plan and policies, before releasing the funds to WEDC. Require grant contracts to include requirements that grant recipients provide the Corporation with documentation and other financial statements of grant expenditures, and with quarterly reports with information related to job creation and retention as determined by the Corporation. Require that contracts include penalties for noncompliance. Require WEDC to report to the Committee by January 1, 2015, on the amount of grants awarded and jobs created or retained as a result of the grant program.

22. *WEDC Procurement.* Modify a prior action of the Committee [Motion 154, item "g."] to delete the requirement that the Wisconsin Economic Development Corporation (WEDC) be subject to state agency procurement requirements. Instead, require the WEDC Board to adopt procurement policies and procedures that specify all of the following: (a) when the Corporation is required to publicly solicit proposals from multiple vendors of goods or services; (b) how WEDC is to evaluate proposals from multiple vendors; (c) how the Corporation is to assess any potential conflicts of interest a vendor may have if the vendor sells goods or services to WEDC.

Tax Policy, Children and Families, and Workforce Development

23. *Boys and Girls Clubs.* Provide \$125,000 in federal temporary assistance for needy families (TANF) funding in 2013-14 on a one-time basis for the Green Bay Boys and Girls Clubs for the BE GREAT: Graduate program. Require the program to spend the TANF monies on TANF-eligible activities, and require the program to provide \$125,000 in matching funds in order to receive the TANF funding.

24. *Payday Lenders and Licensed Lenders.* Specify that, with respect to an installment loan made by a payday lender or a licensed lender, provided the installment loan is not secured by a motor vehicle, default (under laws governing creditors' remedies under the Wisconsin Consumer Act) would mean to have outstanding an amount of one full payment or more which has remained unpaid for more than ten days after its scheduled or deferred due date. Specify that the outstanding amount would not include any delinquency or deferral charges and would be computed by applying each payment first to the installment most delinquent and then to subsequent installments in the order they come due.

25. *Federal Audit Reports Enforcement Activities.* Specify that the provisions that provide exceptions from reliance on past audits in current audit determinations be modified to specify that the exceptions apply to audit determinations, that the exception for not providing information applies specifically to information regarding the tax issue in the prior audit determination, and the exception for settling the issue through a written agreement apply specifically to a tax issue settled in the prior audit determination.

26. *Unemployment Insurance.* Provide \$89,100 GPR in 2013-14 to pay for the Department of Workforce Development's information technology upgrades and administrative costs associated with changes to unemployment insurance law under the bill.

27. *Video Service Disconnections.* Repeal the current law provision that prohibits

multichannel video providers from disconnecting a subscriber's video programming service, or a portion of that service, for failure to pay a bill until the unpaid bill is at least 45 days past due.

28. *Oil Pipeline Terminal Tax Distribution Hold Harmless.* Modify the oil pipeline terminal tax distribution to guarantee a minimum payment to municipalities where terminal property is located if the municipality received a payment in 2011. Set the minimum payment equal to the amount received by the municipality in 2011, except as follows. Set the minimum payment for an eligible municipality equal to 50% of the total ad valorem taxes paid to the state by the pipeline company with terminal property in the municipality if the total ad valorem tax paid to the state by that pipeline company is less than 200% of the 2011 state payment to the municipality attributable to that pipeline company. Extend these provisions to terminal tax distributions beginning in 2013.

29. *Individual Income Tax Deduction for Private School Tuition.* Create an individual income tax deduction for tuition paid by a claimant to a private school, as defined under current law, beginning in tax year 2014. Limit the deduction to tuition expenses of up to \$4,000 per year per pupil enrolled in kindergarten through grade eight and \$10,000 per year per pupil enrolled in grades nine through twelve. Define claimant as an individual who claims a pupil as a dependent for federal income tax purposes on his or her tax return; define pupil as an individual who is enrolled in kindergarten or grades one to twelve and who is a dependent of the claimant for federal income tax purposes; and define tuition as any amount paid by a claimant, in the year to which the claim relates, for a pupil's tuition to attend a private school, as defined under current law, that meets all the criteria for a private school, as enumerated under current law. Decrease estimated individual income tax collections by \$30,000,000 (GPR-Tax) in 2014-15.

30. *Utility Relocation Costs.* Modify Motion #115, Utility Relocation Costs to Accommodate Urban Rail Transit Systems, to amend the current law definition of "urban rail transit systems" by specifying that the system provides transportation by rail in a municipality and that the system begins service on or after the general effective date of the bill. Specify that the provisions identifying certain municipal regulations as unreasonable do not apply to a current law provision that prohibits utility lines or systems from obstructing or incommoding the public use of any highway, bridge, stream, or body of water.

Transportation and Property Tax Relief

31. *Mass Transit Operating Assistance.* Reduce funding by \$1,064,900 SEG in 2013-14 and \$3,194,300 GPR in 2014-15 to provide a 4% increase in mass transit aids beginning in calendar year 2015, rather than in calendar year 2014. Delete the Governor's recommendation to convert the mass transit operating assistance program funding from the transportation fund to the general fund and instead transfer \$107,543,200 in general fund revenues, on a one-time basis, to the transportation fund in the 2013-15 biennium to provide the funding needed to pay the \$107,543,200 in 2014-15 transit aid from the transportation fund. Delete \$107,543,200 GPR and provide \$107,543,200 SEG in 2014-15 to reflect the restoration of mass transit funding to the transportation fund.

32. *General Transportation Aids -- Municipalities.* Provide \$4,778,100 SEG in 2014-5, establish the municipal calendar year distribution amount at \$321,260,500 for 2015 and

thereafter, and establish the per mile aid rate at \$2,202 for 2015 and thereafter, to provide a 4% increase in the distribution and mileage rate beginning in calendar year 2015, rather than a 2.4% increase in the mileage aid rate and no increase for share-of-costs aid recipients (primarily cities and villages).

33. *General Transportation Aids -- Counties.* Provide \$378,500 SEG in 2014-15 and establish the county calendar year distribution amount at \$98,400,200 for 2015 and thereafter, to provide a 4% increase in the distribution beginning in calendar year 2015, rather than a 2.4% increase.

34. *Transfer from the General Fund.* Increase the transfer from the general fund to the transportation fund in 2013-14 by \$4,100,000, from \$21,650,000 to \$25,750,000.

35. *Off-Premises Advertising Signs.* Modify the Committee's earlier action under Motion #125 to clarify that the terms "real property" and "real estate," in addition to not including any permit or license required for an off-premises advertising sign, do not include any value associated with such a permit or license.

36. *Property Tax Exemption for Student Housing Facilities.* Modify the Committee's earlier action under Motion #132 to delete the extension of the deadline to September 30, 2014, for student housing facilities located in a municipally designated landmark. Under this modification, the property tax exemption would only apply to qualifying facilities that are in existence on the general effective date of the bill.

37. *Bicycle and Pedestrian Facilities Funding.* Provide \$1,000,000 SEG annually in the transportation alternatives program and specify that this funding may only be used for grants involving bicycle and pedestrian facilities.

[Change to Bill: -\$106,733,400 GPR, \$125,000 FED, \$117,634,900 SEG, -\$20,700 GPR-Earned, -\$30,000,000 GPR-Tax, \$111,643,200 GPR-Transfer, -\$671,300 PR-REV, \$111,643,200 SEG-REV and -448.0 positions]

TRANSPORTATION

Motion:

Move to specify that the Department of Transportation shall designate WIS 35 commencing at the Village of Ferryville and proceeding south to the City of Prairie du Chien as the "Governor Patrick Lucey Memorial Highway" in recognition and appreciation of Patrick J. Lucey, who served with distinction as both the Governor of Wisconsin from 1971 to 1977 and as the United States Ambassador to Mexico from 1977 to 1979. Require the Department of Transportation to erect and maintain appropriate signs commemorating this portion of highway.

Motion #597

State Pastry

Motion:

Move to designate the kringle as the official state pastry.

Motion:

Move to require that freeway signs be posted directing traffic to Milwaukee's Historic Central Library.



Community Business Development Partners
MILWAUKEE COUNTY

NELSON SOLER • Director, DBE Liaison Officer, ACDBE Liaison Officer

INTER-OFFICE COMMUNICATION

DATE: May 20, 2013

TO: Supervisor Marina Dimitrijevic, Chair, County Board of Supervisors
Supervisor Patricia Jursik, Chair, Economic & Community Development Committee
Supervisor Michael Mayo, Sr., Chair, Transportation, Public Works & Transit Committee

FROM: Nelson Soler, Director, Community Business Development Partners

SUBJECT: DBE WAIVER REPORT FOR APRIL 2013

DIRECTIVE

At the request of the Committee on Economic and Community Development, the Community Business Development Partners Department (CBDP) provides a monthly update on the Disadvantaged Business Enterprise (DBE) utilization waivers requested by, and granted to, Milwaukee County departments/divisions.

BACKGROUND

CBDP is responsible for designing, implementing, monitoring and enforcing Milwaukee County's DBE Program in order to maintain compliance with Federal Regulations and Milwaukee County Ordinances. Implementation of the Program includes establishing participation goals on, both, Federal and County funded contracts, as well as monitoring and enforcing compliance of these contracts. Participation goals may only be established on contracts where opportunities exist for ready, willing and able certified firms to perform commercially useful functions related to the satisfaction of those contracts.

In 1999, the United States Department of Transportation (USDOT) implemented DBE Program rules with seven (7) key objectives directed at creating a level playing field on which certified firms could compete fairly for USDOT-assisted contracts. This legislation, 49 CFR Part 26, requires all recipients of USDOT funds to establish and maintain a DBE program that, not only, complies with the intent and language of the legislation, but that has also been reviewed and approved by USDOT. As a result of public and private stakeholder input, Milwaukee County determined and approved, by action of the County Board, to establish and maintain a program based upon the Federal DBE Program rules and standards for all of its contracts. This action of the County Board and County Executive established, and adopted, rules and regulations of USDOT Office of the Secretary, per the Federal Register (49 CFR Parts 23 and 26), over Milwaukee County's Federally, and County, funded projects.

Milwaukee County, as a Federal funding recipient, is required to provide and establish contract opportunities for certified firms on its projects based upon the number of ready, willing and able firms certified to perform within the scope(s) of each of these projects. Only firms certified through Wisconsin's Unified Certification Program (UCP), a consortium of 24 municipalities and agencies throughout the State, count as ready, willing and able firms for this purpose. Four of the UCP members serve as certifying partners for the consortium, Milwaukee County, WisDOT, Dane County, and the City of Madison. As a certifying partner, Milwaukee County has the responsibility of verifying and maintaining the status of 411 of the 919 currently certified firms throughout the State, while processing all new applications.

WAIVER REQUESTS

When CBDP receives a waiver request from a department/division, staff thoroughly reviews it and available supporting documentation before forwarding the request on to the Director for determination. The Director may require staff to gather more comprehensive information or to provide more detailed clarification regarding any identified issues prior to issuing a determination.

WAIVER REPORT SUMMARY

The figures below include Professional & Management Service and Capital Improvement/Maintenance contracts awarded during April. This report does not include contracts awarded by Procurement Division processes under Chapter 32, as this information is not shared with CBDP. Please see the attachment for waivers requested as broken out by owner department, contractor/consultant awarded, scope of services rendered, total contract amounts, and reason for approval, or lack thereof.

Total Contracted Dollars for Period	\$ 5,844,718.14
Total Contracted Dollars w/ Waiver Approval	\$ 41,264.00
Total Contracted Dollars w/o Waiver Approval	\$ 46,503.34
Percentage of Contracts Waived for Period	1.50%

RECOMMENDATION

CBDP prepared this informational report, and humbly proposes that it be received and filed, as such.

Approved by:



Nelson Soler
Director, CBDP

CC: Chris Abele, Milwaukee County Executive

Milwaukee County Community Business Development Partners Department (CBDP) DBE Waiver Report April 2013

DEPARTMENT	CONSULTANT/CONTRACTOR	SCOPE OF SERVICES	CONTRACT AMOUNT	APPROVAL REASON
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<u>CBDP Approved Waivers</u> ¹				
Family Care	La Crecia S. Thomson	Manage the development of four videos	1,800.00	Under \$2,000.00
District Attorney	Christopher Tyre, Ph.D.-L.C. Streeter	State v. L.C. Street case number 96CF961237	2,500.00	Specialized service
District Attorney	Christopher Tyre, Ph.D.-Paschall Sanders	State v. Paschall Sanders case number 04C1000004	2,500.00	Specialized service
District Attorney	Anthony M. Jurek, Ph.D. - Mark Rickert	State v. Mark Rickert case number 03C1000001	4,000.00	Specialized service
Medical Examiner	Medical College of Wisconsin	To provide forensic dental examination & identification	200.00	Under \$2,000.00
County Board of Supervisors	Broydick and Associates	Professional Service Contract for Milwaukee County - Lobbying services	30,000.00	Per Chapter 56.30
Grounds - by DAS - FM	Jackson / MacCadden	Asbestos Inspection to Support Independent Heating Systems for CCC & Fleet G	264.00	Under \$2,000.00

Contracts Issued Without CBDP Review²

Family Care	Einstein Productions	Professional video shoot	3,539.94	No CBDP Review
DTPW-Airport Division	Legacy Communications, LLC	Changes to wiring or any other changes that effect structural or infrastructure	13,398.00	No CBDP Review
DTPW-Airport Division	Pre Emergency Planning, LLC	Develop, design, coordinate full scale & table top exercises	29,565.40	No CBDP Review

Total Contract \$ Amount for Month ³	\$5,844,718.14
Total Approved Waiver \$ Amount	\$41,264.00
Total Unapproved Waiver \$ Amount	\$46,503.34
Percentage Waived	1.50%

¹ Waivers approved by CBDP; within guidelines of Code of General Ordinances

² Contracts issued by Departments in violation of the Code of General Ordinances; CBDP is made aware of these projects when Accounts Payable forwards new contract information

³ Total does not include Procurement Division Figures

-COUNTY OF MILWAUKEE-
INTEROFFICE COMMUNICATION

DATE: May 31, 2013

TO: Committee of Economic & Community Development ("ECD Committee")

FROM: Teig Whaley-Smith, Economic Development Director, Department of Administrative Services

SUBJECT: Downtown Transit Center Update

REQUEST

There is no request at this time; this report is for informational purposes only.

BACKGROUND

At the April 15, 2013 ECD Committee meeting a request was made that Economic Development staff ("ED Staff") prepare a monthly written report on the Status of Negotiations with Barrett Visionary Development ("BVD"), using resolution 12-633 as a guidepost ("Resolution"). The text of the resolution is repeated below in italics, with the respective update below.

- 1. Develop a plan to incorporate the components of the Park East Redevelopment Compact (PERC) into the development agreement in order to provide additional sustainable community benefits that includes disadvantaged business opportunities and verified best faith efforts to employ Milwaukee County racial minorities and women in the project.*

In the last month, ED Staff has met frequently with BVD to move negotiations forward. Meetings have been scheduled for every other week in order to move negotiations forward. BVD was successful in meeting similar workforce goals in its previous projects and intends to do the same on this project.

- 2. Identify or develop an element of public attraction within the proposed development and ensure the project does not compete with public use facilities near the site.*

Current plans include public access across Lincoln Memorial Drive, public access throughout the elevated first floor, public parking and other public attractions that do not compete with public use facilities near the site.

3. *Advise the Committee on Economic and Community Development on the appraised value of the site with the understanding that the County Board expects to receive fair market value for the property.*

ED staff has received an appraisal. The appraisal, together with demolition, environmental remediation, other cost estimates, and public benefits negotiated will be used to establish a purchase price.

4. *Work with the Parks Director and the Wisconsin Department of Natural Resources to determine if any portion of the development site is in conflict with the lakebed public trust doctrine.*

ED Staff has been working with Corporation Counsel, Outside Counsel and other parties to confirm the accuracy of historical maps and other relevant documents related to the boundary lines established at the site in the early 1900s, in order to clarify that the boundary lines are not subject to the public trust issues.

5. *Prepare written reports for each monthly meeting of the Committee on Economic and Community Development on the status of the negotiations with Barrett Visionary Development with the understanding that the committee may, at its discretion, direct that a Request for Proposal (RFP) process be initiated if negotiations do not progress.*

This report is designed to meet this requirement.

RECOMMENDATION

There is no recommendation at this time; this report is for informational purposes only.

May 31, 2013

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Teig Whaley-Smith
Economic Development Director, Department of Administrative Services

Attachments: Park East Map and Parcel Summary

cc: Supervisor David Bowen, Vice Chair, ECD Committee
Supervisor Willie Johnson, Jr. , ECD Committee
Supervisor Michael Mayo, Sr., ECD Committee
Supervisor Luigi Schmitt, ECD Committee
Supervisor Steve Taylor, ECD Committee
Supervisor Khalif Rainey, ECD Committee
Don Tyler, Director, Dept of Administrative Services
Julie Esch, Director of Operations, DAS
Amber Moreen, Chief of Staff, Office of the County Executive
Raisa Koltun, Director of Legislative Affairs, County Executive's Office