



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Tuesday, July 20, 2010

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

****SPECIAL MEETING****

CALL TO ORDER / ROLL CALL

Present: 7 -

Mark Clear; Bryon A. Eagon; Shiva Bidar-Sielaff; Marsha A. Rummel;
Chris Schmidt; Michael Schumacher and Tim Bruer

Excused: 1 -

Lauren Cnare

Others Present: Ald. Bridget Maniaci, Ald. Mike Verveer, Ald. Judy Compton, Ald. Joe Clausius, Ald. Thuy Pham-Remmele, Mayor Cieslewicz, Michael May (City Attorney), Ray Harmon (Mayoral Assistant), Andrew Statz (Fiscal Efficiency Auditor), Al Schumacher (Streets Superintendent), Chris Kelly (Streets Division), Brad Wirtz (HR Director), Janet Piraino (Mayor's Chief of Staff), Anne Zellhoeffer (Assistant City Attorney), Dean Brassler (City Comptroller), Kristen Czubkowski (TCT), Brenda Konkel, Larry Rodenstein (AFSCME Local 60), Joe Sensenbrenner, Deirdre Garton (201 State Foundation), Douglas Peterson, June Goglio, Darold Lowe, Lori Kief and Davin Pickell (AFSCME Local 60)

Ald. Mark Clear, Chair, called the meeting to order at 4:35 p.m.

APPROVAL OF MINUTES

A motion was made by Ald. Marsha Rummel, seconded by Ald. Michael Schumacher, to approve the minutes of the July 6, 2010 Common Council Organizational Committee meeting. The motion passed by voice vote/other.

Ald. Lauren Cnare arrived at 5:01 p.m.

Present: 8 -

Mark Clear; Lauren Cnare; Bryon A. Eagon; Shiva Bidar-Sielaff; Marsha A. Rummel; Chris Schmidt; Michael Schumacher and Tim Bruer

REFERRALS FROM COMMON COUNCIL

19031

Final Report: Common Council Work Group to Review Snow Policies & Procedures, June 2010

Attachments: [Final Report Common Council Work Group to Review Snow Policies & Proce 7/29/10 Snow Policies Procedures Ranking sheet](#)

A motion was made by Ald. Michael Schumacher, seconded by Ald. Shiva Bidar-Sielaff, to RECOMMEND TO COUNCIL TO ACCEPT - REPORT OF OFFICER.

Ald. Chris Schmidt provided a summation of the report.

Ald. Tim Bruer thanked city staff for their assistance and the alders who served on the work group for being actively engaged in the development of the various recommendations.

Ald. Bryon Eagon noted that he learned a lot about snow policies and procedures and thought the work group process was a good way to look for improvements.

Ald. Shiva Bidar-Sielaff also thanked staff and work group members. She also thought that the city could start working on the e-communications recommendations and implement them this winter.

Ald. Marsha Rummel asked what the next step would be and were there things that the city could do now. She also requested that the ranking sheet be sent to the alders that did not serve on the work group and ask them to rank their priorities.

Ald. Schmidt noted that a resolution could be created to list the priorities that could be done now and items that could be pursued in the budget process. Ald. Clear thought that a formal resolution would not be needed but that the final report and any recommendations from this meeting could be communicated to the Council. He also noted that the big ticket items could be budget amendments.

Al Schumacher provided an update on what city staff has been working on:

- E-communications: Sarah Edgerton and George Dreckmann would be working on website to incorporate the recommendations from the work group (mapping, interactive elements, and winter weather preparedness). Ms. Edgerton is working on communications with UW, MATC and Edgewood. The only thing that would require money is the text crawl.
- Pre-Wetting Agents: Increasing use of salt brine and purchase equipment. Investigating organic agents.
- Pavement Temperature Forecasting: currently grading four proposals.
- Changes to RFQ for contractors are currently being done.

Mr. Schumacher did note that budget amendments would be needed for increasing salt routes, increasing Streets Division staff and the text crawl.

Ald. Mark Clear noted that plowing at 2" vs. 3" of snow was not a high priority for work group members. The recommendation will be left in the report.

Ald. Schmidt made a motion to note that most of the public communications portion and the snow plow blade technology are already underway and that budget amendments would be needed for salt routes, staffing and the text crawl, seconded by Ald. Lauren Cnare. Motion was considered friendly to the main motion.

Ald. Lauren Cnare made a motion to amend Ald. Schmidt's friendly amendment and not include the text crawl, seconded by Ald. Eagon. Ald. Schmidt noted that the text crawl could be used for other events on City Channel and not just snow alerts. The motion failed on a vote of 3:4 - Ayes: Cnare, Eagon, Schumacher, Noes: Clear, Bidar-Sielaff, Rummel and Schmidt.

The main motion, as amended by Ald. Schmidt, passed by voice vote/other.

19058

Resolution authorizing the Mayor and City staff to negotiate with the Madison Cultural Arts District and to recommend a plan for the City's role in the long-term viability of the Overture Center, to include certain elements in any plan, and to present the City's role in the plan and any city agreements to the Common Council for approval.

Sponsors: David J. Cieslewicz, Mark Clear, Lauren Cnare and Michael E. Verveer

Attachments: [Overture Forebearance Agreement](#)
[Overture: Permanent Salary Detail](#)
[Registrants: 7/20/10 CCOC Meeting](#)
[Recommended Amendments from 7/20/10 CCOC Meeting Version 1.pdf](#)
[Registration Forms 8-3-10.pdf](#)

Registrations:

Larry Rodenstein, 7318 Countrywood Lane, Madison/AFSCME Local 60 - Opposed/Spoke

Douglas Peterson, 619 E. Johnson Street, Madison - Opposed/Did Not Speak

June Goglio, 944 E. Dayton Street, Madison - Opposed/Did Not Speak

Darold Lowe, 205 Crystal Lane, Madison - Opposed/Did Not Speak

Lori Kief, 4413 Doe Crossing Tr, Madison - Opposed/Did Not Speak

Davin Pickell, 17 Merrill Crest Dr, Madison/AFSCME Local 60 - Opposed/Spoke

Joe Sensenbrenner, 818 Prospect Pl, Madison - Supported/Available to answer questions

Deirdre Garton, 350 S. Hamilton St, #306, Madison - Supported/Available to answer questions

Larry Rodenstein spoke in opposition to the resolution. He requested that the language reflect a stronger position to protect current represented city employees.

Ald. Lauren Cnare moved to recommend approval, seconded by Ald. Shiva Bidar-Sielaff.

Ald. Cnare asked Mr. Rodenstein if he had any suggested language to replace the phrase "to the extent possible" in the resolution. Mr. Rodenstein indicated

that he had suggested replacement language because "to the extent possible" was very ambiguous. The suggested language he proposed was that Local 60 Overture employees would remain city employees with current benefits. Ald. Marsha Rummel asked Mr. Rodenstein if there were any other unions involved. Mr. Rodenstein indicated that there was a stagehands union.

Ald. Mark Clear requested the City Attorney give his interpretation of the forbearance agreement and the resolution. City Attorney May provided a review of the forbearance agreement and the resolution to CCOC members. Mayor Cieslewicz then provided a review of his involvement in the development of the forbearance agreement.

Ald. Michael Schumacher questioned how communications would occur between the Council, the Mayor and the parties involved, particularly given the "Nondisparagement and Public Announcement" portion of the forbearance agreement (page 10). Mayor Cieslewicz stated that the resolution provided for communication between himself, the Council Leadership and Board of Estimates. The City Attorney stated that he did not have a problem with the clause (the City is not party to the agreement).

Ald. Tim Bruer asked the City Attorney if the city was agreeing to the parties' terms in the forbearance agreement. The City Attorney stated that the city would need to agree to taking over the facility or if the city were not to take over the facility then there were other terms to the agreement (repayment structure).

Ald. Bruer was also concerned with the state of the facility and whether the city would be able to examine costs associated with maintenance, etc. City Attorney May indicated that between now and the end of the year that the city would be taking a look at those costs (Andrew Statz is already working on this) and before any long term agreements between the city and Overture would occur the city would need to take those costs into consideration. City Attorney May also noted that the resolution before the CCOC addresses reviewing long-term capital maintenance costs.

Ald. Bruer asked if the city doesn't agree to the terms of the agreement the parties could go back to the drawing board. City Attorney May referred to page 6 of the Forbearance Agreement, section CC which outlined three components of the agreement - 1. the City agrees to take title to the Overture, 2. the City agrees to provide financial assistance and 3. the City must enter into a management/lease agreement for operation of the Overture. Ald. Clear stated that the City has the opportunity to accept the conditions or not. City Attorney May reminded CCOC members that the Forbearance Agreement is NOT the City's agreement.

Ald. Bruer expressed his concerns with agreeing to the terms. City Attorney May reminded CCOC members that the city's agreement still needed to be negotiated with MCAD, ODC and 201 State Foundation.

City Attorney May stated that the resolution provided a general outline of negotiations and the City's role in the plan. Ald. Rummel believed there were big gaping holes in the resolution. She asked who was going to be on the independent citizens group, noted that the language related to employees was too vague and wanted to ensure that the city would be upfront with any

changes, she did not like the "time to time" language in #4 and thought weekly reports and updates would be more appropriate. Ald. Clear noted that Mark Bugher had volunteered to lead the independent citizens group and that this group would vet the business plan and inform the Council on their findings.

Ald. Shiva Bidar-Sielaff moved the following amendments, considered friendly, seconded by Ald. Lauren Cnare:

In #1 - add language "including projected capital and operating budgets" after "...future of Overture...".

In #1 - add language "for approval" after "...shall be presented to the Common Council...".

#4 becomes #5 - delete "from time to time", add "on a monthly basis starting with the 1st meeting in September 2010" after "...with Council Leadership and shall,...". and add "and the Common Council Organizational Committee" after "...the Board of Estimates...".

It was suggested that any information that can be divulged to all alders be emailed when available.

Ald. Bidar-Sielaff moved the following additional amendment, considered friendly, seconded by Ald. Cnare:

New #4 - "4. The City shall not enter into negotiations with any labor unions representing Overture staff until a staffing study, including several potential models and associated costs, has been presented to the Common Council and the Common Council has decided on a future staffing model for the Overture, including but not limited to the status of represented employees. This study will be conducted by city staff in conjunction with an outside organization with expertise in such studies and shall be presented to the Common Council by its first October meeting."

Ald. Bidar-Sielaff stated that her concern was with the city already entering into negotiations with the unions and that decisions are being made on the future of Overture employees. She believed that as a policy maker she was being left out of the process and would not have the opportunity to weigh in on different models of staffing for Overture. Brad Wirtz reiterated that the request was for several staffing studies using city staff and an outside entity but he thought the request was more of a request for costs analysis of various staffing models. He thought he would have a difficult time pulling together information by an October deadline.

Mayor supported looking at different staffing models and it made sense but didn't know why Ald. Bidar-Sielaff wanted to prohibit negotiations that would preclude the possibility of discussions. Ald. Bidar-Sielaff couldn't see how the city could negotiate without the Council's approval of a staffing model for Overture.

Ald. Schumacher noted that the fiscal note already assumed that the city would enter into negotiations was a bigger commitment than he was willing to make.

Ald. Cnare moved to recess the meeting until after the Common Council meeting (8/3/10), seconded by Ald. Schumacher. Motion passed on a vote of 4:3 (Ayes: Cnare, Rummel, Eagon and Schumacher, Noes: Bidar-Sielaff, Schmidt, Clear). CCOC recessed at 6:29 p.m.

CCOC reconvened at 8:51 p.m. Members Present: Clear, Cnare, Bidar-Sielaff, Rummel, Eagon, Schmidt, Schumacher, Schmidt and Bruer (Alternate)

Ald. Rummel moved the following amendment, seconded by Ald. Schumacher: The amendment was considered friendly.

In #1 - add language "selected by the Mayor and approved by the Council" after "An independent citizens group...".

Ald. Schumacher supported the amendment because it addressed the concerns the Council had about staffing the Overture. Ald. Cnare asked City Attorney May at what point the Council could request final documents and the opportunity to amend documents related to any agreement with Overture. City Attorney May stated that the Council could amend document when the agreement(s) came back to them.

Ald. Bruer stated that he was more comfortable with the way the debate was going now. He was concerned that the process was moving too fast and that the Council needed to hold the entire process under a microscope to ensure that the public trust was maintained. Ald. Rummel agreed with Ald. Bruer and was concerned with the makeup of the "independent citizens group" and thought referral would be in order to address the facility study, staffing study and a capital plan.

Ald. Eagon supported moving this resolution forward and begin the process of looking at the potential of purchasing the facility and also give the Council a better understanding of the various options.

Ald. Julia Kerr added the language about capital and operating budgets. She was expecting a 5, 10 and 20 year capital budget showing expenditures and a project operating budget (labor, fundraising) and backed up with details.

Mayor Dave Cieslewicz didn't think that 5-6 months to pull information together was unreasonable. He stated that the debt issue was resolved and it was a positive step in the right direction. He noted that the hard questions need to be asked but asked the Council to keep their "eyes on the prize".

Ald. Schumacher moved the following amendment, seconded by Ald. Rummel. Considered friendly:

New #5 and #5 becomes #6 - "5. City staff shall also conduct or arrange for a facilities study to advise the Council on the physical status of the Overture facility, and shall undertake such other fact finding or due diligence as may be required to proceed with any agreements."

Ald. Schumacher noted that the Council's role in this process was to find out what the city pays if we take ownership of Overture, the long term obligations and what the city would be forfeiting if the city took ownership of the Overture.

Ald. Chris Schmidt noted that he shared the same concerns as Ald. Bruer and Ald. Schumacher and added that the December 31st deadline date needed to be flexible.

Ald. Cnare appreciated Ald. Bruer's zealously in driving the Council in making a good decision. She stated that she looked at this as a process resolution and not a decision resolution.

Ald. Rummel moved the following amendment, Ald. Mark Clear and Ald. Bryon Eagon objected to the amendment being considered friendly, seconded by Ald. Michael Schumacher:
#3(d) - Strike words "to extent possible".

Ald. Rummel stated that it is a value question for her. It gave labor an indication that the Council valued public workers and it was something that they would work to keep. Ald. Bidar-Sielaff and Ald. Schumacher concurred with Ald. Rummel's comments.

Ald. Cnare asked Brad Wirtz, Human Resource Director, if removing the words "to extent possible" functionally changed anything that is already in the process. Mr. Wirtz stated that no it didn't and that the city was working to avoid layoffs or cutting positions.

Ald. Clear believed that removing the language seriously restrained the city from working on a solution to staffing levels. He agreed with Mr. Wirtz that it was a goal.

Ald. Maniaci asked about what the city's policy in regard wages. She wanted to know if people retain their jobs, rate of pay, etc. and if that was dependent upon whether they were represented or not. Mr. Wirtz noted that in a bumping situation people can bump into lower positions. Mr. Wirtz has been engaged in discussions with the union on avoiding layoffs by looking at a variety of staffing models and employment opportunities for staff within the city (i.e. other positions). Ald. Maniaci would like to see position comparables.

Ald. Schumacher stated that he senses there has been some discussion about represented labor adding to the costs but the debate on actually privatizing the building has not occurred.

At this time Davin Pickell spoke in opposition to the resolution. He explained positions/staffing differences between Overture and other theaters.

Ald. Bruer stated that he appreciates the debate that had occurred up to this point and that it was a healthy discussion. He reiterated that the Council needs to look at all the issues related to Overture for example oversight structure, staffing, maintenance and above all the fiscal implications for the city.

Ald. Shiva Bidar-Sielaff moved the following amendment:
#3(d) - add the word "represented" after "...that no current...".

Ald. Rummel withdrew her amendment and Ald. Marsha Rummel moved a substitute amendment, considered friendly, seconded by Ald. Michael Schumacher:
#3(d) - Strike words "to extent possible" and add the word "represented" after "...that no current...".

On the amendments, 6-0 vote: Ayes: Clear, Cnare, Bidar-Sielaff, Rummel, Eagon, Schmidt, Schumacher; Non-Voting: Bruer

A motion, as amended, was made by Ald. Lauren Cnare, seconded by Ald. Shiva Bidar-Sielaff, to Return to Lead with the Following Recommendation(s) to the BOARD OF ESTIMATES:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor and City staff shall negotiate with MCAD, ODC and the 201 State Foundation in order to present to the Common Council new agreements to govern the future ownership and operation of Overture. An independent citizens group selected by the Mayor and approved by the Council will review and analyze the future business plan of Overture to determine its financial feasibility. The details of any plan for the future of Overture, including projected capital and operating budgets shall be presented to the Common Council for approval.
3. d. Adequate plans to assure that no current represented employees of the City who work at Overture are involuntarily laid off.
4. The City shall not enter into negotiations with any labor unions representing Overture staff until a staffing study, including several potential models and associated costs, has been presented to the Common Council and the Common Council has decided on a future staffing model for the Overture, including but not limited to the status of represented employees. This study will be conducted by city staff in conjunction with an outside organization with expertise in such studies and shall be presented to the Common Council by its first October meeting.
5. City staff shall also conduct or arrange for a facilities study to advise the Council on the physical status of the Overture facility, and shall undertake such other fact finding or due diligence as may be required to proceed with any agreements.
6. That during the course of any negotiations, the Mayor shall consult with Council leadership and shall on a monthly basis starting with the 1st meeting of September 2010 advise the Board of Estimates and the Common Council Organizational Committee regarding the progress of negotiations.

The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by Ald. Lauren Cnare, seconded by Ald. Shiva Bidar-Sielaff, to adjourn. The motion passed by voice vote/other. The meeting adjourned at 10:06 p.m.