



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

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Tuesday, October 5, 2010

4:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 108 (City-County Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 5 -

Mark Clear; Shiva Bidar-Sielaff; Chris Schmidt; Michael Schumacher and Tim Bruer

**Excused:** 3 -

Lauren Cnare; Bryon A. Eagon and Marsha A. Rummel

**Others Present:** Ald. Bridget Maniaci, Ald. Joe Clausius, Jeanne Hoffman (Facilities & Sustainability Manager), Travis Myren (County DOA Director), Lori Kief, Davin Pickell, Kathleen Rideout, Dean Brassler (City Comptroller), Janet Piraino (Mayor's Chief of Staff), Andrew Statz (Fiscal Efficiency Auditor), Michael May (City Attorney), Brad Wirtz (HR Director), Mike Lipski, (Compensation & Benefits Manager), Rosemary Lee and Brenda Konkel

Ald. Mark Clear called the meeting to order at 4:32 p.m.

Ald. Marsha Rummel arrived at 4:33 p.m.

**Present:** 6 -

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

**Excused:** 2 -

Lauren Cnare and Bryon A. Eagon

### APPROVAL OF MINUTES

Ald. Mark Clear noted that he had been contacted by Ald. Thuy Pham-Remmele shortly before the meeting started to say that she would not be able to attend the CCOC meeting due to another meeting she had to attend. Ald. Clear stated that he told her he would offer to the committee members the suggestion to refer the approval of the 9/7/10 minutes to the next meeting, although it was unusual to do so.

Ald. Shiva Bidar-Sielaff moved to refer the approval of the 9/7/10 CCOC minutes to the 11/9/10 CCOC meeting, seconded by Ald. Tim Bruer.

Ald. Michael Schumacher stated that he wished that Ald. Pham-Remmele were at the meeting because it was interesting in the absence of people what others like to say. He stated that he did not agree with referral, that she was not part of the body, she always had a right to submit written comments to the CCOC and that neither Ald. Pham-Remmele or Ald. Clear had shared any compelling reasons to indicate that there was anything factually wrong with the minutes. He did not support referral. Ald. Clear stated that he had reviewed the audio recording of the meeting and the written minutes and had not found any

discrepancies. He stated that Ald. Pham-Remmele had not shared with him what her specific concerns were but that she was "disappointed" and "unhappy" with the way the minutes were presented.

Ald. Marsha Rummel stated that if Ald. Pham-Remmele were present when the minutes were being approved they could have heard her concerns and objections to the minutes of 9/7/10. Ald. Clear noted for Ald. Rummel because she arrived late, that in the beginning of the discussion on the minutes he had stated that Ald. Pham-Remmele could not attend the CCOC meeting because she was at a meeting of the Vending Oversight Committee. Ald. Schumacher stated to Ald. Rummel that Ald. Pham-Remmele had also not offered to Ald. Clear any reasons or specifics as to why she objected to the 9/7/10 minutes.

A motion was made by Ald. Marsha Rummel, seconded by Ald. Michael Schumacher, to approve the minutes. The motion passed by the following vote:

**Excused:** 2 -

Lauren Cnare and Bryon A. Eagon

**Ayes:** 5 -

Mark Clear; Marsha A. Rummel; Chris Schmidt; Michael Schumacher and Tim Bruer

**Noes:** 1 -

Shiva Bidar-Sielaff

#### **PUBLIC COMMENT**

There was no public comment.

#### **UPDATE**

Ald. Lauren Cnare arrived at 4:47 p.m. Ald. Bryon Eagon arrived at 4:48 p.m.

**Present:** 8 -

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

#### **20110**

Update on Room 201, City-County Building Remodeling and Elevator at Madison Municipal Building - Jeanne Hoffman, Facilities & Sustainability Manager

Travis Myren, Dane County Director of Administration was present to discuss the remodeling status of Room 201, City-County Building and and Jeanne Hoffman, City Facilities & Sustainability Manager was present to discuss the Madison Municipal Building elevator.

Mr. Myren reviewed what had occurred to-date. In 2007 they had organized a users group of Room 201 (City Council, Municipal Court, etc.) to look at improvements needed in Room 201. The County hired an architect and they produced a couple of different options to make the dais handicapped accessible and also looked at other recommended improvements to the room. The total on those costs were \$483,000. The County budget also included \$60,000 to replace the windows to improve energy efficiency. He noted that both the city and county included \$200,00 each in their 2009 budgets.

Currently the project is frozen by the County but was subject to appeal to the County's Personnel and Finance Committee. If nothing is done this year the money will be carried forward into the 2011 budget and could be unfrozen at that time.

Ald. Mark Clear asked Mr. Myren to provide a brief overview of what was included in the project. Mr. Myren stated that there were two primary cost drivers: \$120,000 HVAC replacement and \$80,000 worth of improvements to the sound system. Additional costs included video display in the public gallery areas and replacement of the public seats.

Jeanne Hoffman was present to discuss the MMB elevators. She noted that in 2007 they were having a lot of problems with the elevators. They had put together plans and specs but did not move forward with the project because of the uncertainty of the Marcus Hotel discussions. They currently have a maintenance contract with an elevator vendor and they have fixed the elevator. For the last couple of years this has worked but recently the elevator has broken down a couple of times in the last six weeks. They still have a maintenance contract in place but it was now at the point that breakdowns are more frequent. She had reissued the plans and specifications and advertised for bids. Two contractors submitted bids: Braun Elevator and Joe Daniels. Joe Daniels was the low bidder. Their contract would be on the 10/19/10 Council agenda for approval. She will be rushing the contract through the routing process and hopefully work would begin the end of January 2011 and be completed in 8-10 weeks (April 2011).

Ms. Hoffman stated that in the meantime they continue to work with the current elevator vendor just in case of the elevator breaks down before the project begins. The total cost of project was approximately \$148,000.

Ms. Hoffman stated Joe Daniels may be working double shifts to get the work done quickly. The work would include installing a new motor, new doors, new panels and a new frame but the elevator car itself will not be replaced.

#### **BUSINESS REFERRED FROM CCOC MEETINGS**

[17659](#)

Draft Blogging Policy for Alder/City Webpages - Sarah Edgerton, Webmaster (IT Department)

Attachments: [DRAFT Blogging Policy](#)

Ald. Mark Clear noted that Sarah Edgerton was requesting re-referral to allow her to work with the the City Attorney's office in developing a more comprehensive policy involving social media technology.

A motion was made by Schumacher, seconded by Buer, to rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.

19001

Discussion on Common Council Referrals and Referral Process - Ald. Mark Clear, Council President

Ald. Mark Clear noted that he preferred that this item be referred.

A motion was made by Ald. Marsha Rummel, seconded by Ald. Shiav Bidar-Sielaff, to Rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.

**REFERRALS FROM THE COMMON COUNCIL**

19380

Creating new Section 10.28(4) and renumbering current Section 10.28(3) to (4) of the Madison General Ordinances to define "sidewalk" to include bus stops.

Sponsors: Chris Schmidt and Paul E. Skidmore

Attachments: [Registration Forms - Oppose 9-21-10.pdf](#)

**Registrations:**

Lori Kief, 4413 Doe Crossing Trail, Madison: Oppose/Available to Answer Questions

Rosemary Lee, 111 W. Wilson St, #108, Madison: Oppose/Spoke

Rosemary Lee stated that this was an outrageous and extremely unfair burden on the city taxpayers. She believed that the clearing of the bus stop pads was a basic city service that homeowners pay for with their property taxes. She noted that people in her neighborhood already pick up trash year round. She stated that clearing the bus stops was a city responsibility and the city should charge the cost back to Madison Metro.

A motion was made by Ald. Chris Schmidt, seconded by Ald. Marsha Rummel, to Return to Lead with the Recommendation to Place on File to the ADA TRANSIT SUBCOMMITTEE TO THE TRANSIT AND PARKING COMM.

Ald. Michael Schumacher thought this was a misguided attempt to resolve the issue and a better solution should be found. Ald. Lauren Cnare asked if Al Schumacher (Streets Superintendent) was considering hiring a private contractor(s) to clear the bus stops. Ald. Schmidt noted that it was quite expensive to contract to do all the bus stops.

Ald. Marsha Rummel stated that it was a legal requirement to have the bus stops cleared and not just a fiscal issue. Ald. Schmidt stated it was never about saving money but about maintaining accessibility to the buses. Ald. Schumacher stated that this was a management issue and the Council needed to add more money to ensure accessibility.

The motion to recommend to place on file passed by voice vote/other.

19412

Amending Sec. 3.70(2)(b) of the Madison General Ordinances to require records custodians to review records before releasing and consult the City Attorney when a question arises whether to grant or deny a request.

Sponsors: David J. Cieslewicz

City Attorney Michael May stated that they have had a couple of open records requests which were completed without review by the City Attorney and they should have been reviewed before being released. He wanted to rectify those situations where review is needed. This ordinance would require records custodians to review records before releasing and consult the City Attorney when a question arises whether to grant or deny a request.

A motion was made by Schumacher, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER.

Ald. Michael Schumacher asked if there was a clear definition of "custodian". City Attorney May stated that each department has designated records custodians. Ald. Clear also noted that alders are their own record custodians. Ald. Schumacher stated that there was a breach in a open records request several months ago and he had been disappointed on how it had been handled. Ald. Rummel stated that she understood it was only compiling information for someone. Ald. Schumacher stated that it was more than that and he was close to taking legal action.

Ald. Shiva Bidar-Sielaff asked if there was a central list of record custodians. City Attorney May noted that the designation is posted in each department. Ald. Bidar-Sielaff recommended to the City Attorney that a list of record custodians be compiled and it be accessible to the public.

Ald. Marsha Rummel asked why there would be different procedures on handling records. City Attorney May stated that different departments have different records and different procedures for handling requests.

The motion passed by the following vote:

**Ayes:** 6 -

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

**Noes:** 1 -

Marsha A. Rummel

**Non Voting:** 1 -

Tim Bruer

19633

Creating Sec. 9.49(7) of the Madison General Ordinances to establish procedure for judicial review of decisions of the Administrative Review Board.

Sponsors: David J. Cieslewicz and Mark Clear

City Attorney Michael May noted that under Wisconsin law, municipalities must either follow Wis. Stat. ch. 68 to provide a method for review of administrative decisions, or opt out of chapter 68 and establish their own rules. Madison has chosen to opt out of chapter 68 and establish its own Administrative Review

Board (ARB) in Sec. 9.49, MGO. The ordinance, however, did not establish procedures for judicial review of decisions of the ARB, simply stating they were subject to judicial review. This ordinance amendment established specific procedures, modeled on Wis. Stat. § 68.13, for judicial review of decisions of the ARB. If approved, the City Attorney would recommend adopting these provisions by reference for review of other decisions of the City, whenever state law does not set the rules for judicial review.

A motion was made by Bidar-Sielaff, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

20109

Report on Negotiations regarding the City's role in the future ownership and operation of the Overture Center.

**Registrations:**

Lori Kief, Local 60, 4413 Doe Crossing Trail, Madison: Neither Support or Oppose/Available to Answer Questions (Concern over AMS's recommendations and Overture Ad Hoc Committee for the Focus Model)  
Davin Pickell, AFSCME Local 60/IATSE Local 251, 17 Merrill Crest Drive, Madison: Oppose/Available to Answer Questions  
Kathleen Rideout, 425 N. Baldwin Street, Madison: Neither Support or Oppose/Did Not Wish to Speak (Would like to see Overture succeed and employees remain as City employees)

Ald. Marsha Rummel asked the registrants if they had a general sense of how staffing issues were being handled. Lori Kief stated that she was representing Local 60 and Davin Pickell was representing IATSE Local 251 and both had spoke at the Overture Ad Hoc Committee meeting of September 28, 2010. She had spoke about their concerns with maintaining city jobs. Mr. Pickell stated that their concerns were with the math and there was a \$26,000 difference between the current model vs. the private model and the loss of jobs from full-time with benefits reduced to hourly employees with no benefits.

When the Common Council Organizational Committee considered this item, Ald. Shiva Bidar- Sielaff moved, seconded by Ald. Michael Schumacher to go into closed session pursuant to Section 19.85(1)(e), Wisconsin Statutes, which read:

Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session. If the Common Council Organizational Committee does convene in closed session as described above, upon completion of the closed session, notice is hereby given that it may reconvene in open session to consider the following items without waiting 12 hours, pursuant to Wis. Stats. Sec. 19.85(2).

CCOC was in Closed Session at 5:16 p.m.

Roll Call

Present: Aids. Clear, Cnare, Bidar-Sielaff, Rummel, Eagon, Schmidt, Schumacher, Bruer (Alternate)

Absent: None

Ald. Shiva Bidar-Sielaff moved to recess the CCOC Closed Session meeting until after the Common Council meeting of 10/5/10, seconded by Ald. Michael

Schumacher at 6:25 p.m. Motion was approved to recess the meeting until after the Council meeting.

Ald. Mark Clear called the closed session meeting of the CCOC to order to discuss Agenda #9 Report on Negotiations regarding the City's role in the future ownership and operation of the Overture Center at 8:17 p.m.

Roll Call

Present: Aids. Clear, Cnare, Bidar-Sielaff, Rummel, Eagon, Schmidt, Schumacher, Bruer (Alternate)

Absent: None

#### ADJOURNMENT

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Ald. Michael Schumacher, to adjourn. The motion passed by voice vote/other. The recessed meeting adjourned at 9:00 p.m.