



# City of Madison

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

## Agenda - Amended COMMON COUNCIL

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Tuesday, October 2, 2007

6:30 PM

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

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### **SPEAKING GUIDELINES**

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

Если Вам необходима помощь устного или письменного переводчика, а также если Вам требуются материалы в иных форматах либо у Вас имеются особые пожелания в связи с доступом к данной услуге, мероприятию или программе, пожалуйста, позвоните по указанному ниже телефону и сообщите об этом не менее чем за три рабочих дня до соответствующей встречи.

Please contact the Office of the Common Council at 266-4071, TTY/Textnet 866-704-2340.

Speaking Limits: Public Hearing - 5 Minutes, Information Hearing - 5 Minutes,  
Other Items - 3 minutes

You must register before your item is considered by the Council.

The consent agenda will be considered following Public Hearings.

The use of audible cell phone ringers and active use and response to cellular phone technology by the governing body, staff and members of the public is discouraged in the Council Chambers while the Council is in session.

**Roll Call at 6:32 p.m., Mayor Cieslewicz in the Chair.**

### **SUSPEND THE RULES**

Suspend Rules 2.04 (order of business), 2.05 (introduction of business), 2.24 (ordinances), and 2.25 (resolutions) for items so designated on the agenda.

**SPECIAL ORDER OF BUSINESS**

1. [07512](#) Granting honorary City of Madison citizenship to the members of the Headquarters Company, S3 (Operations), 2nd Brigade Combat Team, 1st Infantry Division of the United States Army.

**PETITIONS AND COMMUNICATIONS**

None received by the agenda deadline.

**BUSINESS BY THE MAYOR**

2. [07627](#) Amending Sections 15.02(5), (8), (16), (17), (111), (115), (118), (133), (136), and (139) of the Madison General Ordinances to modify the polling location for purposes of the November 6, 2007 election.
3. [07625](#) Report of the Mayor submitting citizen committee appointments (introduced 10-2-2007; action 10-16-2007).

**RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM**

**REPORT OF BOARD OF ESTIMATES**

4. [07352](#) 2008 Executive Capital Budget and Amendments.

**REPORT OF PLAN COMMISSION**

5. [07227](#) Creating Section 28.06(2)(a)3283. of the Madison General Ordinances rezoning property from PUD(GDP) Planned Unit Development (General Development Plan) District to PUD(SIP) Planned Unit Development (Specific Implementation Plan) District; Proposed Use: Construct 24-Unit Condominium Building; 3rd Aldermanic District: 810 Jupiter Drive.
  
6. [07345](#) Creating Section 28.06(2)(a)3286. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Capitol West GDP Amendment for Hyatt Place Hotel; 4th Aldermanic District: 333 West Washington Avenue.

NOTE: THE PLAN COMMISSION WILL CONSIDER ID# 07345 AT THEIR 10/1/07 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.

**PUBLIC HEARINGS - BEGIN AT 6:45 PM****REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

7. [07377](#) Public Hearing - New License  
La Mestiza Mexican Cuisine, Inc • dba La Mestiza Mexican Cuisine  
30% alcohol, 70% food  
6644 Odana Road • Agent: Antonio Estrada  
Class B Combination Liquor & Beer  
Aldermanic District 19 (Alder Clear) • Police Sector 113
  
8. [07378](#) Public Hearing - Transfer of License from one location to another  
BAT, Inc • dba Madhatter • 70% alcohol, 30% food  
651 State Street (transferred from 3 University Square)  
Agent: Ted Gervasi  
Class B Combination Liquor & Beer  
Aldermanic District 8 (Alder Judge) • Police Sector 403
  
9. [07465](#) Public Hearing - Transfer of License from one location to another  
Circolo LLC • dba Pasqual's • 17% alcohol, 80% food, 3% other  
670 N. Midvale Boulevard (transferred from 702 N. Midvale Boulevard)  
Agent: Benjamin Roberts  
Class B Combination Liquor & Beer  
Aldermanic District 11 (Alder Gruber) • Police Sector 108

**REPORT OF PLAN COMMISSION**

- [07105](#) Amending Section 28.07(2)(c)17. of the Madison General Ordinances to include county uses and facilities as a conditional use in the Conservancy District.
  
11. [07315](#) Creating Section 28.06(2)(a)3291. of the Madison General Ordinances rezoning property from R1 Single-Family Residence District and C Conservancy District to C Conservancy District. Proposed Use: Rezone Lake View Hills Park; 18th Aldermanic District: 1202-1206 Northport Drive.

**END OF PUBLIC HEARINGS**

**At this time, the balance of the agenda which has not been acted upon will be moved with the recommended action listed for each items EXCEPT # 40 on a motion made by Ald. Verveer, seconded by Ald. Konkel.**

**1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote and are not included on the consent agenda by unanimous consent. 3) items which alderperson(s) have separated out for discussion/debate purposes.**

**REPORTS OF OFFICERS****REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE**

12. [07205](#) Operator License Application  
Robert Chapman - Establishment where employed: Famous Dave's
13. [07214](#) 21+ Entertainment License  
Whiskey River, LLC • dba Rev. Jim's Roadhouse  
6402 Millpond Road • Agent: Kevin Weaver  
Class B Combination Liquor & Beer • 75% alcohol, 20% food, 5% other  
Aldermanic District 16 (Ald. Compton) • Police Sector 621
14. [07532](#) Change of Agent  
Trader Joe's East Inc. • Trader Joe's #712 • 1810 Monroe Street  
Old Agent: Melanie Lee • New Agent: Carlos Caamal  
Class A Beer, Class A Liquor  
Aldermanic District 10 (Ald. Solomon) • Police Sector 301
15. [07533](#) Change of Corporate Control -- One new officer  
Westside Businessman's Assoc. Inc. • Westside Club • 100% Alcohol  
437 County Road M • Agent: James Bresette  
Class B Combination Liquor & Beer  
Aldermanic District 9 (Ald. Skidmore) • Police Sector 129
16. [07534](#) Change of Corporate Control -- Replacement of one officer  
Amrit and Satnam Inc • dba Taj Indian Restaurant • 20% alcohol, 80% food  
1256 S Park St • Agent: Simranjit Singh  
Class B Combination Liquor & Beer  
Aldermanic District 13 (Ald. Kerr) • Police Sector 306
17. [07536](#) Change of Corporate Control -- Two new officers  
Dionysus Inc • dba Old Town Pub • 70% alcohol, 30% food  
724 S Gammon Rd • Agent: Jennifer Kane  
Class B Combination Liquor & Beer  
Aldermanic District 1 (Ald. Sanborn) • Police Sector 123
18. [07537](#) Common Council referral of LWS Investments Two LLC (Good Times Neighborhood Bar) for a non renewal hearing or revocation hearing.
19. [07538](#) Operator License Application  
Rachel Edge - Establishment Where Employed: Good Times
20. [07541](#) Operator License Application  
Daniel Hoffman - Establishment where employed: Brother's
21. [07545](#) Application for Change of Licensed Premise  
Family Entertainment LLC • dba Westgate Cinemas • capacity of 800  
304 Westgate Mall • Agent: Timothy Ward  
Class B Combination Liquor & Beer • 19% alcohol, 26% food, 55% other  
Aldermanic District 20 (Ald. Pham-Remmele) • Police Sector 107  
Request to change proposed premise.
22. [07562](#) Disciplinary Matter - Suspension/Revocation Hearing  
ALRC consideration of stipulated agreement  
Orbut of State Street Inc • dba Mondays • capacity 151  
523 State Street • Agent: Gary Garten  
Class B Combination Liquor & Beer • 100% alcohol

Aldermanic District 4 (Ald. Verveer) • Police Sector 403

23. [07622](#) Alcohol License Review Committee Report of Operator License Applications October 2, 2007. See attached report for list of operators.

**REPORT OF BOARD OF ESTIMATES**

24. [07141](#) Amending the program boundary of the Madison Capital Revolving Fund (MCRF) loan program to include the corporate limit of the City of Madison.
25. [07220](#) SUBSTITUTE - Amending the 2007 Operating Budget to appropriate \$100,000 from Contingent Reserve for Citywide Neighborhood Safety Initiatives.
26. [07380](#) Double-Fill Authorization of Program Assistant III - Neighborhood Preservation & Inspection Division.
27. [07458](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into a contract on behalf of the City with Cuningham Group Architecture who will lead a team of consultants to prepare a new Zoning Code and map for the City of Madison, and amending the Planning Division 2007 Operating Budget to move \$24,000 from Permanent Salaries to Consulting Services.
28. [07468](#) Authorizing the Madison Department of Public Health to accept a grant from the State Department of Health and Family Services-Division of Public Health for \$60,434.
29. [07477](#) Authorizing the Mayor and City Clerk to enter into Purchase of Service Agreements with the West Madison Senior Coalition, Madison Apprenticeship Program, Wisconsin Youth Company, and a Drivers License Recovery Program (provider to be determined) utilizing funds from the City's 2007 adopted operation budget.
30. [07484](#) Authorizing the Mayor, City Clerk and Chief of Police to accept the FY 2007 Edward Byrne Memorial Justice Assistance Grant award in the amount of \$196,252 and to utilize these funds to support several law enforcement initiatives.
31. [07519](#) Authorizing Mayor Dave Cieslewicz and Chief Noble Wray to accept a highway safety grant up to \$21,000 from Safe Communities for 'Tween Safety Restraint Initiative activities, i.e., informational contacts and overtime enforcement scheduled for October through December 2007.



**REPORT OF BOARD OF HEALTH FOR MADISON AND DANE COUNTY**

- 32. [07336](#) Amending the Intergovernmental Agreement between the City of Madison and Dane County for creation of a City-County Health Department.
  
- 33. [07337](#) Adopting and confirming the Amended Intergovernmental Agreement between the City of Madison and Dane County for creation of a City-County Health Department.

**REPORT OF BOARD OF PUBLIC WORKS**

34. [07074](#) Improvements Accepted for Irwin & Robert Goodman Community Pool Construction - Contract #5850. (13th AD)

**REPORT OF COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION**

35. [06976](#) Approving the provision of Emerging Neighborhood Funds to several agencies and authorizing the Mayor and the City Clerk to enter into agreements with those agencies to implement the project.
36. [07438](#) Authorizing the subordination of previously approved CDBG loans to the Urban League of Greater Madison to a first mortgage holder to reconfigure a financing package that included Low Income Housing Tax Credits and authorizing the Mayor and the City Clerk to sign agreements to effect such a change.
37. [07439](#) Approving \$200,000 in Federal HOME funds to provide additional down payment assistance to qualified homebuyers as part of the American Dream Down payment program

**REPORT OF COMMUNITY SERVICES COMMISSION**

- 38. [07100](#) Amending Section 33.16(2) of the Madison General Ordinances to add an alternate member to the Community Services Commission from the Senior Citizens Advisory Committee.

**REPORT OF CITY ENGINEER**

39. [07136](#) Amending Sections 21.07, 21.11 through 21.19, 21.24, 21.28, 21.30, 21.33 and 21.34 of the Madison General Ordinances modifying portions of the Nonmetallic Mining Reclamation Ordinance to conform with changes in the Wisconsin Administrative Code.

**REPORT OF HOUSING COMMITTEE**

Begins at the top of the next page.

40. [06496](#) SUBSTITUTE - Amending Sections 32.12(4) and 32.15(2) and creating Sections 32.12(17), 32.15(4), and 32.15(5) of the Madison General Ordinances to provide expanded tenant protection against landlord retaliation to include specifically refusals to renew leases and threats to undertake retaliatory behavior, as well as providing for the recovery of double damages by tenants that arise due to violations of these sections, and creating severability clauses for these Sections.

**REPORT OF PLAN COMMISSION**

41. [04679](#) Approving a final plat known as "Hawk's Ridge" located at 9401 Mid-Town Road. 1st Ald. Dist.
42. [07174](#) Authorizing the Mayor and City Clerk to sign an Attachment Agreement between Suter's Speed Shop, Inc., and the City of Madison ("City").
43. [07342](#) Approving the Redevelopment Plan and District Boundary for the WID/MIR Redevelopment District.
44. [07513](#) Authorizing the acceptance of an offer to sell from the Madison Gas and Electric Company a 2.8-acre property located at 4014 Hanson Road in the Town of Burke, to facilitate the completion of construction improvements from Hanson Road and Portage Road from Manufacturer Drive to Interstate 39/90/94.
- NOTE: THE PLAN COMMISSION WILL CONSIDER ID# 07513 AT THEIR 10/1/07 MEETING. A RECOMMENDATION WILL BE MADE FROM THE COUNCIL FLOOR.

**REPORT OF RISK MANAGER**

45. [07307](#) E. Grell, 5910 Spartan Dr., # 4, McFarland - personal injury - \$1,000.00.
46. [07309](#) D. Gordon, 2203 Regent St., # 2, Madison - vehicle damage - \$800.00.
47. [07364](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for A. Torres, 2423 Parker Pl., Madison - medical expenses, loss of society and companionship - \$250,000.00.
48. [07365](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for T. Torres, 2423 Parker Pl., Madison - medical expenses, loss of society and companionship - \$250,000.00.
49. [07366](#) Nicholas J. McNamara, Habush Habush & Rottier S.C., attorney for N. Torres, 2423 Parker Pl., Madison - personal injury - \$250,000.00.
50. [07398](#) K. Simmons of Geico for P. Warner - vehicle damage - \$8,293.97.
51. [07462](#) J. Ackerman, 4920 Goldfinch Dr., Madison - vehicle damage - \$2,006.76.

**REPORT OF VENDING OVERSIGHT COMMITTEE**

52. [06569](#) Repealing Section 9.13(6)(h)3.d. of the Madison General Ordinances to delete the vending fee exemption for persons sixty years of age or older.
53. [06629](#) SUBSTITUTE - Amending Section 9.12 of the Madison General Ordinances to modify the composition of the Vending Oversight Committee to include non-voting Technical Advisors.

54. [07372](#) Creating Section 9.13(6)(j)2.e.iii. of the Madison General Ordinances to allow the Vending Coordinator to approve alternative sidewalk café placement on a case-by-case basis on the State Street Mall/Capitol Concourse, on streets other than State Street.

#### REPORT OF WATER UTILITY BOARD

55. [07339](#) Authorizing an additional loan from the general fund to the Water Utility fund and the reimbursement of certain capital expenditures from the proceeds of future waterworks system revenue bonds.
56. [07348](#) Amending Sections 13.18(1), (4)(a), and (5) of the Madison General Ordinances to clarify that the Lead Water Service Line Replacement ordinance applies to all properties served by the Madison Water Utility system.

#### REFERRED TO THIS MEETING

#### APPOINTMENTS

57. [07467](#) Report of the Mayor submitting citizen committee appointments (introduced 9-18-2007; action 10-2-2007).

**RECONSIDERATION(S)**

58. [07233](#) Approving Plans, Specifications, And Schedule Of Assessments For St. Paul Avenue and Dixon Street Reconstruction Assessment District - 2007. (6th AD)
59. [07234](#) Approving Plans, Specifications, And Schedule Of Assessments For Curb and Gutter in Conjunction with Resurfacing - 2007 Assessment District: Additions. (Various ADs)

**NEW BUSINESS - Referred on a motion made by Ald. Verveer, seconded by Ald. Konkel.**

**ORDINANCES**

60. [07590](#) Creating new Section 34.04(8) to set licensing fees for burn permits; renumbering current Sections 34.04(8) through (11) to Sections 34.04(9) through (12), respectively; amending Sections 34.28(2)(c) and 34.32(2) of the Madison General Ordinances to increase license fees.
61. [07609](#) Adopting and confirming Revision 260 of the Madison General Ordinances as of September 15, 2007 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.
62. [07614](#) Amending Section 16.23(2), creating new Section 16.24, and renumbering current Sections 16.24 and 16.25 to 16.25 and 16.26, respectively, of the Madison General Ordinances to create review of condominium instruments.
63. [07615](#) Amending Sections 32.07(5), (7), (9) and (14) of the Madison General Ordinances to require landlords to obtain, maintain, and provide or make available, upon request, photographic evidence of damage, waste or neglect being charged against a tenant's security deposit.
64. [07630](#) Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2007 City Attorney Reviser's Ordinance.

**RESOLUTIONS**

65. [07544](#) That the position (#3892) of Zoning Code Enforcement Officer 1 in Compensation Group 16, Range 13, (occupied by J. Kirchgatter) in the permanent salary detail of the Inspection Unit budget is repealed and recreated as a position of Zoning Code Enforcement Officer 2 in Compensation Group 16, Range 16, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
66. [07546](#) That the 0.65 FTE position (#3919) of Clerk Typist 2 in Compensation Group 20, Range 06, (occupied by J. McClain) in the permanent salary detail of the Overture Center budget is repealed and recreated as a 0.65 FTE position of Administrative Clerk 1 in Compensation Group 20, Range 09, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
67. [07547](#) That the 0.80 FTE position (#438) of Librarian 2 in Compensation Group 33, Range 02, (occupied by T. Elias) in the permanent salary detail of the Madison Public Library budget is repealed and recreated as a 0.80 FTE position of Librarian 3 in Compensation Group 33, Range 03, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
68. [07564](#) Approving Facade Improvement Grant to: 12 South Carroll Street (Fromagination).
69. [07587](#) That the vacant position (#2582) of Automotive Service worker in Compensation Group 16, Range 08, in the permanent salary detail of the Police Department budget is repealed and recreated as a position of Police Property Clerk in Compensation Group



16, Range 07, thereof.

70. [07591](#) Vacation/Discontinuance of a portion of Shaw Street between Grim Street and Swanson Street and a portion of Swanson Street near the intersection of Shaw Street, being located in part of the Southeast 1/4 of the Southeast 1/4 of Section 30, Town 08 North, Range 10 East, City of Madison, Dane County, Wisconsin, and authorizing the Mayor and City Clerk to accept dedication of lands from Dane County as needed for the proposed improvements to Grim and Swanson Streets. (17th AD)
71. [07607](#) Submitting the name of William R. Clingan for confirmation of a five-year term as Economic and Community Development Unit Director.
72. [07613](#) Adopting the Pumpkin Hollow Neighborhood Development Plan as a supplement to the City of Madison Comprehensive Plan, and authorizing the City's applications to amend the Central Urban Service Area as required to implement the development staging recommendations in the neighborhood plan.
73. [07623](#) Authorizing the subordination of a previously approved loan to Wexford Ridge Neighborhood Center to a first mortgage holder during the period of construction and authorizing the Mayor and City Clerk to sign agreements to effect such a change.
74. [07624](#) Approving a new lease agreement with the United States Postal Service for the Capital Station Post Office in the Madison Municipal Building and authorizing the Mayor and City Clerk to execute the agreement.
75. [07633](#) Authorizing the City of Madison, through the Office of Community Services, to accept a Year 5 Weed and Seed grant from the United States Dept. of Justice Community Capacity Development Office and authorizing expenditures as outlined in the grant budget.

#### LICENSES

76. [07631](#) Public Hearing - New License  
NDZ Enterprises LLC • dba Dexters Pub • ~~50~~ 60% alcohol, ~~50~~ 40% food  
301 North St. • Agent: Nicholas Zabel  
Class B Combination Liquor & Beer  
Aldermanic District 12 (Alder Rhodes-Conway) • Police Sector 502
77. [07632](#) Public Hearing - New License  
City View Market Inc. • dba Capitol Centre Foods  
111 N. Broom St. • Agent: Mitchell Eveland  
Class A Liquor & Class A Beer  
Aldermanic District 4 (Alder Verveer) • Police Sector 406
78. [07634](#) Public Hearing - New License  
J. Maverick LLC • dba Opus Lounge • 90% alcohol, 10% food  
116 King St. • Agent: Mandy M. Arnold  
Class B Combination Liquor & Beer  
Aldermanic District 4 (Alder Verveer) • Police Sector 406 • Density Area
79. [07635](#) Public Hearing - New License

Chipotle Mexican Grill Inc. • dba Chipotle Mexican Grill • 2% alcohol, 98% food  
4622 E. Washington Ave. • Agent: Sahul Flores Jr.  
Class B Combination Liquor & Beer  
Aldermanic District 17 (Alder Clausius) • Police Sector 518

### OPERATING BUDGET

80. [07639](#) 2008 Executive Operating Budget and Amendments.

### CLAIMS - REFER TO RISK MANAGER

81. [07531](#) B. Nelson, 933 Waban Hill, Madison - vehicle damage - \$1,000.00.
82. [07571](#) NOTICE OF CLAIM - K. Tanyeri, 714 Ondossagon Way, Madison - vehicle damage - greater than \$1.00.
83. [07572](#) NOTICE OF CLAIM - Lester A. Pines, attorney for D. Morris, 2426 Myrtle St., Madison - physical injury, pain and suffering, permanent injury, medical bills, lost wages and property damage - greater than \$1.00.
84. [07573](#) American Family Insurance for P. Howarth-Burns, 603 Wingra St., Madison - property damage - \$750.00.
85. [07636](#) J. Hayward, 5423 Lost Woods Ct., Oregon - vehicle damage - \$1,113.81.
86. [07638](#) L. Rusch, 1216 Jenifer St., Madison - property damage - \$132.18.

### \*\*ADDENDUM\*\*

### LATE ITEMS

### REPORT OF CITY CLERK

87. [07650](#) New Theater License (500-1200 seats)  
Majestic Theatre, LLC • dba Majestic Theatre  
115 King Street • License # 78441

### NEW BUSINESS

88. [07592](#) Approving the settlement of all issues arising out of an arbitration between the City of Madison and the Building and Construction Trades Council of South Central Wisconsin.