



City of Madison

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

Agenda - Amended COMMON COUNCIL

Tuesday, January 3, 2006

6:30 PM

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

SPEAKING GUIDELINES

If you need an interpreter, materials in alternate formats or other accommodations, please contact the Office of the Common Council at 266-4071, TTY 267-8670. Please do so 48 hours prior to the meeting so that proper arrangements can be made.

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.

NOTIFIED ABSENCES: Ald. Brandon, Ald. Bruer

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. [02591](#) Commending Nancy Ragland for her service to the City of Madison as Director of Olbrich Botanical Gardens.
2. [02649](#) Commending, honoring and expressing appreciation to Thomas C. Aldrich upon his retirement from the City of Madison after more than 40 years of exemplary service to the City of Madison and its citizens.
3. [02654](#) Recognition of Marilyn J. Bakken, Administrative Secretary II upon her retirement after more than 34 years serving the City of Madison

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

4. [02641](#) Report of the Mayor submitting citizen committee appointments (introduced 1-3-06; action 1-17-06)

PUBLIC HEARINGS - BEGIN AT 6:45 PM

5. [02190](#) AMENDED SUBSTITUTE - Providing for a change on the Official Map of the City of Madison, which will add a proposed public street reservation for the widening of North and South Broom Street right-of-way to increase the width of the terrace, sidewalks, and street for bike and parking purposes on platted lands, located in part of the Northeast 1/4 of Section 23, Town 07 North, Range 09 East, City of Madison, Dane County, Wisconsin. 4th Ald. Dist.
6. [02248](#) Determining a Public Purpose and necessity and adopting Transportation Project Plat No: 5992-06-29-4.01 for the City of Madison to acquire necessary land interests, including the purchase of a portion of the property at 2609 East Washington Avenue required for the planned public street improvements included in the East Washington Avenue Segment 3 Reconstruction Project, and authorizing the Mayor and City Clerk to sign all necessary documents necessary to accomplish the land interest acquisitions. (15th AD)

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

7. [02347](#) Public Hearing - New License
La Rocca's Pizzeria, LLC • dba La Rocca's Pizzeria • est. capacity of 40
940 Williamson Street • Agent: Vito La Rocca
Class B Beer, Class C Wine • 20% alcohol, 70% food, 10% other
8. [02354](#) Public Hearing - New License
Palace Latin Club, LLC • dba Palace Latin Club • est. capacity of 450
1401 University Avenue • Agent: Javier Palacios
Class B Combination Liquor & Beer • 60% alcohol, 10% food, 30% other
9. [02355](#) Public Hearing - New License
Capitol Petroleum, LLC • dba EW Mobil
3505 E. Washington Avenue • Agent: Farooq Shahzad • Class A Beer
10. [02357](#) Public Hearing - New License
Capitol Petroleum, LLC • dba CG Marathon
605 Cottage Grove Road • Agent: Farooq Shahzad • Class A Beer
11. [02358](#) Public Hearing - New License
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington Avenue • Agent: Ron Trachtenberg
Class B Combination Liquor & Beer • 3.3% alcohol, 16.5% food, 80.2% other
12. [02360](#) Public Hearing - New License
Resham & Manjit, LLC • dba to be determined
6717 Odana Road • Agent: Resham Singh • Class A Beer

REPORT OF BOARD OF PUBLIC WORKS

13. [02590](#) Approving Plans, Specifications, And Schedule Of Assessments For State Street and Adjacent Streets Reconstruction Assessment District - Phase 3. (4th & 8th ADs)

REPORT OF PLAN COMMISSION

14. [02319](#) Creating Section 28.06(2)(a)3152. 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) and creating Section 28.06(2)(a)3153. of the Madison General Ordinances rezoning property from Amended PUD(GDP) Planned Unit Development (General Development Plan) District to Amended PUD(SIP) Planned Unit Development (Specific Implementation Plan) District. Proposed Use: Demolish Office Building and Build 50,000 Square Feet of Grocery Store; 11th Aldermanic District: 702 North Midvale Boulevard.
15. [02337](#) Amending Sections 28.08(4)(c)4., 28.08(9)(c)6., and 28.08(11)(c)4. to allow tax-exempt lodging houses as conditional uses in the R3, R4, R4L and R4A Districts.
- **REREFER TO PLAN COMMISSION (FOR PUBLIC HEARING), ASSESSOR'S OFFICE, HOUSING COMMITTEE, HOUSING AFFORDABILITY SUBCOMMITTEE, LANDLORD AND TENANT ISSUES SUBCOMMITTEE

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: #60, 61, 68, 96 & 97, on motion of Council President Van Rooy, seconded by Ald. Rosas.

1) items which have registrants wishing to speak. 2) items which require an extraordinary (roll call) vote. 3) items which alderperson(s) have separated out for discussion/debate purposes.

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

16. [01744](#) Application for Change of Licensed Premise
LWS Investments Two, LLC • Good Times Neighborhood Bar • capacity 99
47 S. Stoughton Road • Agent: Lawrence Schmock
Class B Combination Liquor & Beer • 85% alcohol, 15% food
Request to add patio/deck to licensed premise.
17. [02350](#) Center for Visual & Performing Arts License Application
Neek, Inc. • dba Kimia Lounge • Capacity of 100-225
14 W. Mifflin Street • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 11% food
18. [02352](#) Capacity Review
Neek, Inc. • dba Kimia Lounge • Capacity increase from 100 to 225
14 W. Mifflin Street • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 11% food
19. [02494](#) Nightclub License Application
Palace Latin Club, LLC • dba Palace Latin Club • est. capacity of 450
1401 University Avenue • Agent: Javier Palacios
Class B Combination Liquor & Beer • 60% alcohol, 10% food, 30% other
20. [02522](#) Nightclub License Application
Szechuan Palace, Inc. • dba China Palace • capacity of 250
1291 N. Sherman Avenue • Agent: Dan Qi
Class B Combination Liquor & Beer • 20% alcohol, 80% food
21. [02523](#) Nightclub License Application
M&M Madison Concessions, LLC • dba Howard Johnson Madison
3841 E. Washington Avenue • Agent: Ron Trachtenberg
Class B Combination Liquor & Beer • 3.3% alcohol, 16.5% food, 80.2% other
22. [02652](#) Alcohol License Review Committee
December 27, 2005, Report of Operator License Applications (New & Renewal)

REPORT OF BOARD OF HEALTH FOR MADISON AND DANE COUNTY

23. [02463](#) Amending Section 3.73(2) of the Madison General Ordinances to remove the requirement of a Board of Health member to serve on the Solid Waste Advisory Committee.

REPORT OF BOARD OF PUBLIC WORKS

24. [02154](#) Petition: Notice of Appeal - Prohibited Use of Public Greenway.
25. [02326](#) Authorizing the execution of a Utility Easement to Wisconsin Bell d/b/a SBC Wisconsin across a City-owned property located at 1903 E. Washington Avenue. 6th Ald. Dist.

26. [02329](#) Amending the Master List of Street Names and Designations and amending the City Engineer's Street Numbering Map, referred to in Sections 10.34(1) and 10.35, Madison General Ordinances (Hard Disk Drive to Yard Drive). (9th AD)
27. [02469](#) Authorizing additional funds for the acquisition of the properties located at 3052 and 3054 East Washington Avenue required for the planned public bike path improvements and Starkweather Creek Corridor Project. (15th AD)
28. [02495](#) Authorizing the Mayor and City Clerk to execute an agreement between the City of Madison and MB Investments of Wisconsin, LLC for indemnification for snow plow damage for lots 126-153 of the plat known as Linden Park. (6th AD)
29. [02501](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract for Subdivision Improvements for Pine Hill Farm, Contract No. 2043. (9th AD)
30. [02502](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Nelsons Addition to Rustic Acres, Contract No. 2041. (3rd AD)
31. [02504](#) Approving plans and specifications for public improvements necessary for the project known as 401 North Third Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2067 (12th AD)
32. [02505](#) Improvements accepted for 2004 Resurfacing Various Streets; Grinding, Contract No. 5581 (Various ADs)
33. [02506](#) Improvements accepted for Local Road Traffic Calming & Arterial Pedestrian Enhancements - 2003, Contract No. 5533. (Various ADs)
34. [02507](#) Improvements accepted for Sanitary Sewer Relining - 2004, Contract No. 5642. (Various ADs)
35. [02517](#) Awarding Public Works Contract for Bids Opened December 2, 2005 and December 16, 2005.
36. [02519](#) Accepting bituminous pavement constructed by private contract in Rhodia Plat, Private Contract No. 1898. (16th AD)
37. [02546](#) Approving a "Major" Change to Amend the Environmental Corridor within the Central Urban Service Area of Dane County for the Property of 5513 Femrite Drive (et al). (16th AD)
38. [02547](#) Authorizing the Mayor and City Clerk to enter into an agreement with Madison Gas & Electric Company for the undergrounding of overhead utilities in conjunction with the Todd Drive Beltline Highway Interchange project. (14th AD)
39. [02570](#) Improvements Accepted for Tornado Tree Replacements, Contract #5838. (Various AD's)
40. [02571](#) Declaring the City of Madison's intention to exercise its police powers establishing the Harley Drive Street Assessment District-2005 (20th AD)
41. [02572](#) Approving plans and specifications for public improvements necessary for the project known as 202 North Charter Street PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2069. (8th AD)

42. [02575](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Buckeye Meadows, Contract No. 1872. (16th AD)
43. [02577](#) Improvements Accepted for Olbrich Rose Garden, Contract #5543. (6th AD)
44. [02589](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for W. Beltline Frontage Road/Todd Drive Reconstruction, Contract No. 5900. (14th AD)
45. [02603](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for Owls Creek Subdivision - Phase I, Contract No. 2054. (16th AD)
46. [02604](#) Authorizing the Mayor and City Clerk to execute Addendum No. 1 to the Contract For Subdivision Improvements for First Addition to Nelsons Addition to Rustic Acres, Contract No. 2042. (3rd AD)
47. [02613](#) Accepting bituminous pavement constructed by private contract in Hawks Woods - Phase I, Private Contract No. 1865. (1st AD)
48. [02614](#) Accepting sidewalk improvements constructed by private contract for 705 Ziegler Road (Harmony Living Center), Private Contract No. 1978. (17th AD)
49. [02628](#) Declaring the City of Madison's intention to exercise its police powers establishing the Randall Avenue Reconstruction Assessment District - 2006. (13th AD)

REPORT OF BOARD OF WATER COMMISSIONERS

50. [02510](#) Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with Clark Dietz Inc for the preparation of drawings and specifications and construction administration for the 6.0 million gallon Felland Road Reservoir located in east Madison. AD No. 3

REPORT OF BROADBAND TELECOMMUNICATIONS REGULATORY BOARD

- 51. [02239](#) Urging the Wisconsin Congressional delegation to oppose legislation that would lead to the elimination of local cable franchising.

REPORT OF COMMON COUNCIL ORGANIZATIONAL COMMITTEE

52. [02324](#) Creating Subdivision 3.27(4)(h) of the Madison General Ordinances to establish a policy that boards, committees and commissions shall not schedule meetings on the same nights that the Board of Estimates is considering the annual City budgets.
53. [02452](#) Amending Section 2.01(1) of the Madison General Ordinances to adjust the Common Council meeting dates for November 2006.
54. [02530](#) SUBSTITUTE - Amending Section 2.01(1) of the Madison General Ordinances to require that all Common Council meetings adjourn no later than midnight and to establish scheduled supplementary meetings to be held as needed.

REPORT OF HOUSING COMMITTEE

55. [02257](#) Authorizing the Mayor and the City Clerk to sign an agreement with Thomas M. LaFleur, his contract for professional services as Alternate Rent Abatement Hearing Examiner for the Building Inspection Unit of the Department of Planning and Development.

REPORT OF PLAN COMMISSION

56. [02663](#) Approving a Certified Survey Map of property owned by David J. Lipinski at 506 East Dean Avenue. 15th Ald. Dist.

REPORT OF RISK MANAGER

57. [02383](#) NOTICE OF CLAIM: Attorney Kent Carnell for A. Stribling, 101 E. Mifflin Street - personal injury - \$50,000.00.
58. [02385](#) NOTICE OF CLAIM: Attorney Randall Anderson for M. Parent, 315 S. Henry Street - personal injury and loss of enjoyment of life - \$250,000.00.

REFERRED TO THIS MEETING**APPOINTMENTS**

59. [02520](#) Report of the Mayor submitting citizen committee appointments (introduced 12-13-05; action 1-3-06)

RECONSIDERATION(S)

60. [02043](#) SUBSTITUTE - Amending Sections 28.12(3)(a), (7)(d) and (8)(h) of the Madison General Ordinances to conform to recently enacted state legislation.
61. [02485](#) SECOND SUBSTITUTE - Amending Section 8.18(2) of the Madison General Ordinances extending the length of time parking is allowed at the Brittingham Boathouse, Bathhouse and Shelter.

**NEW BUSINESS - Referred on a motion made by Council President Van Rooy,
seconded by President Pro Tem Rosas.**

ORDINANCES

62. [02634](#) Repealing Section 16.23(4), amending Sections 16.23(8)(a)1. and 16.23(8)(a)8.a., creating Sections 16.23(9)(d)6.h. and 16.23(9)(e)6. of the Madison General Ordinances to provide for local streets of variable size.
63. [02635](#) Amending Section 3.38 (1)(e) of the Madison General Ordinances by deleting the classification of Parking Operations Assistant in Compensation Group 20, Range 14 and recreating said position as a Parking Operations Assistant in Compensation Group 20, Range 16, thereof.
64. [02636](#) Amending Section 3.38(1)(i)2. of the Madison General Ordinances by creating the classification of City Clerk/Treasurer in Compensation Group 21, Range 16, thereof.
65. [02653](#) Adopting and confirming Revision 253 of the Madison General Ordinances as of December 15, 2005 to incorporate the changes pursuant to Sec. 66.0103, Wis. Stats.

RESOLUTIONS

66. [00938](#) To move the "anonymous donation" balance to the Madison Community Foundation for the purpose of funding new community garden projects.
67. [02562](#) Authorizing the Mayor and City Clerk to execute appropriate documents to release a use restriction on the Brentwood Terrace Apartments located at 2018 North Sherman Avenue. 12th Ald. District.
68. [02593](#) Be it hereby resolved that the vacant position (#790) of Purchasing Supervisor in Compensation Group 18, Range 10, in the permanent salary detail of the Comptroller's Office budget is repealed and recreated as a position of Accountant 2 in Compensation Group 18, Range 08, thereof.
69. [02607](#) A resolution that the vacant position #3843 of Traffic Engineer 1 in Compensation Group 18, Range 10, of the permanent salary detail of the Traffic Engineering Division budget is hereby repealed and recreated as an Engineering Program Specialist 2 in Compensation Group 16, Range 19, thereof.
70. [02608](#) That the position #1301 of Parking Operations Assistant in Compensation Group 20, Range 14, occupied by S. Sweet, in the permanent salary detail of the Parking Utility budget is repealed and recreated as a Parking Operations Assistant in Compensation Group 20, Range 16, thereof. Be it further resolved that the incumbent shall be reallocated to said position.
71. [02610](#) That the new position tentatively identified as City Clerk/Treasurer (no Compensation Group or Range specified) in the permanent salary detail of the new Clerk/Treasurer Department budget is repealed and recreated as a position of City Clerk/Treasurer in Compensation Group 21, Range 16, thereof.
72. [02627](#) Determining a Public Purpose and necessity and adopting Transportation Project Plat No: 5992-05-74-4.01 to 4.03 for the City of Madison to acquire necessary land interests

required for the planned public street improvements included in the East Washington Avenue Segment 3 Reconstruction Project, from Second Street to Marquette Street and authorizing the Mayor and City Clerk to sign all documents necessary to accomplish the land interest acquisitions. (15th AD)

73. [02630](#) Authorizing a contract between the City and the Madison Metropolitan School District for the provision of programming by Madison School and Community Recreation at Warner Park Community and Recreation Center for 2006.
74. [02631](#) Determining a Public Purpose and necessity and adopting a Relocation Order for the City of Madison to purchase a portion of the property at 5102 Meinders Road, adjacent to the recently recorded Owl's Creek Subdivision, which is required for the planned public street improvements for Owl Creek Drive, and authorizing the Mayor and City Clerk to sign all documents necessary to accomplish the acquisition of said properties. (16th AD)
75. [02642](#) Amending the 2006 City Channel Operating Budget to allow for the hiring of a half-time limited term employee.
76. [02651](#) Authorizing Purchasing to award and negotiate a 2-year contract with Waste Management of Wisconsin, Inc. for waste and recycling collection at certain City sites and authorizing the Mayor and City Clerk to sign a 2-year contract on behalf of the City.

LICENSES

77. [02418](#) Public Hearing - New License
Manuel Cortez • dba Tienda Los Gemelos
6713 Odana Road • Class A Beer
78. [02616](#) Public Hearing - New License
Pierce's Supermarket, Inc. • dba Pierce's Northside Market
2817 N. Sherman Avenue • Agent: Ron K. James
Class A Liquor, Class A Beer
79. [02633](#) Public Hearing - New License
Singh, Resham • dba India Darbar Restaurant • 6119 Odana Rd • capacity 80
Class B Beer, Class C Wine • 10% alcohol, 90% food
80. [02647](#) Public Hearing - New License
KDRD Madison State, LLC • dba Fuddruckers • estimated capacity of 78
651 State Street • Agent: Elliott Stubbendick
Class B Beer, Class C Wine • 2% alcohol, 98% food

CLAIMS - REFER TO RISK MANAGER on a motion made by Council President Van Rooy, seconded by President Pro Tem Rosas.

81. [02579](#) NOTICE OF CLAIM: C. Waddell, 3505 Ridgeway Avenue - property damage - \$370.97.
82. [02580](#) NOTICE OF CLAIM: J. Jordan, 1505 Winslow Lane - property damage - \$813.73.
83. [02581](#) NOTICE OF CLAIM: H. Green, 2441 Upham Street - property damage - \$111.00.

84. **02582** NOTICE OF CLAIM: A. Drake, 7213 Longmeadow Road - property damage - \$4,248.37.
85. [02598](#) NOTICE OF CLAIM: M. Hughes, 612 S. Thornton Avenue - property damage - \$162.15.
86. [02599](#) NOTICE OF CLAIM: H. Stanton, 22 Ariel Circle - property damage - \$200.00.
87. **02600** NOTICE OF CLAIM: State Farm Insurance for L. Jerdee - property damage - \$780.28.
88. [02609](#) NOTICE OF CLAIM: K. Felker, 19 Roxbury Road - property damage - \$2,066.09.
89. [02612](#) NOTICE OF CLAIM: Progressive Insurance for R. Scott, S1990 Park Lane, Reedsburg - property damage - \$1,815.21.
90. **02637** NOTICE OF CLAIM: G. Wright, 5309 Fairway Drive - personal injury - amount to be determined.
91. **02638** NOTICE OF CLAIM: R. Brown, 1710 Camelot Drive - property damage - \$100.00.
92. **02646** NOTICE OF CLAIM: D. Carpenter, 1117 Colby Street - property damage - \$916.38.
93. **02656** NOTICE OF CLAIM: L. Spencer, 65D Golf Course Rd. - property damage - \$677.53.

CLAIMS - REFER TO CITY ATTORNEY on a motion made by Council President Van Rooy, seconded by President Pro Tem Rosas.

94. [02583](#) UNLAWFUL TAXATION: M. Davis, 1521 Golf View Road #B - unlawful taxation - \$39.59.
95. [02597](#) UNLAWFUL TAXATION: G. Roche, 3205 Grandview Blvd - unlawful taxation - \$4,270.87.

ADDENDUM

LATE ITEMS

96. [02667](#) AMENDED - Opposing the ~~distribution of a~~ racist and anti-Semitic newspaper in the Glen Oak Hills Neighborhood.
97. [02668](#) Commending, honoring and expressing appreciation to Sandra J. Turner upon her retirement from the City of Madison after more than 36 years of exemplary service to the City of Madison and its citizens.
Refer to the January 17, 2006, Common Council meeting.