



City of Madison

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

Proceedings - Approved COMMON COUNCIL

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Tuesday, October 1, 2013

6:30 PM

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

ROLL CALL

at 6:31pm, Mayor Paul R. Soglin in the chair.

Present: 20 - Paul R. Soglin
Lisa Subeck
Ledell Zellers
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Scott J. Resnick
Paul E. Skidmore
Maurice S. Cheeks
Chris Schmidt
Sue Ellingson
John Strasser
David Ahrens
Denise DeMarb
Joseph R. Clausius
Anita Weier
Mark Clear
Matthew J. Phair

Excused: 1 - Larry Palm

SPEAKING GUIDELINES

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 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. Larry Palm

OPENING REMARKS

SUSPENSION OF 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.

HONORING RESOLUTIONS

- 1. [31733](#) Proclaiming October 14, 2013, as Indigenous Peoples Day.

Sponsors: Marsha A. Rummel, Chris Schmidt, Lauren Cnare, Shiva Bidar-Sielaff, Anita Weier, Sue Ellingson, Michael E. Verveer, Matthew J. Phair, Scott J. Resnick, Joseph R. Clausius, Ledell Zellers, David Ahrens, Maurice S. Cheeks, Mark Clear, Denise DeMarb, Steve King, Paul E. Skidmore, Paul R. Soglin, John Strasser and Lisa Subeck

A motion was made by Rummel, seconded by Resnick, to Adopt Unanimously Under Suspension of Rules 2.04, 2.24, & 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00750

- 2. [31747](#) Commending Police Chief Noble Wray on his retirement after 29 years of exemplary service to the City of Madison

Sponsors: Paul R. Soglin, Lisa Subeck, Ledell Zellers, Lauren Cnare, Michael E. Verveer, Shiva Bidar-Sielaff, Marsha A. Rummel, Steve King, Scott J. Resnick, Paul E. Skidmore, Maurice S. Cheeks, Chris Schmidt, Larry Palm, Sue Ellingson, John Strasser, David Ahrens, Denise DeMarb, Joseph R. Clausius, Anita Weier, Mark Clear and Matthew J. Phair

A motion was made by Schmidt, seconded by Resnick, to Adopt Unanimously Under Suspension of Rules 2.04, 2.24, & 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00751

PETITIONS AND COMMUNICATIONS

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA

At this time, a consent agenda will be moved with the recommended action listed for each item EXCEPT:

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.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

- 3. [31094](#) Public Hearing - New License
Chinchilla JDK LLC • dba Red Rock Saloon
322 W Johnson St • Agent: Jeffrey A. Kovacovich, Jr.
Estimated Capacity: 395
Class B Combination Liquor & Beer • 60% alcohol, 30% food, 10% other
Aldermanic District 4 (Alder Verveer) • Police Sector 403 • Density Area

A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The motion passed by voice vote/other.

Conditions:

- 1. Establishment must meet the definition of an entertainment venue as defined by MGO Sec 38.05(9).
- 2. Establishment must provide full food service at all times when live musical performances are not offered.
- 3. License holder will submit to the alcohol policy coordinator a report of daily sales numbers, indicating percent of alcohol sales, after 3 months and 6 months.

There were 0 registrations in support, 1 in opposition, and 0 neither supporting nor opposing.

REPORT OF BOARD OF ESTIMATES

- 4. [31324](#) 2014 Executive Capital Budget

A motion was made by Schmidt, seconded by Resnick, to Re-refer for Recessed Public Hearing to the COMMON COUNCIL. The motion passed by voice vote/other.

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

5. [31403](#) Public Hearing - New License
Soukup Restaurant Group Inc • dba O.S.S.
910 Regent St • Agent: Christopher Soukup • Estimated Capacity: 120
Class B Beer • 30% alcohol, 70% food
Aldermanic District 8 (Alder Resnick) • Police Sector 402

A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The motion passed by voice vote/other.

Condition:

- 1. Establishment must meet the definition of a restaurant defined by MGO Sec 38.02.**

6. [31408](#) Public Hearing - New License
Jason Nguyen • dba Viet Bistro
658 W Washington Ave • Agent: Jason Nguyen • Estimated Capacity: 150
Class B Beer • 5% alcohol, 95% food
Aldermanic District 8 (Alder Resnick) • Police Sector 404 • Density Area

A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The motion passed by voice vote/other.

The condition is:

- Establishment must meet the definition of a restaurant under section 38.02 MGO.**

7. [31409](#) Public Hearing - New License
BSBC LLC • dba Bassett Street Brunch Club
444 W Johnson St • Agent: Thomas Ray • Estimated Capacity: 99
Class B Combination Liquor & Beer • 35% alcohol, 65% food
Aldermanic District 4 (Alder Verveer) • Police Sector 404 • Density Area

A motion was made by Schmidt, seconded by Resnick, to Grant with Condition(s) and Close the Public Hearing. The motion passed by voice vote/other.

Condition:

- 1. Establishment must meet the definition of a restaurant as defined by MGO Sec 38.02.**

8. [31416](#) Public Hearing - New License
Yans Food LLC • dba Asian Midway Foods
301 S Park St • Agent: Yoek Kin Yan
Class A Beer
Aldermanic District 13 (Alder Ellingson) • Police Sector 305

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

9. [31478](#) Public Hearing - Transfer of Licensed Premises
Barriques LLC • dba Barriques
Old Address: 1831 Monroe St • New Address: 1825 Monroe St
Agent: Finn Berge • Estimated Capacity: 125
Class B Combination Liquor & Beer • 40% alcohol, 58% food, 2% other
Aldermanic District 13 (Alder Ellingson) • Police Sector 303

A motion was made by Schmidt, seconded by Resnick, to Grant and Close the Public Hearing. The motion passed by voice vote/other.

REPORT OF PLAN COMMISSION

10. [31136](#) Amending Sections 28.032, 28.061, 28.072, 28.082, 28.091 28.151, and 28.211 of the Madison General Ordinances to add Tourist Rooming House to the Zoning Code.
- Sponsors:** Mark Clear, Shiva Bidar-Sielaff, Matthew J. Phair, Marsha A. Rummel, Ledell Zellers, Sue Ellingson and Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Referred for Public Hearing to the PLAN COMMISSION. The motion passed by voice vote/other.

END OF PUBLIC HEARINGS

BUSINESS PRESENTED BY THE MAYOR

APPOINTMENTS

11. [31602](#) Report of the Mayor submitting citizen committee appointments (introduction 9-17-2013; action 10-1-2013).
- Sponsors:** Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Confirm. The motion passed by voice vote/other.

12. [31726](#) Report of the Mayor submitting an alder committee appointment.

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Confirm. The motion passed by voice vote/other.

13. [31727](#) Report of the Mayor submitting citizen committee appointments (introduction 10-1-2013; action 10-15-2013).

Sponsors: Paul R. Soglin

Confirm 10-15-13

A motion was made by Schmidt, seconded by Resnick, to Refer to a future Meeting to Confirm to the COMMON COUNCIL. The motion passed by voice vote/other.

CONSIDERATION OF OVERRIDE OF MAYORAL VETO

14. [30952](#) Creating Section 28.022 - 00069 of the Madison General Ordinances rezoning property from PD(SIP) Planned Development (Specific Implementation Plan) District to Amended PD (GDP) Planned Development (General Development Plan) District, and creating Section 28.022 - 00070 rezoning property from Amended PD (GDP) Planned Development (General Development Plan) District to Amended PD(SIP) Planned Development (Specific Implementation Plan) District. Proposed Use: Amend the general development plan and approve a specific implementation plan to convert Longfellow School into apartments and construct a new apartment building with 128 total units; 13th Aldermanic District: 210 South Brooks Street.

Sponsors: Planning Division

A motion was made by Subeck, seconded by Zellers, to Reconsider with Ald. Bidar-Sielaff disclosing her employment interest and Ald. King recusing himself. There were 3 registrations in support, 1 in opposition, and 0 neither supporting nor opposing. The motion failed by the following vote:

Ayes: 4 - Ledell Zellers
Michael E. Verveer
Paul E. Skidmore
Lisa Subeck

Noes: 14 - Lauren Cnare
Shiva Bidar-Sielaff
Marsha A. Rummel
Scott J. Resnick
Maurice S. Cheeks
Chris Schmidt
Sue Ellingson
John Strasser
David Ahrens
Denise DeMarb
Joseph R. Clausius
Anita Weier
Mark Clear
Matthew J. Phair

Abstentions: 1 - Paul R. Soglin

Recused: 1 - Steve King

Excused: 1 - Larry Palm

BUSINESS PRESENTED BY THE PRESIDENT OF THE COMMON COUNCIL

15. [31725](#) Declaring the City of Madison as a TPP (Trans-Pacific Partnership)-Free Zone.

Sponsors: Scott J. Resnick and Marsha A. Rummel

A motion was made by Schmidt, seconded by Resnick, to Refer to the CITY ATTORNEY. The motion passed by voice vote/other.

16. [31743](#) Acknowledging and supporting efforts throughout our community to ensure the success of the Affordable Care Act in helping Madisonians gain access to healthcare and improved health.

Sponsors: Lauren Cnare, Shiva Bidar-Sielaff, Michael E. Verveer, Matthew J. Phair, Sue Ellingson, Larry Palm, Anita Weier, John Strasser, Ledell Zellers, David Ahrens, Joseph R. Clausius, Chris Schmidt, Steve King, Maurice S. Cheeks, Mark Clear, Scott J. Resnick, Paul E. Skidmore, Paul R. Soglin, Lisa Subeck, Marsha A. Rummel and Denise DeMarb

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00752

REPORTS OF OFFICERS

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

17. [31207](#) 18+ Center for Visual & Performing Arts License
Chinchilla JDK LLC • dba Red Rock Saloon • Capacity: 395
322 W Johnson St • Agent: Jeffrey Kovacovich
Class B Combination Liquor & Beer • 60% alcohol, 30% food, 10% other
Aldermanic District 4 (Alder Verveer) • Police Sector 403
- A motion was made by Schmidt, seconded by Resnick, to Grant With Condition(s). The motion passed by voice vote/other.**
Conditions:
1. Establishment must meet the definition of an entertainment venue as defined by MGO Sec 38.05(9).
 2. Establishment must provide full food service at all times when live musical performances are not offered.
 3. License holder will submit to the alcohol policy coordinator a report of daily sales numbers, indicating percent of alcohol sales, after 3 months and 6 months.
18. [31372](#) Entity Reorganization
Sam's East Inc • dba Sam's Club #8255
7050 Watts Rd
Class A Beer & Class A Liquor
Aldermanic District 1 (Alder Subeck)
One new officer, removal of one officer
- A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.**
19. [31373](#) Entity Reorganization
Wal-Mart Stores East LP • dba Walmart #2335
4198 Nakoosa Trl
Class A Beer & Class A Liquor
Aldermanic District 15 (Alder Ahrens)
One new officer and removal of one officer
- Entity Reorganization
Wal-Mart Stores East LP • dba Walmart #1138
7202 Watts Rd
Class A Beer & Class A Liquor
Aldermanic District 1 (Alder Subeck)
One new officer and removal of one officer
- A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.**

20. [31509](#) Change of Agent
Speedway LLC • dba Speedway #4132 • 4902 Verona Rd
New Agent: Susan Y. Noyes
Class A Beer
Aldermanic District 10 (Alder Cheeks)

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

21. [31510](#) Change of Agent
Pizza Hut of Madison Inc • dba Pizza Hut • 7440 Mineral Point Rd.
New Agent: Jarrell Olson
Class B Combination Liquor & Beer
Aldermanic District 9 (Alder Skidmore)

A motion was made by Schmidt, seconded by Resnick, to Grant With Condition(s). The motion passed by voice vote/other.

The condition is that Mr. Olson must clarify his legal name with the Clerk's Office.

22. [31688](#) Alcohol License Review Committee Report of Operator License Applications
October 1, 2013. See attached report for list of operators.

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

REPORT OF BOARD OF ESTIMATES

23. [31263](#) SUBSTITUTE: Authorizing the Mayor and City Clerk to execute a loan agreement with Movin' Out, Inc. (MOI) for up to \$660,000 in Housing Development Reserve and Affordable Housing Trust Funds for the development of 21 CDD-assisted affordable rental units at the Royster Clark site.

Sponsors: David Ahrens, Maurice S. Cheeks, Lauren Cnare and Matthew J. Phair

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00753

24. [31264](#) Approving \$108,000 from Housing Development Reserve Funds to provide additional down payment assistance to qualified homebuyers through Movin' Out, Inc.

Sponsors: Maurice S. Cheeks, Lauren Cnare and Matthew J. Phair

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00754

25. [31330](#) Amendment to the 2013 Public Health Capital Budget

Sponsors: Matthew J. Phair

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Ayes: 19 - Lisa Subeck
Ledell Zellers
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Scott J. Resnick
Paul E. Skidmore
Maurice S. Cheeks
Chris Schmidt
Sue Ellingson
John Strasser
David Ahrens
Denise DeMarb
Joseph R. Clausius
Anita Weier
Mark Clear
Matthew J. Phair

Abstentions: 1 - Paul R. Soglin

Excused: 1 - Larry Palm

Enactment No: RES-13-00755

26. [31339](#) SUBSTITUTE Resolution Authorizing the Mayor and City Clerk to execute an Agreement with Utility Service Partners Private Label, Inc. (USPPL) dba Service Line Warranties of America (SLWA) for a Sanitary Sewer Lateral Warranty Program to be made available to interested homeowners at no cost to the City.

Sponsors: Paul R. Soglin, Shiva Bidar-Sielaff, Joseph R. Clausius, Paul E. Skidmore, Lauren Cnare and Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00756

27. [31407](#) Approving the Assignment of seven (7) judgments against 216 State Street, LLC to Music Lovers, LLC

Sponsors: Scott J. Resnick, Chris Schmidt and Michael E. Verveer

A motion was made by Verveer, seconded by Resnick, to Place On File Without Prejudice. The motion passed by voice vote/other.

There were 7 registrations in support, 9 in opposition, and 1 neither supporting nor opposing.

28. [31527](#) Authorizing the execution of a lease between the City of Madison and Vera Court Neighborhood Center for the operation of a Neighborhood Center at 1910 Lake Point Drive.

Sponsors: John Strasser

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00757

29. [31572](#) Amending Section 3.32(6)(e)2.b. of the Madison General Ordinances to give hourly employees sick leave carryover.

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00159

30. [31577](#) Authorizing the City to purchase DSM v7 Desktop Management from FrontRange Solutions on a sole source basis.

Sponsors: Mark Clear and Scott J. Resnick

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00758

31. [31639](#) Authorizing the execution of a Purchase and Sale Agreement between the City of Madison and Mount Olive Evangelical Lutheran Church for the purchase of property located at 4018 Mineral Point Road for the location of a Midtown police station and an amendment to the 2013 Capital Budget to provide \$30,000 for earnest money and buyer's contingencies.

Sponsors: Chris Schmidt and Shiva Bidar-Sielaff

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by the following vote:

Ayes: 19 - Lisa Subeck
Ledell Zellers
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Scott J. Resnick
Paul E. Skidmore
Maurice S. Cheeks
Chris Schmidt
Sue Ellingson
John Strasser
David Ahrens
Denise DeMarb
Joseph R. Clausius
Anita Weier
Mark Clear
Matthew J. Phair

Abstentions: 1 - Paul R. Soglin

Excused: 1 - Larry Palm

Enactment No: RES-13-00759

AGENDA NOTE: Plan Commission will be meeting on September 30, 2013 and a recommendation will be made from the floor.

REPORT OF BOARD OF PUBLIC WORKS

32. [31343](#) Accepting a Permanent Limited Easement for Public Sanitary Sewer Purposes from Linda M. Layman across a property located at 4938 Lake Mendota Drive.
- Sponsors:** Mark Clear
- A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-13-00760
33. [31432](#) Authorizing the execution and acceptance of quit claim deeds to certain properties within the Wolfe Addition to Hawk's Creek, and authorizing the City Engineer and Manager of the Office of Real Estate Services to market and sell City owned parcels within the Wolfe Addition to Hawk's Creek. (1st AD)
- Sponsors:** Lisa Subeck
- A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-13-00761
34. [31542](#) Awarding Public Works Contract No. 7154, Breese Stevens Field Lighting / Sound System Improvements.
- Sponsors:** BOARD OF PUBLIC WORKS
- A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.**
- Enactment No: RES-13-00762
35. [31557](#) Authorizing the release of a public right-of-way reservation that encumbers the property located at 3394 E. Washington Avenue.
- Sponsors:** Larry Palm
- A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.**
- Enactment No: RES-13-00763

AGENDA NOTE: Plan Commission will be meeting on September 30, 2013 and a recommendation will be made from the floor.

36. [31564](#) Approving the conceptual plan and geometry for the State Street 700 & 800 Blocks Reconstruction Project.

Sponsors: Scott J. Resnick, Michael E. Verveer and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00764

37. [31579](#) Creating Section 12.167(2)(c) of the Madison General Ordinances to allow bicycles to be ridden within the redesigned State Street Mall, effective September 1, 2014.

Sponsors: Scott J. Resnick, Michael E. Verveer and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00160

38. [31644](#) Awarding Public Works Contract No. 7181, Monona Terrace Acoustically Transparent Coating.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00765

REPORT OF CITY CLERK

39. [31704](#) Collector of Scrap/Recycling License
Waste Management Inc.
dba: Madison Recycling Center,
Waste Management Madison Hauling
2200 Fish Hatchery Rd
Aldermanic District 14 (Alder Strasser)
Police Sector 308

A motion was made by Schmidt, seconded by Resnick, to Grant. The motion passed by voice vote/other.

REPORT OF DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

- 40. [31676](#) Approving a Certified Survey Map of property owned by Todd Gebhardt, Granite Ridge, LLC located at 3302 Packers Avenue; 12th Ald. Dist.

Sponsors: Planning Division

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00766

- 41. [31677](#) Approving a Certified Survey Map of property owned by Joseph McCormick - Lanes, LLC located at 448 S. Park Street and 914 Drake Street; 13th Ald. Dist.

Sponsors: Planning Division

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00767

- 42. [31678](#) Approving a Certified Survey Map of property owned by Hooper Corporation located at 2116-2180 Pennsylvania Avenue; 12th Ald. Dist.

Sponsors: Planning Division

A motion was made by Schmidt, seconded by Resnick, to Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25. The motion passed by voice vote/other.

Enactment No: RES-13-00778

REPORT OF EARLY CHILDHOOD CARE AND EDUCATION BOARD

- 43. [30809](#) Amending Section 33.16(7) of the Madison General Ordinances to update responsibilities and revise terms/composition of Early Childhood Care and Education Committee.

Sponsors: Denise DeMarb and Anita Weier

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00161

REPORT OF PLAN COMMISSION

44. [30661](#) Approving a Certified Survey Map of property owned by NEW WEI, LLC generally located at 9414 Silicon Prairie Parkway; 9th Ald. Dist.

Sponsors: Planning Division

A motion was made by Skidmore, seconded by Resnick, to Adopt With Amendment(s). The motion passed by voice vote/other.

There was 1 registration in support, 0 in opposition, and 0 neither supporting nor opposing.

The amendment is the replacement of the words "future roads will be required at the time Outlot 1..." with the words "future roads may be required at the time Outlot 1..."

Enactment No: RES-13-00768

45. [31239](#) Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of the City Fire Station #13 property, located at 6350 Town Center Drive.

Sponsors: Lauren Cnare

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00769

46. [31252](#) Authorizing the execution of a Release of an Age Deed Restriction to Atwood Courtyard LLC, for their property located at 1924 Atwood Avenue.

Sponsors: Marsha A. Rummel

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00770

REPORT OF PUBLIC SAFETY REVIEW COMMITTEE

47. [31063](#) Establishing a Glass-Free Zone for the State Street area from 9:00 pm on October 25, 2013 to 5:00 am to October 26, 2013 and from 9:00 pm on October 26, 2013 to 5:00 am on October 27, 2013.

Sponsors: Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00771

REPORT OF RISK MANAGER

48. [31480](#) P. Worth, Acuity for B. & J. Mohs - vehicle damage - \$5,925.27.

A motion was made by Schmidt, seconded by Resnick, to Disallow. The motion passed by voice vote/other.

REPORT OF TRANSIT/ PARKING COMMISSION

49. [31012](#) Authorizing Metro Transit to refund 25 cents per ride to the Dane County Veterans Service Office for their disabled veterans pass program from the program inception through when they began paying \$1.00 per ride.

Sponsors: Anita Weier, Sue Ellingson and Chris Schmidt

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00772

50. [31191](#) Relating to Pedal Fast Pedicab application for a Pedal Cab operator license.

Sponsors: Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00773

51. [31247](#) Amending Section 3.14(4)(k)2. of the Madison General Ordinances to eliminate the Disabled Parking Enforcement Assistance Council.

Sponsors: Mark Clear, Sue Ellingson, Chris Schmidt and Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00162

52. [31382](#) Amending Sections 11.06(7)(j)5. and 11.06(9)(m) of the Madison General Ordinances to allow pedal-cab drivers to have a valid out-of-state driver's license, and accept gratuities as payment.

Sponsors: Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00163

REPORT OF URBAN DESIGN COMMISSION

53. [31110](#) Amending Section 33.24(4)(f) of the Madison General Ordinances to eliminate overlap between the Big Box Ordinance and the new zoning code.

Sponsors: Paul R. Soglin

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00164

REPORT OF WATER UTILITY BOARD

54. [31251](#) SUBSTITUTE: Authorizing the Water Utility General Manager to certify water and sewer bills, assessments, and charges to the 2013 tax rolls of other governmental units for delinquent accounts in those jurisdictions.

Sponsors: Lauren Cnare

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00774

55. [31575](#) Authorizing the Mayor and the City Clerk to execute a Professional Services Agreement with EnvisionCAD, Inc. for computer-aided drafting work methods consulting (Citywide).

Sponsors: Lauren Cnare and Anita Weier

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00775

56. [31626](#) Authorizing the Mayor and the City Clerk to execute Amendment #1 to the Professional Services Agreement with Strand Associates for additional construction administration costs associated with the reconstruction of Booster Pump Station 106 (5th AD).

Sponsors: Lauren Cnare

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: RES-13-00776

ITEMS REFERRED TO THIS MEETING

ORDINANCES

57. [31552](#) Amending Section 15.02(51) of the Madison General Ordinances by changing the polling location for Ward 51.

Sponsors: Michael E. Verveer

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00165

58. [31574](#) Amending Section 15.02(76) of the Madison General Ordinances by changing the polling location for Ward 76.

Sponsors: Maurice S. Cheeks

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

Enactment No: ORD-13-00166

RESOLUTIONS

59. [31546](#) To approve the 2014 Operating Plan for Madison's Central Business Improvement District (#1).

Sponsors: Michael E. Verveer, Scott J. Resnick and Ledell Zellers

A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

There was 1 registration in support, 0 in opposition, and 0 neither supporting nor opposing.

Enactment No: RES-13-00777

INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE

ORDINANCES

- 60. [31658](#) Creating Section 38.07(21) of the Madison General Ordinances to prohibit occupancy capacity violations at licensed establishments and amending Section 1.08(3)(a) to establish a bail deposit for violation of this subsection.
Sponsors: Shiva Bidar-Sielaff, Lisa Subeck and Michael E. Verveer

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

- 61. [31706](#) Creating Section 9.13(6)(l)6. of the Madison General Ordinances to require vendors to clear snow from their vending site and creating a “Street Vending Snow Day” during which vending cannot occur on the Mall/Concourse.
Sponsors: Michael E. Verveer and Scott J. Resnick

Adopt October 15, 2013

This Ordinance was Referred to the COMMON COUNCIL

- 62. [31707](#) Amending Section 3.54(1)(b) of the Madison General Ordinances by deleting the classifications of Hydrogeologist 1 in Compensation Group (CG) 18, Range 08, and the Hydrogeologist 2 in CG 18, Range 12 and creating the classifications of Hydrogeologist 1 in CG 18, Range 06, Hydrogeologist 2 in CG 18, Range 08, Hydrogeologist 3 in CG 18, Range 10 and Hydrogeologist 4 in CG 18, Range 12.
Sponsors: Paul R. Soglin

Additional referral to Personnel Board

This Ordinance was Referred to the BOARD OF ESTIMATES

- 63. [31709](#) Creating Sections 33.18, 3.12(11), renumbering current Secs. 3.12(11) and (12) to Secs. 3.12(12) and (13) and creating Secs. 33.15(4)(g) and 33.16(4) (l) of the Madison General Ordinances to create the Community Development Division Conference Committee and designate members of the Community Development Block Grant Committee and the Community Services Committee to serve on the Community Development Division Conference Committee.
Sponsors: Shiva Bidar-Sielaff, Matthew J. Phair, Chris Schmidt, Maurice S. Cheeks, Lauren Cnare and Scott J. Resnick

Additional Referrals to Community Services Committee and Community Development Block Grant Committee

This Ordinance was Referred to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

- 64. [31717](#) Repealing and recreating Sec. 28.143, amending Secs. 28.032, 28.061, 28.072, 28.082, 28.091 28.098(6), 28.134(2) & (3), 28.183(8) & (10)(a), 28.206, 28.211, 17.08(2), 17.12(2)(b)5. and (2)(d) and creating Secs. 28.148 and 28.074(4)(d) of the Madison General Ordinances to comply with new Wis. Stat. §§ 66.0404 and 66.0406.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

- 65. [31718](#) Amending Sections 28.138(4)(a) and (5)(a) of the Madison General Ordinances to clarify the term lakefront side of a building in the Zoning Code.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

- 66. [31719](#) Amending Section 28.137 of the Madison General Ordinances to allow conforming detached residential units in planned multi-use sites in applicable zoning districts.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

- 67. [31720](#) Amending Section 28.082(1) of the Madison General Ordinances to allow indoor recreation as a conditional use in the EC and IL districts.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

- 68. [31721](#) Amending Section 28.084(4) of the Madison General Ordinances to correct a problem with the site standard regulations for corner buildings in the Traditional Employment (TE) District.

Sponsors: Steve King, Scott J. Resnick and Ledell Zellers

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

69. [31734](#) Creating Section 28.022 - 00081 of the Madison General Ordinances to change the zoning of property located at 3802 Packers Avenue, 12th Aldermanic District from SR-C1 (Suburban Residential - Consistent 1) District to PD(GDP) Planned Development (General Development Plan) District for a future senior independent living and assisted-living development.

Sponsors: Planning Division

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

70. [31735](#) Creating Section 28.022 - 00084 of the Madison General Ordinances to amend a Planned Development District to approve an Amended General Development Plan, and creating Section 28.022 - 00085 to amend a Planned Development District to approve an Amended Specific Implementation Plan to allow dwelling units and potential office space and a daycare to be added to a senior residential community at 5817 Halley Way, 3rd Aldermanic District.

Sponsors: Planning Division

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

71. [31736](#) Repealing and recreating Section 38.10(4) of the Madison General Ordinances to clarify the process regarding when and how demerit points will be assessed and when point accumulation triggers suspension/revocation of a liquor license and adds additional violations to the demerit point schedule and changing point values so the demerit point system more adequately addresses recurring issues at licensed establishments.

Sponsors: Shiva Bidar-Sielaff, Lisa Subeck and Michael E. Verveer

Additional referral to Public Safety Review Committee

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

72. [31742](#) Creating Section 28.022 -- 00082 of the Madison General Ordinances to rezone 502 Apollo Way, 3rd Aldermanic District from Planned Development District (General Development Plan) to Planned Development District (Specific Implementation Plan) to allow construction of a 105-unit apartment building.

Sponsors: Planning Division

This Ordinance was Referred for Public Hearing to the PLAN COMMISSION

RESOLUTIONS

73. [31064](#) Affirming and Supporting the "Statement of Principles for the Homeless".
- Sponsors:** Anita Weier, Marsha A. Rummel, Shiva Bidar-Sielaff and Michael E. Verveer

Adopt October 15, 2013

This Resolution was Referred to the COMMON COUNCIL

74. [31647](#) Authorizing the double fill of a Legal Secretary 2 position in the Office of the City Attorney from December 1, 2013 thru December 31, 2013

Sponsors: Paul R. Soglin

This Resolution was Referred to the BOARD OF ESTIMATES

75. [31653](#) Recreating a 1.0 FTE HR Analyst 2 (CG18-08) position, currently occupied by J. Trimbell (#865), as an HR Analyst 3 (CG18-10) within the HR Department budget and reallocation of the incumbent to the new position.

Sponsors: Paul R. Soglin

Additional referral to Personnel Board

This Resolution was Referred to the BOARD OF ESTIMATES

76. [31691](#) Approving the Community Development Division's HUD required 2014 Action Plan.

Sponsors: Maurice S. Cheeks, Lauren Cnare and Matthew J. Phair

Additional referral to Community Development Block Grant Committee

This Resolution was Referred to the BOARD OF ESTIMATES

77. [31693](#) Approving the reallocation of up to \$44,500 in previously approved but unutilized 2013 Operating Budget funds to fund five proposals received during the 2013 Emerging Opportunities Program funding process, and authorizing the Mayor and the City Clerk to enter into agreements with the associated agencies to implement the designated projects.

Sponsors: Paul R. Soglin, Maurice S. Cheeks, Matthew J. Phair, Shiva Bidar-Sielaff, Denise DeMarb, Lisa Subeck, Michael E. Verveer and Chris Schmidt

This Resolution was Referred to the BOARD OF ESTIMATES

There were 2 registrations in support, 0 in opposition, and 0 neither supporting nor opposing.

78. [31695](#) Authorizing the use of Housing Development Reserves funds in an amount not to exceed \$100,000 to provide additional down payment assistance to qualified lower income homebuyers as part of the City's American Dream Down payment (ADDI) program.

Sponsors: Maurice S. Cheeks, Lauren Cnare and Matthew J. Phair

Additional referral to Community Development Block Grant Committee

This Resolution was Referred to the BOARD OF ESTIMATES

79. [31700](#) Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to create a requirement for sidewalk cafes and merchant vendors to sweep the sidewalk before setting up their equipment

Sponsors: Scott J. Resnick and Michael E. Verveer

Adopt October 15, 2013

This Resolution was Referred to the COMMON COUNCIL

80. [31702](#) Relating to El Caballo Pedicab application for a Pedal Cab operator license.

Sponsors: Michael E. Verveer

This Resolution was Referred to the TRANSIT AND PARKING COMMISSION

81. [31703](#) Recreate the 1.0 FTE position of Hydrogeologist 1, #1073 (occupied by B. Bemis), in CG18-08, as a Hydrogeologist 3, CG18-10 in the Engineering Division budget. Reallocate the respective incumbent of position #1073 to the new position.

Sponsors: Paul R. Soglin

Additional referral to Personnel Board

This Resolution was Referred to the BOARD OF ESTIMATES

82. [31705](#) Create a new classification of Traffic Signal Electrician 3 in CG16, R18. Create a new position of Traffic Signal Electrician 3, CG16, R18, in the Traffic Engineering Division budget to be filled through an internal competitive process. Upon filling the position, the underlying vacancy will be deleted to fund the new position.

Sponsors: Paul R. Soglin

Additional referral to Personnel Board

This Resolution was Referred to the BOARD OF ESTIMATES

83. [31708](#) Adopting the City Engineering logo as the official City of Madison logo.

Sponsors: Maurice S. Cheeks, Scott J. Resnick, Chris Schmidt and Mark Clear

Additional referral to Common Council Organizational Committee

This Resolution was Referred to the BOARD OF ESTIMATES

84. [31713](#) Authorizing an advance disbursement of tax increment cash balances in TID 25 to redeem the 1996 Block 89 Redevelopment Lease Revenue Bonds and authorizing the Mayor and City Clerk to execute all documents necessary to facilitate such redemption and conveyance of the first phase of the Block 89 parking ramp from the City and CDA to Block 89 Parking Limited Partnership

Sponsors: Michael E. Verveer

This Resolution was Referred to the BOARD OF ESTIMATES

85. [31729](#) Resolution for the City of Madison to Not Purchase or Use Corn Based Ethanol and Corn Based Ethanol Fuel Blends for its Fleet

Sponsors: Paul R. Soglin

Additional referrals to Committee on the Environment, Madison Food Policy Council, and Board of Public Works

This Resolution was Referred to the BOARD OF ESTIMATES

86. [31737](#) To authorize Mayor and City Clerk to enter into a two (2) year agreement with two optional one-year renewals on behalf of the City with Madison Area Radio Control Society (MARCS) for use of Kettle Field, City parkland. (AD 16)

Sponsors: Joseph R. Clausius and Mark Clear

Additional referral to Board of Park Commissioners

This Resolution was Referred to the BOARD OF ESTIMATES

87. [31739](#) Intent to continue to improve the balance of women, racial/ethnic minorities and people with disabilities employed by the City of Madison and further streamline the reporting process.

Sponsors: Joseph R. Clausius

This Resolution was Referred to the AFFIRMATIVE ACTION COMMISSION

- 88. [31740](#) To authorize the City to enter into an agreement with Madison Metropolitan School District for the non-exclusive use of city park land for recreational programs offered by the Madison School Community Recreation. (Various AD's)

Sponsors: Joseph R. Clausius and Mark Clear

Additional referral to Board of Park Commissioners

This Resolution was Referred to the BOARD OF ESTIMATES

- 89. [31741](#) Approving the provision of up to \$200,000 in 2013 Emerging Opportunities Program (EOP) funds to agencies and authorizing the Mayor and the City Clerk to enter into agreements with those agencies to implement the designated projects.

Sponsors: Paul R. Soglin, Shiva Bidar-Sielaff, Denise DeMarb, Matthew J. Phair, Lisa Subeck, Michael E. Verveer, Lauren Cnare and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

OPERATING BUDGET

- 90. [31643](#) 2014 Executive Operating Budget

This Operating Budget was Referred for Public Hearing to the BOARD OF ESTIMATES

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

- 91. [31646](#) C. Christianson, American Family Mutual Insurance Co. for J. Rice - vehicle damage - \$2,445.05.

This Claim was Referred to the Risk Manager

- 92. [31716](#) G. Herrmann for Verizon Wireless - property damage - \$1,822.23.

This Claim was Referred to the Risk Manager

- 93. [31730](#) NOTICE OF CLAIM - D. and N. Kelso - property damage - amount to be determined.

This Claim was Referred to the Risk Manager

94. [31731](#) T. Hirschfeld - vehicle damage - 790.14.

This Claim was Referred to the Risk Manager

95. [31732](#) D. Fisher - property damage - \$160.00.

This Claim was Referred to the Risk Manager

ADDENDUM

LATE ITEM

[31766](#) Reconsideration of File # 30952, rezoning property at 210 South Brooks Street.

Sponsors: Scott J. Resnick

This was Place On File Without Prejudice

Agenda note: the veto on item 30952 (agenda item #14) has been rescinded.

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

[31753](#) Amending the 2013 Capital Budget of the Stormwater Utility to Rebalance Budgeted Revenues to Actual Revenues and Transferring Budget Authority to Complete Projects in 2013

Sponsors: Paul E. Skidmore

This Resolution was Referred to the BOARD OF ESTIMATES

[31765](#) Direct The Community Development Authority of the City of Madison (“CDA”) to draft and issue a request for qualifications (“RFQ”) for development services relating to the development and financing of housing for homeless adults.

Sponsors: Sue Ellingson, Paul E. Skidmore, Larry Palm, Lauren Cnare, Matthew J. Phair, Ledell Zellers, Marsha A. Rummel, Michael E. Verveer, Shiva Bidar-Sielaff, Steve King, David Ahrens, Maurice S. Cheeks, Joseph R. Clausius, Mark Clear, Denise DeMarb, Scott J. Resnick, Chris Schmidt, John Strasser, Lisa Subeck and Anita Weier

This Resolution was Referred to the BOARD OF ESTIMATES

ADJOURNMENT @ 8:53 PM

A motion was made by King, seconded by Resnick, to Adjourn at 8:53 PM. The motion passed by voice vote/other.