



City of Madison

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

Agenda - Approved COMMON COUNCIL

Tuesday, January 17, 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: NONE

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. [02605](#) Recognition of Assistant Fire Chief Carl Saxe upon his retirement after spending more than 31 years serving our community.
2. [02606](#) Recognition of Assistant Fire Chief George Burke upon his retirement after spending more than 31 years serving our community.
3. [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.

CONFIRMATION HEARING

4. [02468](#) Submitting the name of Lucia Nunez for confirmation of a five year term as Civil Rights Department Director.

PETITIONS AND COMMUNICATIONS

None received by the agenda deadline.

BUSINESS BY THE MAYOR

5. [02717](#) Report of the Mayor submitting citizen committee appointment (introduced 1-17-06; action 2-7-06).
6. [02749](#) Report of the Mayor Submitting Names of Appointees to the Madison 150 Song Committee.

BUSINESS BY THE PRESIDENT OF COMMON COUNCIL

7. [02694](#) Appointments to the CCOC Sister Cities Grant Review Subcommittee for 2006.

RECESSED PUBLIC HEARINGS - BEGIN AT 6:45 PM

8. [00912](#) Approving Plans, Specifications, And Schedule Of Assessments For Lien Road Assessment District - 2005.

PUBLIC HEARINGS - BEGIN AT 6:45 PM**REPORT OF BOARD OF PUBLIC WORKS**

9. [02645](#) Approving plans and specifications for the Cottage Grove Road Bridge and Approaches over I 39/90 and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation for the work and Dane County for cost sharing. (3rd and 16th ADs)

REPORT OF PLAN COMMISSION

10. [00220](#) Creating Section 28.06(2)(a)3059 of the Madison General Ordinances rezoning property from C2 General Commercial District and M1 Limited Manufacturing District to PUD (GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Approximately 440 Future Residential Units & Approximately 80,000 Square Feet of Future Commercial Space. 6th Ald. Dist. 2503, 2509 & 2525 East Washington Avenue & 2401, 2405 & 2415 Winnebago Street.
11. [02207](#) SUBSTITUTE - Adopting and confirming the City of Madison Comprehensive Plan.
- 12a. [02320](#) Repealing Section 28.04(25) of the Madison General Ordinances to eliminate the requirements for Inclusionary Zoning.
13. [02363](#) Amending Section 28.04(25) of the Madison General Ordinances to change the equity distribution at sale, add a new kind of occupancy, and add exemptions to the inclusionary zoning ordinance.

REREFER TO PLAN COMMISSION
14. [02367](#) Amending Section 28.11(4) of the Madison General Ordinances to permit Common Council approval of off-street loading facilities that do not conform to the requirements of Sec. 28.11(4).
15. [02453](#) Creating Section 28.06(2)(a)3154. of the Madison General Ordinances rezoning property from Temp A Agriculture District to PUD(GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Two Hotels & 16,000 Square Feet Retail (Future Development); 9th Aldermanic District: 8102 Watts Road.
16. [02454](#) Creating Section 28.06(2)(a)3157 of the Madison General Ordinances rezoning property from C2 General Commercial District and M1 Limited Manufacturing District to PUD (GDP) Planned Unit Development (General Development Plan) District. Proposed Use: Demolish 19 Buildings For Future Residential & Commercial Development; 6th Aldermanic District: 2313-2525 East Washington Avenue & 2306-2422 Winnebago Street, 2317-2415 Winnebago Street and 11 South Fifth Street.
17. [02455](#) Creating Section 28.06(2)(a)3155. of the Madison General Ordinances rezoning property from Unrecorded 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)3156. 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: 33 Condominium Units; 4th Aldermanic District: 33 South Broom Street.
18. [02488](#) Amending Section 28.12(9)(d)2. and creating Section 28.12(9)(d)20. of the Madison General Ordinances to allow variances for reduction of usable open space.

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 #'s: 19, 21, 25, 30, & 36 on motion of President Van Rooy, seconded by Ald. Verveer.

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

19. [02623](#) Change of License Premise 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
Request to remove condition that basement be used for storage only.
20. [02729](#) Alcohol License Review Committee
January 17, 2006, Report of Operator License Applications (New & Renewal)

REPORT OF BOARD OF ESTIMATES

21. [00580](#) Approving the Fire Department to continue participating in the Advanced Life Support (ALS) program with other ALS Units in Dane County until completion of the pilot program review. BY TITLE ONLY.
22. [01301](#) Expressing support of the commitment of \$500,000 in general obligation debt for the new polar bear exhibit and Children's Zoo at the Henry Vilas Zoo, pending final approval in the 2006 Capital Budget.
23. [01742](#) Creating a TID 36 Stakeholders Advisory Committee.
24. [02277](#) Authorizing the Mayor and City Clerk to enter into an Agreement with Madison Metropolitan School District (MMSD) for MMSD's use of City parkland for school athletic programs for the 2006 spring semester and the 2006-2007 academic year.
25. [02542](#) Approving Fire Department participation in the Advanced Life Support (ALS) Program with other ALS Units in Dane County.
26. [02545](#) Authorizing the carry-over of CDBG, HOME and other funds, and the extension of previously authorized projects within the CDBG program budget.
27. [02548](#) Authorizing the subordination of a previously approved loan to Access Community Health Center to a new non-profit subsidiary and authorizing the Mayor and the City Clerk to sign agreements to effect such a change.
28. [02558](#) SUBSTITUTE - Authorizing the execution of an amendment to the lease with MLG Capital/Meadowood LLC allowing for the City's continued use of space at 5740 Raymond Road for the operation of the Meadowridge Branch Library. 20th Ald. Dist.

29. [02564](#) Report re: Resolution #1716 creating TID #36 Capitol Gateway Corridor and Directive to Identify an Organizational Oversight Structure.
30. [02568](#) Approving a transfer of up to \$17,900 in total funds among budget accounts of the Affirmative Action Department (AAD) and amending the AAD 2005 operating budget, thereof.
31. [02569](#) Authorizing the Mayor and the City Clerk to enter into an agreement with the consultant team of HNTB, et al., for Transport 2020 Preliminary Engineering and environmental documentation services for the City of Madison.
32. [02588](#) SUBSTITUTE - Authorizing the Mayor and City Clerk to enter into an agreement with Cellnet Technologies, Inc., to provide a WIFI Network in the City of Madison.

**NOTE: The Board of Estimates recommended adoption of Version 1 at their 1/9 meeting, with the understanding that there would be changes made to the original before being considered by the Common Council. The substitute was drafted in cooperation with Ald. Bruer & the Mayor's office. The substitute should be considered at the 1/17/06 Common Council Meeting.
33. [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.
34. [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.
35. [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.
36. [02642](#) Amending the 2006 City Channel Operating Budget to allow for the hiring of a half-time limited term employee.
37. [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.

REPORT OF BOARD OF PARK COMMISSIONERS

38. [02122](#) SUBSTITUTE - Amending Sec. 8.215(1) of the Madison General Ordinances to require users to obtain a permit prior to launching a boat or parking a vehicle or trailer in designated lake access parking lot areas.
39. [02310](#) Authorizing the Mayor and City Clerk to execute an Option To Purchase Agreement with Veridian Homes, LLC, which would allow Veridian to purchase land dedicated for public purposes in the Village of Autumn Lake subdivision under specific and limited terms and conditions.
40. [02462](#) Authorizing the Mayor and the City Clerk to execute an Agreement with The White Horse Inn, Inc. d/b/a White Horse Inn, as operator of exclusive alcohol beverage services at Warner Park Community Recreation Center and Olbrich Botanical Gardens from January 1, 2006 through December 31, 2006.
41. [02541](#) Authorizing the Mayor and City Clerk to execute an Agreement with Madison Metropolitan School District-Madison School Community and Recreation for the provision of swimming lessons at the Irwin A. and Robert D. Goodman Community Pool for the 2006 outdoor pool season.

REPORT OF BOARD OF PUBLIC WORKS

42. [02574](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Contract No. 5898, Tennis Court Resurfacing - 2006. (1st & 13th ADs)
43. [02615](#) Authorizing City staff to prepare a "Request for Qualifications" and advertise for Architect consultant design services for interior improvements at Sequoya Branch Library located on Midvale Boulevard.
44. [02624](#) Improvements Accepted for Warner Park Bleachers, Contract #5775. (12th AD)
45. [02629](#) Improvements accepted for Sanitary Sewer Replacements with Resurfacing, West - 2004, Contract No. 5623. (Various ADs)
46. [02639](#) Improvements accepted for Water Service Laterals by private contract to serve Madison Commerce Park, Phase II. (16th AD)
47. [02650](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Repairing and Sealing Pavement Cracks, Major Streets - 2006, Contract No. 5910. (City Wide)
48. [02655](#) Approving plans and specifications, and authorizing the Mayor and City Clerk to enter into an agreement with Wisconsin and Southern Railroad to install the necessary improvements pursuant to CFR Parts 222 and 229 to create Quiet Zones in the City of Madison. (4th & 6th ADs)
49. [02657](#) Approving temporary construction work with associated noise impacts between the hours of 7:00 PM and 7:00 AM on State Street and Henry Street. (4th AD)
50. [02658](#) Authorizing the Mayor and City Clerk to execute a Cooperative Agreement 2006 Renewal with Dane County for the investigation of water resources within the City of Madison through the Dane County Cooperative Water Resources Monitoring Program. Said Agreement renewal covers the period of 1/1/06 thru 12/31/06. (City Wide)
51. [02659](#) Declaring the City of Madison's intention to exercise its police powers establishing the Curb and Gutter in Conjunction With Resurfacing - 2006 Assessment District. (Various ADs)
52. [02660](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Demolition of 902 Magnolia Lane. (14th AD)
53. [02661](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Repairing and Sealing Pavement Cracks, Local Streets - 2006, Contract No. 5909.
54. [02662](#) Approving plans and specifications for public improvements required to serve Phase IV of the Subdivision known as Liberty Place, and authorizing construction to be undertaken by the Developer, Private Contract No. 2068. (16th AD)
55. [02664](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Olin Avenue Waste Transfer Station. (13th AD)

56. [02669](#) Approving plans and specifications for public improvements necessary for the project known as 700 Block University Avenue (University Square) PUD and authorizing construction to be undertaken by the Developer, Private Contract No. 2072. (8th AD)
57. [02670](#) Improvements accepted for Bartillon Drive Assessment District 2004, Contract No. 5614. (17th AD)
58. [02671](#) Authorizing the Mayor and City Clerk to increase the cost of the existing agreement with Strand & Associates, Inc. for design/engineering services for the Olin Avenue Waste Transfer Station. (13th AD)
59. [02672](#) Accepting bituminous pavement constructed by private contract in High Crossing Fifth Addition Phase I, Private Contract No. 1713. (17th AD)
60. [02673](#) Accepting the awards for "Excellence in Concrete Pavement" and "Traffic Management" given to the East Washington Avenue Segment 1 Project by the American Concrete Pavement Association. (2nd & 6th ADs)

REPORT OF COMMUNITY DEVELOPMENT AUTHORITY

61. [02733](#) Report of Proposed Transfer of Real Property in the Todd Drive / West Beltline Redevelopment Area.

REPORT OF MADISON METRO TRANSIT SYSTEM

62. [02706](#) Metro Transit Report on Strategic Annual Plan Elements and Accomplishments 2001 - 2005.

REPORT OF PLAN COMMISSION

63. [02491](#) Authorizing funds for the demolition of an 8-unit apartment building located at 902 Magnolia Lane. 14th Ald. District.
64. [02742](#) Accepting and releasing various easements related to the approval of Certified Survey Map No. 11080. 9th Ald. Dist.
65. [02744](#) Approving a Certified Survey Map of property owned by John R. Young at 3417 Harper Road. 18th Ald. Dist.

REPORT OF RISK MANAGER

66. [02581](#) NOTICE OF CLAIM: H. Green, 2441 Upham Street - property damage - \$111.00.
67. [02598](#) NOTICE OF CLAIM: M. Hughes, 612 S. Thornton Avenue - property damage - \$162.15.
68. [02599](#) NOTICE OF CLAIM: H. Stanton, 22 Ariel Circle - property damage - \$200.00.
69. [02609](#) NOTICE OF CLAIM: K. Felker, 19 Roxbury Road - property damage - \$2,066.09.
70. [02612](#) NOTICE OF CLAIM: Progressive Insurance for R. Scott, S1990 Park Lane, Reedsburg - property damage - \$1,815.21.

REPORT OF TRANSIT/ PARKING COMMISSION

71. [02513](#) Authorizing the Mayor and City Clerk to enter into an agreement with St. Mary's Hospital Medical Center for the continuation of provision of free access by its employees to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for employee trips for the period February 1, 2006 through January 31, 2007.
72. [02554](#) SUBSTITUTE - Amending Section 4.18 of the Madison General Ordinances to establish an occupancy fee to be paid by the Parking Utility on City-owned parking facilities and on-street metered parking spaces.

REFERRED TO THIS MEETING**APPOINTMENTS**

73. [02641](#) Report of the Mayor submitting citizen committee appointments (introduced 1-3-06; action 1-17-06)

ORDINANCES

74. [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.

NEW BUSINESS - Referred on a motion made by President Van Rooy, seconded by Ald. Verveer.

CHARTER ORDINANCES

75. [02703](#) CHARTER - Repealing and recreating Section 3.12 entitled "City Treasurer" to establish an office of City Clerk/Treasurer.
76. [02704](#) CHARTER - Amending Section 3.14(1) of the Madison General Ordinances relating to the supervision of the Assessor by the Director of the City Department of Revenue.
77. [02705](#) CHARTER - Creating Section 3.77(1)(jj) of the Madison General Ordinances to clarify that the office of City Clerk/Treasurer is exempt from the Civil Service System.

ORDINANCES

78. [02702](#) Repealing Section 3.13 entitled "City Clerk" and Section 3.77 entitled "Department of Revenue" of the Madison General Ordinances.
79. [02718](#) Creating Section 28.06(2)(a)3158. of the Madison General Ordinances rezoning property from Temp A Agriculture District to R2S Single-Family Residence District. Proposed Use: 6 Single-Family Lots; 9th Aldermanic District: 9624 Old Sauk Road.
80. [02719](#) Creating Section 28.06(2)(a)3159. of the Madison General Ordinances rezoning property from R6 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3160. 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: Demolish 2-Unit & Build New 2-Unit & New 4-Unit Apartment Buildings in Addition to Existing 2-Unit Which Will Remain; 4th Aldermanic District: 437-439 & 441-443 W. Mifflin Street.
81. [02720](#) Creating Section 28.06(2)(a)3161. of the Madison General Ordinances rezoning property from Temp A Agriculture District, C2 General Commercial District and C3 Highway Commercial District to PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3162. 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: Demolish 4 Commercial Buildings, 1 Apartment Building, 1 Private Clubhouse, & Build 4-Story, 91,665 Square Foot Retail & Office Building; 14th Aldermanic District: 2810-2818 Todd Drive & 2703-2805 West Beltline.
82. [02746](#) Creating Section 23.065 of the Madison General Ordinances to prohibit placing scratchiti or etching acid on public or private property and establishing penalties for these offenses, and amending Section 1.08(3)(a) to establish a bail deposit amount for violations of the section.

RESOLUTIONS

83. [00963](#) The Parks Division supports the use of Odana School Park for the construction and operation of a new Westside Senior Center in Odana School Park.
84. [02508](#) To Authorize the Mayor and City Clerk to sign and execute an agreement with Robert Krebs for the months of May through October in 2006 and in 2007.
85. [02509](#) To Authorize the Mayor and City Clerk to sign and execute an agreement with the Lake Monona Sailing Club, Inc. to utilize a small park-owned property northwest of Olin Park for the purpose of maintaining a storage and launching facility for sailboats for 2006 through the year 2007.
86. [02683](#) Authorizing the Mayor, City Clerk and Chief of Police to accept the Buffer Zone Protection Program grant award in the amount of \$99,251 and to utilize these funds to purchase approved law enforcement equipment.
87. [02701](#) Authorizing the Mayor and City Clerk to enter into an agreement with Dane County to provide \$19,280 in assistance to Metro Transit for transit information services, promotion efforts and operations for the calendar year 2006; and \$12,850 to the Madison Area Metropolitan Planning Organization (MPO) and Planning Unit to support the 2006 County Specialized Transportation coordination activities for the calendar year 2006.
88. [02707](#) Authorizing the Mayor and City Clerk to execute an agreement with Madison Gas and Electric Company ("MGE") to invest \$1.8 million on "green energy" projects over 8 years called the "Energy Partnership for a Green Capital City."
89. [02708](#) Approving a contract with the Department of Veterans Affairs for the Madison Fire Department to provide services beginning March 1, 2006.
90. [02716](#) Authorizing participation in the preparation of a cooperative boundary plan under Sec. 66.0307, Wis. Stats., between the City of Madison, the Town of Burke, the Village of DeForest, and the City of Sun Prairie.
91. [02722](#) Authorizing the Mayor and the City Clerk to enter into an agreement with the consultant team of HDR, et al., for conducting the Madison Streetcar Preliminary Feasibility Study.
92. [02725](#) Authorizing an increase in the loan to Lake Point Madison, LLC for the Lake Point Condominium Project.
93. [02731](#) Authorizing the Mayor and City Clerk to execute an Engineering Services Contract between the City of Madison and Thornton-Tomasetti Group, Inc. for the design and construction administration of the Mid-State Street Parking Ramp.
94. [02741](#) Authorizing the Mayor and City Clerk to execute a Memorandum of Understanding with DJK Real Estate, LLC regarding development of and an endowment for a new east side library branch to be located in Grandview Commons.
95. [02743](#) Authorizing the execution of an Offer to Purchase Real Property with the Madison Metropolitan School District for the purchase of land located at the southwest corner of Lot 248, First Addition to Reston Heights, City of Madison for the future siting of a fire station.
96. [02747](#) Authorizing the Mayor and City Clerk to execute an amendment to the contract between the City of Madison and Bray Associates Architects, Inc. to increase the contract payment by \$31,590 to allow the City to seek LEED (Leadership in Energy and

Environmental Design) certification for the Goodman Park Maintenance Facility (formerly known as Franklin Field Maintenance Facility) renovation project.

97. [02748](#) Authorizing the Street Superintendent to charge businesses a fee for weekly collection of recyclables.

LICENSES

98. [02700](#) Public Hearing - New License
Aparsons, Inc. • dba India Darbar Restaurant • capacity 80
6119 Odana Rd • Agent: Rattan Ghotra
Class B Beer, Class C Wine • 10% alcohol, 90% food
99. [02726](#) Public Hearing - New License
The Silly Yak Bakery & Bread Barn, Inc. • dba The Silly Yak Bakery
7866 Mineral Point Road • Agent: Holly B. Beach • Class A Beer
100. [02727](#) Public Hearing - New License
JSR Ventures, LLC • dba JSR Ventures • estimated capacity 190
7449 East Pass • Agent: Jeffrey S. Rosenberg
Class B Beer, Class C Wine • 20% alcohol, 80% food
101. [02735](#) Public Hearing - New License
Shish Cafe of Madison, Inc. • dba The Shish Cafe • estimated capacity 114
5510 University Avenue • Agent: Rabe Bnyat
Class B Beer, Class C Wine • 15% alcohol, 85% food

REPORTS

102. [02715](#) Report dated January 12, 2006 re: Board, Committee, Commission, Ad Hoc Committee & Subcommittee Members who have not filed the Statement of Interests Form.

CLAIMS - REFER TO RISK MANAGER on a motion made by President Van Rooy, seconded by Ald. Verveer.

103. [02710](#) NOTICE OF CLAIM: P. Protrowski, 3620 W. Marseilles Drive, Mequon - wrongful towing and lost wages - \$350.95.
104. [02711](#) NOTICE OF CLAIM: Latitude Subrogation Services/Frankenmuth Mutual Insurance Co. for R. Breidenbach, 2710 Willard Street - property damage - \$1,367.34.
105. [02712](#) NOTICE OF CLAIM: J. Finch, 1025 Madison Street, Beaver Dam - property damage - \$129.58.
106. [02713](#) NOTICE OF CLAIM: SBC, 2140 Davidson Road, Waukesha - sink hole investigation costs - \$17,040.66.
107. [02750](#) NOTICE OF CLAIM: Attorney Andrew R. Liverman for M. Clark, 6929 Park Edge Drive - personal injury - amount to be determined.