



City of Madison

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

Proceedings - Approved COMMON COUNCIL

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Tuesday, November 3, 2009

6:30 PM

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

CALL TO ORDER AND ROLL CALL

Present: 20 - David J. Cieslewicz
Jed Sanborn
Bridget R. Maniaci
Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Paul E. Skidmore
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Julia S. Kerr
Tim Bruer
Larry Palm
Judy Compton
Michael Schumacher
Mark Clear
Thuy Pham-Remmele

Excused: 1 - Joseph R. Clausius

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.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Suspend the Rules . The motion passed by voice vote/other.

PETITIONS AND COMMUNICATIONS

EARLY PUBLIC COMMENT

SPECIAL ORDER OF BUSINESS AT 6:45 PM

PRESENTATION OF CONSENT AGENDA**This was Adopt the 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**BOARD OF ESTIMATES**

1. [16115](#) 2010 Executive Operating Budget and Amendments.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the COMMON COUNCIL, due back on 11/10/2009. The motion passed by voice vote/other.

REPORT OF PLAN COMMISSION

2. [13256](#) Creating Section 28.06(2)(a)3411. of the Madison General Ordinances rezoning property from R4 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3412. 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: Relocate existing 2-Unit Building, Construct Underground Parking and New 2-Unit; 6th Aldermanic District: 430-434 South Thornton Avenue, 1526 Jenifer Street and 430 Cantwell Court.

Sponsors: Common Council By Request

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Place On File . The motion passed by voice vote/other.

3. [13259](#) SUBSTITUTE - Creating Section 28.06(2)(a)3413. of the Madison General Ordinances rezoning property from R4L Limited General Residence District and R4A Limited General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3414. 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: Relocated 2-Unit from South Thornton Avenue onto Vacant Property; 6th Aldermanic District: 1148 Jenifer Street.

Sponsors: Common Council By Request

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Place On File . The motion passed by voice vote/other.

4. [15519](#) Creating Section 28.06(2)(a)3445. of the Madison General Ordinances rezoning property from PUD(SIP) Planned Unit Development Plan (Specific Implementation Plan) District to Amended PUD(GDP) Planned Unit Development (General Development Plan) District, and creating Section 28.06(2)(a)3446. 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 Plan (Specific Implementation Plan) District. Proposed Use: Construct a 66-Unit Senior Housing/RCAC facility, instead of 33 market-rate apartments as previously approved; 3rd Aldermanic District: 5801 Gemini Drive.

Sponsors: Common Council By Request

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

REPORT OF URBAN DESIGN COMMISSION

5. [15783](#) Creating New Section 33.24(15) and renumbering Current Section 33.24(15) to Section 33.24(16) to establish Urban Design District No. 8 and amending Section 33.24(11)(b) of the Madison General Ordinances to move properties from Urban Design District No. 4 to Urban Design District No. 8.

Sponsors: Marsha A. Rummel, Bridget R. Maniaci and Satya V. Rhodes-Conway

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

Enactment No: ORD-09-00155

PUBLIC HEARINGS - BEGIN AT 6:45 PM

REPORT OF ALCOHOL LICENSE REVIEW COMMITTEE

6. [14580](#) Public Hearing - New License
LSI Group, LLC • dba Europa • 89% alcohol, 10% food, 1% other
6676 Odana Rd. • Agent: Kami Eshraghi • Estimated Capacity: 420 (main
floor), 300 (banquet)
Class B Combination Liquor & Beer
Aldermanic District 19 (Alder Clear) • Police Sector 113

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Place On File
Without Prejudice . The motion passed by voice vote/other.**

7. [15727](#) Public Hearing - New License
Signature Deli Inc • dba Signature Deli Inc
515 Junction Rd Suite F • Agent: Frantseska Kois
Class A Beer, Class A Liquor
Aldermanic District 09 (Alder Skidmore) • Police Sector 128

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The
motion passed by voice vote/other.**

8. [16080](#) Public Hearing - New License
MBC Group LLC • dba El Pollo Inka • 10% alcohol, 90% food
745 N High Point Rd • Agent: Sivilly Maritza Paz • Estimated Capacity: 50
Class B Beer, Class C Wine
Aldermanic District 09 (Alder Skidmore) • Police Sector 126

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The
motion passed by voice vote/other.**

9. [16081](#) Public Hearing - New License
Maurer's Foods LLC • dba Fresh Madison Market
703 University Ave • Agent: Jeffrey Maurer
Class A Beer, Class A Liquor
Aldermanic District 08 (Alder Eagon) • Police Sector 402

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The
motion passed by voice vote/other.**

10. [16082](#) Public Hearing - New License
Veg Table LLC • dba The Green Owl • 20% alcohol, 80% food
1970 Atwood Ave • Agent: Jennie Capellaro • Estimated Capacity: 50
Class B Combination Liquor & Beer
Aldermanic District 06 (Alder Rummel) • Police Sector 410

**A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The
motion passed by voice vote/other.**

11. [16088](#) Public Hearing - New License
Daisy Cafe & Cupcakery LLC • dba Daisy Cafe & Cupcakery • 5% alcohol,
94% food, 1% Other
2827 Atwood Ave • Agent: Daryl Sisson • Estimated Capacity: 80
Class B Beer, Class C Wine
Aldermanic District 06 (Alder Rummel) • Police Sector 602

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

12. [16141](#) Public Hearing - New License
Flat Out Crazy LLC • dba Flat Top Grill • 10% alcohol, 90% food
538 N Midvale Blvd • Agent: Julie Prather • Estimated Capacity: 105
Class B Combination Liquor & Beer
Aldermanic District 11 (Alder Schmidt) • Police Sector 108

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

13. [16144](#) Public Hearing - New License
Okinawa Sushi LLC • dba Sushi Hut • 10% alcohol, 90% food
404 State St • Agent: Mang Mun Pau • Estimated Capacity: 35
Class B Beer, Class C Wine
Aldermanic District 04 (Alder Verveer) • Police Sector 403 • Density Area

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

14. [16146](#) Public Hearing - New License
Fiesta Cancun Authentic Mexican Restaurant of Madison Inc
dba Fiesta Cancun Authentic Mexican Restaurant • 15% alcohol, 85% food
7854 Mineral Point Rd • Agent: Jose Pacheco • Estimated Capacity: 120
Class B Combination Liquor & Beer
Aldermanic District 09 (Alder Skidmore) • Police Sector 125

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

15. [16153](#) Public Hearing - New License
Thao Real Estate LLC • dba Brothers Wok • 3% alcohol, 90% food, 7%
Other
2817 E Washington Ave • Agent: Nao Nhia Thao • Estimated Capacity: 99
Class B Beer
Aldermanic District 15 (Alder Palm) • Police Sector 603

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

16. [16157](#) Public Hearing - New License
Wisconsin Ventures Inc • dba Segredo Madison
62% alcohol, 25% food, 13% Other
624 University Ave • Agent: Jon Okonek • Estimated Capacity: 605
Class B Combination Liquor & Beer
Aldermanic District 08 (Alder Eagon) • Police Sector 403 • Density Area

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

17. [16166](#) Public Hearing - License Transfer
Leziz LLC • dba Oliva • 15% alcohol, 85% food
Transfer from 745 N High Point Rd to 751 N High Point Rd • Agent: Mehmet Dai
Estimated Capacity: 90
Class B Beer, Class C Wine
Aldermanic District 09 (Ald. Skidmore) • Police Sector 126

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

REPORT OF PLAN COMMISSION

18. [15282](#) Adopting the Northport-Warner Park-Sherman Neighborhood Plan as a supplement to the City of Madison Comprehensive Plan.

Sponsors: David J. Cieslewicz, Satya V. Rhodes-Conway and Michael Schumacher

A motion was made by Ald. Rhodes-Conway, seconded by Ald. Schumacher, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00906

19. [16121](#) Approving a Transportation Access Master Plan by the University of Wisconsin-Madison to guide the future development of the 700 & 800-blocks of University Avenue and 400-blocks of North Lake Street and East Campus Mall. 8th Ald. Dist.

Sponsors: Bryon A. Eagon

A motion was made by Ald. Bruer, seconded by Ald. Clear, 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-09-00907

END OF PUBLIC HEARINGS**BUSINESS PRESENTED BY THE MAYOR**

20. [16198](#) Report of the Mayor submitting citizen committee appointments (introduced 10-20-2009; action 11-3-2009).

Sponsors: David J. Cieslewicz

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Confirm . The motion passed by the following vote:

Ayes: 19 - Jed Sanborn
 Bridget R. Maniaci
 Lauren Cnare
 Michael E. Verveer
 Shiva Bidar-Sielaff
 Marsha A. Rummel
 Steve King
 Bryon A. Eagon
 Paul E. Skidmore
 Brian L. Solomon
 Chris Schmidt
 Satya V. Rhodes-Conway
 Julia S. Kerr
 Tim Bruer
 Larry Palm
 Judy Compton
 Michael Schumacher
 Mark Clear
 Thuy Pham-Remmele

Excused: 1 - Joseph R. Clausius

Non Voting: 1 - David J. Cieslewicz

21. [16359](#) Report of the Mayor submitting citizen committee appointments (introduced 11-3-2009; action 11-17-2009)

Sponsors: David J. Cieslewicz

Confirm

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Confirm to the COMMON COUNCIL and should be returned by 11/17/2009. The motion passed by voice vote/other.

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

22. [14656](#) 21+ Entertainment License
LSI Group LLC • dba Europa • Capacity: 720
6676 Odana Rd • Agent: Kami Eshraghi
Class B Combination Liquor & Beer • 89% alcohol, 10% food, 1% Other
Aldermanic District 19 (Alder Clear) • Police Sector 113

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

23. [14940](#) FOURTH SUBSTITUTE - Amending Section 33.02 of the Madison General Ordinances to modify the composition of the Alcohol License Review Committee.

Sponsors: Bryon A. Eagon, Shiva Bidar-Sielaff, Marsha A. Rummel, Mark Clear, Bridget R. Maniaci, Michael E. Verveer and Tim Bruer

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt FOURTH SUBSTITUTE . The motion failed by the following vote:

Ayes: 10 - Bridget R. Maniaci
 Lauren Cnare
 Michael E. Verveer
 Shiva Bidar-Sielaff
 Marsha A. Rummel
 Steve King
 Bryon A. Eagon
 Brian L. Solomon
 Satya V. Rhodes-Conway
 Larry Palm

Noes: 9 - Paul E. Skidmore
 Chris Schmidt
 Julia S. Kerr
 Tim Bruer
 Judy Compton
 Michael Schumacher
 Mark Clear
 Thuy Pham-Remmele
 Jed Sanborn

Excused: 1 - Joseph R. Clausius

Non Voting: 1 - David J. Cieslewicz

Enactment No: ORD-09-00152

[14940](#)

THIRD SUBSTITUTE - Amending Section 33.02 of the Madison General Ordinances to modify the composition of the Alcohol License Review Committee.

Sponsors: Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

A motion was made by Ald. Eagon, seconded by Ald. Bruer, to Adopt THIRD SUBSTITUTE. The motion passed by the following vote:

Ayes: 17 - Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Julia S. Kerr
Tim Bruer
Larry Palm
Judy Compton
Michael Schumacher
Mark Clear
Jed Sanborn
Bridget R. Maniaci

Noes: 2 - Paul E. Skidmore
Thuy Pham-Remmele

Excused: 1 - Joseph R. Clausius

Non Voting: 1 - David J. Cieslewicz

Enactment No: ORD-09-00152

24. [15441](#)

SUBSTITUTE - Creating Section 38.07(15) of the Madison General Ordinances to prevent the sale of liquor at establishments that sell motor fuels.

Sponsors: Michael E. Verveer, Michael Schumacher, Chris Schmidt and Julia S. Kerr

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by the following vote:

Ayes: 17 - Lauren Cnare
Michael E. Verveer
Shiva Bidar-Sielaff
Marsha A. Rummel
Steve King
Bryon A. Eagon
Paul E. Skidmore
Brian L. Solomon
Chris Schmidt
Satya V. Rhodes-Conway
Julia S. Kerr
Tim Bruer
Larry Palm
Judy Compton
Michael Schumacher
Mark Clear
Bridget R. Maniaci

Noes: 2 - Thuy Pham-Remmele
Jed Sanborn

Excused: 1 - Joseph R. Clausius

Non Voting: 1 - David J. Cieslewicz

Enactment No: ORD-09-00153

25. [15930](#) 21+ Entertainment License
The Pub Inc • dba The Pub • Capacity: 248
552 State St • Agent: David Schwoegler
Class B Combination Liquor & Beer • 100% alcohol
Aldermanic District 08 (Alder Eagon) • Police Sector 403

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

26. [15960](#) Operator License Application
Katherine Camacho - Establishment where employed: Applebees

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

27. [15961](#) Operator License Application
Matthew Beilharz - Establishment where employed: Brennan's

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

28. [15963](#) Operator License Application
 Kathryn Finn - Establishment where employed: Citgo

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

29. [15964](#) Operator License Application
 Jesse Coburn - Establishment where employed: Mr. Robert's

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

30. [15965](#) Operator License Application
 Britney Zilz - Establishment where employed: Lowell Center

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

31. [15966](#) Operator License Application
 Norman Anderson - Establishment where employed: NOLA

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

32. [15969](#) Operator License Application
 Robert Van Eaton - Establishment where employed: Bucks Madison Square Garden

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

33. [15970](#) Operator License Application
 Michael Dickson - Establishment where employed: E Washington Shell

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

34. [15971](#) Operator License Application
 Amy Koscinski - Establishment where employed: Come Back Inn

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

35. [16176](#) Change of Agent
Ultra Mart Foods LLC • dba Copps Food Center #8131 • 6655 McKee Rd
New Agent: Mark Elliott
Class A Beer, Class A Liquor
Aldermanic District 07 (Alder King) • Police Sector 119

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

36. [16177](#) Change of Agent
Ultra Mart Foods • dba Copps Food Center #8178 • 2502 Shopko Dr
New Agent: Timothy Smith
Class A Beer, Class A Liquor
Aldermanic District 15 (Alder Palm) • Police Sector 513

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

37. [16179](#) Operator License Application
Joan Hamilton - Establishment where employed: PDQ

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

38. [16199](#) Change of Licensed Premise
Marsh Shapiro's Nitty Gritty LLC • dba Marsh Shapiro's Nitty Gritty
capacity of 375
223 N Frances St • Agent: Marsh Shapiro
Class B Combination Liquor & Beer • 48% Alcohol, 52% food
Aldermanic District 04 (Alder Verveer) • Police Sector 404
Request to increase capacity as a result of code changes.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

39. [16218](#) Change of Corporate Control -- 1 new officer(s)
Old Market Bistro LLC • dba Las Cazuelas • 15% alcohol, 85% food
15 N Butler St • Agent: Roberto Ubach
Class B Combination Liquor & Beer
Aldermanic District 02 (Alder Maniaci) • Police Sector 406

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

40. [16219](#) Change of Agent
Old Market Bistro LLC • dba Las Cazuelas • 15 N Butler St
New Agent: Roberto Ubach
Class B Combination Liquor & Beer • 15% alcohol, 85% food
Aldermanic District 02 (Alder Maniaci) • Police Sector 406

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

41. [16254](#) 18+ Center for Visual & Performing Arts License
New Cardinal LLC • dba The Cardinal • Capacity: 196
418 E Wilson St • Agent: Ricardo Gonzalez
Class B Combination Liquor & Beer • 75% alcohol, 5% food, 20% Other
Aldermanic District 06 (Alder Rummel) • Police Sector 406

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

42. [16314](#) Operator License Application
Kenneth Smith - Establishment where employed: Rodeway Inn

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

43. [16316](#) Operator License Application
Jared McDonald - Establishment where employed: Adlers

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

44. [16329](#) Operator License Application
Kurt Petersen - Establishment where employed: n/a

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Deny . The motion passed by voice vote/other.

45. [16335](#) 18+ Entertainment License
Wisconsin Ventures Inc • dba Segredo Madison • Capacity: 605
624 University Ave • Agent: Jon Okonek
Class B Combination Liquor & Beer • 62% alcohol, 25% food, 13% Other
Aldermanic District 08 (Alder Eagon) • Police Sector 403

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

46. [16439](#) Alcohol License Review Committee Report of Operator License Applications 10-27-09. See attached report for list of operators.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Grant . The motion passed by voice vote/other.

REPORT OF BOARD OF ESTIMATES

47. [16033](#) Approving Facade Improvement Grant to: 2 South Mills Street (Hong Kong Café), 2201 Regent Street (LaMop Hair Studio) and 2215 Atwood Avenue (Guitar Shop of Wisconsin).

Sponsors: Marsha A. Rummel, Julia S. Kerr and Shiva Bidar-Sielaff

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00908

48. [16160](#) Reclassifying the existing position of Facilities Services Manager (Position #649) in Engineering as an Engineer 3, and reallocating the incumbent to the new classification and pay range.

Sponsors: David J. Cieslewicz

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00909

49. [16306](#) Resolution Approving Redevelopment Project of the Community Development Authority of the City of Madison and the Issuance of Revenue Bonds by the Authority (Wisconsin Alumni Research Foundation Project)

Sponsors: David J. Cieslewicz and Bryon A. Eagon

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00910

REPORT OF BOARD OF PARK COMMISSIONERS

50. [16110](#) Authorizing the Mayor and City Clerk to execute an amendment to the lease with Community Action Coalition of South Central Wisconsin, Inc. allowing for the expansion of the community gardens site located within Reindahl Park at 1818 Portage Road.

Sponsors: Joseph R. Clausius

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00911

REPORT OF BOARD OF PUBLIC WORKS

51. [16186](#) Awarding Public Works Contract No. 6397, Capitol Square North Parking Ramp Stair Tower Window Replacement.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00912

52. [16197](#) Accepting a Proposed Settlement with the Stonewall Insurance Company for Landfill Remediation Claims, Authorizing the Mayor and City Clerk to Sign Settlement Agreements and any Other Documents Necessary to Complete the Settlement, including Releases and Indemnifications, and Directing that Settlement Funds Be Used to Reduce Future Remediation Fees.

Sponsors: David J. Cieslewicz, Joseph R. Clausius and Larry Palm

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00913

53. [16209](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Anderson Street Sanitary Relay, Contract No. 6326. (15th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00914

54. [16220](#) Declaring the City of Madison's intention to exercise its police powers establishing the Femrite Drive and Marsh Road Assessment District - 2010. (16th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00915

55. [16222](#) Declaring the City of Madison's intention to exercise its police powers establishing the Commercial Avenue Street Assessment District - 2010.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00916

56. [16224](#) Declaring the City of Madison's intention to exercise its police powers establishing the McCormick Avenue & Commercial Avenue Reconstruction Assessment District - 2010.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00917

57. [16238](#) Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Lisa Link Peace Park, Contract No. 6340. (4th AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Rummel, seconded by Ald. Rhodes-Conway, to Adopt the following Amendment: without an exterior ATM on the facade of the park visitor center. The motion failed by the following vote:

Ayes: 5 - Lauren Cnare
 Marsha A. Rummel
 Brian L. Solomon
 Satya V. Rhodes-Conway
 Julia S. Kerr

Noes: 14 - Bridget R. Maniaci
Michael E. Verveer
Shiva Bidar-Sielaff
Steve King
Bryon A. Eagon
Paul E. Skidmore
Chris Schmidt
Tim Bruer
Larry Palm
Judy Compton
Michael Schumacher
Mark Clear
Thuy Pham-Remmele
Jed Sanborn

Excused: 1 - Joseph R. Clausius

Non Voting: 1 - David J. Cieslewicz

Enactment No: RES-09-00922

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00922

58. [16247](#) Improvements accepted for Spaight Street, Russell Street & Walton Place Reconstruction Assessment District - 2007, Contract No. 6025.

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00918

59. [16304](#) Declaring that public sewer is not available and authorizing the Kennedy Little League to install a sewerage holding tank. (3rd AD)

Sponsors: BOARD OF PUBLIC WORKS

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00919

REPORT OF COMMISSION ON THE ENVIRONMENT

60. [15388](#) Amending Sec. 7.48 of the Madison General Ordinances to update the City phosphorus fertilizer ban pursuant to 2009 Wis. Act 9 (newly enacted Wis. Stat. § 94.643).

Sponsors: Larry Palm

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

Enactment No: ORD-09-00154

REPORT OF PED BIKE MOTOR VEHICLE COMMISSION

61. [16106](#) Authorizing the Traffic Engineering Division to accept a grant for \$120,000 from the Wisconsin Department of Transportation to maintain and expand a safety education program and authorizing the Mayor and City Clerk to enter into the grant contract.

Sponsors: Chris Schmidt and Brian L. Solomon

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adopt . The motion passed by voice vote/other.

Enactment No: RES-09-00920

REPORT OF DEPARTMENT OF PLANNING AND COMMUNITY AND ECONOMIC DEVELOPMENT

62. [16356](#) Approving a Certified Survey Map of property owned by the Donald & Mary Roth Trust located at 221 Knutson Drive. 18th Ald. Dist.

Sponsors: Common Council By Request

A motion was made by Ald. Bruer, seconded by Ald. Clear, 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-09-00921

REPORT OF RISK MANAGER

63. [16190](#) E. Edmundson, 7206 Timberwood Dr., Madison, 53719 - personal injury - \$1,016.40.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow . The motion passed by voice vote/other.

64. [16192](#) A. Lepeska for Cove Unit Owners Association, 3100 Lake Mendota Dr., #903, Madison, 53705 - property damage - \$4,864.05.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow . The motion passed by voice vote/other.**
65. [16229](#) C. Campbell, 5503 Maywood Rd., Monona, 53716 - vehicle damage - \$100.00.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow . The motion passed by voice vote/other.**
66. [16255](#) J. Canfield, 661 Mendota Ct., #504, Madison, 53703 - vehicle damage - \$238.00.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow . The motion passed by voice vote/other.**
67. [16262](#) W. Rounds, for First Lutheran Cemetary, 7785 Low Rd., Middleton, 53562 - property damage - \$1,655.00.
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Disallow . The motion passed by voice vote/other.**

ITEMS REFERRED TO THIS MEETING

ORDINANCES

68. [16008](#) Amending Sections 15.02(16), (17) and (118) of the Madison General Ordinances to change the polling location for Wards 16, 17 and 118.
- Sponsors:** Joseph R. Clausius
- Adopt
- A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to a future Meeting to Adopt to the COMMON COUNCIL and should be returned by 11/17/2009. The motion passed by voice vote/other.**

INTRODUCTION OF NEW BUSINESS FOR REFERRAL WITHOUT DEBATE

ORDINANCES

69. [16432](#) Amending Section 38.06(8) of the Madison General Ordinances to prohibit the drinking of alcohol by licensees and employees of a licensed retail alcohol establishment while working in the establishment.

Sponsors: David J. Cieslewicz

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

70. [16434](#) Amending Secs 9.13(6)(h)3.a.i. and iii., Sec. 9.13(6)(h)3.b.i., Secs.9.13(6)(h)3.c.i. and ii. to increase the street vending license fees for mall/concourse food vendors, merchant vendors, and license and other fees for arts and crafts vendors; and amending Sec. 31.075(2)(a) of the Madison General Ordinances to increase the permit fee for promotional banners.

Sponsors: Michael E. Verveer

This Ordinance was Referred to the BOARD OF ESTIMATES

71. [16435](#) Repealing Section 38.05(6)(b); creating Sec. 38.07(15); and amending Sec.38.10(2) of the Madison General Ordinances to repeal obsolete language regarding non-alcohol licenses, clarifying that a search warrant may be obtained for unlicensed beer sellers and adopting the State law, which already applies to the City, requiring that retail alcohol sales occur face-to-face at the licensed premises.

Sponsors: Michael E. Verveer and Michael Schumacher

This Ordinance was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

72. [16436](#) Adopting and confirming the Labor Agreement between the City of Madison and the Association of Madison Police Supervisors (AMPS) for the period January 1, 2010 to December 31, 2011.

Sponsors: Common Council By Request

This Ordinance was Referred to the BOARD OF ESTIMATES

73. [16442](#) Creating Section 28.06(2)(a)3458. of the Madison General Ordinances rezoning property from R4 General Residence District to PUD(GDP) Planned Unit Development (General Development Plan) District and creating Section 28.06(2)(a)3459. 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 a 112-Unit Residential Condominium Development in 28 Buildings; 1st Aldermanic District: 1802 Maplecrest Drive and 9002 Hawks Reserve Lane.

Sponsors: Common Council By Request

This Ordinance was Referred to the PLAN COMMISSION

RESOLUTIONS

74. [16264](#) Authorizing the carry-over of CDBG, HOME and other funds, and the extension of previously authorized projects within the Community Development program budget.

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

75. [16313](#) Approve the provision of \$71,850 in CDBG funds to the Madison Metropolitan School District for space and operating costs at the Meadowood Neighborhood Center, 5734 Raymond Road.

Sponsors: Shiva Bidar-Sielaff, Marsha A. Rummel and Steve King

This Resolution was Referred to the BOARD OF ESTIMATES

76. [16365](#) Reclassifying two existing positions of Public Health Clinic Aide (#901, #926) in Public Health as Program Assistants 1 and reallocating the incumbents to the new classification and pay range.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

77. [16369](#) Authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation for the design and construction of STH 113 (First Street to Knutson Drive).

Sponsors: Larry Palm, Michael Schumacher and Satya V. Rhodes-Conway

This Resolution was Referred to the BOARD OF ESTIMATES

78. [16377](#) Recreation of two Administrative Clerk 1 positions to two Program Assistant 1 positions in the Housing Operations Division budget and reallocating the incumbents to the new positions.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

79. [16391](#) Creation of the Municipal Clerk series within CG 20 (Municipal Clerk 1-Range 9, Municipal Clerk 2-Range 10, Certified Municipal Clerk-Range 11), creation of three (3) positions of Certified Municipal Clerk in the Clerk's office budget, and reallocation of three Administrative Clerks 1 to the appropriate levels within the new series.

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

80. [16416](#) Authorizing the Mayor and Chief of Police to accept four (4) traffic safety grants totaling \$73,000 from Wisconsin Department of Transportation for the following activities in 2009/2010: Alcohol Enforcement (\$35,000), Speed Enforcement (\$30,000), Pedestrian Safety Enforcement (\$4,000) and Bicycle Safety Enforcement (\$4,000).

Sponsors: David J. Cieslewicz

This Resolution was Referred to the BOARD OF ESTIMATES

81. [16427](#) Requesting that the Department of Transportation lower the speed limit on a portion of US Hwy 51 to 35 mph from intersection with STH 30 to the intersection of US Hwy 12-18.

Sponsors: Judy Compton and David J. Cieslewicz

This Resolution was Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION

82. [16430](#) A Resolution Accepting a Proposed Settlement with the Sentry Insurance Company for Landfill Remediation Claims, Authorizing the Mayor and City Clerk to Sign Settlement Agreements and any Other Documents Necessary to Complete the Settlement, including Releases and Indemnifications, and Directing that Settlement Funds Be used to Reduce Future Remediation Fees.

Sponsors: David J. Cieslewicz, Joseph R. Clausius and Larry Palm

This Resolution was Referred to the BOARD OF PUBLIC WORKS

83. [16433](#) Approving a Project Plan Amendment for Tax Incremental District (TIF) #23 (Capitol Square Revitalization) City of Madison and authorizing the use of the "Half-Mile Rule" as provided for in State of Wisconsin TIF Law.

Sponsors: Michael E. Verveer

This Resolution was Referred to the BOARD OF ESTIMATES

84. [16438](#) Authorizing the Mayor and the City Clerk to enter into an Electric Service Agreement for the Purchase of Backup Generation Service with Madison Gas & Electric Company, for a period of ten years to commence not later than December 31, 2009, at the rate of \$2.00 per KW per day for each of 9 unit wells.

Sponsors: Lauren Cnare and Michael Schumacher

This Resolution was Referred to the Water Utility

85. [16444](#) A resolution declaring the City of Madison an Energy Independent Community with the goal of procuring 25% of the City of Madison's (Operations) electricity and transportation fuels from renewable resources by 2025 and joining the Wisconsin Energy Independent Community Partnership.

Sponsors: David J. Cieslewicz, Satya V. Rhodes-Conway, Marsha A. Rummel, Brian L. Solomon and Chris Schmidt

This Resolution was Referred to the SUSTAINABLE DESIGN AND ENERGY COMMITTEE

86. [16445](#) A Resolution authorizing and providing for the sale and issuance of \$49,520,000* Water Utility Revenue Refunding Bonds, Series 2009A, and all related details

Sponsors: Lauren Cnare and Michael Schumacher

This Resolution was Referred to the BOARD OF ESTIMATES

87. [16446](#) A Resolution authorizing and providing for the sale and issuance of \$1,530,000* Taxable Water Utility Revenue Refunding Bonds, Series 2009B, and all related details

Sponsors: Lauren Cnare and Michael Schumacher

This Resolution was Referred to the BOARD OF ESTIMATES

88. [16450](#) Authorizing the City of Madison to accept a grant from the U.S. Department of Energy (DOE) in the amount of \$2,384,600 and to use these funds for energy efficiency and conservation activities, amending the 2009 CDBG Operating Budget, and authorizing the Mayor and City Clerk to sign appropriate agreements to accept the funds and implement the program.

Sponsors: Shiva Bidar-Sielaff, Tim Bruer and Marsha A. Rummel

This Resolution was Referred to the BOARD OF ESTIMATES

LICENSES

89. [16413](#) Public Hearing - New License
Ring Rodie LLC • dba JoBecks Bar • 95% alcohol, 5% food
521 Cottage Grove Rd • Agent: Jeff Rodefald • Estimated Capacity: 50
Class B Combination Liquor & Beer
Aldermanic District 15 (Alder Palm) • Police Sector 613

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

90. [16414](#) Public Hearing - New License
Las Cazuelas LLC • dba Las Cazuelas • 20% alcohol, 80% food
15 N Butler St • Agent: Roberto Ubach • Estimated Capacity: 82
Class B Combination Liquor & Beer
Aldermanic District 02 (Alder Maniaci) • Police Sector 406 • Density Area

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

91. [16415](#) Public Hearing - New License
Faouzi LLC • dba Excalibur Bar & Grille • 60% alcohol, 40% food
4245 W Beltline Hwy • Agent: Said Jridi • Estimated Capacity: 160
Class B Combination Liquor & Beer
Aldermanic District 10 (Alder Solomon) • Police Sector 104

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

92. [16426](#) Public Hearing - New License
Porky Pine Pete's Smokehouse BBQ LLC
dba Porky Pine Pete's Smokehouse BBQ
30 % alcohol, 70% food
7475 Mineral Point Rd • Agent: Lesley Peter • Estimated Capacity: 202
Class B Beer, Class C Wine
Aldermanic District 09 (Alder Skidmore) • Police Sector 124

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

93. [16440](#) Public Hearing - New License
552 State LLC • dba The Pub • 100% alcohol
552 State St • Agent: Gus Paras • Estimated Capacity: 297
Class B Combination Liquor & Beer
Aldermanic District 08 (Alder Eagon) • Police Sector 403 • Density Area

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

94. [16441](#) Public Hearing - New License
Mason Lounge LLC • dba The Mason Lounge • 90% alcohol, 10% food
416 S Park St • Agent: Bryan Richgels • Estimated Capacity: 89
Class B Combination Liquor & Beer
Aldermanic District 13 (Alder Kerr) • Police Sector 305

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

95. [16443](#) Public Hearing - New License
La Mestiza Mexican Cuisine Inc • dba La Mestiza Mexican Cuisine • 30% alcohol, 70% food
121 E Main St • Agent: Antonio Estrada • Estimated Capacity: 48
Class B Combination Liquor & Beer
Aldermanic District 04 (Alder Verveer) • Police Sector 406 • Density Area

This License was Referred to the ALCOHOL LICENSE REVIEW COMMITTEE

REPORTS

96. [16418](#) Report of Chief of Police re: Police Overtime through the 3rd Quarter of 2009.

This Report was Referred to the BOARD OF ESTIMATES

PRESENTATION OF CLAIMS AGAINST THE CITY OF MADISON

CLAIMS - REFER TO RISK MANAGER

97. 16351 K. Katz, Acuity Insurance for G. Smith, 702 Dunning St., Madison, 53704 - vehicle damage - \$1,630.19.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the Risk Manager. The motion passed by voice vote/other.

98. **16355** L. Keller, 2005 Jefferson St., Madison, 53711 - property damage - \$39.00.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the Risk Manager. The motion passed by voice vote/other.

99. **16417** C. Pollis, 123 W. Washington Ave., # 404, Madison, 53703 - vehicle damage - \$1,589.11.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Refer to the Risk Manager. The motion passed by voice vote/other.

100. [16451](#) NOTICE OF CLAIM - K. Truong, American Family Insurance, for P. Hansen, 182 Talmadge St., 53704 - personal injury - amount to be determined.

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Referred to the Risk Manager. The motion passed by voice vote/other.

THE FOLLOWING ITEM WAS INTRODUCED FROM THE FLOOR ON 10/20/09, AND IS ON THE AGENDA PURSUANT TO SEC. 2.05(1)(B), MGO SOLELY FOR THE PURPOSE OF ADDING ADDITIONAL REFERRALS.

101. [16367](#) Amending Sec. 9.13(1)(b)2. of the Madison General Ordinances to repeal the sunset provision and to make permanent the ban on vendor sales adjacent to schools.

Sponsors: Satya V. Rhodes-Conway and Shiva Bidar-Sielaff

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Referred to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION. The motion passed by voice vote/other.

ANNOUNCEMENTS & INTRODUCTION OF ITEMS FROM THE FLOOR

ADJOURNMENT @ 12:45 AM

A motion was made by Ald. Bruer, seconded by Ald. Clear, to Adjourn at 12:45 a.m. The motion passed by voice vote/other.