



City of Milwaukee

Council Agenda

COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Tuesday, February 26, 2008

9:00 AM

Common Council Chambers

Willie L. Hines, Jr., 15th District

President

Ashanti Hamilton, 1st District

Joe Davis, Sr., 2nd District

Michael S. D'Amato, 3rd District

Robert Bauman, 4th District

James Bohl, Jr., 5th District

Michael McGee, Jr., 6th District

Willie C. Wade, 7th District

Robert G Donovan, 8th District

Robert W. Puente, 9th District

Michael J. Murphy, 10th District

Joseph A. Dudzik, 11th District

James N. Witkowiak, 12th District

Terry L. Witkowski, 13th District

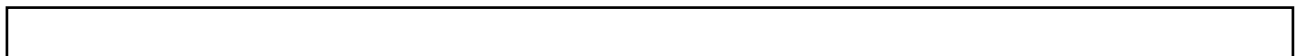
T. Anthony Zielinski, 14th District

Order of Business

1. Roll Call
2. Pledge of Allegiance
3. Invocation or Silent Meditation
4. Approval of Previous Minutes
5. Presentations
6. Unfinished Business
7. Reports of Standing Committees
 - Licenses, Ald. Witkowiak, Chair; Ald. Bohl, Vice-Chair
 - Public Safety, Ald. Donovan, Chair; Ald. Puente, Vice-Chair
 - Finance and Personnel, Ald. Murphy, Chair; Ald. D'Amato, Vice-Chair
 - Judiciary and Legislation, Ald. D'Amato, Chair; Ald. Hamilton, Vice-Chair
 - Zoning, Neighborhoods and Development, Ald. D'Amato, Chair; Ald. Wade, Vice-Chair
 - Community and Economic Development, Ald. Davis, Chair; Ald. Zielinski, Vice-Chair
 - Public Works, Ald. Bauman, Chair; Ald. Dudzik, Vice-Chair
 - Steering and Rules, Ald. Hines, Chair; Ald. Murphy, Vice-Chair
8. Communications to be Ordered on File
9. Resolutions for Immediate Adoption
10. Presentation of ordinances, resolutions, motions and communications
11. Announcements

PLEASE NOTE: Detailed information relating to the contents of these files may be found by searching under the appropriate file number at <http://legistar.milwaukee.gov/mattersearch>. Alternatively, complete files including detailed information identifying the specific subject matters to be discussed at the meeting may be inspected at the office of the City Clerk, Room 205, City Hall, 200 E. Wells St., Milwaukee, 53202, Monday through Friday, between the hours of 8 a.m. and 4:45 p.m.

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THE LICENSES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. **071188** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 12/11/2007**

Motion relating to the recommendations of the Licenses Committee relative to various licenses.

Detailed information relating to the contents of this file may be found by searching under this number at <http://legistar.milwaukee.gov/mattersearch>.

Alternatively, the complete file including detailed information identifying the specific subject matters to be discussed at the meeting may be inspected at the office of the License Division, Room 105, City Hall, 200 E. Wells St., Milwaukee, 53202, Monday through Friday, between the hours of 8 a.m. and 4:30 p.m.

PLACING ON FILE THE FOLLOWING:

2. **070913** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 10/23/2007**

Substitute motion suspending the Class "B" Tavern license of Frank Dobert for "Chaser's Pub" at 2155 S. Kinnickinnic Ave. for 30 days.

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:**APPROVAL OF THE FOLLOWING:**

- 1. 071387 SPONSORED BY: THE CHAIR INTRODUCED ON: 02/05/2008**
Motion relating to the recommendations of the Public Safety Committee relative to various licenses.

Detailed information relating to the contents of this file may be found by searching under this number at <http://legistar.milwaukee.gov/mattersearch>.

Alternatively, the complete file including detailed information identifying the specific subject matters to be discussed at the meeting may be inspected at the office of the License Division, Room 105, City Hall, 200 E. Wells St., Milwaukee, 53202, Monday through Friday, between the hours of 8 a.m. and 4:30 p.m.

PASSAGE OF THE FOLLOWING:

- 2. 071225 SPONSORED BY: Ald. Bauman INTRODUCED ON: 12/11/2007**
A substitute ordinance relating to the control of noise created by trash collection.
- 3. 071287 SPONSORED BY: THE CHAIR INTRODUCED ON: 01/15/2008**
A substitute ordinance relating to parking controls in various Aldermanic Districts.
- 4. 071288 SPONSORED BY: THE CHAIR INTRODUCED ON: 01/15/2008**
A substitute ordinance relating to traffic controls in various Aldermanic Districts.

ADOPTION OF THE FOLLOWING:

- 5. 071413 SPONSORED BY: THE CHAIR INTRODUCED ON: 02/05/2008**
Resolution relative to the application, acceptance and funding of the U. S. Department of Justice Weed and Seed Grant - Historic Clarke Square for \$150,000.

PLACING ON FILE THE FOLLOWING:

- 6. 071414 SPONSORED BY: THE CHAIR INTRODUCED ON: 02/05/2008**
Communication from the City of Milwaukee Health Department relating to the proposed departmental reorganization.

Resolution authorizing settlement of the lawsuit entitled Church Mutual Insurance Company (Antioch Missionary Baptist Church) v. City of Milwaukee, American Sewer Services, Inc., General Casualty Company of Wisconsin.

PLACING ON FILE THE FOLLOWING:

6. **071375** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Resolution authorizing City entry into a settlement agreement with Kilbourn Tower, LLC regarding amounts owed under an Agreement for Sale and a Note concerning the parcel at 923 E. Kilbourn Street and a vacated right-turn bypass that the City sold to KT in 2003.

7. **071429** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Substitute resolution authorizing payment of a sec. 74.37 lawsuit judgment by U.S. Bank against the City (U.S. Bank v. City of Milwaukee, 02CV7447) for allegedly excessive assessments for 12 branch banks from 2001-2006 in the amount of \$440,430.03 plus simple interest at 0.8% from January 1-31, 2008, and simple interest at 1.0% thereafter until date of payment.

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

8. **Various claims against the city:**

- a. **071164** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 12/11/2007**

Resolution relating to an appeal from Deborah George for property damage. (15th Aldermanic District)

---(Note: committe vote: 4 ayes, 1 noes)

- b. **071270** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 01/15/2008**

Resolution relating to an appeal from Jason Craig for property damage. (11th Aldermanic District)

- c. **071417** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Resolution relating to an appeal from Timothy and Edward Calvey for property damage. (4th Aldermanic District)

**THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE
RECOMMENDS:****PASSAGE OF THE FOLLOWING:**

1. **070963** **SPONSORED BY: Ald. D'Amato** **INTRODUCED ON: 10/23/2007**

Substitute ordinance relating to the change in zoning from General Planned Development to a Detailed Planned Development known as Downer Avenue Redevelopment, Phase II, on land located generally on the East Side of North Downer Avenue and South of East Park Place and land located generally on the West Side of North Downer Avenue and the East Side of North Stowell Avenue, North of East Webster Place, in the 3rd Aldermanic District.

2. **071291** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 01/15/2008**

Substitute ordinance relating to the change in zoning from General Planned Development to Detailed Planned Development and relating to the First Amendment to a Detailed Planned Development, known as Park Place, Stage 16, for the Hilton Garden Inn located at 11600 West Park Place, in the 5th Aldermanic District.

3. **071335** **SPONSORED BY: Ald. Puente** **INTRODUCED ON: 01/15/2008**

Substitute ordinance relating to the change in zoning from General Planned Development to a Detailed Planned Development, known as Milwaukee Job Corps, on land located on the West Side of North 60th Street and South of West Briggs Avenue for a job training facility and dormitory, in the 9th Aldermanic District.

ADOPTION OF THE FOLLOWING:

4. **071339** **SPONSORED BY: Ald. Bauman** **INTRODUCED ON: 01/15/2008**

Resolution approving a final Certified Survey Map for property located at 2040 West Wisconsin Avenue and 2027 West Wells Street, for a future apartment building for student housing, in the 4th Aldermanic District.

5. **071365** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Substitute resolution to ratify Common Council File No. 070964, being a resolution permitting a minor modification to the Detailed Planned Development known as Downer Avenue Redevelopment, Phase 1, on land located at 2574-2590 North Downer Avenue, in the 3rd Aldermanic District.

6. **071394** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Resolution approving a final Certified Survey Map for property located at 3757 West Milwaukee Road for the dedication of land for public alley purposes and construction of a light manufacturing building for Derse, Inc., in the 8th Aldermanic District.

7. **071408** **SPONSORED BY: Ald. McGee Jr.** **INTRODUCED ON: 02/05/2008**

Substitute resolution approving a Riverwalk Development Agreement for construction of a Riverwalk segment adjoining the property located at 1858 North Commerce Street, in the 6th Aldermanic District.

PLACING ON FILE THE FOLLOWING:

8. **040098** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 05/25/2004**

Substitute ordinance relating to the change in zoning from Multi-Family Residential (RM4) to a Detailed Planned Development (DPD) known as Stowell/Webster Condominiums, on land located at the Northeast Corner of East Webster Place and North Stowell Avenue, in the 3rd Aldermanic District.

9. **060575** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 09/06/2006**

Substitute ordinance relating to the change in zoning from General Planned Development to Detailed Planned Development, on land located on the North Side of East Webster Place and East of North Stowell Avenue, in the 3rd Aldermanic District.

**THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
RECOMMENDS:****ADOPTION OF THE FOLLOWING:**

1. **071253** **SPONSORED BY: Ald. Bauman** **INTRODUCED ON: 01/15/2008**
Substitute resolution approving the selection criteria for the Frank P. Zeidler public service award.

2. **071400** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution relative to application, acceptance and funding of a Raising Readers Family Literacy Grant.

3. **071412** **SPONSORED BY: Ald. Davis** **INTRODUCED ON: 02/05/2008**
Substitute resolution relative to changes in the 2008 HUD funding for Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), Housing Opportunities for Persons With AIDS (HOPWA) and American Dream Downpayment Initiative (ADDI).

4. **071425** **SPONSORED BY: Ald. Hamilton** **INTRODUCED ON: 02/05/2008**
Resolution supporting the efforts of the Partnership for Working Toward Inclusive Communities and reaffirming the City of Milwaukee's commitment to inclusion as a fundamental aspect of the community.

CONFIRMATION OF THE FOLLOWING:

5. **071147** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 12/11/2007**
Reappointment of Joan Prince to the Main Street Milwaukee Partners Board by the Local Initiatives Support Corporation. (3rd Aldermanic District)

PLACING ON FILE THE FOLLOWING:

6. **071382** **SPONSORED BY: Ald. Davis** **INTRODUCED ON: 02/05/2008**
Communication by Mr. Marc Levine, University of Wisconsin-Milwaukee Center for Economic Development relating to employment trends in the nation's largest cities.

THE PUBLIC WORKS COMMITTEE RECOMMENDS:**PASSAGE OF THE FOLLOWING:**

1. **071366** **SPONSORED BY: Ald. Bohl** **INTRODUCED ON: 02/05/2008**
 An ordinance relating to publicly accessible collection bins.

ADOPTION OF THE FOLLOWING:**2. Various resolutions relating to special privileges:**

- a. **070900** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 10/23/2007**
 Substitute resolution granting a special privilege to First Place Condo Owners Association Inc to construct and maintain a concrete curb retaining wall for the premises at 106 West Seeboth Street, in the 12th Aldermanic District.
- b. **070998** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 11/09/2007**
 Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph Inc. to keep and maintain brick piers, seat walls, ornamental fencing, and an electrical control box in the public right-of-way for the premises at 5000 West Burleigh Street, in the 10th Aldermanic District.
- c. **070999** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 11/09/2007**
 Substitute resolution amending a special privilege for change of ownership to Wheaton Franciscan Healthcare - St. Joseph, Inc for a stationary planter in the public right-of-way for the premises at 5408 West Burleigh Street, in the 10th Aldermanic District.
- d. **071040** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 11/09/2007**
 Substitute resolution granting a special privilege to Teutonia Gardens, LLC to construct and maintain two excess door swings in the public right-of-way for the premises at 2711 North Teutonia Avenue, in the 15th Aldermanic District.
- e. **071111** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 11/21/2007**
 Substitute resolution granting a special privilege to Arora's, LLC for three sets of concrete steps encroaching in the public right-of-way for the premises at 1700-1706 West Mitchell Street, in the 12th Aldermanic District.
- f. **071112** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 11/21/2007**
 Substitute resolution to amending a special privilege to Wisconsin Scottish Rite Foundation Inc for addition of a covered walk for the premises at 790 North Van Buren Street, in the 4th Aldermanic District.

3. **071313** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 01/15/2008**
Resolution authorizing the renewal of the Agreement Between the City of Milwaukee and the Village of Menomonee Falls for the Purchase of Water at Wholesale.
4. **071369** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution authorizing the proper City officers to execute two Release of Easements.
5. **071378** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$90,000 for a total estimated cost of these projects being \$6,135,000.
6. **071379** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$6,196,000 for a total estimated cost of these projects being \$6,584,000.
7. **071380** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$44,000 for a total estimated cost of these projects being \$335,000.
8. **071381** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$6,980,000 for a total estimated cost of \$8,542,000.
9. **071393** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution directing the Department of City Development to prepare a resolution to vacate a portion of public frontage along the East Side of South 13th Street located on the North Side of West College Avenue, in the 13th Aldermanic District.
10. **071398** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution directing the Department of City Development to prepare a resolution to vacate an abandoned street remnant in the block bounded by North 1st Street, West Townsend Street, North 2nd Street and West Randolph Street, in the 6th Aldermanic District.
11. **071401** **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**

Resolution relative to funding and construction of the Emmler Lane Water Quality Project with the Wisconsin Coastal Management Program grant, with a total cost of the project of \$250,000 with a grantor share of \$100,000 (40%) and a local share match of \$150,000 (60%).

---(Note: Committee vote: 3 ayes, 1 noes)

12. 071402 **SPONSORED BY: Ald. Bohl** **INTRODUCED ON: 02/05/2008**
Resolution relating to the funding and construction of Phase I of Hartung Park with a State of Wisconsin Stewardship Local Assistance Grant with a total project cost of \$500,000 with a grantor share of \$250,000 and a city match of \$250,000.
13. 071403 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution authorizing the Commissioner of Public Works to shut down and cover an unwarranted traffic control signal at the intersection of West Bolivar Avenue and South 6th Street in the 13th Aldermanic District.
14. 071404 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution authorizing the City Engineer to grant permission to Milwaukee County for the construction and maintenance of an off-road bicycle trail in the public right-of-way of North Riverboat Road.
15. 071405 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution authorizing the City Engineer of the City of Milwaukee to apply for a Municipal Flood Control Grant project titled Repairs of the Bank Stabilization of the Milwaukee River.
16. 071410 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution approving a Three-Year Harbor Statement of Intentions for the Port of Milwaukee.
17. 071411 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution relative to the application, acceptance and funding of a Wisconsin Department of Transportation Harbor Assistance Grant for a Demonstration project for ship ballast water collection and onshore treatment and related work.
18. 071418 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution directing the Commissioner of Public Works to award a contract for professional services related to the stabilization of eroded slope adjacent to the Riverside Pumping Station to the firm of Giles Engineering Associates, Inc.
19. 071419 **SPONSORED BY: THE CHAIR** **INTRODUCED ON: 02/05/2008**
Resolution directing the Commissioner of Public Works to issue a Request for Proposals and award a contract for the analysis, recommendation and development of plans and specifications for the eventual mitigation of the structural deficiencies of the Meter Shop Building.
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---(Note: Committee vote: 3 ayes, 2 noes)

29. 071441

SPONSORED BY: Ald. Bauman

INTRODUCED ON: 02/05/2008

Communication from the Commissioner of Public Works relating to the policies and procedures for snow emergencies.

THE STEERING & RULES COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

- 1. 071155 SPONSORED BY: THE CHAIR INTRODUCED ON: 12/11/2007**
Substitute motion renewing charter school contracts for Central City Cyberschool and
Downtown Montessori Academy, Inc., for an additional 5-year term.

PLACING ON FILE THE FOLLOWING:

- 2. 071154 SPONSORED BY: THE CHAIR INTRODUCED ON: 12/11/2007**
Communication from the Charter School Review Committee transmitting the findings of the
Annual Report.

RESOLUTIONS FOR IMMEDIATE ADOPTION:

071464

SPONSORED BY: THE CHAIR

INTRODUCED ON: 02/26/2008

Resolution approving various final certified survey maps.