



City of Milwaukee

Meeting Agenda

200 E. Wells Street
Milwaukee, Wisconsin
53202

JUDICIARY & LEGISLATION COMMITTEE

ALD. MICHAEL S. D'AMATO, CHAIR

Ald. Ashanti Hamilton, Vice-Chair

Ald. Robert Bauman, Ald. Michael Murphy, Ald. James Bohl, Jr.

Staff Assistant, Linda Elmer, (414)-286-2232

Fax: 286-3456, E-mail: lelmer@milwaukee.gov

File Specialist: Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

**Italicized comments following the titles of Council files are explanatory only and not intended to limit the scope of the debate or any possible amendments.*

Monday, June 6, 2005

9:00 AM

Room 301-B, City Hall

The JUDICIARY AND LEGISLATION COMMITTEE may convene into closed session at 9:00 A.M. on Monday, June 6, 2005, in Room 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, pursuant to Section 19.85 (1)(g), Wisconsin Statutes, for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to pending litigation in which the City is involved relative to Item # 1... Resolution to authorize settlement of alleged discrimination case based upon disability filed in the United States District Court for the Eastern District of Wisconsin entitled Dean Monfre v. City of Milwaukee, Case No. 04-C-0352 and then will go into open session for the regular agenda.

9:00 A.M.

- 1) [050007](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
- Resolution to authorize settlement of alleged discrimination case based upon disability filed in the United States District Court for the Eastern District of Wisconsin entitled Dean Monfre v. City of Milwaukee, Case No. 04-C-0352. (City Attorney)
- [City Atty. Letter.DOC](#)
[Fiscal Note.DOC](#)

The items below will be heard no earlier than 9:15 A.M.

- 2) [050194](#) SPONSORED BY: ALD. BAUMAN INTRODUCED ON: 5/20/2005
- Resolution relative to Year 2005 property taxes against 401-441 West Wisconsin Avenue, Tax Key Number 361-0726-110-3.

- 3) [050127](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to a claim from Aruna Gupta on behalf of A & L Enterprises for excessive assessment for the property located at 205 W. Vogel Avenue.
[City Atty. Letter.PDF](#)
[Claim.PDF](#)
---\$136,000 claim related to an excessive assessment. The City Attorney's Office recommends denial as the claimant could not show that the assessment was not determined consistent with state laws.
- 4) [050125](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to the appeal of Lizzie Fenelton relative to a claim for property damage. (6th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$536 claim related to damage to a private garage and fence by fire department personnel responding to a fire. The Milwaukee Fire Department used standard procedures and cannot be held liable.
- 5) [050129](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to a claim from Blaine O'Connell, Senior Vice President, Finance, on behalf of Froedtert Hospital for property damage.
[City Atty. Letter.DOC](#)
[Claim.PDF](#)
---\$10,885 claim related to damage to a CAT scan machine. Because the police department was not negligent in this matter, the city cannot be held liable.
- 6) [050124](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to the appeal of Joe Ann Clark-Garrett relative to a claim for property damage. (15th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$1,012 claim related to damage to private property as a result of forced entry by the police department. Since the police department's use of force was authorized and the officers were acting within their sphere of responsibility, the city cannot be held liable.
- 7) [050066](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to the appeal of Robert Holland, Sr. relative to a claim for property damage. (4th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$1,943.01 claim related to damage to private property by the Milwaukee police. There is no evidence that the alleged damage was caused by city employees.

The items below will be heard no earlier than 9:30 A.M.

- 8) [041574](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 3/16/2005
Resolution relating to a claim from Atty. Kenan Kersten on behalf of Bulan Brimmer for personal injuries.
[City Atty. Letter.DOC](#)
[Claim.PDF](#)
[Communication from Atty Kersten.PDF](#)
---\$50,000 claim related to a fall on a public sidewalk. No complaints had been received by the city related to this sidewalk and, because of this lack of notice, the city cannot be held liable.
- 9) [050128](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to a claim from Attorneys Derzon & Menard on behalf of James and Iris Ghuman for property damage.
[Claim.PDF](#)
[City Atty. Letter.DOC](#)
---\$25,000 claim related to a city tree falling on a private vehicle. This loss is not related to any negligence on the part of the city and, therefore, the city cannot be held liable.
- 10) [050126](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005
Resolution relating to the appeal of Denise Bokath relative to a claim for property damage. (2nd Aldermanic District)
[Appeal.PDF](#)
---\$190 claim related to damage allegedly sustained to a vehicle during a garbage collection. The paint on the garbage cart does not match the location nor color of the vehicle, and, since the city did not cause the damage, it cannot be held liable.
- 11) [050013](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/3/2005
Resolution relating to the appeal of William Murphy relative to a claim for property damage. (11th Aldermanic District)
[Appeal.PDF](#)
[City Atty. Letter.PDF](#)
---\$615.12 claim related to damage allegedly sustained to a vehicle during a garbage collection. The paint on the garbage cart does not match the location nor color of the vehicle, and, since the city did not cause the damage, it cannot be liable.

Items below will be heard no earlier than 10:00 A.M.

- 12) [050166](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005

Resolution authorizing settlement of the lawsuit entitled Dwight Pierce and Blue Cross of California v. City of Milwaukee, Case No. 04CV003840.

[City Atty. Cover Letter.DOC](#)

[Fiscal Note.DOC](#)

- 13) [050144](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005

Resolution authorizing payment of the claim of Diedra Cole, C.I. File No. 03-L-45. (City Attorney)

[City Atty. Letter.DOC](#)

[Fiscal Note.DOC](#)

[Settlement Draft Request.DOC](#)

- 14) [050130](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 5/20/2005

Resolution to settle claim of Attorney Laurie A. Eggert for defense of various police officers. (City Attorney)

[Claim for Campbell and Warren.PDF](#)

[Claim for Estacio,Patrick, Masarik, Curt, Polka, Cardenas and Meade.PDF](#)

[Claim for Glover.PDF](#)

[Claim for Gonzalez and Emmons.PDF](#)

[Claim for Hoffman and Braeger.PDF](#)

[Claim for Huck, Murphy, Lesniewski,Heaney, Boeck and Farney.PDF](#)

[Claim for Lemke and Kline.PDF](#)

[Claim for Lemke and Roberson.PDF](#)

[Claim for Nawotka and Brummond.PDF](#)

[Claim for Peavy.PDF](#)

[Fiscal Note.rtf](#)

- 15) [041127](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 12/21/2004

Communication from the City Attorney relative to expenditures from the Outside Counsel/Expert Witness Fund Special Purpose Account.

[2004 Expenditures as of 1-14-05.pdf](#)

[Communication from City Attorney.PDF](#)

[2004 EXPENDITURES FOR OUTSIDE COUNSEL/EXPERT](#)

- 16) [041707](#) SPONSORED BY: THE CHAIR INTRODUCED ON: 4/12/2005

Resolution relative to various legislative bills.

This meeting will be web-cast live at www.milwaukee.gov/channel25.

NOTE: a) Members of the Common Council, and members of its Standing Committees who are not members of this Committee, may attend this meeting to participate or to gather information. Therefore, notice is given that this meeting may constitute a meeting of the Common Council or any of its Standing Committees, and must be noticed as such, although they will not take any formal action at this meeting.

b) Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

c) Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall .