



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Friday, December 17, 1999

9:00:00 AM

Common Council Chambers

PRESENTATIONS

Present: 17 -

Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,
Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines Jr.

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991108](#) Substitute ordinance to further amend the 1999 offices and positions in the City Service under control of the Common Council.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 1 of ordinance File Number 980575 relative to offices and positions in the City Service is hereby amended as follows:
- Under "Health Department, Administration Decision Unit, Immunization Outreach Grant", delete one position of "Public Health Aide (X)"; under "Municipal Health Services Program Grant", delete one position of "Health Insurance Specialist (X)"; under "Public Health Services Decision Unit, Immunization Outreach Grant", delete one position of "Public Health Nurse (X)" and one position of "Public Health Aide (X)"; amend footnote "(B)" to read: "(B) To expire 12/31/00 unless the Municipal Health Services Program Grant is extended." and delete footnote "(R)."
- Under "Police Department", amend footnote "(S)" to read: "(S) State Beat Patrol Grant: To expire 12/31/2000 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended."
- Part 2. Section 1 of ordinance File Number 980575 relative to offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 25, 1999 - November 28, 1999):
- Under "Mayor's Office", delete one position of "Staff Assistant to the Mayor (Y)" and add one position of "Staff Assistant to the Mayor-Senior (Y)."
- Part 3. All ordinances or parts of ordinances contravening the provisions of this

ordinance are hereby repealed.

Part 4. The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 25, 1999 (November 28, 1999).

The provisions of all other parts of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 5. This ordinance will take effect and be in force from and after its passage and publication.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 2) [991109](#) Substitute ordinance to further amend the 1999 rates of pay of offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 2 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 25, 1999 - November 28, 1999):

Under Salary Grade 009, add the title "Staff Assistant to the Mayor-Senior."

Part 2. Section 8 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 6, 1997 - March 9, 1997):

Under Pay Range 526, in footnote "1/", delete the biweekly rate of \$1,325.18 and substitute the rate \$1,361.62.

Part 3. Section 8 of ordinance File Number 980576 relative to rates of pay of offices and positions in the City Service is hereby further amended as follows (Effective Pay Period 1, 1998 - December 28, 1997):

Under Pay Range 526, in footnote "1/", delete the biweekly rate of \$1,361.62 and substitute the rate \$1,399.06.

Part 4. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 5. The provisions of Part 1 of this ordinance are deemed to be in force and effect from and after Pay Period 25, 1999 (November 28, 1999).

The provisions of Part 2 of this ordinance are deemed to be in force and effect from and after Pay Period 6, 1997 (March 9, 1997).

The provisions of Part 3 of this ordinance are deemed to be in force and effect from and after Pay Period 1, 1998 (December 28, 1997).

Part 6. This ordinance will take effect and be in force from and after its passage and publication.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 3) [991154](#) Substitute ordinance to amend the 2000 offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 1 of ordinance File Number 990704 relative to offices and positions in the City Service is hereby amended as follows:

Under "Department of Administration, Office of Community Block Grant Administration", delete one position of "Business Finance Manager (A)(X)(Y)" and one position of "Management Accountant-Senior (A)(X)(Y)" and add one position of "Grant Compliance Manager (A)(X)(Y)" and one position of "Administrative Specialist-Senior (A)(X)(Y)" and under "Information and Technology Management Division", delete one position of "Communications Policy Coordinator" and one position of "Security Administrator" and add one position of "Systems Security Administrator."

Under "Common Council-City Clerk, Central Administration Division", add one position of "Communications Policy Coordinator."

Under "Department of City Development, General Management and Policy

Development Decision Unit, Urban Development Section", add footnote designation "(Y)" to one position of "Small Business Development Officer"; under "Information Systems Services", add footnote designation "(Y)" to one position of "Business Systems Supervisor"; under "Public Housing Programs Decision Unit, Certification - Section 8", add footnote designation "(Y)" to six positions of "Rent Assistance Specialist III(B)"; under "Auxiliary Position - Section 8", add footnote designation "(Y)" to one position of "Rent Assistance Specialist III(B)" and under "Community Planning and Development Services Division, Historic Preservation Section", delete one position of "Associate Planner (.5 FTE)" and add one position of "Associate Planner."

Under "Department of Employee Relations, Administration Division", delete one position of "Accountant III" and add one position of "Management Accounting Officer" and under "Operations Division", delete one position of "Office Assistant III."

Under "Employes' Retirement System, Auxiliary Positions", add one position of "Executive Director (A)", one position of "Board Administrative Assistant (A)", one position of "Deputy Executive Director (A)", one position of "Research Analyst (A)", one position of "Paralegal (A)", three positions of "Administrative Assistant (.5 FTE) (A)", one position of "Infrastructure Support Manager (A)", one position of "Information System Manager (A)", two positions of "Application Support Manager (A)", one position of "Special Projects Manager (A)", one position of "Records Manager (A)", one position of "Member Services Manager (A)", two positions of "Communication Specialist (A)", two positions of "Disability Specialist (A)", two positions of "Benefits Specialist (A)", two positions of "Insurance Specialist (A)", two positions of "Administrative Assistant (A)", one position of "Receptionist (A)", one position of "Chief Investment Officer (A)", two positions of "Investment Analyst (A)", one position of "Controller (A)", two positions of "Contribution Accountant (A)", two positions of "Payroll Accountant (A)", one position of "Investment/Budget Accountant (A)", one position of "Investment Accountant (A)" and three positions of "Special Analyst (Temporary)(A)" and insert footnote "(A)" to read: "(A) Positions shall be subject to study and classification by DER. Upon completion of the study and classification, non-auxiliary positions will be eliminated as the corresponding auxiliary positions are filled. DER is instructed to complete the study and classification by March 31st. Salary for Infrastructure Support, Information System Manager, Application Support, Special Projects, Records and Administrative Assistant (.5 FTE) positions shall be charged to the capital account for the Employee Retirement System-Automated Computer System."

Under "Health Department, Administration Decision Unit, Administration Division", delete one position of "Personnel Analyst-Senior" and add one position of "Human Resources Analyst-Senior"; under "Communicable Disease Division, Family and Community Health Services", delete one position of "Family and Community Health

Services Director (X)(Y)" and add one position of "Director of Community and Family Health Services (X)(Y)"; under "Consumer Protective Division, Childhood Lead Poisoning Prevention Program (W)", delete one position of "Lead Poisoning Program Manager (W)(X)(Y)" and add one position of "Home Environmental Health Manager (W)(X)(Y)"; under "Immunization Outreach Grant", delete two positions of "Public Health Aide (X)" and one position of "Public Health Nurse (X)"; under "Municipal Health Services Program Grant", delete one position of "Health Insurance Specialist (X)"; under "Planning and Service Integration Section", add footnote designation "(Y)" to one position of "Public Health Planning Manager (X)"; under "Medical Assistance Outreach Grant N)", add footnote designation "(Y)" to one position of "Medical Assistance Outreach Coordinator (X)"; under "Maternal and Child Health Division", add footnote designation "(Y)" to one position of "Maternal and Child Health Division Manager (X)"; under "Chronic Disease Division", add footnote designation "(Y)" to one position of "Chronic Disease Division Manager (X)"; under "Environmental Health Technology", add footnote designation "(Y)" to one position of "Environmental Scientist (PP)"; under "Cardiovascular Risk Reduction Grant", delete one position of "Health Project Coordinator - Tobacco Use Prevention Program (.5 FTE)(X)"; amend footnote "(I)" to read: "To expire 12/31/99 unless the Cardiovascular Risk Reduction Grant, available from the Wisconsin Department of Health and Family Services, is extended."; under "Breast Cancer Awareness Program - Site Coordination Grant", delete one position of "Site Coordinator (X)" and amend footnote "(KK)" as follows: "To expire 12/31/99 unless the Breast Cancer Awareness Program Site Coordination Grant is extended."; under "Pilot Ordinance Evaluation Grant", add three positions of "Public Health Aide (X)" and amend footnote "(H)" as follows: "To expire 9/30/02 unless the Pilot Ordinance Evaluation Grant, available from the Batelle Organization, is extended." and under "Healthy Start Grant", delete one position of "Public Health Educator II (X)" and add two positions of "Public Health Aide (X)"; amend footnote "(B)" as follows: "(B) To expire 12/31/00 unless the Municipal Health Services Program Grant is extended."; delete footnote "(R)"; and amend footnote "(T)" as follows: "(T) To expire 12/31/99 unless the Healthy Start Grant is extended."

Under "Library, Neighborhood Library & Extension Services Decision Unit, Automotive Services Unit", add one position of "Bookmobile Operator (D)" and under "Mobile Library and Outreach Services Unit", add one position of "Library Services Assistant" and one position of "Library Circulation Assistant II."

Under "Mayor's Office", delete one position of "Staff Assistant to the Mayor (Y)" and add one position of "Staff Assistant to the Mayor-Senior (Y)."

Under Department of Neighborhood Services, Financial Services and Marketing", add footnote designation "(Y)" to one position of "Rental Rehab. Specialist (X)" and one position of "Administrative Specialist (X)."

Under "Police Department", amend footnote "(S)" to read: "(S) State Beat Patrol Grant: To expire 12/31/2000 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended."

Under "Department of Public Works-Administrative Services Division, Safety Section", add four positions of "Safety Specialist-Senior."

Under "Department of Public Works-Buildings and Fleet Division, Operations Section", delete two positions of "Communications Assistant IV" and add 21 positions of "Truck Driver (3.5 Tons & Over)"; under "Design & Construction Section, Architectural Planning & Design Unit", delete one position of "Architecture Project Manager" and add one position of "Architect III"; under Facilities Management Section, Custodial Services", add two positions of "Custodial Worker II/City Laborer" and under "Fleet Services Section", add one position of "Auto. Mechanic Supervisor I (C)" and add footnote "(C)" to read: "(C) Salary for incumbent James Bentley to be maintained at the pay range held during 1999. Position will be eliminated upon incumbent's retirement."

Under "Department of Public Works-Infrastructure Services Division, Administration Decision Unit, Information Systems Section", add one position of "Engineering Systems Specialist" and one position of "Engineering Systems Analyst"; under "Administration Section", add one position of "Public Works Inspector II (A)" and add footnote "(A)" to read: "(A) This position authorized in accordance with the terms of the labor contract."; under "Transportation Decision Unit, Assessments Section", delete one position of "Office Assistant IV"; under "Central Drafting & Records Section", delete one position of "Civil Engineer III"; and under "Development, Planning, Research & PMS Section", delete one position of "Traffic Control Engineer II."

Under "Department of Public Works, Parking Fund", delete one position of "Tow Lot Manager" and two positions of "Tow Desk Manager" and add one position of "Tow Lot and Meter Manager" and two positions of "Parking Enforcement Supervisor"; delete five positions of "Clerk Dispatcher II" and 12 positions of "Clerk Dispatcher I" and add five positions of "Communications Assistant IV" and 12 positions of "Communications Assistant III."

Under "Department of Public Works-Sanitation Division, Administration Section", add two positions of "Communications Assistant IV" and one position of "Operations Manager (B)(Y)" and insert footnote "(B)" to read: "Salary of the current incumbent to be maintained at the pay range held during 1999."; under "Field Operations", delete 11 positions of "Driver Loader (D)" and add six positions of "Sanitation Supervisor"; and under "Auxiliary Personnel", delete ten positions of "Driver/Loader (C)."

Under "Special Purpose Account-Board of Zoning Appeals", delete one position of "Administrative Specialist" and add one position of "Secretary, Board of Zoning Appeals."

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2000 (December 26, 1999).

Part 4. This ordinance will take effect and be in force from and after Pay Period 1, 2000 (December 26, 1999).

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 4) [991155](#) Substitute ordinance to amend the 2000 rates of pay of offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 2 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 001, delete the title "Microfilm Supervisor."

Under Salary Grade 002, add the titles "Microfilm Supervisor" and "Printing Operations Supervisor."

Under Salary Grade 004, add the titles "Parking Enforcement Supervisor" and "Secretary, Board of Zoning Appeals" and add the footnote designation "6/" following the title "Administrative Specialist-Senior" and add the following footnote: "6/ One position, filled by Richard Bunke, to be paid at the frozen (1998) rate of \$2,105.07 biweekly, but would be adjusted by any potential retroactive across-the-board general increases for 1999. He shall be frozen at that 1999 rate until the maximum biweekly rate of Salary Grade 004 equals or exceeds that amount, at which time he may again receive general pay increases.

Under Salary Grade 006, delete the title "Operations Manager."

Under Salary Grade 007, delete the title "Lead Poisoning Program Manager" and add the title "Printing and Records Manager."

Under Salary Grade 008, delete the title "Cable Franchise Officer 1/" and add the titles "Communications Policy Coordinator 1/", "Systems Security Administrator" and "Tow Lot and Meter Manager."

Under Salary Grade 009, add the titles "Data Base Analyst", "Grant Compliance Manager", "Home Environmental Health Manager" and "Staff Assistant to the Mayor-Senior."

Under Salary Grade 010, add the title "Program Evaluation Specialist."

Under Salary Grade 011, add the title "Data Base Administrator"; add the footnote designation "3/" following the title "Systems Analyst-Project Leader" and add the following footnote: "3/ One position, filled by John Boschek, to be paid at the frozen (1998) rate of \$2,903.36 biweekly, but would be adjusted by any potential retroactive across-the-board general increases for 1999. He shall be frozen at that 1999 rate until the maximum biweekly rate of Salary Grade 011 equals or exceeds that amount, at which time he may again receive general pay increases."

Under Salary Grade 012, delete the title "Client Services Manager (MIS)."

Under Salary Grade 013, add the title "Enterprise Systems Manager."

Under Salary Grade 015, delete the title "Public Health Services Director."

Under Salary Grade 016, add the title "Director of Community and Family Health Services."

Part 2. Section 3 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 220, add footnote designation "6/" after the title "City Laborer (Regular)" to read: "6/ While occupying this title in the 2000 budget year, Bernard Bellanger and Thomas Karl shall be paid an official biweekly rate consistent with their former title of Water Department Laborer under Step 5 of Pay Range 225." and add footnote designation "7/" after the title "Garage Attendant" to read: "7/ While occupying this title in the 2000 budget year, Richard Bednarski shall be paid an official biweekly rate consistent with his former title of Water Department Laborer under Step 5 of Pay Range 225."

Under Pay Range 230, add footnote designation "5/" after the title "Urban Forestry Laborer" to read: "5/ While occupying this title in the 2000 budget year, Glen Kalvoda shall be paid an official biweekly rate consistent with his former title of Water Buildings and Grounds Laborer under Step 5 of Pay Range 235."

Under Pay Range 235, add footnote designation "11/" after the title "Water Plant Laborer" to read: "11/ While occupying this title in the 2000 budget year, James Poster shall be paid an official biweekly rate consistent with his former title of Water Laborer Crew Leader under Step 5 of Pay Range 245."

Under Pay Range 240, add footnote designation "4/" after the title "Water Meter Technician I" to read: "4/ While occupying this title in the 2000 budget year, Gerald Grauberger shall be paid an official biweekly rate consistent with his former title of Water Laborer Crew Leader under Step 5 of Pay Range 245."

Part 3. Section 8 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 526, in footnote "1/", delete the biweekly rate of \$1,361.62 and substitute the rate of \$1,399.06.

Under Pay Range 532, add the title "Information Technology Specialist."

Part 4. Section 12 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 666, footnote "2/", add "PHN Coordinator-HIV Women's Program" to the list of job assignments eligible for premium pay.

Part 5. Section 22 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Delete the biweekly rates of pay under Pay Ranges 862-867 and substitute therefor the following:

"Pay Range 862

Official Rate-Biweekly

\$1,735.16 1,804.56 1,876.75 1,951.86

\$2,029.92 2,111.14

Pay Range 863

Official Rate-Biweekly

\$2,111.14 2,195.49 2,283.32 2,374.61

\$2,469.65 2,568.41

Pay Range 865

Official Rate-Biweekly

\$2,374.61 2,469.65 2,568.41 2,671.18

\$2,778.01 2,889.11

Pay Range 867

Official Rate-Biweekly

\$3,249.87 3,379.86 3,515.02 3,655.67

\$3,801.88 3,953.95"

Part 6. Section 23 of ordinance File Number 990705 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 918, delete the title "Data Entry Aide 1/" and add the title "MPR Aide 1/."

Part 7. All ordinances or parts of ordinance contravening the provisions of this ordinance are hereby repealed.

Part 8. The provisions of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2000 (December 26, 1999).

Part 9. This ordinance will take effect and be in force from and after Pay Period 1, 2000 (December 26, 1999).

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 5) [991362](#) A substitute charter ordinance amending charter ordinance common council file number 990836 relating to implementation of the negotiated settlement of the circuit court case titled Partipilo, et al. v. City of Milwaukee, et al., circuit court case no. 97-CV-000985, as it relates to the employes' retirement system.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Exhibit A to common council file number 990836 is repealed and recreated to read as set forth in the exhibit A attached to this file.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed under s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

- 6) [990584](#) Substitute resolution authorizing city departments to expend moneys appropriated in the 2000 budget for Special Purpose Accounts, Debt Service Fund, Provision for Employes' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects or Purposes.

Whereas, Section 65.06(6)(b) of the Wisconsin Statutes (1981-1982) states:

"The Common Council at any time after the adoption of the budget may, by resolution adopted by a majority vote of the members thereof direct the proper officers of any department to expend such sum or sums of money as are specially appropriated out of any specific fund under its control for any of the several purposes enumerated therein. The adoption of such resolution shall be the authority for such department to proceed and expend such specified sum for the purpose as directed therein"; and

Whereas, That the amounts included in Exhibit A attached to Common Council File

No. 990584 be appropriated from the 2000 Budget for Special Purpose Accounts, Debt Service fund, Provision for Employes' Retirement Fund, Delinquent Tax Fund, Common Council Contingent Fund, Grant and Aid Fund, and Special Capital Projects for the purposes as specified and that departments be authorized to expend the appropriated moneys; now, therefore, be it

Resolved, That for the purpose of interpreting and applying the provisions of Section 16.05 City Charter (Department of Administration-Purchasing Division duties) the words "appropriated to the assigned department," used above shall not be intended to mean "for use of all departments . . ."; and, be it

Further Resolved, That the Comptroller is hereby authorized to transfer \$11,250,000 from the Tax Stabilization Fund as specified in the 2000 Budget; and, be it

Further Resolved, That the Comptroller is hereby authorized to transfer \$10,245,000 from the Water Department Operating Fund Retained Earnings Account to Water Capital Funds as specified in the 2000 Budget; and, be it

Further Resolved, That the City Comptroller is hereby authorized to transfer from the Environmental Remediation Subfund to Miscellaneous General Fund Revenue, an amount of \$350,000 for 2000; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that the 2000 Special Purpose Accounts and amounts assigned and authorized for expenditure to specified departments in this resolution shall be deemed to have been appropriated to the assigned department for the specific municipal public purpose intended in the budget, and for no other departmental purpose; and, be it

Further Resolved, That such Special Purpose Accounts shall therefore be deemed eligible for carryover under the provision of Section 65.07(1)(p) Wisconsin Statutes; and, be it

Further Resolved, That the Treasurer is hereby authorized to expend moneys from the Remission of Taxes Fund to remit taxes levied in error and corrected by the Assessment Commissioner as provided in Section 70.43 of the Wisconsin Statutes; and, be it

Further Resolved, That the proper city officials are authorized to enter into necessary contracts for the purposes listed.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 7) [991000](#) Substitute resolution authorizing attendance at various seminars/meetings and authorizing expenditure of funds for this purpose.
- Resolved, By the Common Council of the City of Milwaukee, that the attendance of the following individuals at the following seminars or meetings is approved, and the funds specified are authorized to be allocated from the Seminar Fund, such travel and reimbursement to be in accordance with guidelines established by Section 350-181, Milwaukee Code:

1. Cassandra Sherill-Patterson (CC-CC) "Budgeting for Budget Analysts"; Phoenix, AZ; 2/27-29/00; \$1,653.00.

and, be it

Further Resolved, That the dollar amount shown for each authorized seminar/meeting listed above is simply an ESTIMATE of the seminar attendance expenses anticipated to be paid or reimbursed by the city, and is primarily included to facilitate the making of the necessary dollar advances for such purposes; and be it

Further Resolved, That ACTUAL city payment (or reimbursement) for seminar/meeting expenses incurred and reported by the attendee, reporting requirements, control procedures, etc., shall be in accordance with the Authorized Travel Regulations and Procedures Ordinance of the Milwaukee Code of Ordinances.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 8) [991222](#) Resolution amending Common Council File 981366 relative to application, acceptance and funding of a disaster assistance program relating to the August 1998 flooding in the City of Milwaukee. (DPW)
- Whereas, Common Council File 981366 authorizes the Department of Administration to apply for, accept and fund a disaster assistance program relating to the August 1998 flooding from the Federal Emergency Management Agency (FEMA) for the purpose of recovering funds expended by the City of Milwaukee relating to the

August 1998 flooding. This grant provided for a Grantor share total of \$271,574.50 and a City share total of \$37,789.50; and

Whereas, The City of Milwaukee is currently acquiring flood-damaged homes under two Federal Emergency Management Agency Flood Mitigation Grants and the demolition of these homes is being funded through the Public Assistance Grant accepted by Common Council File 981366; and

Whereas, Common Council File 981366 must be amended to increase the grant amount to allow for this additional activity; and

Whereas, The Grantor share for this program, including FEMA and State funds, is increased by \$85,025.00; the local share is increased by \$11,875.00 and the total cost is increased by \$96,900.00; and

Whereas, The local share will be funded by Milwaukee County through funds from Housing and Urban Development; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee that application to the Federal Emergency Management Agency is authorized and the Department of Administration shall accept such a grant without further Common Council approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 1999 Special Revenue Grant and Aid Projects Fund the following amounts for the program titled disaster assistance program relating to the August 1998 flooding in the City of Milwaukee:

Project/Grant Parent	Grantor Share
Project/Grant	GR0009000000
Fund	0150
Organization	9990
Program	0001
Budget Year	1999
Subclass	R999
Account	000600
Grantor Share Amount	\$85,025

2. Establish the necessary City Share Project Values and create a Special Revenue Fund - Grant and Aid Projects and the necessary Grant Chartfield Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project,

Segment, Phase or Activity level the amounts required under the grant agreement;

and, be it

Further Resolved, That these funds are budgeted for the Department of Neighborhood Services which is authorized to:

Expend from the amount budgeted for specific purposes as indicated in the grant budget and incur costs consistent with the grant award.

; and, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 981366 remain applicable.

Sponsors: Ald. Pratt, Ald. Murphy, Ald. Kalwitz and Ald. Richards

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 9) [991232](#) Resolution relating to payment of fourth-quarter 1998 and first-half program costs for 1999 for the City's participation in the Joint Certification Program.

Whereas, The City has participated in the Joint Certification Program since the mid-1980s as a way of increasing contracting opportunities for firms owned by minorities and disadvantaged persons; and

Whereas, The 1998 City Budget for the Department of Administration contained an appropriation of \$80,000 in the special fund, "Minority and Disadvantaged Business Joint Certification", to cover costs related to the City's participation in the Joint Certification Program, which was in part carried into 1999; and

Whereas, The City has received a request for payment from Milwaukee County in the amount of \$18,383.79 for the fourth quarter of 1998, for the City's participation in the Joint Certification Program; and

Whereas, The City has also received a request for payment from Milwaukee County in the amount of \$29,650.75 for program costs in the first half of 1999; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of

Administration is authorized and directed to expend a total of \$48,034.54 from its 1999 special fund, "Minority and Disadvantaged Business Joint Certification", account number 0001-1510-0001-R151-006300, for payment to Milwaukee County for the City's full membership in the Joint Certification Program in the final quarter of 1998 and in the first half of 1999.

Sponsors: Ald. Pratt

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

10) [991267](#)

Resolution relating to the City of Milwaukee's 2000 United Performing Arts Fund/Visions campaign, and the inclusion of the Milwaukee Arts Board as a participating Visions organization/ donation recipient.

Whereas, The annual United Performing Arts Fund (UPAF)/ Visions campaign offers City of Milwaukee employees an opportunity to provide financial support to local arts groups and educational, cultural, environmental and recreational programs; and

Whereas, In 1999 UPAF gifts supported 21 local arts groups, while City employees could designate their Visions donations for support of one or more of the following: Milwaukee Public Library; Pabst Theater; Milwaukee Recreation Fund; Milwaukee Urban Forestry Fund; Milwaukee Arts Museum; and the Milwaukee Public Museum; and

Whereas, Like the Milwaukee Public Library, Milwaukee Art Museum and other 1999 Visions participants, the Milwaukee Arts Board offers artistic enrichment to all citizens of Milwaukee; and

Whereas, Additional non-tax funds are needed to supplement the property tax monies that support the Milwaukee Arts Board and its contribution to Milwaukee's quality of life; and

Whereas, The Milwaukee Arts Board, a nonprofit organization which provides funds to help purchase works of art for City buildings and public spaces like the Riverwalk, and makes grants to local organizations for art exhibits, performances and festivals in the City desires to be added to the list of organizations participating in the UPAF/Visions Campaign in 2000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are authorized and directed to take the actions necessary to ensure that the

Milwaukee Arts Board is included as a participating Visions organization/donation recipient in the 2000 UPAF/Visions campaign; and, be it

Further Resolved, That the Common Council of the City of Milwaukee encourages all City employees to support the UPAF/Visions Campaign in its goals of improving the quality of this city's cultural life and environment.

Sponsors: Ald. Frank

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

11) [991308](#) Resolution relative to application, acceptance and funding of a Beat Patrol Program Grant (Police Department).

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin, Office of Justice Assistance for additional beat patrol officers to work with the residents to identify and resolve crime and quality of life issues which impact upon the neighborhood; and

Whereas, The operation of this grant from 01/01/2000 to 12/31/2000 would cost \$413,700 of which \$263,700 (64%) would be provided by the city and \$150,000 (36%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2000 Special Revenue-Grant and Aid Projects fund, the following amount for the program titled "Beat Patrol Program Grant":

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0009000000	0150	9990	0001	0000	R999	00600

Project	Amount
Grantor Share	\$150,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget

against these Project/Grant values the amount required under the grant agreement;

3. Establish the necessary City Share project Values; and, be it

Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent; and, be it

Further Resolved, That the 1999 and 2000 Positions Ordinance be amended as follows to reflect the change in footnote (s):

(S) State Beat Patrol Grant: To expire 12/31/2000 unless the Beat Patrol Grant, available from the State of Wisconsin, Office of Justice Assistance is extended.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

12) [991310](#) Substitute resolution reserving up to \$20,000 in the 1999 Common Council Contingent Fund for the Maintenance of Essential Utility Service Special Purpose Account.

Whereas, Section 200-21 of the Milwaukee Code of Ordinances allows the commissioner of neighborhood services to contract with outside vendors to correct emergency housing conditions if the owner fails to make repairs in a timely manner; and

Whereas, There was an unanticipated increase in the number of sewer lateral repairs in 1999; and

Whereas, This unanticipated increase has resulted in a shortfall of \$20,000 within the Maintenance of Essential Utility Service Special Purpose Account; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the sum of \$20,000 shall be reserved within the 1999 Common Council Contingent Fund (Account No. 0001-9990-0001-C001) for the Maintenance of Essential Utility Service Special Purpose Account for payment of outside vendors hired to correct emergency housing conditions; and, be it

Further Resolved, That the City Comptroller is authorized to appropriate on an as-needed basis up to \$20,000 from the funds reserved within the Contingent Fund, sub-class C001 to special sub-class S147 under control of the Department of Neighborhood Services for the purpose of paying expenditures related to emergency housing conditions as mentioned above.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 13) [991311](#) Substitute resolution authorizing and directing the City Comptroller to transfer additional funds to various State and/or Federal Aid project subaccounts for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs.

Whereas, The Common Council has previously adopted resolutions authorizing and directing the City Comptroller to transfer funds to various State and/or Federal Aid project subaccounts for preliminary engineering and construction; and

Whereas, Additional planning and review during the design stage and additional work during the construction stage have resulted in increased costs charged against the projects; and

Whereas, Additional funds are, therefore, necessary for the estimated remaining Wisconsin Department of Transportation and City of Milwaukee preliminary engineering and construction costs for the projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is hereby authorized and directed to transfer funds to the project grant chartfields as follows:

Infrastructure Services Division Accounts

Project Grant Value

ST30180701
West Fond du Lac Avenue
North 19th Street to
North 36th Street

City Share
ST32090000
Fund 0333
\$5,000

Grantor Share SP03290100
Fund 0306
\$15,000

Estimated Total \$20,000

Project Grant Value
ST30281201
West Clybourn Street
North 13th Street to
North 19th Street

City Share
ST32090000
Fund 0333
\$3,000

Grantor Share
SP03290100
Fund 0306
\$12,000

Estimated Total
\$15,000

Project Grant Value
ST30281401
West Oklahoma Avenue
outh 6th Street to
South 49th Street

City Share
ST32090000

Fund 0333
\$720

Grantor Share
SP03290100
Fund 0306
\$2,880

Estimated Total
\$3,600

Project Grant Value
ST30281416
West Oklahoma Avenue
South 6th Street to
South 27th Street

City Share
ST32090000
Fund 0333
\$6,200

Grantor Share
SP03290100
Fund 0306
\$24,800

Estimated Total
\$31,000

Project Grant Value
ST30281701
North 124th Street
West Hampton Avenue to
West Silver Spring Drive

City Share
ST32090000
Fund 0333
\$6,000

Grantor Share
SP03290100

Fund 0306
\$24,000

Estimated Total
\$30,000

Project Grant Value
ST30282101
South Lincoln Memorial Drive
East Russell Avenue to
South Carferry Drive

City Share
ST32090000
Fund 0333
\$3,600

Grantor Share
SP03290100
Fund 0306
\$14,400

Estimated Total
\$18,000

Project Grant Value
ST30381701
West Fond du Lac Avenue
North 36th Street to
West Capitol Drive

City Share
ST32090000
Fund 0333
\$40,000

Grantor Share
SP03290100
Fund 0306
\$120,000

Estimated Total
\$160,000

Project Grant Value
ST30381815
South Layton Boulevard
West Lincoln Avenue to
West National Avenue

City Share
ST32090000
Fund 0333
\$16,320

Grantor Share
SP03290100
Fund 0306
\$63,680

Estimated Total
\$80,000

Project Grant & Value
ST30382201
South Chase Avenue Bridge
Over Kinnickinnic River

City Share
ST32090000
Fund 0333
\$4,000

Grantor Share
SP03290100
Fund 0306
\$16,000

Estimated Total
\$20,000

Project Grant Value
ST30382301
West Lisbon Avenue
West Appleton Avenue to
North 46th Street

City Share
ST32090000
Fund 0333
\$7,500

Grantor Share
SP03290100
Fund 0306
\$22,500

Estimated Total
\$30,000

Project Grant Value
ST30382415
South Layton Boulevard
West National Avenue to
West Evergreen Lane

City Share
ST32090000
Fund 0333
\$729

Grantor Share
SP03290100
Fund 0306
\$8,271

Estimated Total
\$9,000

Project Grant Value
ST30480301
East Oklahoma Avenue
South Clement Avenue to
Lake Parkway

City Share
ST32090000
Fund 0333
\$3,000

Grantor Share
SP03290100
Fund 0306
\$12,000

Estimated Total
\$15,000

Project Grant Value
ST30481515
West Brown Deer Road
North 91st Street to
North 68th Street

City Share
ST24090400
Fund 0333
\$800

Estimated Total
\$800

Project Grant Value
ST30581315
East/West Hampton Avenue
North Port Washington Road to
North Santa Monica Boulevard

City Share
ST32090000
Fund 0333
\$300

Grantor Share
SP03290100
Fund 0306
\$1,200

Estimated Total
\$1,500

Project Grant Value

ST30582015
Installation of Bike Route Signs

City Share
ST32090000
Fund 0333
\$2,400

Grantor Share
SP03290100
Fund 0306
\$9,600

Estimated Total
\$12,000

Project Grant Value
ST30582101
West Hampton Avenue
North 92nd Street to
North Teutonia Avenue

City Share
ST32090000
Fund 0333
\$3,000

Grantor Share
SP03290100
Fund 0306
\$12,000

Estimated Total
\$15,000

Project Grant Value
ST30582215
South Howell Avenue
East Oklahoma Avenue to
East Lincoln Avenue

City Share
ST32090000

Fund 0333
\$1,720

Grantor Share
SP03290100
Fund 0306
\$6,880

Estimated Total
\$8,600

Project Grant Value
ST30681801
North 35th Street
West Highland Boulevard to
West Townsend Avenue

City Share
ST32090000
Fund 0333
\$10,000

Grantor Share
SP03290100
Fund 0306
\$40,000

Estimated Total
\$50,000

Project Grant Value
ST30682001
West Lisbon Avenue
North Sherman Boulevard to
North 46th Street

City Share
ST32090000
Fund 0333
\$4,000

Grantor Share
SP03290100

Fund 0306
\$16,000

Estimated Total
\$20,000

Project Grant Value
ST30682201
West Atkinson Avenue
North Teutonia Avenue to
North 27th Street

City Share
ST32090000
Fund 0333
\$22,000

Grantor Share
SP03290100
Fund 0306
\$88,000

Estimated Total
\$110,000

Project Grant Value
ST30682515
North/South Hawley Road
South City Limits to
West Wells Street

City Share
ST32090000
Fund 0333
\$8,800

Grantor Share
SP03290100
Fund 0306
\$35,200

Estimated Total
\$44,000

Project Grant Value
ST30682615
West Villard Avenue
North Sherman Boulevard to
North Teutonia Avenue

City Share
ST32090000
Fund 0333
\$300

Grantor Share
SP03290100
Fund 0306
\$1,200

Estimated Total
\$1,500

Project Grant Value
ST30683201
West Galena Street
CP Rail Underpass

City Share
ST32090000
Fund 0333
\$3,600

Grantor Share
SP03290100
Fund 0306
\$14,400

Estimated Total
\$18,000

Project Grant Value
ST30683301
South 35th Street
Viaduct Rehabilitation

City Share
ST32090000
Fund 0333
\$8,000

Grantor Share
SP03290100
Fund 0306
\$32,000

Estimated Total
\$40,000

Project Grant Value
BR30683301
South 35th Street
Viaduct Rehabilitation

City Share
BR10090000
Fund 0303
\$16,000

Grantor Share
SP03290100
Fund 0306
\$64,000

Estimated Total
\$80,000

Project Grant Value
ST30683310
South 35th Street
Viaduct Rehabilitation

City Share
ST32090000
Fund 0333
\$1,000

Grantor Share
SP03290100

Fund 0306
\$4,000

Estimated Total
\$5,000

Project Grant Value
ST30683901
North 17th Street
West Wells Street to
West Highland Boulevard

City Share
ST32090000
Fund 0333
\$3,000

Grantor Share
SP03290100
Fund 0306
\$9,000

Estimated Total
\$12,000

Project Grant Value
ST30781601
North 60th Street
West Villard Avenue to
West Florist Avenue

City Share
ST32090000
Fund 0333
\$20,000

Grantor Share
SP03290100
Fund 0306
\$80,000

Estimated Total
\$100,000

Project Grant Value
ST30782001
North 124th Street
Dretzka Park Road to
West Brown Deer Road

City Share
ST32090000
Fund 0333
\$7,500

Grantor Share
SP03290100
Fund 0306
\$7,500

Estimated Total
\$15,000

Project Grant Value
ST30881101
South 13th Street
Union Pacific Underpass

City Share
ST32090000
Fund 0333
\$3,600

Grantor Share
SP03290100
Fund 0306
\$14,400

Estimated Total
\$18,000

Project Grant Value
ST32090401
Kearney/O'Connor
South 84th Street to
South 68th Street

City Share
ST32090000
Fund 0333
\$3,500

Estimated Total
\$3,500

TOTAL

City Share ST32090000 (Fund 0333) \$198,789
City Share ST24090400 (Fund 0333) \$800
City Share BR10090000 (Fund 0305) \$16,000
Grantor Share SP03290100 (Fund 0306) \$770,911

TOTAL \$986,500

; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to transfer additional amounts to any of these project grant value the amount required under the grant agreements and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 14) [991314](#) Resolution relating to the carryover of 1999 authorization for general obligation and revenue based borrowing. (Comptroller)

Whereas, The 1999 budget contained authorization for general obligation and revenue based borrowing in the amount of \$294,238,247 as detailed in the schedule made a part of this file; and

Whereas, The Common Council of the City of Milwaukee adopted resolutions authorizing the Commissioners of the Public Debt to issue in a sale or sales during 1999, amounts of general obligation notes or bonds (other than refunding) in the

aggregate of \$115,270,000; and

Whereas, There was dropped from the City of Milwaukee 1999 budget authorization a total of \$63,435,440 unutilized borrowing authority; and

Whereas, The Municipal Budget adopted November 13, 1998 for the calendar year 1999, plus additional authorizations approved by adoption of prior resolutions of intent to issue bonds or notes are included in the borrowing amounts shown in the detailed schedule appended under the caption "Carryover to 2000" and covered by the resolutions recited in the schedule that is made a part of this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the sum of \$115,532,807 of the 1999 Municipal Budget authorized for general obligation and revenue based borrowing (\$96,495,807 covered by initial resolutions and \$19,037,000 not covered by initial resolutions) all as detailed by amounts for specific purposes and identified as to the related specific initial resolutions of the Common Council with respect to the issuance and sale of such general obligation and revenue based bonds or notes, are in full force and effect. The referred to detailed schedule is as appended and is an integral part of and attached to File Number 991314.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 15) [991317](#) Resolution authorizing issuance of short-term promissory notes for the purpose of financing the operating budget on an interim basis. (Comptroller)
- Whereas, Section 67.12(1), Stats., authorizes any municipality entitled to receive deferred payments from the State to issue municipal obligations in an amount not to exceed 60% of the total actual and anticipated receipt of deferred payments in the fiscal year; and
- Whereas, Pursuant to sec. 79.02, Stats., the City of Milwaukee is anticipating receipt of shared revenue payments from the State of Wisconsin in the amount of \$35,429,000 on July 24, 2000 and \$200,763,000 on November 13, 2000; and
- Whereas, The foregoing amounts represent 46.76% of the City's General Fund operating revenue for 2000; and

Whereas, Operating expenditures are incurred on a uniform basis throughout the year; and

Whereas; The City must finance the operating budget on an interim basis between now and the receipt of State shared revenue payments in July and November, 2000; and

Whereas, The City is interested in borrowing to finance the operating budget on an interim basis and pledges the anticipated revenue included in the 2000 budget due and not yet paid as security for repayment of such obligations; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue short-term promissory notes pursuant to the provisions of sec. 67.12(1), Stats., in an amount not to exceed \$140,000,000 for the purpose of financing the operating budget on an interim basis pending receipt of State shared revenue payments in July, 2000 and November, 2000; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at public competitive sale; or to the Public Debt Amortization Fund for the purpose of investment; or to the Public Debt Amortization Fund for immediate cancellation; and, be it

Further Resolved, That said promissory notes shall be dated no later than March 31, 2000, shall have a maturity not to exceed one year, but in no event later than six months from the date the City expects to receive the revenues in anticipation of which the notes are issued, and shall be registrable in the name CEDE & CO., as nominee of the Depository Trust Corporation, New York, New York, and shall not be subject to redemption prior to maturity; and, be it

Further Resolved, That said promissory notes shall be issued in numerical series beginning with series A, and notes in each series shall be numbered consecutively beginning with the number 1; and, be it

Further Resolved, That a Continuing Disclosure Certificate, in substantially the form customarily provided by the City to be dated the date of initial delivery of the Notes, is authorized to be executed and delivered by the Comptroller; and, be it

Further Resolved, That the obligation of the City of Milwaukee under the aforementioned disclosure certificate under the terms therein specified is determined to be contractual for the benefit of the note holders from time to time; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate

officers and employes of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That the Common Council hereby declares that as security for the repayment of the notes with interest thereon, the City will pledge and irrevocably segregate upon receipt through December 31, 2000 shared revenue payments due in November, 2000, in an amount sufficient to pay the principal and interest due on the notes at maturity; and, be it

Further Resolved, That as additional security for the repayment of the notes and interest thereon, the City hereby declares that it will irrevocably pledge all other general fund revenues included in the budget for calendar year 2000 which are due the City and not yet paid as of the date of delivery and payment for the notes and which are not otherwise applied; and, be it

Further Resolved, That the proper City officers be and hereby are authorized and directed to irrevocably deposit with the trustee on or before December 31, 2000 general fund revenues to purchase direct obligations of the U.S. Government in an amount sufficient to pay the principal and interest due on such notes at maturity; and, be it

Further Resolved, That such promissory notes shall not constitute an indebtedness for the purpose of determining the municipality's constitutional debt limitation, and no tax shall be levied to pay such obligations; and, be it

Further Resolved, That said notes are not intended to be arbitrage notes and that there is no reasonable expectation of the City of Milwaukee realizing arbitrage proceeds.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 16) [991319](#) Substitute resolution amending Common Council File 981070 relative to application, acceptance and funding of the Medical Assistance Grant.
Whereas, Common Council File 981070 authorized the Health Department to apply

for, accept and fund the Medical Assistance Grant from the State of Wisconsin Division of Health and Family Services for the purpose of increasing the enrollment of eligible families in Medicaid and BadgerCare. This grant provided for a Grantor share total of \$ 71,858; and

Whereas, The Grantor share for this program is increased by \$37,500; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept such a grant without further Common Council approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within Project/Grant Parent 1999 Special Revenue Grant and Aid Projects fund, the following amount for the project titled Medical Assistance Grant:

Project/Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	Increase of \$37,500

; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the 1999 grant budget funds for specified items of equipment;
2. Expend from the 1999 grant budget funds for training and out-of-town travel by departmental staff;

and, be it

Further Resolved, That the Common Council directs that the 1999 Positions Ordinance, Common Council File 980575, should be amended as follows:

HEALTH DEPARTMENT
ADMINISTRATION DECISION UNIT
Immunization Outreach Grant

Delete:

(1) Public Health Aide (X)

And

PUBLIC HEALTH SERVICES DECISION UNIT
Immunization Outreach Grant

Delete:

(1) Public Health Aide (X)
(1) Public Health Nurse (X)

Delete footnote (R);

and, be it

Further Resolved, That all standard resolved clauses articulated in Common Council File 981070 remain applicable.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

17) RESOLUTIONS RELATING TO ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS:

- a) [991320](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$6,024,000 for a project undertaken for a public purpose, to-wit; for public buildings for housing machinery and equipment. (Comptroller)
Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$6,024,000 for a project undertaken for a public purpose, to-wit; for public buildings for housing machinery and equipment; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$6,024,000 for a project undertaken for a public purpose, to-wit; for public buildings for housing machinery and equipment.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- b) [991321](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$2,100,000 for a project undertaken for a public purpose, to-wit; for harbor improvements. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$2,100,000 for a project undertaken for a public purpose, to-wit; for harbor improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$2,100,000 for a project undertaken for a public purpose, to-wit; for harbor improvements.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- c) [991322](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$21,000,000 for a project undertaken for a public purpose, to-wit; for Police Department facility construction projects. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$21,000,000 for a project undertaken for a public purpose, to-wit; for Police Department facility construction projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and

herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$21,000,000 for a project undertaken for a public purpose, to-wit; for Police Department facility construction projects.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- d) [991323](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$145,000 for a project undertaken for a public purpose, to-wit; for bridge and viaduct improvements. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$145,000 for a project undertaken for a public purpose, to-wit; for bridge and viaduct improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$145,000 for a project undertaken for a public purpose, to-wit; for bridge and viaduct improvements.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- e) [991324](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$6,419,000 for a project undertaken for a public purpose, to-wit; for sewage disposal. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$6,419,000 for a project undertaken for a public purpose, to-wit; for sewage disposal; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds

in the amount of \$6,419,000 for a project undertaken for a public purpose, to-wit; for sewage disposal.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- f) [991325](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$19,550,453 for a project undertaken for a public purpose, to-wit; for street improvements and construction. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$19,550,453 for a project undertaken for a public purpose, to-wit; for street improvements and construction; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$19,550,453 for a project undertaken for a public purpose, to-wit; for street improvements and construction.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- g) [991326](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$880,000 for a project undertaken for a public purpose, to-wit; for library improvements. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$880,000 for a project undertaken for a public purpose, to-wit; for library improvements authorized under sec. 229.11 and 229.17; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$880,000 for a project undertaken for a public purpose, to-wit; for

library improvements authorized under sec. 229.11 and 229.17.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- h) [991327](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$17,000,000 for a project undertaken for a public purpose, to-wit; for Milwaukee Public Schools capital purposes. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$17,000,000 for a project undertaken for a public purpose, to-wit; for Milwaukee Public Schools capital purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$17,000,000 for a project undertaken for a public purpose, to-wit; for Milwaukee Public Schools capital purposes.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- i) [991330](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$8,000,000 for a project undertaken for a public purpose, to-wit; for paying project costs in accordance with project plans for tax incremental districts and providing financial assistance to urban renewal projects authorized under s. 66.045. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$8,000,000 for a project undertaken for a public purpose, to-wit; for paying project costs in accordance with project plans for tax incremental districts and providing financial assistance to urban renewal projects authorized under s. 66.045; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$8,000,000 for a project undertaken for a public purpose, to-wit; for paying project costs in accordance with project plans for tax incremental districts and providing financial assistance to urban renewal projects authorized under s. 66.045.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- j) [991331](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$1,500,000 for a project undertaken for a public purpose, to-wit; for Fire Department facility construction projects. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$1,500,000 for a project undertaken for a public purpose, to-wit; for Fire Department facility construction projects; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$1,500,000 for a project undertaken for a public purpose, to-wit; for Fire Department facility construction projects.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- k) [991332](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$3,827,923 for a project undertaken for a public purpose, to-wit; to finance public improvements in anticipation of special assessments levied against property. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$3,827,923 for a project undertaken for a public purpose, to-wit; to finance public improvements in anticipation of special assessments levied against property; now,

therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$3,827,923 for a project undertaken for a public purpose, to-wit; to finance public improvements in anticipation of special assessments levied against property.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- l) [991333](#) Resolution relating to the issuance and sale of general obligation bonds in the amount of \$2,200,000 for a project undertaken for a public purpose, to-wit; for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council contemplates the issuance of general obligation bonds in the amount of \$2,200,000 for a project undertaken for a public purpose, to-wit; for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects under secs. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue and sell general obligation bonds in the amount of \$2,200,000 for a project undertaken for a public purpose, to-wit; for providing financial assistance to blight elimination, slum clearance, redevelopment, and urban renewal projects under secs. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

18) RESOLUTIONS RELATING TO ISSUANCE AND SALE OF GENERAL OBLIGATION SHORT-TERM PROMISSORY NOTES:

- a) [991328](#) Resolution authorizing the issuance and sale of general obligation short-term promissory notes under sec. 67.12(12), Stats., for a public purpose, to-wit: for financing general City purposes for anticipated delinquent taxes in the amount of \$15,000,000. (Comptroller)

Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council authorizes short-term borrowing for a public purpose, to-wit: for financing general City purposes for anticipated delinquent taxes, in the sum of \$15,000,000; and

Whereas, The Common Council is desirous of issuing and selling promissory notes for a public purpose to wit: for financing general City purposes for anticipated delinquent taxes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue general obligation short-term promissory notes in the amount of \$15,000,000 for a public purpose, to-wit; for financing general City purposes for anticipated delinquent taxes; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at a private sale; or public competitive sale; or to the Public Debt Amortization Fund for the purpose of investment; or to the Public Debt Amortization Fund for immediate cancellation; and, be it

Further Resolved, That said promissory notes shall be payable periodically as determined by the Commissioners of the Public Debt within a period not to exceed ten years from the date of the issuance of said notes; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold by the Commissioners of the Public Debt at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation short-term promissory notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold at a price of not less par and accrued interest thereon; and, be it

Further Resolved That such general obligation short-term promissory notes shall be dated as of the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.25%; with an issue True Interest Cost Rate not to exceed 7.25%; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said notes, not to exceed 10 years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrevocable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any notes of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of Cede & Company as nominee of the Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption, premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in next-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the notes; and, be it

Further Resolved, That the City covenants with the holders from time to time of said

notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That a Continuing Disclosure Certificate, in substantially the form of the draft annexed to the file to be dated the date of initial delivery of the Notes, is authorized to be executed and delivered by the Comptroller; and, be it

Further Resolved, That the obligation of the City of Milwaukee under the aforementioned disclosure certificate under the terms therein specified is determined to be contractual for the benefit of the note-holders from time to time; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That the cost of issuing the notes and marketing same shall be paid from the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- b) [991329](#) Resolution authorizing the issuance and sale of general obligation short-term promissory notes under sec. 67.12(12), Stats., for a public purpose, to-wit; for financing public improvements for public buildings for housing machinery and equipment in the amount of \$3,000,000. (Comptroller)
- Whereas, The 2000 budget of the City of Milwaukee adopted by the Common Council authorizes general obligation short-term borrowing for a public purpose, to-wit; for financing public improvements for public buildings for housing machinery

and equipment in the amount of \$3,000,000; and

Whereas, The Common Council of the City of Milwaukee is desirous of issuing and selling promissory notes for a public purpose to wit; for financing public improvements for public buildings for housing machinery and equipment in the amount of \$3,000,000; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that it hereby and herewith authorizes and declares its purpose to issue general obligation bonds short-term promissory notes in the amount of \$3,000,000 for a public purpose, to-wit; for financing public improvements for public buildings for housing machinery and equipment; and, be it

Further Resolved, That said promissory notes be sold by the Commissioners of the Public Debt at a private sale; or public competitive sale; or to the Public Debt Amortization Fund for the purpose of investment; or to the Public Debt Amortization Fund for immediate cancellation; and, be it

Further Resolved, That said promissory notes shall be payable periodically as determined by the Commissioners of the Public Debt within a period not to exceed ten years from the date of the issuance of said notes; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold by the Commissioners of the Public Debt at such times as the Commissioners shall determine to be prudent and appropriate; and, be it

Further Resolved, That the Commissioners of the Public Debt are authorized to prepare the forms and establish the procedures required in the issuance and sale of general obligation short-term promissory notes herein authorized in accordance with the provisions of Ch. 67, Stats., and the provisions of the City of Milwaukee ordinances, such notes to be in a form approved by the City Attorney and to be executed by those officers of the City whose signatures are required by law; and, be it

Further Resolved, That the general obligation short-term promissory notes herein authorized shall be sold at a price of not less par and accrued interest thereon; and, be it

Further Resolved That the general obligation short-term promissory notes shall be dated as of the first or fifteenth day of the month in which they are issued, bear interest, payable semi-annually, at coupon rates as determined by the Commissioners of the Public Debt, not to exceed 9.25%; with an issue True Interest Cost Rate not to exceed 7.25%; that the Commissioners of the Public Debt shall specify the due dates for, and the amounts of, the payment of principal of said notes, not to exceed 10

years, and interest thereon, and that such payment schedule shall be entered upon the permanent record of the Commissioners of the Public Debt and formally communicated to the City Clerk; and, be it

Further Resolved, That a direct annual irrepealable tax shall be levied in each year that such notes are outstanding, in an amount sufficient to pay and for the express purpose of paying the interest on said notes, as it falls due, and also to pay and discharge the principal thereof at maturity, and shall be extended upon the tax roll of the City of Milwaukee and shall be collected by the officers of the City in the same manner and at the same time as taxes for general City purposes for such years are extended and collected, and when so collected, the proceeds of said taxes shall be used solely for paying the principal and interest on such notes so long as any notes of said issue remain outstanding; and, be it

Further Resolved, That interest on or principal of the notes falling due at any time when there shall be on hand insufficient funds from proceeds of the tax levy for the payment of such interest or principal shall be paid promptly when due from other funds of the City, which funds shall be reimbursed thereof out of the proceeds of the taxes above levied when such taxes shall have been collected; and, be it

Further Resolved, That a global certificate shall be issued for each stated maturity date and registered only in the name of Cede & Company as nominee of the Depository Trust Company, New York, New York, for delivery and immobilization by the Depository Trust Company following the closing. The Depository Trust Company will act as securities depository of the notes. The City will make payment of principal, redemption, premium if any, and interest on the notes on the due dates to the Depository Trust Company, or its nominee, as registered owner of the notes, in next-day funds. Notices, if any, given by the City to the registered owner of the notes will be given to the Depository Trust Company. In the event that the securities depository relationship with the Depository Trust Company for the notes is terminated and the City does not appoint a successor securities depository, the City will prepare, authenticate and deliver at its expense fully-registered certificated notes in the denominations of \$5,000 or in the integral multiple thereof in the aggregate principal amount by maturity then outstanding to the beneficial owners of the notes; and, be it

Further Resolved, That the City covenants with the holders from time to time of said notes that (i) throughout the term of said notes and (ii) through the date that the final rebate, if any, must be made to the United States in accordance with Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") it will comply with the provisions of Sections 103 and 141 through 150 of the Code, and the applicable regulations of the Internal Revenue Service adopted thereunder, that must be satisfied in order that interest on said notes shall be and continue to be excluded from gross income for federal income tax purposes under said Section 103; and, be it

Further Resolved, That a Continuing Disclosure Certificate, in substantially the form of the draft annexed to the file to be dated the date of initial delivery of the Notes, is authorized to be executed and delivered by the Comptroller; and, be it

Further Resolved, That the obligation of the City of Milwaukee under the aforementioned disclosure certificate under the terms therein specified is determined to be contractual for the benefit of the note-holders from time to time; and, be it

Further Resolved, That the City of Milwaukee authorizes and directs the appropriate officers and employes of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein; and, be it

Further Resolved, That the cost of issuing the notes and marketing same shall be paid from the proceeds of the note sale, or deducted from same, and the project account or accounts credited with the net proceeds of the sale or sales.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 19 [991334](#) Substitute resolution authorizing attendance at conventions during January -- March by employees of city departments.
- Whereas, Funding of \$55,000 for convention travel for city employees and Board and Commission members has been included in the 2000 Budget in the Special Purpose Account-Convention and Travel Expenses Fund; and
- Whereas, This resolution is in accordance with travel regulations and procedures in Section 350-181 of the Milwaukee Code of Ordinances; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that attendance at conventions during January -- March, 2000 as listed on Exhibit A attached to Common Council File No. 991334, is hereby authorized; and, be it
- Further Resolved, That the funds for attendance at these conventions is provided from

the SPA-Convention and Travel Expense Fund (Account No. 0001-9990-S800-006300); and, be it

Further Resolved, That the dollar amount shown for each authorized convention listed in Exhibit A is an estimate of the convention attendance expenses and is included to facilitate the necessary dollar advances for such purposes; and, be it

Further Resolved, That ACTUAL city payment (or reimbursement) for convention expenses incurred and reported by the convention attendee, reporting requirements, control procedures, etc., shall be in accordance with the Authorized Travel Regulations and Procedures Ordinance (Section 350-181) of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the Comptroller is hereby authorized and directed to transfer appropriations on an as-needed basis to the individual sub-accounts and to transfer excess appropriations from the sub-accounts back to the Special Purpose Account (No. 0001-9990-S800-006300) (parent account) for subsequent transfer.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 20) [991336](#) Substitute resolution relative to application, acceptance and funding of the Municipal Health Services Program.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Health Care Financing Administration, U.S. Department of Health and Human Services to allow City of Milwaukee Medicare recipients to be eligible for services not normally covered by Medicare; and

Whereas, The operation of this grant program from 01/01/00 to 12/31/00 would cost \$11,935,320 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Health Care Financing Administration, U.S. Department of Health and Human Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent accounts of the 1999 Revenue Accounts-Grant and Aid Projects, the following amounts for the program titled Municipal Health Services Program:

Project/Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$11,935,320

* \$ 11,135,320 estimated new entitlement and estimated program income of \$800,000

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Level Values; budget to these Project/Grant values the amounts required under the grant agreement;

3. Establish the necessary project values; and, be it

Further Resolved, That these funds are appropriated to the Health Department which is authorized to:

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2000 grant budget funds for training and out-of-town travel by departmental staff; and
3. Enter into subcontracts and leases as detailed in the grant budget;

and, be it

Further Resolved, That the Common Council directs that the 1999 Positions Ordinance, C.C. File 980575, should be amended as follows:

HEALTH DEPARTMENT
 ADMINISTRATION DECISION UNIT
 Municipal Health Services Program Grant

Delete:

(1) Health Insurance Specialist (X)

Amend footnote (B) To expire 12/31/00 unless the Municipal Health Services Program Grant is extended.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 21) [991339](#) Resolution authorizing and approving a contract between the City of Milwaukee and CorVel, for services related to reducing medical claim costs in the administration of worker's compensation benefits. (Dept. of Employee Relations)
- Whereas, The City of Milwaukee, Employee Benefits, has established an accident reporting and return to work program with the intent of working with providers to obtain the most appropriate medical care to enable injured employees to return to work as soon as medically appropriate; and
- Whereas, The City and three other taxing units have adopted the following goals: (1) prompt, quality care for injured employees, (2) prompt, medically safe return to work, (3) compliance with the Worker's Compensation Act, and (4) establishment of fiscally sound cost management programs; and
- Whereas, The City and three local taxing units have on a cooperative basis requested proposals from seventeen organizations; and
- Whereas, CorVel has agreed to coordinate services including Preferred Provider Option (PPO) utilization, vocational rehabilitation and bill review services; and
- Whereas, CorVel will provide significant discounts to the provider costs to the City and the other local taxing units for a fee of 20% of the savings obtained; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the agreement between the City and CorVel be and hereby is approved and the proper City officers be and hereby are authorized and directed to execute the same on behalf of the City of Milwaukee.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 22) [991359](#) Resolution appropriating \$15,000 from the Common Council Contingent Fund, for the purpose of paying the defense of the Milwaukee Employes' Retirement System (ERS) and Annuity and Pension Board in Watson Wyatt & Co., et al. v. Milwaukee Employes' Retirement System, et al., Northern District of Illinois, United States District Court Case No. 99-C-6140. (City Attorney)

Whereas, The City Attorney has advised the ERS to secure outside counsel in the above case to represent the ERS; and

Whereas, The City Attorney has an understanding with Mr. William Croke, the ERS insurance counsel, under which the ERS will reimburse the City if it is determined that the obligation to pay for the ERS' defense lies with the ERS fiduciary liability insurance carriers; and

Whereas, The ERS has retained the services of Irwin L. Kass of Boardman, Suhr, Curry & Field LLP to represent the ERS and the Board; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the sum of \$15,000 be and hereby is appropriated from the Common Council Contingent Fund, Account No. 0001-9990-C001-1999-006300 to the Outside Counsel - Expert Witness Fund, Special Purpose Account No. 0001-1490-S157-1999-634001 for the purpose of paying the defense costs submitted by Boardman, Suhr, Curry & Field; and, be it

Further Resolved, That the office of the City Attorney is hereby authorized to approve payment from the appropriation upon submission of itemized invoices meeting with the approval of the City Attorney and in accordance with the Agreement for representation between the ERS and Boardman, Suhr, Curry & Field, a copy of which is annexed to this file; and, be it

Further Resolved, That the City Comptroller is authorized to transfer the sum of \$15,000 to the City Attorney's office budget for the stated project, and that the expenditure of funds directed herein to a case other than herein specified shall be subject to further direction of the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 23) [991360](#) Resolution appropriating \$25,000 from the Common Council Contingent Fund to the Outside Counsel - Expert Witness Fund for the purpose of providing outside counsel to the Employees' Retirement System (ERS) in Walsh, et al. v. City of Milwaukee, et al., Case No. 99-CV-001419. (City Attorney)

Whereas, The City Attorney has advised the Annuity and Pension Board of the Employees' Retirement System that it cannot provide counsel relative to insurance coverage matters involved in the above case, the Annuity and Pension Board has hired Attorney William P. Croke. On October 29, 1999, File No. 990936 was passed approving the contract and appropriating \$5,000 for this purpose; and

Whereas, An additional \$25,000 is necessary to continue the services of outside counsel relative to insurance coverage in this case; and

Whereas, The Annuity and Pension Board hired Attorney William P. Croke and has a contract between the Employees' Retirement System and Quale, Feldbruegge, Calvelli, Thom & Croke, S.C.; now, therefore, be it

Resolved, That the City Comptroller is authorized and directed to transfer funds in the amount of \$25,000 to be appropriated from the Common Council Contingent Fund No. 0001 9990 C001 1999 006300 to the Outside Counsel - Expert Witness Fund, Special Purpose Account No. 0001 1490 S157 1999 634001; and, be it

Further Resolved, That the Employees' Retirement System of the City of Milwaukee is hereby authorized and directed to continue to engage outside counsel and pay legal fees incurred by outside counsel upon receipt of an itemized bill, approved to be reasonable and necessary by the Office of the City Attorney.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

- 24) [981761](#) A substitute charter ordinance relating to the full indemnification of the annuity and

pension board and its members and the Milwaukee employees' retirement system and its secretary and executive director, employees and staff in connection with the administration of certain 1995 catch-up and annual cost of living adjustments to the pension benefits of certain retirees.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 25) [990667](#) Communication from RCG Information Technology transmitting its report evaluating the City of Milwaukee's Y2K preparedness.

Sponsors: Ald. Kalwitz, Ald. Pratt and Ald. Richards

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 26) [991103](#) Communication from the Department of Employee Relations transmitting a communication relative to classification studies scheduled for City Service Commission action.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 27) [991220](#) Communication from the Comptroller's Office transmitting a report entitled, "Audit of the City of Milwaukee Injury Pay Program".

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 28) [991303](#) Communication from the Board of Ethics relative to effectuating various changes to the 2000 Positions Ordinance.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 29) [991368](#) Communication from the Comptroller's office transmitting the 1998 report of miscellaneous accounts receivable activity by department.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

THE FINANCE & PERSONNEL COMMITTEE FURTHER RECOMMENDS:

ADOPTION OF THE FOLLOWING:

[991348](#) Substitute resolution relating to indemnification agreement between City of Milwaukee and the Annuity and Pension Board.

Whereas, The City and the ERS entered into an indemnification agreement for a term of five years dated June 30, 1992 and such indemnification agreement has been extended by mutual agreement to run through December 31, 2000, and

Whereas, The ERS has requested the city to make certain concessions in the agreement relative to an overpayment of Catchup and COLA in approximately \$11,000,000 which is referred to in the complaint in Walsh, et al. v. City of Milwaukee, et al., Case No. 99-CV-001419, and to extend the indemnification agreement for one year to December 31, 2000, and

Whereas, The City and ERS have reached an agreement, now, therefore, be it

Resolved, By the Common Council that the amendment to the indemnification agreement dated June 30, 1992, between the City of Milwaukee and the Employees' Retirement System, annexed to the file, be and hereby is approved and the proper city officers be and hereby are authorized to execute same on behalf of the city.

Sponsors: THE CHAIR

A motion was made by Ald. Pratt that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

Sponsors: THE CHAIR

A motion was made by Ald. Witkowiak that this matter be RECONSIDERED. The motion carried by the following vote:

Aye: 15 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 0

Excused: 2 - Pratt Murphy

Whereas, The City and the ERS entered into an indemnification agreement for a term of five years dated June 30, 1992 and such indemnification agreement has been extended by mutual agreement to run through December 31, 2000, and

Whereas, The ERS has requested the city to make certain concessions in the agreement relative to an overpayment of Catchup and COLA in approximately \$11,000,000 which is referred to in the complaint in Walsh, et al. v. City of Milwaukee, et al., Case No. 99-CV-001419, and to extend the indemnification agreement for one year to December 31, 2000, and

Whereas, The City and ERS have reached an agreement, now, therefore, be it

Resolved, By the Common Council that the amendment to the indemnification agreement dated June 30, 1992, between the City of Milwaukee and the Employees' Retirement System, annexed to the file, be and hereby is approved and the proper city officers be and hereby are authorized to execute same on behalf of the city.

Sponsors: THE CHAIR

A motion was made by Ald. Schramm that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 0

Excused: 2 - Pratt Murphy

Ald. Pratt moved to adopt the foregoing COMMON COUNCIL recommendations as indicated and on which separate action was not taken.

THE UTILITIES AND LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1) [980530](#) A substitute ordinance relating to cable systems regulations.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-16 of the code is created to read:

81-16. Cable Television System. The application processing fee for the initial grant, renewal, modification or transfer of a cable system franchise is \$10,000.

Part 2. Chapter 99 of the code is repealed and recreated to read:

CHAPTER 99
CABLE SYSTEMS

Table

- 91-1 Intent
- 99-2 Title
- 99-3 Definitions
- 99-4 Applications for Initial Grant, Renewal, Modification or Transfer of Franchise
- 99-5 Grant of Franchise
- 99-6 Regulation of Franchise
- 99-7 General Financial and Insurance Provisions
- 99-8 Design and Construction Provisions
- 99-9 Provision of Services
- 99-10 PEG Access, Leased Access and Institutional Network
- 99-11 PEG Access Managers; Public and Educational Access Channels
- 99-12 Consumer Protection
- 99-13 Reports and Records

- 99-14 Rights Reserved to the City
- 99-15 Theft of Service and Tampering; Penalties
- 99-16 Miscellaneous Provisions
- 99-17 Assignment of Powers and Duties

99-1. Intent. The city of Milwaukee finds that the further development of cable systems has the potential of having great benefit and impact upon the people of Milwaukee. Cable systems permanently occupy and extensively make use of scarce and valuable public rights-of-way in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those who provide essential services to the public subject to special public interest obligations, such as utility companies. The grant of a franchise has the effect of giving the franchisee extensive economic benefits and placing the franchisee in the position of public trust. Because of the complex and rapidly changing technology associated with cable systems, the city further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the city or such persons as the city will designate. It is the intent of this chapter to provide for and specify the means to attain the best possible public interest and public purpose in these matters and any franchise issued pursuant to this chapter shall be deemed to include this finding as an integral part thereof. Further, it is recognized that cable systems have the capacity to provide not only entertainment and information services to the city's residents, but a variety of broadband, interactive cable services to institutions and individuals. Many of these services involve city agencies and other public institutions, such as the provision of governmental, educational or health care communications. For these purposes, the following goals underlie the regulations:

1. Cable services shall be provided to the maximum number of city residents.
2. The system shall be capable of accommodating the present and future cable-related needs and interests of Milwaukee.
3. The system shall be constructed and maintained during a franchise term so that changes in technology may be integrated to the maximum extent possible with existing facilities.
4. A system shall be responsive to the needs and interests of the local community and shall provide the widest possible diversity of information sources and services to the public.
5. A cable operator shall pay fair compensation to the city for the use of local public rights-of-way.

99-2. Title. This ordinance shall be known and may be cited as the "City of

Milwaukee Cable Systems Ordinance."

99-3. Definitions. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. Except when inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words used in the singular include the plural. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given the meaning set forth in Title 47 of the United States Code, as amended, the statutes of the state of Wisconsin, as amended, and, if not defined therein, their common and ordinary meaning.

1. ACCESS MANAGER means any non-profit corporation that is selected under the provisions of s. 99-11.

2. BASIC SERVICE means any service tier that includes the retransmission of all signals of locally-received television broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such stations, regardless of how such signal is ultimately received by the cable system), any public, educational and governmental access channels, and any additional video programming signals added to the basic tier by a franchisee.

3. CABLE ACT means the cable communications policy act of 1984, 47 U.S.C., §§ 521 et seq., as amended from time to time.

4. CABLE SERVICE means:

a. The one-way transmission to subscribers of video programming or other programming services.

b. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service includes the provision of internet access or service over a cable system unless otherwise provided by federal law.

5. CABLE SYSTEM or SYSTEM means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within the city. A reference to a cable system in this chapter refers to any part of such system, including, without limitation, converters, but such term does not include:

a. A facility that serves only to retransmit the television signals of one or more television broadcast stations.

b. A facility that serves subscribers without using any public rights-of-way.

c. A facility of a common carrier which is subject, in whole or in part, to the provisions of title II of the communications act, except that such facility shall be considered a cable system if such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; or

d. Any facilities of any electric utility used solely for operating its electric utility system.

6. CHANNEL means a full 6 megahertz (MHz) frequency band, which is at least capable of carrying one standard NTSC video signal, a number of audio, digital or other non-video signals, or some combination of such signals.

7. CITY means the city of Milwaukee and any agency, department or agent thereof.

8. CITY CLERK means the city clerk or his or her designee.

9. COMMISSIONER means the city's commissioner of public works.

10. CONVERTER means an electronic device which may serve as an interface between a system and a subscriber's television receiver or other terminal equipment, and which may perform a variety of functions, including signal security, de-scrambling, electronic polling, frequency conversion and channel selection.

11. DWELLING UNIT or HOUSING UNIT or HOME means a habitable residence recognized by the U.S. bureau of the census and so recorded in periodic federal census counts in the city.

12. EDUCATIONAL ACCESS CHANNEL means an access channel dedicated to educational use.

13. FCC means the federal communications commission, its designee, and any legally appointed or elected successor.

14. FRANCHISE means the nonexclusive right granted pursuant to this chapter to construct and operate a cable system along the public rights-of-ways within all or a specified area of the city.

15. FRANCHISE AGREEMENT means a contract entered into pursuant to

this chapter between the city and a franchisee that sets forth, subject to this chapter, the specific provisions of the franchise granted, including referenced specifications, franchise applications and other related material.

16. FRANCHISEE means any person receiving a franchise pursuant to this chapter and its lawful successor, transferee or assignee.

17. GROSS REVENUE means any and all revenue, whether received in the form of cash, credits, barter, trade, property or consideration of any kind or nature, arising from, attributable to, or in any way derived by the franchisee from the operation of a franchisee's system to provide cable service, whether such revenue is received by franchisee, its affiliates, or any person in which franchisee has a financial interest, or by any other entity that is a cable operator of the system directly or indirectly. This definition is intended to reach as broadly as possible to encompass all revenue. Gross revenue includes, by way of illustration and not limitation, amounts charged for basic service, optional premium, per-channel, per-program services, cable programming services, audio services, channel guide subscriptions, internet access or service; installation, disconnection, re-connection, and changes-in-service; equipment sales or rentals, leased channel fees; late fees and administrative charges of any type; consideration received from programmers; advertising revenue; and revenue from the sale of subscriber names and addresses. Gross revenue also includes the full value of complimentary services provided by the franchisee, exclusive of complimentary services provided to employees of the cable system, non-profit corporations or as required by a franchise agreement. Gross revenue shall not include:

- a. Bad debt except to the extent that bad debts are recovered.
- b. The revenue of any person including, without limitation, a supplier of programming to the franchisee to the extent that said revenue is also included in gross revenue of the franchisee.
- c. Pass-through payments received by the franchisee from third-party programmers to purchase services from entities other than the franchisee, which services benefit only the third-party programmers and for which the franchisee neither received nor provides any consideration.
- d. Any taxes on services furnished by the franchisee which are imposed directly on any subscriber or user by the state, the city or other governmental unit and which are collected by the franchisee on behalf of said governmental unit. A franchise fee is not such a tax.

18. INSTITUTIONAL NETWORK means a communication network which is constructed or operated by a franchisee and which is generally available only to

government entities and other subscribers who are not residential subscribers.

19. LEASED CHANNEL or LEASED ACCESS CHANNEL means any channel on a cable system designated or dedicated for use by a person unaffiliated with the franchisee.

20. NORMAL BUSINESS HOURS means those hours during which most similar businesses in the community are open to serve customers, including some evening hours at least one night per week or some weekend hours, or both.

21. NORMAL OPERATING CONDITIONS means those service conditions that are within the control of a franchisee. Conditions that are deemed to be within the control of a franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular or seasonal demand periods that the franchisee can reasonably anticipate, and maintenance or upgrade of a cable system. Conditions that are deemed not to be within the control of a franchisee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions.

22. OUTAGE means a failure of the technical plant that results in service interruption affecting more than one subscriber.

23. PEG or PEG ACCESS CHANNEL or PEG CHANNEL means any channel on a cable system set aside by a franchisee for public, educational or governmental use. The term includes all accompanying facilities and support.

24. PERSON means an individual, partnership, association, organization, corporation, or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation. Whenever used in any clause prescribing a penalty, the term "person" as applied to partnerships or associations includes partners or members thereof. "Person" shall not apply to the city unless otherwise indicated.

25. PROGRAMMER means any person or entity that produces or otherwise provides program material or information for transmission by video, audio, digital or other signals, either live or from recorded tapes or other storage media, to users or subscribers by means of the cable system.

26. PUBLIC ACCESS CHANNEL means an access channel dedicated to use by the general public, including groups and individuals, and which is available for such use on a nondiscriminatory basis.

27. PUBLIC RIGHTS OF WAY means the surface, the air space above the

surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, parkway, waterway, easement or similar property dedicated to travel within the city which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining the cable system. No reference herein to a "public right-of-way" shall be deemed to be a representation or guarantee by the city that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchisee shall be deemed to gain only those rights to use as are properly in the city and as the city may have the right and power to give.

28. REASONABLE NOTICE shall be written notice addressed to the city clerk, or to the franchisee at its principal office or such other office as the franchisee has designated to the city as the address to which notice shall be transmitted to it, which notice shall be by first-class mail, facsimile or e-mail.

29. RESIDENT means any person who or which resides in the city as otherwise defined by applicable law.

30. SALE shall include any sale, exchange, barter or offer for sale.

31. SECTION means any section, subsection or provision of the Milwaukee code of ordinances, as amended from time to time.

32. SERVICE AREA means the geographic area within the city in which a franchisee has the right to operate a cable system as defined in a franchise agreement.

33. SERVICE INTERRUPTION means loss of picture or sound on one or more cable channels, or a reduction in the quality of sound or picture of one or more channels.

34. STANDARD INSTALLATION means an installation to a structure located within 175 feet of the closer of the following:

- a. The nearest right-of-way, or
- b. The nearest tap on the franchisee's cable system.

35. STATE means the state of Wisconsin.

-36. STRUCTURE means any habitation or business establishment constructed or erected on a fixed location on the ground, including but not limited to a mobile home or building of any kind.

37. SUBSCRIBER or CUSTOMER means any person, including the city, that receives, whether or not for a fee, a service provided by the franchisee by means of or in connection with the cable system.

99-4. Applications for Initial Grant, Renewal, Modification or Transfer of Franchise.

1. APPLICATION REQUIRED. a. A written application shall be filed with the city clerk for grant of an initial franchise, a renewal franchise, modification of a franchise agreement pursuant to 47 U.S.C. § 545, or transfer of a franchise.

b. To be acceptable for filing, a signed original of the application shall be submitted together with 12 copies. The application shall be accompanied by any required application processing fee as set forth in s. 81-16, conform to any applicable request for proposals ("RFP") and contain all required information. All applications shall include the names and addresses of persons authorized to act on behalf of all applicants with respect to the application.

c. Application Processing Fees and Deposits. c-1. No application shall be processed except upon payment of the required application processing fee as set forth in s. 81-16, and the deposit fee required by subd. 2.

c-2. Deposits. Any person filing an application shall deposit a sum estimated as sufficient to pay the cost of processing the application in accordance with a schedule provided by the city clerk. If the actual cost of processing the application exceeds the deposit, such person will be billed for the balance. If the actual cost is less than the deposit, the excess shall be refunded. Payment of any bill issued under this section within 30 days after its issuance shall be a condition of any approved application.

d. All applications accepted for filing shall be made available by the city clerk for public inspection.

e. Public Hearings. An applicant shall be notified of any public hearings held in connection with the evaluation of its application and shall be given an opportunity to be heard. In addition, prior to the issuance of a franchise, the city shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which every applicant and its application shall be examined and the public and all interested parties afforded a reasonable opportunity to be heard.

2. APPLICATION FOR GRANT OF INITIAL FRANCHISE. a. At the direction of the common council, the city clerk may solicit applications through a RFP after conducting, if necessary, a proceeding to identify the future cable-related needs and interest of the community. The RFP may contain a proposed franchise agreement.

b. An applicant shall respond to the RFP within the time specified by the city clerk. The procedures, instructions and requirements set forth in the RFP shall be followed by each applicant. Any applicant that has already filed materials pursuant to this section need not file the same material with its RFP response, but must amplify its application to include any additional or different materials required by the RFP. The city clerk may seek additional information from any applicant and establish deadlines for the submission of such information.

c. Unsolicited Application for Grant of Initial Franchise. Notwithstanding the provisions of par. b, a person may apply for an initial franchise by submitting an unsolicited application to the city clerk containing the information required in par. d.

d. Contents of Application. An application for the grant of an initial franchise, whether in response to a RFP or not, shall contain, at a minimum, the following information:

d-1. Name and mail, facsimile and e-mail address of the applicant and identification of the ownership and control of the applicant, including: the names and addresses of the 10 largest holders of an ownership interest in the applicant and affiliates of the applicant, and all persons with 5% or more ownership interest in the applicant and its affiliates; the persons who control the applicant and its affiliates; all officers and directors of the applicant and its affiliates; and, any other business affiliation and cable system ownership interest of each named person.

d-2. A demonstration of the applicant's technical ability to construct or operate the proposed cable system, or both, including identification of key personnel.

d-3. A demonstration of the applicant's legal qualifications to construct or operate the proposed cable system, or both.

d-4. Financial statements and disclosures that demonstrate the applicant's financial ability to complete the construction and operation of the cable system proposed.

d-5. A description of the applicant's prior experience in cable system ownership, construction and operation, and identification of communities in which the applicant or any of its principals have, or have had a cable franchise or any interest therein.

d-6. Identification of the proposed timetable to provide cable service to the entire franchise area, including a description of the proposed initial service area's boundaries.

d-7. A detailed description of the physical facilities proposed, including channel capacity, technical design, performance characteristics, headend and access facilities.

d-8. Where applicable, a description of the construction of the proposed system, including an estimate of plant mileage and its location; the proposed construction schedule; a description, where appropriate, of how services will be converted from existing facilities to new facilities; and information on the availability of space on poles and in conduits including, where appropriate, an estimate of the cost of any necessary rearrangement of existing facilities.

d-9. The proposed rate structure, including projected charges for each service, installation, converters and all other proposed equipment or services.

d-10. A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet the needs described in any recent community needs assessment conducted by or for the city, and how the applicant will provide adequate public, educational and governmental access channel capacity, facilities, or financial support to meet the community's needs and interests.

d-11. Pro forma financial projections for the proposed franchise term, including a statement of projected income and a schedule of planned capital additions, with all significant assumptions explained in notes or supporting schedules.

d-12. If the applicant proposes to provide cable service to an area already served by an existing franchisee, the identification of the area where the overbuild would occur and the ability of the public rights-of-way and other property that would be used by the applicant to accommodate an additional system.

d-13. Any additional information that the applicant believes may be reasonably necessary to demonstrate compliance with the requirement of this chapter.

d-14. An affidavit or declaration of the applicant, signed by 2 authorized officers, certifying the truth and accuracy of the information in the application, acknowledging the enforceability of application commitments, and certifying that the application meets all federal and state law requirements.

e. Legal Qualifications. In order to be deemed legally qualified, an applicant must meet the following criteria:

e-1. If the city has denied an applicant's previous request for an initial or renewal franchise, such applicant may not apply for an initial or renewal franchise again until at least 3 years have elapsed since the date of such denial.

e-2. The applicant shall not have had any cable system franchise validly revoked by any franchising authority within 3 years preceding the submission of the application.

e-3. The applicant shall have the necessary authority under Wisconsin law to operate a cable system.

e-4. The applicant must have the necessary authority under federal law to hold the franchise and operate a cable system. An applicant must have, or show that it is qualified to obtain, any necessary federal franchises or waivers required to operate the system proposed.

e-5. The applicant shall not be issued a franchise if at any time during the 10 years preceding the submission of the application, the applicant was convicted of any act or omission of such character that the applicant cannot be relied upon to deal truthfully with the city and the subscribers of the cable system, or to substantially comply with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anti-competitive acts, fraud, racketeering or other similar conduct. The city may waive this requirement if the applicant demonstrates that the individuals responsible for such acts or omissions are no longer associated with the applicant in any way.

e-6. The applicant shall not be issued a franchise if it files materially misleading information in its application or intentionally withholds information that the applicant lawfully is required to provide.

e-7. The applicant shall not be issued a franchise if an elected official of the city holds a controlling interest in the applicant or an affiliate of the applicant.

e-8. The applicant shall be willing to comply with applicable local laws.

f. Evaluation of Applications. f-1. The city clerk may reject an application which does not meet the minimum requirements of par. d.

f-2. Applicants shall respond to requests that the city clerk deems relevant to the city's consideration of the application and necessary to determine whether the applications satisfy the standards set forth in this chapter.

g. The city clerk shall recommend to the council whether one or more additional franchises should be awarded. The recommendation shall be based upon, among other things, the following factors:

g-1. The extent to which the applicant has substantially complied with the applicable law and the material terms of any existing cable franchise for the city.

g-2. Whether the quality of the applicant's service under any existing franchise in

the city, including signal quality, response to customer complaints, billing practices, and the like, has been reasonable in light of the needs and interests of the community.

g-3. Whether the applicant has the financial, technical and legal qualifications to provide cable service.

g-4. Whether the application satisfies any minimum requirements established by the city in a RFP and is otherwise reasonable to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.

g-5. Whether, to the extent not considered under subd. 4, the applicant will provide adequate public, educational and governmental access channel capacity, facilities or financial support.

g-6. Whether issuance of a franchise is warranted in the public interest considering the immediate and future effect on the public rights-of-way and private property that would be used by the cable system, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services or use of the public rights-of-way; the effect of granting a franchise on the ability of all franchised cable systems to meet the cable-related needs and interests of the community; and the comparative superiority or inferiority of competing applications.

g-7. What effects a grant of the application may have on competition in the delivery of cable service in the city.

h. If the city finds that it is in the public interest to issue a franchise considering the factors set forth in pars. g-1 to g-7, and subject to the applicant's entry into an appropriate franchise agreement, it shall issue a franchise. Prior to deciding whether or not to issue a franchise, the city may hold one or more public hearings or implement other procedures under which comments from the public on an application may be received. The city also may grant or deny a request for a franchise based on its review of an application without further proceedings and may reject any application that is incomplete or fails to respond to RFP. This chapter is not intended and shall not be interpreted to grant any applicant or existing franchisee standing to challenge the denial of its application or the issuance of a franchise to another.

3. APPLICATION FOR GRANT OF A RENEWAL FRANCHISE. The renewal of any franchise to provide cable service shall be conducted in a manner consistent with section 626 of the cable act.

a. If neither a renewal applicant nor the city activates in a timely manner or cannot as

a matter of law activate the renewal process set forth in 47 U.S.C. § 546(a) through (g) (including, for example, if the provisions are amended or repealed), and except as to applications submitted pursuant to 47 U.S.C. § 546(h), the provisions of sub. 2 shall apply and a renewal request shall be evaluated using the same criteria as any other request for a franchise.

b. Notwithstanding par. a, a cable operator may submit an application for renewal of a franchise pursuant to 47 U.S.C. § 546(h). Such a proposal may be submitted at any time and the city clerk shall recommend to the common council, after affording the public adequate notice and opportunity for comment, that the city grant or deny such proposal at any time (including after proceedings have been commenced in accordance with 47 U.S.C. § 546(a)). An informal renewal application may be denied for any reason.

4. APPLICATION FOR MODIFICATION OF A FRANCHISE. An application for modification of a franchise agreement shall include, at minimum, the following information:

- a. The specific modification requested.
- b. The justification for the requested modification, including the impact of the requested modification on subscribers and others, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, inter alia, submission of financial pro forma information.
- c. A statement whether the modification is sought pursuant to section 625 of the cable act, and, if so, a demonstration that the requested modification meets the standards set forth in the cable act.
- d. Any other information that the applicant believes is necessary for the city to make an informed determination on the application for modification.
- e. An affidavit or declaration of the applicant or authorized officer certifying the truth and accuracy of the information in the application, and certifying that the application is consistent with all federal and state law requirements.

5. TRANSFER OF A FRANCHISE. a. City approval required.

a-1. A franchise shall be a privilege that is in the public trust and personal to the franchisee. A franchisee's obligations under its franchise involve personal services whose performance involves personal credit, trust and confidence in the franchisee.

a-2. A franchisee shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part either by forced or involuntary sale, or by ordinary sale, contract,

consolidation or otherwise, the franchise or any of the rights or privileges therein granted, nor shall thereby transfer control of the franchisee, without the prior consent of the city and then only upon such terms and conditions (reasonably related to the qualifications of the transferee) as may be reasonably prescribed by the city, which consent shall not be unreasonably denied or delayed. Any attempt to sell, transfer, lease, assign or otherwise dispose of the franchise without the consent of the city shall be a material violation of the cable ordinance and this franchise agreement. The granting of a security interest in any assets, or any mortgage or other hypothecation in the ordinary course of business shall not be considered a transfer for the purposes of this subsection. A transfer of control is presumed to occur if 40% or more of the ownership interest in a cable system is transferred. If 10% or more of the ownership interest in a cable system is transferred, the cable operator shall inform the city of the transfer in writing within 30 days after the date of the transfer.

a-3. For the purpose of determining whether it shall consent to such transfer, the city may inquire into the qualifications of the prospective transferee or controlling party, and franchisee shall assist the city in such inquiry. In seeking the city's consent to any change or ownership or control, the franchisee shall have the responsibility of insuring that the franchisee or the proposed transferee, or both, complete an application in accordance with FCC form 394 or equivalent. An application shall be submitted to the city not less than 120 days prior to the proposed date of transfer. The transferee shall be required to establish that it possesses the qualifications and financial and technical capability to operate and maintain the cable system and comply with all franchise requirements for the remainder of the term of the franchise. If, in the reasonable judgment of the city, the legal, financial, character and technical qualifications of the applicant are satisfactory and if the franchisee is in compliance with all material requirements of the franchise, the city shall consent to the transfer of the franchise. If the franchisee (the 'transferor' under this subsection) is not then in compliance, the city shall consent to the transfer, notwithstanding such non-compliance, if the transferee agrees to cure the event of non-compliance. The consent of the city to such transfer shall not be unreasonably denied or delayed.

a-4. If any financial institution having a pledge of the franchisee or its assets for the advancement of money for the construction or operation of the franchise, or both, shall take control of and operate the cable system, it shall notify the city clerk. Further, said financial institution shall also submit a plan for such operation to the city clerk within 30 days of assuming such control that will insure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the cable system. The financial institution shall not exercise control over the cable system for a period exceeding one year unless extended by the city in its reasonable discretion, and during said period of time, it shall have the right to petition the city to transfer the franchise to another franchisee.

b. Application. b-1. A franchisee shall promptly notify the city clerk of any proposed transfer.

b-2. At least 120 calendar days prior to the contemplated effective date of a transfer, the franchisee shall submit to the city clerk an application for approval of the transfer. The application shall provide complete information on the proposed transaction, including details on the legal, financial, technical and other qualifications of the transferee, and on the potential impact of the transfer on subscriber rates and service. At a minimum, the following information shall be included in the application, provided that, a franchisee is not required to duplicate information that it submits to the city clerk to comply with its obligations under federal or state law:

b-2-a. All information and forms required under federal law or the equivalent of such forms if no longer required by federal law.

b-2-b. All information required in sub. 2-d.

b-2-c. Any contracts or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein.

b-2-d. Any shareholder reports or filings with the securities and exchange commission that discuss the transaction.

b-2-e. Other information necessary to provide a complete and accurate understanding of the financial position of the cable system before and after the proposed transfer.

b-2-f. Complete information regarding any potential impact of the transfer on subscriber rates and service.

b-2-g. A brief summary of the proposed transferee's plans for at least the next 5 years regarding line extension, plant and equipment upgrades, channel capacity, expansion or elimination of services and any other changes affecting or enhancing the performance of the cable system.

b-2-h. A list of all the proposed transferor's obligations under the franchise, and a statement given under oath identifying which obligations have been met and in what manner they have been met.

b-3. For the purposes of determining whether it shall consent to a transfer, the city, acting through the city clerk or its agents, may inquire into all qualifications of the prospective transferee and such other matters as the city clerk may deem necessary to determine whether the transfer is in the public interest and should be approved, denied

or conditioned as provided under par. a-3. A franchisee and any prospective transferees shall assist the city clerk in any such inquiry, and if they fail to do so, the request for a transfer may be denied.

c. Determination by City. In making a determination as to whether to recommend to the common council that the city grant, deny or grant, subject to conditions, an application for a transfer of a franchise, the city clerk may consider, without limitation, the legal, financial and technical qualifications of the transferee to operate the cable system; any potential effects of the transfer on subscriber rates or services; whether a franchisee is in compliance with its franchise, and this chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether the transferee owns or controls any other cable system in the city, and whether operation by the transferee may eliminate or reduce competition in the delivery of cable service in the city; and whether operation by the transferee or approval of the transfer would adversely affect subscribers, the public or the city's interest under this chapter, a franchise or other applicable law.

d. Transferee's Agreement. No application for a transfer of a franchise shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this chapter and the franchise and that it will assume the obligations, liabilities and responsibility for all acts and omissions, known and unknown, of the previous franchisee under this chapter and the franchise, for all purposes, including renewal.

e. Approval Does Not Constitute Waiver. Approval by the city of a transfer does not constitute a waiver or release of any of the rights of the city under this chapter or a franchise agreement, whether arising before or after the date of the transfer.

99-5. Grant of Franchise. 1. GRANT. a. The city may grant one or more cable franchises, and each such franchise shall be awarded in accordance with and subject to the provisions of this chapter.

b. This chapter may be amended from time to time, and in no event shall this chapter be considered a contract between the city and a franchisee such that the city would be prohibited from amending any provision hereof subject to subs. 6 and 10-c.

c. No person may construct or operate a cable system without a franchise granted by the city.

d. No person may be granted a franchise without having entered into a franchise agreement with the city pursuant to this chapter.

e. The grant of a franchise shall not be deemed to circumscribe or limit the authority of the city to regulate or franchise the activities of any other communications

system or provider of communications services to the full extent permitted by law.

f. Any franchise agreement issued to a franchisee shall define the services that the franchisee is authorized to provide using the public rights-of-way.

2. ACCEPTANCE OF FRANCHISE. Following approval by the city, any franchise granted pursuant to this chapter, and the rights, privileges and authority granted by a franchise agreement, shall take effect and be in force from and after the first date on which both the franchisee and the city have accepted and signed the franchise agreement.

3. TERM OF FRANCHISE. No franchise shall be granted for a period of more than 17 years.

4. FRANCHISE CHARACTERISTICS. a. A franchise authorizes use of public rights-of-way for installing cables, wires, lines, optical fiber, underground conduit and other devices necessary and appurtenant to the operation of a cable system to provide cable service within a franchise area, but does not expressly or implicitly authorize a franchisee to provide service to, or install a cable system on, private property without owner consent (except for use of compatible easements pursuant to section 621 of the cable act, § 541(a)(2)), or to use publicly or privately owned conduits without a separate agreement with the owners.

b. A franchise shall constitute both a right and an obligation to provide the cable services regulated by the provisions of this chapter and the franchise agreement to all persons within the city in the manner specified in the franchise agreement.

c. A franchise is non-exclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the city; affect the city's right to authorize use of public rights-of-way by other persons to operate cable systems or for other purposes as it determines appropriate; or affect the city's right to itself construct, operate or maintain a cable system, with or without a franchise.

d. All privileges prescribed by a franchise shall be subordinate to (without limitation) the city's use and any prior lawful occupancy of the public rights-of-way.

e. The city, acting through the commissioner of public works, reserves the right to designate where a franchisee's facilities are to be placed within the public rights-of-way and to resolve any disputes among users of the public rights-of-way in accordance with the commissioner's authority under city ordinances, including but not limited to s. 7-04 of the city charter and s. 115-3-1.

f. The franchise does not include any license or permit required for the privilege of

transacting and carrying on a business within the city as required by other ordinances and laws of the city, or for attaching devices to poles or other structures, whether owned by the city or a private entity, or for excavating or performing other work in or along public rights-of-way.

5. FRANCHISEE SUBJECT TO OTHER LAWS AND FCC REGULATIONS. a. A franchisee shall at all times be subject to and shall comply with all applicable federal, state, and local laws, including without limitation, the city's street construction and work on public ways provisions, ch. 115.

b. A franchisee is prohibited from engaging in any activity it is prohibited from engaging in under FCC regulations, as if those regulations were set forth in full herein.

6. INTERPRETATION OF FRANCHISE TERMS. a. The provisions of this chapter and any franchise agreement shall be liberally construed in favor of the city in order to effectuate their purposes and objectives and to promote the public interest.

b. In the event of a conflict between this chapter and a franchise agreement, the conflict shall be resolved as provided in the franchise agreement.

c. Subject to federal law or regulation, a franchise agreement will be governed by and construed in accordance with the laws of the state.

7. OPERATION OF A CABLE SYSTEM WITHOUT A FRANCHISE. Any person found to be operating or constructing a cable system without a franchise shall be subject to all provisions of this chapter, including but not limited to its provisions regarding construction and technical standards and franchise fees. In its discretion, the city at any time may require such person to enter into a franchise agreement within 30 days of receipt of a written notice by the city clerk that a franchise agreement is required; require such person to remove its property and restore the area to a condition satisfactory to the city within a reasonable time period, as the city shall determine; remove the property itself and restore the area to a satisfactory condition and charge the person the costs therefor; or take any other action or combination of actions it is entitled to take under applicable law, including filing for and seeking damages under trespass. In no event shall a franchise be created unless it is issued by action of the city acting by ordinance and subject to a written franchise agreement.

8. ACTS AT FRANCHISEE'S EXPENSE. Any act that a franchisee is or may be required to perform under this chapter, a franchise agreement or applicable law shall be performed at the franchisee's expense, unless expressly provided to the contrary in this chapter, the franchise agreement, or applicable law. Nothing contained herein shall preclude the franchisee from exercising its rights under appropriate federal

and state law.

9. EMINENT DOMAIN. Nothing herein shall be deemed or construed to impair or affect in any way or to any extent the city's rights of eminent domain to the extent to which they may apply to any public utility or cable system.

10. POLICE POWERS. a. A franchisee shall at all times be subject to all lawful exercise of the police power of the city, including all rights the city may have under 47 U.S.C. § 542, and no franchise shall be interpreted to prevent the city from exercising its police powers with respect to a franchisee. Likewise, nothing in a franchise agreement shall be deemed to waive the requirements of the city code of ordinances regarding permits, fees to be paid or manner of construction.

b. No course of dealing between a franchisee and the city, or any delay on the part of the city in exercising any rights hereunder, or any acquiescence by the city in the actions of a franchisee that are in contravention of such rights, except to the extent such rights are expressly waived by the city, shall operate as a waiver of any such rights of the city.

c. The city shall have the maximum authority to regulate cable systems, franchisees and franchises as may now or hereafter be lawfully permissible; except where rights are expressly waived by a franchise agreement, they are reserved, whether expressly enumerated or not.

d. The city may, from time to time, issue rules and regulations concerning cable systems. If a rule or regulation is contrary to, or diminishes, any right or privilege which a franchisee has under a franchise agreement, it may not be implemented as to that franchisee without its specific consent.

11. FRANCHISE FEE. a. Payment of Franchise Fee. Each franchisee shall pay a franchise fee of 5% of gross revenues. Every franchise agreement shall reserve the right to increase this fee to the maximum that may be charged consistent with federal and state law.

b. Not a Tax or in Lieu of Any Other Tax or Fee. b-1. Payment of the franchise fee shall not be considered in the nature of a tax or in lieu of other taxes or fees imposed by the city.

b-2. The franchise fee is in addition to all taxes, fees and payments that a franchisee may be required to pay under its franchise or any federal, state, or local law, and to any other tax, fee or assessment imposed upon utilities and cable operators for use of their services, facilities or equipment, except to the extent that such fees, taxes or assessments shall be treated as a franchise fee under section 622 of

the cable act.

c. Not Designated as a Tax. Unless provided for otherwise by applicable federal or state law, a franchisee shall not knowingly designate the franchise fee as a tax in any written communication to a subscriber, and all staff training materials shall reflect this provision.

d. No Accord or Satisfaction. No acceptance by or payment to the city of a franchise fee, or any portion thereof, shall be construed as a release or an accord and satisfaction of any claim the city may have for further or additional sums due or for the performance of any other obligation of a franchisee, or as an acknowledgment that the amount paid is the correct amount due.

e. Prompt Payment to City. Except as provided below, the franchisee shall pay any additional franchise fee due to the city within 30 days following written notice to the franchisee by the city clerk, which notice shall include a copy of the city clerk's report detailing the additional payment claimed. At least 15 days prior to issuance of the report, the city clerk shall meet and confer with the franchisee concerning the potential franchise fee underpayment. The franchisee shall have 30 days, unless extended by mutual agreement, after receipt of the city clerk's report to either pay the additional amount or provide a written report to the city clerk setting forth the nature of any dispute with the city clerk's report. Any additional payment claim disputed or withheld by the franchisee and eventually settled in full or in part shall bear interest at the rate stipulated in the franchise agreement beginning on the date of the underpayment.

12. FORFEITURE OR REVOCATION. a. Grounds for Revocation. The city reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall represent a default and breach under this chapter and the franchise grant:

a-1. If a franchisee shall violate any material provision of its franchise agreement or this chapter.

a-2. If the franchisee shall fail to provide or maintain in full force and effect the liability and indemnification coverage or the performance bond as required herein.

a-3. If any court of competent jurisdiction, the FCC or any state regulatory body by rule, decision or other action determines that any material provision of a franchise document, including this chapter, is invalid or unenforceable prior to the commencement of system construction.

a-4. If a franchisee violates any orders or rulings of any regulatory body

having jurisdiction over the franchisee material to this franchise.

a-5. If a franchisee attempts to evade any of the provisions of this chapter or the franchise agreement or practices any fraud or deceit upon the city.

a-6. If a franchisee becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.

a-7. If a franchisee fails to serve any geographic area of the city in accordance with the provisions of its franchise, or to make all of its services available to all potential subscribers in the city.

a-8. If a franchisee fails to strictly adhere to all federal, state and local requirements governing discrimination and equal employment opportunities with respect to its franchise with the city.

b. Contractual Obligation. Except where a stay is granted by a court of competent jurisdiction, pending litigation against a franchisee, provided that the city is a party to the litigation, shall not excuse the franchisee from the performance of any of its obligations under this chapter and under the franchise agreement between the city and franchisee, except where such litigation challenges the award of the franchise to the franchisee or where the outcome of such litigation may materially affect the terms and conditions of the franchise. In such event, the franchisee and city shall enter into negotiations and shall negotiate in good faith so as to reasonably adjust the franchisee's obligations hereunder and under the franchise agreement in light of the potential impact of such litigation.

c. Procedure Prior to Revocation. c-1. The city shall make written demand that the franchisee do so comply with any such requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. If the failure, refusal or neglect of the franchisee continues for a period of 30 days following such written demand, the city shall place its request for termination of the franchise upon a regular common council meeting agenda. The city shall cause to be served upon such franchisee, at least 10 days prior to the date of such council meeting, a written notice of this intent to request such termination, and the time and place of the meeting, notice of which shall be published by the city clerk at least once, 10 days before such meeting in a newspaper of general circulation within the city, including such publications as are circulated in the minority communities.

c-2. The council shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the franchisee was with just cause.

c-3. If such failure, refusal or neglect by the franchisee was with just cause, as defined by the city, the council shall direct the franchisee to comply within such time and manner and upon such terms and conditions as are reasonable.

c-4. If the council shall determine such failure, refusal or neglect by the franchisee was without just cause, the council shall, by resolution, declare that the franchise of such franchisee shall be terminated and bond forfeited.

c-5. The procedures set forth in subds. 1 to 4 shall not apply in the case of an act or omission subject to revocation under par. a-4. In such a case, the franchise may be revoked after notice and hearing.

d. Disposition of Facilities. In the event a franchise expires, is revoked or otherwise terminated, the city may in its sole discretion, do one of the following:

d-1. Purchase the system under the procedures set forth in s. 99-14.

d-2. Order the removal of the system facilities required by public necessity from the city within a reasonable period of time as determined by the city or require the original franchisee to maintain and operate its system until a subsequent franchisee is selected.

e. Restoration of Property. In removing its cable system, the franchisee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to the franchisee's removal of its cable system without affecting the electrical or telephone cable wires or attachments. The city shall inspect and approve the condition of the public ways and public places and cables, wires, attachments and poles after removal. The liability, indemnity and insurance as provided herein and the performance bond provided therein shall continue in full force and effect during the period of removal and until full compliance by the franchisee with the terms and conditions of this paragraph and this chapter.

f. Restoration by City; Reimbursement of Costs. In the event of a failure by a franchisee to complete any work required by par. d or e or any other work required by city law or ordinance, after reasonable written notice, unless impossible or impracticable by reason of an emergency, by the city to the franchisee to complete such work within the time as may be established and to the satisfaction of the city, the city may cause such work to be done and the franchisee shall reimburse the city the cost thereof within 30 days after receipt of an itemized list of such costs, or the city may recover such costs through the security fund provided by franchisee. Nothing herein contained shall prohibit the franchisee from contracting directly with the city for the city to perform some or all of such work. The city shall be permitted to seek legal

and equitable relief to enforce the provisions of this section.

g. City's Right Not Affected. The termination and forfeiture of any franchise shall in no way affect any of the rights of the city under the franchise or any provision of law.

13. RECEIVERSHIP AND FORECLOSURE. a. Termination by Insolvency. The franchise herein granted shall at the option of the common council, cease and terminate 120 days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the franchisee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, unless all of the following actions occur:

a-1. Such receivers or trustees have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this chapter and the franchise granted pursuant hereto, and the receivers or trustees within said 120 days shall have remedied all defaults under the franchise.

a-2. Such receivers or trustees have, within said 120 days, executed an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise herein granted.

b. Termination by Judicial Action. In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchisee, or any part thereof, including or excluding this franchise, the council may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise herein granted and all rights and privileges of the franchisee hereunder shall cease and terminate 30 days after service of such notice, unless all of the following actions occur:

b-1. The council approves the transfer of this franchise, as and in the manner provided in this chapter.

b-2. The successful bidder has covenanted and agreed with the city to assume and be bound by all the terms and conditions of this franchise.

14. EQUAL OPPORTUNITY POLICY. The franchisee shall comply with Title VII of the federal civil rights act and other applicable local, state and federal laws and regulations, including FCC regulations, which prohibit discrimination on the basis of race, color, religion, sex, marital status, national origin, sexual orientation, age or handicap. The franchisee shall insure that all employment decisions are in accordance with the principles of equal employment opportunity. This includes, but is not limited

to, decisions relating to employment, upgrading and promotion, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The franchisee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The franchisee shall include a nondiscrimination clause in all contracts with its contractors, subcontractors, suppliers and vendors requiring such contractors, subcontractors, suppliers and vendors to comply with these provisions.

a. Affirmative Action. The franchisee shall abide by all applicable local, state and federal regulations related to affirmative action. The franchisee shall develop and maintain an affirmative action program aimed at maximizing the participation of minorities and females at all levels of the work force. The franchisee and all of its contractors, subcontractors, suppliers and vendors having employees located within Wisconsin shall comply with the following:

b. Plan Required. The franchisee shall develop a written affirmative action plan which contains the following minimum requirements:

b-1. Development of an equal employment policy statement.

b-2. Procedures for internal and external dissemination of the policy statement.

b-3. Designation of a responsible official and assignment of responsibilities related to implementing and monitoring the affirmative action program.

b-4. Statistical analysis consisting of a work force analysis, identification of job group incumbents by job title, and utilization analysis. The minority and female availability percentages in the utilization analysis shall be based on the city's minority and female resident percentages for all job groups.

b-5. Identification of problem areas by organizational units and job groups.

b-6. Establishment of goals and timetables for minorities and females for all job groups based on resident percentages. Separate goals shall be set for each racial or ethnic minority group where such group represents 2% of the city's population. Establishment of construction projects and contract goals in crafts where the workforce availability is below resident parity as deemed by the city clerk, may be expressed in percentages of total hours of employment and training of minorities and female utilization to reach resident parity.

b-7. Establishment of goals, objectives and a plan for execution of

action-oriented programs designed to eliminate problem areas.

b-8. Design and implementation of internal audit and reporting systems to measure the total effectiveness of the program.

b-9. Development of local training opportunities and programs for minorities and women, including upgrading programs, apprenticeships and trainee programs relevant to the franchisee, contractors' and subcontractors' employment needs.

b-10. Development of alternative recruitment and labor source for minorities and women whenever traditional sources are unable to supply sufficient numbers. The franchisee shall support local community action programs designed to improve the employment opportunities of minorities and women.

b-11. Establishment of criteria guidelines and procedures to be utilized in reviewing and approving the affirmative action plans and monitoring the compliance status of contractors, subcontractors, suppliers and vendors. The franchisee is to comply with s. 504 of the federal vocational rehabilitation act. The franchisee shall analyze its work force and efforts in delivery of services for the handicapped. A program shall be developed to insure affirmative action and equal employment opportunity.

c. Franchisee Responsibility. Contractors, subcontractors, suppliers and vendors of a franchisee having employees located in the state who provide goods or services for the construction, operation and maintenance of the system shall develop written affirmative action plans covering the matters set forth in par. b. Such plans may give due consideration to the reasonableness of the goals in view of the size, resources, business and other circumstances of the entity involved. It shall be the franchisee's responsibility to insure this requirement is met.

d. The city reserves the right to amend these requirements to conform to applicable laws and regulations governing affirmative action.

e. Disadvantaged Business Enterprise Involvement. e-1. Each franchisee shall abide by ch. 360, disadvantaged business enterprise (DBE), as specified in its franchise agreement. DBE participation is required in all contracting and procurement activities, including, without limitation, the construction and rebuild requirement of a franchise agreement and the operation and maintenance of a cable system.

e-2. Joint ventures of DBE firms with non-DBE firms shall be credited toward the franchisee's percentage of DBE participation by crediting the proportion of the dollar amount of the joint venture's subcontract equal to the proportion of the DBE's share in the total dollar amount of the contract. A joint venture is defined as 2

or more separate entities forming one legal entity for the purpose of competing for contracts. To be eligible as a joint venture, the DBE partners must be responsible for a clearly defined portion of the work to be performed and share in the ownership, control, management responsibilities, risks and profits of the joint venture.

99-6. Regulation of Franchise. 1. REGULATORY AUTHORITY. The city's regulatory authority shall be vested in the common council and administered through the utilities and licenses committee.

a. The city shall have the following regulatory responsibility:

a-1. Administering and enforcing the provisions of cable system franchises.

a-2. Rate regulation.

a-3. Performance evaluation.

a-4. Franchise award or renewal as specified herein.

a-5. Review access manager's performance.

a-6. Exercise of any other authority the city may now have or later obtain.

b. The city may also:

b-1. Coordinate the operation of government channels on any franchised system.

b-2. Coordinate plans for expansion and growth of cable services.

b-3. Analyze the possibility of integrating cable services with other city, state or regional communications networks.

b-4. Assure compliance with all applicable ordinances, rules and franchise provisions.

b-5. Arrange and evaluate tests of a franchisee's equipment and performance, and monitor adherence to all construction and operational standards and customer service requirements.

b-6. Receive, examine and maintain all required records, plans, maps and reports.

2. REGULATORY DUTIES OF THE CITY CLERK. The city clerk shall, on behalf of the city, exercise day-to-day administrative duties necessary to fulfill the regulatory authority of the city under this chapter and a franchise agreement. In addition, the city clerk shall perform the following duties:

a. Review and audit all reports and filings submitted by the franchisee or the access manager, or both, to the city and recommend appropriate actions related to a franchise agreement.

b. In cooperation with the commissioner of public works, propose regulations regarding the construction, reconstruction, operation, maintenance, dismantling, testing or use of a cable system, w

Sponsors: Ald. Gordon

A motion was made by Ald. Gordon that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

2) [981235](#) A substitute ordinance relating to open video systems regulation.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Chapter 96 of the code is created to read:

CHAPTER 96 OPEN VIDEO SYSTEMS

Table

96-1 Definition 96-2 Applicability of Chapter 99 96-3 Rights-of-Way Usage

96-1. Definition. In this chapter, FCC means the federal communications commission, its designee, and any legally appointed or elected successor.

96-2. Applicability of Chapters 99 and 115. To the maximum extent permitted by state and federal law, chs. 99 and 115 shall apply to open video systems that comply with 47 U.S.C.573 and are designed to provide "cable service" as defined under state and federal law.

96-3. Rights-of-Way Usage. An open video system operator shall be subject to all requirements of state and local law regarding authorization to use or occupy the public rights-of-way except to the extent specifically prohibited by federal law. FCC

approval of an open video system operator's certification pursuant to 47 U.S.C.573 shall not be taken to confer upon such operator any authority to use or occupy the public rights-of-way that such operator would not otherwise possess.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PASSED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

ADOPTION OF THE FOLLOWING:

[981230](#) Substitute resolution authorizing the execution of a renewal to the City's current cable television franchise agreement.

Sponsors: THE CHAIR

ALD. D'AMATO moved for separate action of Item #3, 981230.

ALD. HENNINGSEN moved to lay aside Item #3, 981230.

Ayes: 9 - Ald. Pratt, D'Amato, Henningsen, Gordon, Richards, Butler, Nardelli, Hines and President Kalwitz.

Noes: 8 - Ald. Schramm, Johnson-Odom, Frank, Scherbert, Witkowiak, Pawlinski, Breier and Murphy.

ALD. NARDELLI moved that the Common Council do now resolve itself into a Committee of the Whole for the purpose of hearing from Pat McDonnell, Special Deputy City Attorney relative to the foregoing matter.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Pat McDonnell, Special Deputy City Attorney Clarified substitute 4 from substitute 5.

ALD. BUTLER moved that the committee do now rise.

So ordered.

A motion was made by Ald. Gordon that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 9 - Pratt, D'Amato, Henningsen, Johnson-Odom, Gordon, Richards, Butler, Breier Hines Jr.

No: 8 - Kalwitz, Schramm, Frank, Scherbert, Witkowiak, Pawlinski, Nardelli Murphy

Whereas, Time Warner Cable of Southeastern Wisconsin, LP ("Time Warner"), through its predecessor in interest, has asked the City to renew the 1983 nonexclusive franchise (the "prior franchise") to construct, install, maintain and operate a cable television system in the City; and

Whereas, The construction, installation, maintenance and operation of such a cable system involves the occupation of and placement of private commercial facilities in the public rights-of-way within the City; and

Whereas, The City has reviewed Time Warner's predecessor in interest's performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable related needs and interest of the City and its citizens, has considered the financial, technical and legal qualifications of Time Warner, including the guarantee of performance from Time Warner's predecessor in interest and parent, Time Warner Entertainment Company, LP ("TWE") and has determined whether Time Warner's plans for constructing, operating and maintaining its cable system are adequate, in full and complete public proceedings; and

Whereas, The City has relied on Time Warner's representations and has considered the information that Time Warner has presented to it; and

Whereas, Based upon Time Warner's representations and information, and in response to its predecessor in interest's request for renewal, the Common Council has determined that, subject to the provisions of Chapter 99, Milwaukee Code of Ordinances, and the terms and conditions set forth in the cable television franchise agreement attached to this file, and upon the recommendation of the Director of the Department of Administration, Office of the City Attorney and Office of the City Comptroller, to approve a transfer of the franchise from TWE to Time Warner and to enter into a renewal franchise with Time Warner which will supersede the prior franchise and which is consistent with the public interest; and

Whereas, The City and Time Warner have reached agreement on the terms and conditions for such a new franchise which are set forth in the cable television franchise agreement attached to this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officers are hereby authorized and directed to execute the cable television franchise agreement ("Renewal Franchise") between the City and Time Warner Cable of Southeastern Wisconsin, LP ("Time Warner") attached to this file; and be it

Further Resolved, That the City Treasurer is hereby authorized and directed, upon

receipt from Time Warner of the PEG Grant referenced in Section 7.d.i. of the Renewal Franchise, to invest that portion of the PEG Grant (hereinafter referred to as the "PEG Grant Investment") determined by the City Clerk as not needed to fund the temporary operation of public access programming and any initial capital grant to the Access Manager selected by the Common Council. The PEG Grant Investment shall, to the extent practicable, meet a funding schedule established by the City Clerk. All amounts, including interest, received on such PEG Grant Investments shall be used for purposes authorized by further action of the Common Council, which action shall be consistent with Section 7 of the Renewal Franchise Agreement; and all such PEG Grant amounts, including interest, shall be recorded in appropriate accounts, as determined by the City Comptroller, in order to achieve the purposes of this resolution; and be it

Further Resolved, That the City Clerk is hereby authorized and directed to use funds from the PEG Grant or PEG Grant Investments to temporarily operate public access programming through a contract with the Milwaukee Access Telecommunication Authority ("MATA") or another entity, or City staff, if MATA is unwilling to enter into a contract. The City Clerk's temporary operation of public access programming shall not exceed 180 days or the time of City's entry into a long term access management contract, whichever occurs first; and be it

Further Resolved, That any back conduit license fee payments, for a period measured through December 31, 1999, received by the City under Common Council File No. 981231 or File No. 981232 shall be treated as a portion of the PEG Grant by the City Clerk, City Treasurer and City Comptroller; and be it

Further Resolved, That the Common Council hereby establishes a public access funding committee with members appointed by the chairperson of the Utilities and Licenses Committee. The public access funding committee shall study methods of raising funds for public access which are in addition to funds provided under the Renewal Franchise. The public access funding committee shall report the results of its fundraising efforts to the Utilities and Licenses Committee within 120 days of the effective date of this resolution.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Hines Jr.

No: 3 - D'Amato, Richards Murphy

- 4) [981647](#) Substitute resolution establishing management procedures for use of City cable television related trust funds.

Whereas, Via Common Council Resolution File No. 79-1592-4z, adopted July 12, 1983, the Common Council established procedures for the administration of a \$50,000 cash deposit ("Cash Deposit") made by the City's cable television franchisee as a part of the security fund required under the 1983 Cable Television Franchise Agreement ("1983 Franchise"); and

Whereas, The successor in interest to the franchisee under the 1983 Franchise has entered into a Renewal Cable Television Franchise Agreement ("Renewal Franchise") with the City and has consented via a communication from its president (a copy of which is attached to this file) to redirect the use of the Cash Deposit, currently being held by the City Treasurer as a trust fund, in accordance with the procedures set forth in this resolution; and

Whereas, The new use of the Cash Deposit would allow the City Clerk, under guidelines established by the City Comptroller, to withdraw amounts from that trust fund including accumulated interest, to fund the cost of retaining a consultant to assist the City in its review of proposed transfer(s) of the Renewal Franchise; now, therefore, be it

Resolved, That trust fund(s) shall be established to be known as the Cable Franchise Consultant Trust Fund(s) and the funding for those trust fund(s) shall come from funds currently held in trust by the City Treasurer under the provisions of the resolution adopted via Common Council File No. 79-1592-4z; and be it

Further Resolved, That the City Treasurer is authorized to segregate and invest earnings accruing to the trust fund(s) with interest earnings accruing to this trust and not accruing to the general fund interest on temporary investments account; and be it

Further Resolved, That no expenditure or commitment be made from these trust funds, plus accumulated interest on the trust funds, unless authorized by the City Clerk for the purpose of funding the cost of retaining a consultant to assist the City in its review of a proposed transfer of the Renewal Franchise; and be it

Further Resolved, That the administrative procedures and accounts necessary to implement this resolution be established and promulgated by the City Comptroller; and be it

Further Resolved, That upon the expiration of the Renewal Franchise, any funds remaining in trust fund(s) be returned to the City's cable television franchisee.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

APPROVAL OF THE FOLLOWING:

- 5) [990291](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to renewal, nonrenewal, suspension or revocation of licensed dwelling facilities.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Henningsen

- 6) [990909](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Utilities and Licenses Committee as contained in the listings attached to this file.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

- 7) [961872](#) Communication from the Department of Administration relative to cable television franchise renewal.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 8) [971155](#) Resolution relative to the application by time Warner Cable for a January 1, 1998 rate increase.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 9) [971392](#) Communication from Time Warner relative to a rate adjustment effective January 1, 1998.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

[981233](#) Substitute resolution relating to cable television facilities

Sponsors: Ald. Henningsen and Ald. Gordon

ALD. HENNINGSEN motion to request separate action on item 981233, substitute 1.

ALD. GORDON moved that the Common Council now resolve itself into a committee of the Whole for the purpose of hearing from Pat McDonnell, Special City Attorney relative to the foregoing matter.

PROCEEDINGS OF THE COMMITTEE OF THE WHOLE

Mr. Pat McDonnell, Special City Attorney appeared and addressed the Committee relative to the foregoing matter.

ALD. WITKOWIAK moved that the committee do now rise. So ordered.

ALD. PRATT moved to amend the contract between the City and Milwaukee Access Telecommunications Authority, Inc. In Section 8.1.1 to delete "one million Five hundred thousand dollars (\$1,500,000.00)" and insert in lieu

thereof: "one million dollars (\$1,000,000.00) as the contract is attached to this file.

A motion was made by Ald. Pratt that this matter be AMENDED. The motion failed by the following vote:

Aye: 7 - Pratt, Henningsen, Johnson-Odom, Gordon, Richards, Butler Hines Jr.

No: 10 - Kalwitz, D'Amato, Schramm, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

Whereas, The Common Council is considering, under Common Council File No. 981230, the approval of a renewal cable television franchise agreement (renewal agreement) with Time Warner Cable of Southeastern Wisconsin, LP (Time Warner); and

Whereas, The term of the renewal agreement will commence on January 1, 2000, thereby terminating the 1983 franchise agreement (1983 agreement) pursuant to the terms of the extension of the 1983 agreement granted under Common Council File No. 991229; and

Whereas, The termination of the 1983 agreement will also terminate all rights and interest under that agreement of the Milwaukee Access Telecommunication Authority (MATA), the entity currently operating public access programming on the City's cable television system; and

Whereas, The office of the City Clerk has developed a proposed form of access manager contract (access contract), a copy of which is attached to this file, for use in retaining MATA as the access manager to operate public access programming under the renewal agreement and the repealed and recreated provisions of Chapter 99, Milwaukee Code of Ordinances, currently being considered by the Common Council under Common Council File No. 980530; and

Whereas, Because MATA's right to operate public access programming on the City's cable system will terminate on January 1, 2000 if the Common Council approves the renewal agreement under Common Council File No. 981230, it is necessary to authorize the City Clerk to enter into an interim access management agreement with MATA for a term not to exceed 120 days, so that during this interim period, the City Clerk will attempt to finalize negotiations with MATA for the long-term access contract and make a recommendation to the Common Council for the designation of MATA as the City's access manager and the approval of an access contract with MATA; now, therefore, be it

Resolved, That the Common Council approves the proposed form of the access contract attached to this file and directs the City Clerk to commence negotiations with Milwaukee Access Telecommunications Authority (MATA) for a long-term access

contract based upon that proposed contract form; and, be it

Further Resolved, That contingent upon the final approval of Common Council File No. 981230 and upon MATA securing a commitment for Time Warner Cable of Southeastern Wisconsin, LP (Time Warner) to allow MATA to continue to occupy space at Time Warner's headquarter facilities for at least 120 days, the Common Council authorizes the City Clerk to negotiate and enter into an interim access management agreement with MATA for a term not to exceed 120 days, with funding for that agreement being provided from the public, educational and government (PEG) grant funds delivered by Time Warner under the provisions of the renewal agreement.

Sponsors: Ald. Henningsen and Ald. Gordon

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion failed by the following vote:

Aye: 7 - Pratt, Henningsen, Johnson-Odom, Gordon, Richards, Butler Hines Jr.

No: 10 - Kalwitz, D'Amato, Schramm, Frank, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

- 11) [981234](#) A substitute ordinance relating to street construction and work on public ways.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 12) [991341](#) Communication from Digital Access, Inc. relative to authority to operate an open video system in the Milwaukee area.

Sponsors: THE CHAIR

A motion was made by Ald. Gordon that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- [991352](#) Substitute resolution relating to feasibility of issuance and sale of up to \$1,500,000 public access manager revenue bonds to be secured by cable television franchise fee revenues.

Whereas, The Milwaukee Access Telecommunications Authority (MATA) is a nonprofit community media center that manages public access under the City's current cable television franchise agreement; and

Whereas, MATA has maintained a 15-year reputation for being one of the best public access centers in the country, and received a national award in 1999 for overall excellence in public access; and

Whereas, MATA has provided production services to more than 400 nonprofit groups, many of which rely on the MATA "community bulletin board" to announce their activities and services; and

Whereas, MATA annually trains 600 to 800 Milwaukee residents in using video production equipment and the airways, instructing more than 15,000 community members since 1985; and

Whereas, MATA maintains a high level of discrimination-free diversity, has a strong tradition of media literacy and encourages the preservation, development and enrichment of different viewpoints in thought, culture and heritage to serve the entire greater Milwaukee community; and

Whereas, The Common Council is considering Common Council File No. 981230, which approves a renewal cable television franchise agreement (Renewal Agreement) with Time Warner of Southeastern Wisconsin, LP (Time Warner); and

Whereas, Under the terms of the Renewal Agreement, Time Warner will provide a public, educational and governmental (PEG) grant of at least \$5.2 million to the City, and the City may use that PEG grant funding to fund public access services and programming during the 17-year term of the Renewal Agreement; and

Whereas, The City will receive 5% of Time Warner's gross revenues as a franchise fee during each year of the Renewal Agreement; and

Whereas, Public access programming provided under the Renewal Agreement would be enhanced and the citizens of the City of Milwaukee benefited if an additional \$1.5 million in City Grant funds are provided to the access manager designated by the Common Council; and

Whereas, A possible method of generating the City Grant is through the sale of revenue bonds (Access Bonds) secured by franchise fee revenues received by the City under the Renewal Agreement; and

Whereas, Prior to the issuance of the Access Bonds, the Comptroller must determine

the feasibility and fiscal appropriateness of the issuance of such bonds; now, therefore, be it Resolved, By the Common Council of the City of Milwaukee, that the Common Council finds that public access television programming provided under the renewal cable television franchise agreement (Renewal Agreement) with Time Warner of Southeastern Wisconsin, LP (Time Warner) that the Common Council is considering for approval in Common Council File No. 981230 would be enhanced and the citizens of the City of Milwaukee would be benefited if, in addition to monies provided from the public, educational and government (PEG) grant, City Grant funds in the amount of \$1.5 million are provided to the cable access manager designated by the Common Council under the provisions of Chapter 99, Milwaukee Code of Ordinances, as repealed and recreated in Common Council File No. 980530, and if such funds are paid from franchise fee revenues received by the City under the Renewal Agreement; and, be it Further Resolved, That the Comptroller is therefore authorized and directed to determine the feasibility and fiscal appropriateness of the issuance of revenue bonds (Access Bonds), to be secured by franchise fee revenues received by the City under the Renewal Agreement, sufficient to generate a \$1.5 million City Grant to the cable access manager; and, be it Further Resolved, That the Comptroller is directed to report to provide the Common Council with a written report on the feasibility of such bond issuance by March 1, 2000; and, be it Further Resolved, That, if the Comptroller finds that such bond issuance is not feasible, the Comptroller is directed to recommend to the Common Council another means by which to provide a \$1.5 million grant to the access manager with the grant funds provided from franchise fee revenues received by the City under the Renewal Agreement, such recommendation to be provided by March 1, 2000.

Sponsors: Ald. Henningsen and Ald. Gordon

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion failed by the following vote:

Aye: 6 - Pratt, Henningsen, Johnson-Odom, Richards, Butler Pawlinski

No: 11 - Kalwitz, D'Amato, Schramm, Gordon, Frank, Scherbert, Witkowiak, Breier, Nardelli, Murphy Hines Jr.

APPROVAL OF THE FOLLOWING:

- 14) [990910](#) Motion to approve recommendations of the Utilities and Licenses Committee relative to issuance, denial, renewal, nonrenewal, suspension or revocation of licenses and extension of premises.

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Utilities and Licenses Committee as contained in the listings attached to this file.

Sponsors: THE CHAIR

Recommendation of renewal with a 10-day suspension of the Class "B" Tavern License of Melody M. Flanigan for the premises at 2599 S. Logan Avenue ("Flanigan's Call Box") in the 14th Aldermanic District. Written objections

have not been filed by the licensee. (Committee Vote: 4 Ayes; 1 Noes; Expiration Date: 11-4-99).

The Chair questioned whether all the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee in these matters and any written exceptions, if filed by the licensee(s).

Ayes: 17 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Murphy, Nardelli, Hines and President Kalwitz.

Noes: 0.

The Chair questioned whether the applicant or her counsel was present.

Neither were present.

THE CHAIR moved to approve the Utilities and Licenses Committee Report.

The motion prevailed.

Ayes: 16 - Ald. Pratt, D'Amato, Henningsen, Schramm, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy, Hines and Kalwitz.

Noes: 0.

Excused: 1 - Ald. Johnson-Odom.

A motion was made by Ald. Gordon that this matter be APPROVED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 1 - Johnson-Odom

- 15) [981231](#) Substitute resolution relating to occupancy of the City-owned conduit by cable franchisee.

Whereas, The City (hereinafter referred to as "Licensor") owns and operates a conduit system located in the City of Milwaukee, County of Milwaukee, State of Wisconsin (hereinafter called the "Conduit System"); and

Whereas, Time Warner Cable of Southeastern Wisconsin, LP (hereinafter referred to as the "Licensee") has registered in accordance with sec. 98-7, Milwaukee Code of

Ordinances, for permission to place and maintain telecommunications facilities (herein "Licensee's Facilities") in portions of the Licensor's Conduit System described on Exhibit A to the Conduit Occupancy License Agreement attached to this file; and

Whereas, Licensor has agreed pursuant to sec. 98-5, Milwaukee Code of Ordinances, to permit, under certain conditions and for a 17 year term, on a license basis, the placement of Licensee's Facilities within portions of the Licensor's Conduit System designated in Licensee's Facilities conduit maps on file in the office of the City Engineer and Department of Public Works and summarized in Exhibit B to the Conduit Occupancy License Agreement attached to this file; now, therefore, be it

Resolved, That contingent upon the approval of the Renewal Cable Franchise Agreement with Licensee under Common Council File No. 981230, the Common Council hereby authorizes and directs the Commissioner of Public Works to execute the Conduit Occupancy License Agreement attached to this file.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [990881](#) Substitute resolution relative to various legislative bills.

Whereas, The Judiciary and Legislation Committee of the Common Council has recommended the following positions on the bills hereinafter listed and the Common Council being advised of said matters; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby approves the following legislative bills and instructs the Division of Intergovernmental Relations to appear before the proper committees to support such bill and use its best endeavors to have the same enacted into law, viz:

301-A, relating to Handguns.

;and, be it

Further Resolved, That the Common Council of the City of Milwaukee is opposed to

the following legislative bills and hereby instructs the Division of Intergovernmental Relations to appear before the proper committees in opposition to said bills and use its best endeavors in opposition to the same viz:

293-S, relating to Concealed Weapons.

469-A, relating to Employment Discrimination.

605-A, relating to Concealed Weapons.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 2) [991165](#) Substitute resolution to settle claim of Fritz Kastner for property damage.

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$230.00 payable to Fritz Kastner, 1300 Briggs Court, #206, Stevens Point, 54481, to reimburse him for property damage; and, be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 3) [991268](#) Resolution granting deferred payment of a special assessment for Carolyn Soerfass, 540 North 53rd Street in the 16th Aldermanic District. (Infrastructure Services Division)

Whereas, The Deferred Assessment Board of the City of Milwaukee considered the application of a Worthy Indigent for deferred payment of a special assessment and recommended the same be granted; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following property owner, being the owner of property described, is hereby confirmed as a

Worthy Indigent resident as provided in section 115-44 of the Milwaukee Code of Ordinances, and that payment of the special assessment is hereby deferred:

Property Owner: Carolyn Soerfass

Property Address: 540 North 53rd Street

Special Assessment Serial Number: BF002097

Tax Key Number: 404-0540-8

Legal Description: Oakland Heights in SW 1/4 Sec 26-7-21 Block 2 S 20' Lot 10 and N 20' Lot 11

;and, be it

Further resolved, That after December 20, 1999, and upon receipt of said property's tax bill from the City Treasurer, the City Comptroller shall issue to the City Treasurer a check in the amount of \$249.80 to pay the 1st installment of said special assessment, and that following the issuance of the check, the deferred special assessment shall be processed in the manner specified in File Number 74-1975; and, be it

Further Resolved, That said Comptroller is also authorized to expend a sum equal to the recording fee in excess of the amount deferred.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 4) [991269](#) Resolution providing for continuance of Deferred Payment of Assessments for Worthy Indigent Resident Property Owners. (Infrastructure Services Division)
Whereas, The Common Council previously confirmed certain resident property owners as Worthy Indigents; and

Whereas, The Deferred Assessment Board has completed its annual review of the resident owners confirmed in prior years; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that after December

20, 1999, and upon receipt of the tax bill for the listed property from the City Treasurer, the Department of Public Works shall process necessary documents to have a check issue to the City Treasurer in the amount listed to pay the 1999 special assessment installment so indicated for confirmed Worthy Indigent resident property owner:

Tax Key Number	Amount	Original Bond Number	Installment Number
432-0138-7	\$112.15	XL001443	4

; and, be it

Further Resolved, That following the issuance of said check, the deferred special assessment shall be processed in the manner specified in File Number 74-1975;

and, be it

Further Resolved, That the following previously granted deferred assessments for confirmed Worthy Indigent resident property owners shall remain in force:

Tax Key Number	Bond Number
311-1879-100-5	RF001388
432-0138-7	XL001443

; and, be it

Further Resolved, That said Department is also authorized to expend a sum equal to the recording fee needed for special assessments deferred; and, be it

Further Resolved, That a copy of this resolution be furnished to the City Comptroller and the City Treasurer.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 5) [991289](#) Resolution authorizing payment of the claim of Claudia Morris, C.I. File No. 98-L-182. (City Attorney)

Whereas, The claimant, Claudia Morris, through her attorneys, Gendlin & Safran, S.C., has filed a claim for damages against the City of Milwaukee pursuant to sec. 66.189, Stats., for injuries and damages incurred on October 24, 1998 as a result of a vehicle accident with an uninsured motorist; and

Whereas, The claimant has agreed to settle her claim in the amount of \$8,000.00; and

Whereas, Pursuant to Common Council Resolution File No. 890916, the City Attorney's Office retained the services of the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., to administer the City of Milwaukee's uninsured motorist self-insurance plan; and

Whereas, The law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., recommends and the Common Council of the City of Milwaukee deems it expeditious and just to settle this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper city officers be and hereby are authorized and directed to issue a check in the amount of \$8,000.00, payable to Claudia Morris and Gendlin & Safran S.C. Trust Account, in full and final settlement of said claim, said check to be delivered to the City Attorney upon his request, said amount to be charged to the Damages and Claims Fund, Account No. 636505, Fund No. 0001, Organization No. 1490, Program No. 2631, Sub Class No. S118; and be it

Further Resolved, That the law firm of Crivello, Carlson, Mentkowski & Steeves, S.C., shall upon payment to claimant obtain a release of claim and deliver the original release to the City Attorney.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 6) [991291](#) Resolution to cancel real estate taxes levied against a certain parcel identified by Tax Key Number 278-0740-000-8 on the 1998 tax roll, plus interest applicable to date of repayment, if appropriate. (Edmund B. Adamic as Trustee of Edmund B. Adamic 1999 Revocable Trust) (Assessor's Office)

Whereas, An assessment in the amount of \$322,600 (Land: \$50,500 - Improvements: \$272,100) was made against the property known as Tax Key Number 278-0740-000-8 for the year 1998; and

Whereas, The Board of Review has decreased this assessment to \$309,700 (Land: \$50,500 - Improvements: \$259,200), for a reduction of \$12,900; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proper city officers are authorized and directed to issue a city check in the amount of \$364.89 payable to the City Treasurer or taxpayer as applicable, to be refunded to the taxpayer where appropriate, plus interest at the rate of 9.6% applicable from date of payment to date of repayment, said amount to be charged to the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300 and said check to be delivered to the Tax Billing and Collection Division of the Treasurer's Office for disbursement; and, be it

Further Resolved, That the proper city officers are authorized and directed to reflect the reduction in State Tax Credits as follows:

Section 79.10 (2) \$26.27 (City: \$19.66
County: \$ 6.61)

by means of journal entries, charging the Remission of Taxes Fund, 0001 Org 9990 Program 0001 Sub-class S163 Account 006300, and crediting the State Tax Credit Fund; and, be it

Further Resolved, That delinquent interest and penalties on this account is hereby canceled.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,
Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 7) [991298](#) Resolution relative to the refund of weed cutting charge placed on the 1997 Tax Roll. (Sanitation)

Whereas, Weed cutting charges were made against parcels of real estate in 1997; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that proper city officers are authorized and directed to amend the 1997 Tax Roll by issuing a city check in the amount of \$65.00 payable to the possessor of the receipted 1997 tax bill for Key Number 271-2209-000-6 also known as 3608-3612 N. Teutonia Ave., chargeable

to Fund Number 0001-5650-0001-009400; and be it

Further Resolved , That no interest be paid on the delinquent charge in this resolution.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 8) [991318](#) Resolution authorizing the execution of a Payment in Lieu of Taxes ("PILOT") Agreement with the Wisconsin Humane Society, Inc. for the property at 4520 West Wisconsin Avenue. (DCD)

Whereas, On March 18, 1999, the Redevelopment Authority of the City of Milwaukee ("RACM") approved its Resolution No. 9059 providing for the issuance of \$5,500,000 of Redevelopment Authority Revenue Bonds to finance the new Wisconsin Humane Society facility at 4520 West Wisconsin Avenue; and

Whereas, The RACM resolution provided that in the event the Wisconsin Humane Society ("Society") project was determined to be exempt from real estate taxation by the City of Milwaukee, the Society would enter into an agreement providing for an annual payment in lieu of taxes to the City for as long as the Redevelopment Authority bonds remained outstanding; and

Whereas, On March 25, 1999, RACM and the Society entered into an agreement setting forth the terms of the annual payment in lieu of taxes should the facility be exempt from real estate taxation; and

Whereas, On April 20, 1999, the City Assessor granted a tax exemption for the Society property at 4520 West Wisconsin Avenue; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized and directed to execute the PILOT Agreement, a copy of which is attached to this Common Council File, and the City Assessor is authorized to bill the Society for the amount provided in the PILOT Agreement for the term the Redevelopment Authority bonds remain outstanding.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 9) [991361](#) Substitute resolution supporting the proposed Guardian Pipeline project and its application on file with the Federal Energy Regulatory Commission (FERC) relating to natural gas service.
- Whereas, The proposed Guardian Pipeline would be a 150-mile natural gas pipeline from Joliet, Illinois, to Ixonia, Wisconsin; and
- Whereas, The Guardian Pipeline will create permanent competition in the gas transportation and storage markets, bringing lower energy costs to residential and business natural gas consumers in Milwaukee and throughout Wisconsin; and
- Whereas, Increased competition attributable to the Guardian Pipeline is estimated to save Wisconsin customers more than \$100 million during the first 10 years of pipeline operation; and
- Whereas, The Guardian Pipeline will ensure that a reliable source of natural gas is available to meet Wisconsin's summer and winter natural gas needs; and
- Whereas, One of the 3 owners of the Guardian Pipeline will be Milwaukee-based WICOR, the parent company of Wisconsin Gas; and
- Whereas, The owners of the proposed pipeline have committed to undertake the construction and operation of the pipeline with sensitivity to minimizing negative effects on the landscape and environment; and
- Whereas, The Guardian Pipeline is supported by a wide variety of businesses, government officials and community groups, including the Metropolitan Milwaukee Association of Commerce, YWCA of Greater Milwaukee, La Causa, Interfaith Older Adult Programs, Inc., Opportunities Industrialization Center of Greater Milwaukee (OIC), Project Equality of Wisconsin, Social Development Commission (SDC), United Migrant Opportunities Source (UMOS), Wisconsin Council on Children and Families, the Intergovernmental Cooperation Council of Milwaukee County, Mayor John Norquist, County Executive Tom Ament, Governor Tommy Thompson, Congressmen Tom Barrett and Jerry Kleczka, the Citizens Utility Board, Sta-Rite Industries, the Goodyear Tire & Rubber Company and the Milwaukee Business Journal; and
- Whereas, Construction of the Guardian Pipeline requires the approval of the Federal Energy Regulatory Commission; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council supports the Guardian Pipeline project and finds that it will bring competition, a greater supply of natural gas, greater reliability and lower prices to natural gas consumers in Milwaukee and Wisconsin; and, be it

Further Resolved, That the Milwaukee Common Council urges the Federal Energy Regulatory Commission to approve the Guardian Pipeline project; and, be it

Further Resolved, That the City Clerk is directed to transmit a certified copy of this resolution to the Federal Energy Regulatory Commission, each member of the Wisconsin Congressional delegation, Governor Tommy Thompson and County Executive Tom Ament.

Sponsors: Ald. Richards, Mr. Schramm, Ald. Gordon, Ald. Butler, Ald. D'Amato and Ald. Pawlinski

A motion was made by Ald. Frank that this matter be ADOPTED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

PLACING ON FILE THE FOLLOWING:

- 10) [981361](#) An ordinance relating to modifying aldermanic districts.

Sponsors: Ald. Frank

A motion was made by Ald. Frank that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- [990873](#) Substitute resolution authorizing the return of real estate located at 2236-38 N. Booth Street, in the 6th Aldermanic District of the City of Milwaukee to its former owner upon payment of all city and county tax liens and any special improvement bonds, with all interest and penalty thereon and all costs as sustained by the City in foreclosing and managing said real estate.

Sponsors: JUDICIARY & LEGISLATION COMMITTEE

A motion was made by Ald. Frank that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- 12) [991355](#) Resolution requesting that the City's Election Commission inform Common Council members of any change in the locations of polling places.

Sponsors: Ald. Butler

A motion was made by Ald. Frank that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

DISALLOW AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

- 13) Various claims against the City:

- a) [991121](#) Communication from the City Attorney's Office transmitting a communication from Lorena Wilson relative to claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- b) [991224](#) Appeal of Crystine Slack relative to claim for property damage. (15th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- c) [991266](#) Communication from the City Attorney's Office transmitting a communication from Cherry Brockman-Cain relative to claim for property damage.

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- d) [991365](#) Appeal of Clayton Zebrowski relative to claim for property damage. (4th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

- e) [991366](#) Appeal of Elizabeth Boyd relative to claim for personal injuries. (6th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Frank that this matter be DISALLOWED AND INDEFINITELY POSTPONED. The motion carried by the following vote:

Aye: 17 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy Hines Jr.

No: 0

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991001](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:

"On the north side of W. Hope Avenue from N. 35th Street to N. 36th Street from 7:00 AM to 5:00 PM except Saturday and Sunday"

"On the west side of N. Water Street from E. Wells Street to E. Kilbourn Avenue at any time"

"On the north side of E. North Avenue from N. Humboldt Avenue east to the viaduct from 3:00 PM to 5:00 PM except Saturday and Sunday"

"On the east side of N. 2nd Street from one-half block south of W. Center Street to one-half block north of W. Center Street from 4:00 PM to 6:00 PM except Sundays and Holidays"

"On the west side of S. 2nd Street from a point 80 feet south of the N. Plankinton Avenue Bridge to W. Greenfield Avenue from 4:00 PM to 6:00 PM"

Part 2. Section 101-23-4-c of the Code relating to One Hour Parking is amended by striking the following:

"On W. Vliet Street from N. 27th Street to N. 28th Street"

Part 3. Section 101-23-4-d of the Code relating to Two Hour Parking is amended by striking the following:

"On the north side of E. State Street from the Milwaukee River to the east line of N. Edison Street"

"On W. Walnut Street between N. 3rd Street and N. 4th Street"

"On the west side of S. 1st Street from W. Scott Street to W. Washington Street except where No parking is in effect"

Part 4. Section 101-23-4-e of the Code relating to Three Hour Parking is amended by striking the following:

"On the east side of S. Water Street from the north curb line of E. Washington Street to a point 670 feet north thereof from 7:00 AM to 7:00 PM except Saturday and Sunday"

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 2) [991002](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:
- On N. 17th Street from W. Vliet Street to W. Walnut Street
- Part 2. Section 101-16-1 of the Code relating to Stop Signs is amended by adding the following:
- On W. Orchard Street and S. 29th Street
- On W. Medford Avenue at N. 45th Street
- On E. Saveland Avenue at S. Herman Street
- Part 3. Section 101-22-1 of the Code relating to One Way Streets is amended by striking the following:
- "On N. 49th Street from W. Burleigh Street to W. North Avenue in a southerly direction"
- Part 4. Section 101-22-1 of the Code relating to One Way Streets is amended by adding the following:
- On N. 49th Street from W. Burleigh Street to W. Lisbon Avenue southbound
- Sponsors:** THE CHAIR
- A motion was made by Ald. Murphy that this matter be PASSED. The motion carried by the following vote:**
- Aye:** 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy
- No:** 0
- Excused:** 1 - Hines Jr.

ADOPTION OF THE FOLLOWING:

- 3) [990948](#) Substitute resolution authorizing the release of request for proposals for the sale of three City-owned parking structures located at 841 North 7th Street, 724 North 2nd

Street and 324 West Highland and further authorizing the Commissioner of Public Works to enter into negotiations with current structure lessors for the purpose of establishing a sale price for parking structures located at 1000 North Water Street and 525 North Milwaukee Street.

Whereas, File 990619, approved by the Common Council on July 29, 1999, authorized the Commissioner of Public Works to prepare a Request for Proposals for the purchase of Milwaukee's 5 downtown parking structures; and

Whereas, A Request for Proposals has been prepared by the Commissioner of Public Works for the sale of three parking structures located at 841 North 7th Street, 727 North 2nd Street and 324 West Highland; and

Whereas, Such Request for Proposals contains the stipulation set forth in File 990619, that the facilities must continue to operate as public parking facilities for a reasonable period of time after the transfer of such properties and that all contracts between the City and private businesses for parking access must be honored for the lifetime of the existing contract periods; and

Whereas, The Request for Proposals has been reviewed by the City Attorney, City Comptroller, Budget Director, Common Council members, Common Council Fiscal Review Manager, and the Director of the Department of City Development; and

Whereas, Lease agreements between the City and the current lessors of the parking structures located at 1000 North Water Street and 525 North Milwaukee Street provide the lessees with the right of first refusal, requiring the City to first enter into negotiations with these lessees before they may be offered for public sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is directed to release the Request for Proposals and conduct such business and make such expenditures as may be necessary to secure interest for the sale of the three parking structures contained in the Request for Proposals; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to conduct such business and make such expenditures as may be necessary to enter into negotiations with the current lessees of the City parking structures located at 1000 North Water Street and 535 North Milwaukee Street for the purpose of securing bids of interest for the purchase of such facilities; and, be it

Further Resolved, That negotiation for the sale of the 1000 North Water Street structure shall include the stipulation that existing agreements between the City and private businesses for the use of the facility shall continue to be honored for the life of the existing contracts; and, be it

Further Resolved, That all expenditures related to the sale process shall be paid from resources of the City of Milwaukee Parking Fund and shall not exceed the amount of \$30,000; and, be it

Further Resolved, That all offers as received through the Request for Proposals and through the preliminary negotiation with lessees as provided in this resolution, shall be subject to an evaluation and analysis by the City Comptroller, Budget Director, Fiscal Review Manager, Director of the Department of City Development and members of the Common Council, with advice from the City Attorney; and, be it

Further Resolved, That the Commissioner of Public Works shall present an analysis of the purchase offers to the Common Council for its review and approval; and, be it

Further Resolved, That such an analysis shall compare purchase bids against the present value of estimated future cash flows generated by the structures if retained by the City of Milwaukee; and, be it

Further Resolved, That if the Common Council determines the sale of any or all properties are in the best interest of the City, the City shall take such steps as may be necessary to transfer the properties to the Redevelopment Authority of the City of Milwaukee subject to the Redevelopment Authority declaring such property or properties blighted; and, be it

Further Resolved, That upon such transfer, the City of Milwaukee would enter into a cooperation agreement with the Redevelopment Authority for the purpose of negotiating final sale conditions for the properties designated as blighted; and, be it

Further Resolved, That once final sale conditions have been negotiated, the terms of such sales shall be presented to the Common Council for approval.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 4) [991306](#) Substitute resolution relative to application, acceptance and funding of a 2000 Better Communities Through Traffic Calming Workshops Grant.
Whereas, The City of Milwaukee appears to be eligible for Federal grant funds

(CFDA #20.600) from the Wisconsin Department of Transportation, Bureau of Transportation Safety for the training of engineering and planning staff members, community leaders and elected officials in the area of traffic calming planning and design; and

Whereas, The presentation of the grant workshops on March 27, 28, and 30, 2000 would cost \$35,310 of which \$5,310 (15%) would be provided by the City and \$30,000 (85%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Wisconsin Department of Transportation, Bureau of Transportation Safety is authorized and the Department of Public Works shall accept these grants without further approval unless the terms of the grants change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit Funds within the Project/Grant Parent of the 2000 Special Revenue Grant and Aid Projects, Fund the following amounts for the project/program titled 2000 Better Communities Through Traffic Calming Workshops:

Project/Grant Parent	Grantor Share
Project/Grant ChartField	GR0009000000
Fund	0150
Organization	9990
Program	0001
Budget Year (BY)	0000
Subclass	R999
Account	000600
Project/Grant Total	\$35,310

2. Create a Special Revenue Fund - Grant and Aid Projects and the necessary Project/Grant ChartField Values at the Project, Segment, Phase and/or Activity Levels; and to budget to the Project, Segment, Phase or Activity level the amount required under the grant agreements; and

3. Establish the necessary City share Project Values; and, be it

Further Resolved, That these funds are appropriated to the Department of Public Works, Infrastructure Services Division-Transportation Section which is authorized to expend from the amount budgeted for specific purposes as indicated in the grant budgets and incur costs consistent with the award date.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

5) [991337](#) Substitute resolution relative to application, acceptance and funding of a Breast and Cervical Cancer Screening Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Division of Health and Family Services for breast and cervical cancer screening, referrals and follow-ups for low-income and under-served women 50 years of age and older; and

Whereas, The operation of this grant project from 10/01/99 to 12/31/99 (CFDA #93.399) would cost \$34,250 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent accounts of the 1999 Special Revenue Accounts-Grant and Aid Projects, the following amounts for the program titled Breast and Cervical Cancer Screening Grant:

Project/ Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$34,250

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Level Values; budget to these Project/Grant values the amount required under

the grant agreement;

3. Establish the necessary project values; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

6) [991338](#) Substitute resolution relative to application, acceptance and funding of the Breast Cancer Awareness - Milwaukee Foundation Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Milwaukee Foundation for mammography screenings to low-income and under-served women; and

Whereas, The operation of this grant project from 11/01/99 to 12/31/00 would cost \$45,000 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Milwaukee Foundation is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Common Council File 940843 (Grant Ordinance); and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent 1999 Special Revenue Grant and Aid Project fund, the following amounts for the project titled Breast Cancer Awareness Program - Milwaukee Foundation:

Project Grant	GR0009000000
Fund	0150
Org	9990
Program	0001
Budget Year	0000

Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$45,000

; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 1999 grant budget funds for specific items of equipment;
3. Expend from the 1999 grant budget funds for training and out-of-town travel by departmental staff; and
4. Enter into subcontracts and leases as detailed in the grant budget.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 7) [991345](#) Resolution certifying ambulance service providers for the citywide emergency medical service system. (Health Dept.)
- Resolved, By the Common Council of the City of Milwaukee, that the Common Council certifies the following ambulance providers for the citywide emergency medical service system under section 75-15 of the Milwaukee Code of Ordinances:
1. Bell Ambulance Services, 549 East Wilson Street, Milwaukee, WI, 53207.
 2. Cross Ambulance Service, Inc., 5436 West Rogers Street, West Allis, WI. 53219.
 3. Curtis-Universal Service, Inc., P.O. Box 2007, Milwaukee, WI, 53201 (316 North Milwaukee St., #330, 53202).
 4. Meda-Care Ambulance Service, Inc., 2515 West Vliet Street, Milwaukee, WI

53205.

5. Paratech Ambulance Service, Inc., 6471 North Industrial Road, Milwaukee, WI 53233.

; and, be it

Further Resolved, That the Health Department shall issue permits or certificates in the manner prescribed by law.

Sponsors: Ald. Murphy

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 8) [991349](#) Resolution approving an ambulance service plan for the citywide emergency medical service system.

Whereas, Section 75-15-14 of the Milwaukee Code of Ordinances provides for Common Council approval of a service plan for the emergency medical services system which divides the city into ambulance service sectors and assigns certified providers in those sectors; and

Whereas, The Ambulance Service Board has submitted a service plan which has been reviewed by the Public Safety Committee for appropriate recommendation to the Common Council for action; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves the following ambulance service plan for the period commencing January 1, 2000 and ending December 31, 2005:

1. Service Area #1 - Paratech Ambulance Service. East, North and West boundaries are city limits. South boundary: East along West Keefe Avenue, from city limit including West Keefe Avenue Parkway, East Keefe Avenue, and East Edgewood Avenue (exclusive) to North Dr. Martin L. King, Jr. Drive. North on North Dr. Martin L. King, Jr. Drive including North Green Bay Avenue to West Silver Spring Drive (inclusive). North along city limit from West Silver Spring Drive to city limit north (inclusive).

2. Service Area #2 - Medacare Ambulance Service. East and West boundaries are

city limits. North boundary: East along West Keefe Avenue from city limit including West Keefe Avenue Parkway, East Keefe Avenue, and East Edgewood Avenue (inclusive) to North Dr. Martin L. King Jr. Drive. North on North Dr. Martin L. King Jr. Drive including North Green Bay Avenue (exclusive) to West Silver Spring Drive.

3. Service Area #3 - Curtis - Universal Ambulance Service. West and South boundaries are city limits. North boundary: East on West North Avenue (inclusive), from city limit to North 20th Street. East boundary: South on North 20th Street (exclusive), from West North Avenue to West Greenfield Avenue. East on West Greenfield Avenue (exclusive), from South 20th Street to South 17th Street. South along South 17th Street, approximately 1700 West (exclusive), from West Greenfield Avenue to West Layton Avenue. South from 1700 West Layton Avenue, and West of North South Freeway I-94 (inclusive) South to city limits.

4. Service Area #4 - Bell Ambulance Service. East and south boundaries are city limits. North boundary: East on West Center Street (exclusive), from North 20th Street to North 6th Street. South on North 6th Street (exclusive), from West Center Street to West North Avenue. East on West North Avenue (inclusive), from North 6th Street to city limit. West boundary: South on North 20th Street (exclusive), from West Center Street to West Greenfield Avenue. East on West Greenfield Avenue (inclusive) from South 20th Street to South 17th Street. South on South 17th Street, and approximately 1700 west (inclusive), from West Greenfield Avenue to West Layton Avenue. South from 1700 West Layton Avenue, and East of North/South Freeway I-94 (exclusive). South to city limits.

5. Service Area #5 - Cross Ambulance Service. City of West Milwaukee boundaries.

6. Backup support for service areas shall be as follows in the order listed:

- a. Service area #1: Milwaukee Fire Department, Medacare, Cross, Curtis, Bell.
- b. Service area #2: Milwaukee Fire Department, Cross, Paratech, Curtis, Bell.
- c. Service area #3: Milwaukee Fire Department, Cross, Bell, Medacare, Paratech.
- d. Service area #4: Milwaukee Fire Department, Curtis, Cross, Medacare, Paratech.
- e. Service area #5: Milwaukee Fire Department, Curtis, Bell, Medacare, Paratech.

6. The ambulance backup system shall be called upon immediately when the designated service area provider is unable to respond to Fire Department dispatch.

7. When a call from the fire dispatcher to a service area provider cannot be

satisfactorily handled within the required response time, the provider receiving the initial request shall turn the call back to Fire Department dispatch.

8. If the initial backup provider is unable to satisfactorily handle the call within the required response time, Fire Department dispatch will notify the next appropriate provider designated for the service area.

; and, be it

Further Resolved, That additional service plan components are:

1. Procedures for the operation of this plan shall be in accordance with the City of Milwaukee Emergency Medical Services System Handbook of Operations.
2. The certified ambulance providers accepting designation to participate in this plan, either in a service area or backup, shall direct all inquiries, concerns or complaints pertaining to service plan operations to the Commissioner of Health.
3. Each designated provider is required to commit one ambulance to the City of Milwaukee EMS System on a full-time basis. This dedicated ambulance shall display an identifying emblem acceptable to the city.
4. The service medical director for each certified ambulance provider must participate in the Medical Society of Milwaukee County Emergency Medical Services Medical Director subcommittee meetings, and other meetings as directed by the Ambulance Service Board.
5. Monthly meetings with the Milwaukee Fire Department and all ambulance providers will be held to discuss problems. A standard reporting format for all fire-dispatched calls will be agreed upon and all companies must provide such reports monthly.
6. In all cases where the private ambulance is the first responder, the response time standard shall be the time specified in the handbook of operations. If a provider cannot meet the response time, the call shall be turned back to the Fire Department. The decision must be made within one minute after receiving the call from the Fire Department dispatcher.
7. In all cases where a Fire Department unit is on the scene, and the private ambulance is also dispatched to the same scene, the response time standard shall be the time specified in the handbook of operations. If a provider cannot meet the response time, the call shall be turned back to the Fire Department. The decision must be made within one minute after receiving the call from the Fire Department.

8. All certified ambulance providers shall agree to abide by the following rules during the service period:

a. The Emergency Medical Services System authorizes the certified private ambulance service on the scene to convey the patient when a MED unit has been requested by the ambulance service but an ALS transport is not indicated.

b. The Emergency Medical Services System shall take precedence and command when a certified private ambulance service is activated privately and the system is separately activated for the same incident. The designated sector ambulance service shall convey unless a Fire Department official authorizes an exception to the policy.

c. When a certified private ambulance service not on the scene is activated privately and that ambulance service in turn activates the system, the service activating the system is authorized to convey the patient if an ALS transport is not indicated.

d. Providers must not "jump" ambulance calls in any service area.

e. Providers must implement a recording system for emergency ambulance dispatch, and retain tapes of records for a period of 60 days.

f. Providers must make tapes of recorded ambulance requests and dispatches available to the city upon specific request.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 9) [991369](#) Substitute resolution relating to the expenditure of \$50,000 from the Handgun Violence Media Campaign special purpose account in the 2000 City Budget for a public education program relating to firearm violence.

Sponsors: Ald. Murphy, Ald. Witkowiak, Ald. Gordon and Ald. Richards

A motion was made by Ald. Murphy that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

Whereas, Funding in the amount of \$50,000 was allocated in the 2000 City Budget to a special purpose account designated "Handgun Violence Media Campaign"; and

Whereas, In February 1997, the City of Richmond, Virginia, began Project Exile, a joint law enforcement effort under which certain categories of armed criminals are referred for federal rather than state prosecution; and

Whereas, The swifter prosecutions and longer sentences available within the federal criminal system have combined to cause significant reductions in the rates of murder and other violent crimes in the City of Richmond; and

Whereas, Communities across the country, including Buffalo, New York, Oakland, California, and San Francisco, California, have successfully adopted the Project Exile model; and

Whereas, The City of Milwaukee, working with the United States Attorney's Office and a range of other local and federal agencies, plans to begin its own version of Project Exile, called Project Ceasefire, on January 1, 2000; and

Whereas, A key component in the success of any form of Project Exile has been a public education campaign to make community members aware of the program's existence and its penalties through radio and television advertising, billboards or business cards; and

Whereas, The State of Wisconsin has appropriated \$150,000 to fund this education effort; and

Whereas, The Safe & Sound program has agreed to partner with the various agencies responsible for Operation Ceasefire for the purpose of accepting contributions to the public education campaign; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Common Council authorizes and directs the expenditure of \$50,000 from the Handgun Violence Media Campaign special purpose account, 0001-1310-301-S189-006300, for the purpose of funding the community education component of Operation Ceasefire; and, be it

Further Resolved, That the appropriate City officials are authorized and directed to negotiate and enter into an agreement with the Safe & Sound Program for the purpose of accepting City funds for use in the Operation Ceasefire public education program;

and, be it

Further Resolved, That Operation Ceasefire shall submit a written report to the Common Council detailing how the \$50,000 was utilized by December 31, 2000.

Sponsors: Ald. Murphy, Ald. Witkowiak, Ald. Gordon and Ald. Richards

A motion was made by Ald. Murphy that this matter be ADOPTED. The motion carried by the following vote:

Aye: 13 - Pratt, Kalwitz, D'Amato, Henningsen, Johnson-Odom, Gordon, Frank, Richards, Butler, Witkowiak, Pawlinski, Breier Murphy

No: 3 - Schramm, Scherbert Nardelli

Excused: 1 - Hines Jr.

PLACING ON FILE THE FOLLOWING:

- 10) [981446](#) Communication from the Milwaukee Commission on Domestic Violence and Sexual Assault relative to their quarterly reports for 1999.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 11) [990608](#) Substitute ordinance relating to charging an annual fee for the maintenance, repair and replacement of solid waste carts and containers provided by the city to owners of single, 2-, 3-, 4-family dwelling units and condominium units.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 12) [991053](#) Communication from the Department of Public Works transmitting a report relative to transferring parking enforcement to the Department of Public Works.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 13) [991346](#) Resolution authorizing contingent borrowing and appropriating funds to proceed with closure of the former College Avenue landfill.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 14) [991350](#) An ordinance relating to rates charged for garbage collection for apartment buildings of five or more units.

Sponsors: THE CHAIR

A motion was made by Ald. Murphy that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

Ald. Murphy moved to adopt the foregoing COMMON COUNCIL recommendations as indicated and on which separate action was not taken.

THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [991344](#) An ordinance relating to expenditure of economic development committee funds.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 301-11 of the code is created to read:

301-11. Expenditure of Economic Development Committee Funds. All expenditures of common council economic development committee funds shall be approved by the economic development committee.

Sponsors: Ald. Nardelli

A motion was made by Ald. Nardelli that this matter be PASSED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli
Murphy

No: 1 - Henningsen

Excused: 2 - Richards Hines Jr.

ADOPTION OF THE FOLLOWING:

- 2) [991342](#) Resolution authorizing and directing the transfer of funds from the Capital Improvements Planning Account to Subaccounts for an analysis of the Atkinson Avenue and Capitol Drive area, for an analysis of the 35th and North area, and for special engineering, economic and other technical planning studies. (DCD)
- Whereas, The Department of City Development ("DCD") continues work on neighborhood residential and commercial analysis and development as well as land use policy development; and
- Whereas, St. Mark's A.M.E. Anvil Housing Corporation has offered to assist DCD in performing an analysis of the commercial development and land use in the West Atkinson Avenue and West Capitol Drive area; and
- Whereas, DCD desires to use consultant services to analyze the feasibility of using a tax increment district to fund commercial revitalization efforts in the North 35th Street and West North Avenue area; and
- Whereas, The current unencumbered balances in the Planning Studies-Economic Development Subaccount and the Special Engineering and Technical Studies Subaccount are insufficient to cover these and other anticipated 1999 needs; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized and directed to enter into a Planning Study Agreement, a copy of which is attached to this Common Council File, with St. Mark's A.M.E. Anvil Housing for an analysis of commercial development and land use in the West Atkinson

Avenue and West Capitol Drive area. The City Attorney, in consultation with the Commissioner of City Development, is authorized to make any non-substantive technical changes in the Agreement which they determine to be consistent with the intent and purpose of this resolution, without further approval of the Common Council; and, be it

Further Resolved, That the Department of City Development is authorized and directed to undertake an analysis of the feasibility of using a tax increment district to fund commercial revitalization efforts in the North 35th Street and West North Avenue area, including entering into contracts with qualified planning consultants in accordance with City procedures; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer the amount of \$25,000 from the Capital Improvements Planning Account, Account No. UR01280000, to Subaccount No. UR01280117 for the analysis of the West Atkinson Avenue and West Capitol Drive area; to transfer the amount of \$25,000 from the Capital Improvements Planning Account, Account No. UR01280000, to Subaccount No. UR01280116 for the analysis of the North 35th Street and West North Avenue area; and to transfer the amount of \$30,000 from the Capital Improvements Planning Account, Account No. UR01280000, to two existing Subaccounts, Planning Studies-Economic Development Account No. UR01280028, \$15,000, and Special Engineering and Technical Studies Account No. UR01280041, \$15,000, to be used by the Department of City Development, as the need may arise, to support residential and commercial analyses and land use policy development.

Sponsors: Ald. Pratt and Ald. Hines Jr.

A motion was made by Ald. Nardelli that this matter be ADOPTED. The motion carried by the following vote:

Aye: 14 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 1 - Henningsen

Excused: 2 - Richards Hines Jr.

- 3) [991358](#) Resolution authorizing expenditures from the Development Opportunities Fund for costs associated with new development at 1415 North Farwell Avenue. (DCD)
Whereas, The 1999 Capital Budget provides for the Development Opportunities Fund; and

Whereas, One of the purposes of this fund is to leverage high quality development that is appropriate to its surroundings; and

Whereas, The owner of 1415 North Farwell Avenue has invested \$1.1 million in the

new Farwell Shell; and

Whereas, The owner significantly increased project costs to design a building that honors and reflects the various East Pointe developments around it; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City Comptroller is authorized and directed to transfer the sum of \$10,000 from the Development Opportunities Fund parent account 0339-9990-UR03680000 to budget line 0339-1910-UR03680000; and, be it

Further Resolved, That the Commissioner of the Department of City Development is authorized and directed to enter into any contracts or agreements necessary to carry-out said activity.

Sponsors: Ald. D'Amato

A motion was made by Ald. Nardelli that this matter be ADOPTED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

CONFIRMATION OF THE FOLLOWING:

- 4) [991288](#) Appointment of Cynthia Read-Coakley to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (12th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

- 5) [991292](#) Appointment of Frederick E. Sowinski to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (8th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

- 6) [991293](#) Appointment of Linda Rambousek to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (12th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

- 7) [991294](#) Appointment of Lawrence Adelson to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor.

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

- 8) [991295](#) Appointment of George Stockman to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (12th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 2 - Richards Hines Jr.

- 9) [991296](#) Appointment of Larry Stern to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (12th Aldermanic District)
- Sponsors:** THE CHAIR
- A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:**
- Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy
- No:** 0
- Excused:** 2 - Richards Hines Jr.

- 10) [991297](#) Appointment of Dan Verzal to the Business Improvement District No. 26 (Menomonee Valley) by the Mayor. (12th Aldermanic District)
- Sponsors:** THE CHAIR
- A motion was made by Ald. Nardelli that this matter be CONFIRMED. The motion carried by the following vote:**
- Aye:** 15 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy
- No:** 0
- Excused:** 2 - Richards Hines Jr.

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

- 1) [990027](#) An ordinance relating to the definition of "kennel".
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 295-7-88 of the code is repealed and recreated to read:
- 295-7. Definitions. In this chapter:
88. Kennel: a profit or nonprofit business establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes.
- Sponsors:** Ald. Nardelli

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 2) [991171](#) Substitute ordinance relating to the change in zoning from Local Business (L/D/40) to Industrial (I/D/40), on land located on the North Side of West Layton Avenue and East of South 13th Street, in the 13th Aldermanic District.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:

Section 295-520(4).0011. The zoning map is amended to change the zoning for the area bounded by the centerline of West Layton Avenue, a line 1056.99 feet West and parallel to the west line of South 6th Street, a line 209.50 feet North and parallel to the north line of West Layton Avenue, a line 1120.77 feet West and parallel to the west line of South 6th Street, a line 244.50 feet North and parallel to the north line of West Layton Avenue and the centerline of the Soo Line Railroad right-of-way, from Local Business (L/D/40) to Industrial (I/D/40).

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 3) [991234](#) Substitute ordinance relating to the change in zoning from Multi-Family Residence (R/D/40) and Parking (P/D/40) to Industrial (I/B/85) on land located on the West Side of North Humboldt Boulevard and South of East Vienna Avenue, in the 3rd Aldermanic District.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:

Section 295-520(2).0007. The zoning map is amended to change the zoning for the area bounded by the centerline of North Humboldt Boulevard, the centerline of East Vienna Avenue, a line 140 feet West and parallel to the west line of North Humboldt Boulevard and the centerline of East Nash Street, from Multi-Family Residence (R/D/40) and Parking (P/D/40) to Industrial (I/B/85).

Sponsors: Ald. D'Amato

A motion was made by Ald. Henningsen that this matter be PASSED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

ADOPTION OF THE FOLLOWING:

- 4) [991062](#) Substitute resolution declaring the City-owned parking lot at 2235 North 48th Street surplus and accepting an Offer to Purchase from Schnell Price, owner of Jo's Playpen Daycare Center, for use as outdoor play space, in the 17th Aldermanic District.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be REFERRED TO to the ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 5) [991236](#) Resolution declaring the City-owned parking lot at 1536 North Warren Avenue surplus to municipal needs and accepting an Option to Purchase from New Land Enterprises for multi-family development, in the 3rd Aldermanic District (DCD-Real Estate).

Whereas, In Common Council File No. 972002, adopted on May 5, 1998, the Common Council of City of Milwaukee ("Council") directed the Department of City Development ("DCD") to market underutilized City-owned parking lots in the 3rd Aldermanic District for sale and development; and

Whereas, The parking lot at 1536 North Warren Avenue was advertised for sale in accordance with the guidelines established by the Council and two proposals were received prior to the established deadline; and

Whereas, DCD reviewed the proposals and recommends acceptance of the proposal from New Land Enterprises to build a multi-story, multi-unit residential development as outlined in the Land Disposition Report; and

Whereas, The City Plan Commission has determined that this property is surplus to municipal needs; and

Whereas, Prior to the transfer or sale of the property, an exemption would be required from the provision of Common Council File No. 920379, which placed a moratorium on the purchase, sale or construction of any new or existing City parking facilities until a City-wide Transportation Plan is adopted by the Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the City-owned parking lot at 1536 North Warren Avenue is declared surplus to municipal needs and that the development proposal from New Land Enterprises is accepted; and, be it

Further Resolved, That the Commissioner of DCD is authorized to execute an Option to Purchase on behalf of the City of Milwaukee and to close the transaction according to the terms of the Land Disposition Report; and, be it

Further Resolved, That the subject parcel is exempt from the provision of Common Council File No. 920379, which placed a moratorium on the purchase, sale or construction of any new City parking facilities until a City-wide Transportation Plan is adopted by the Council; and, be it

Further Resolved, That the net proceeds from this sale shall be deposited in the Department of Public Works Parking Fund Account or such other accounts as may be determined by the Commissioner of Public Works or the Comptroller of the City of Milwaukee.

Sponsors: Ald. D'Amato

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 6) [991275](#) Resolution permitting a minor modification to the Detailed Planned Development known as Honey Creek Corporate Center, located on the North Side of the

East-West Freeway (I-94) and West of South 84th Street, in the 16th Aldermanic District. (DCD)

Whereas, Section 295-814(5) of the Milwaukee Code of Ordinances permits variation to planned developments after approval of the Common Council; and

Whereas, The detailed plan for a planned development known as Honey Creek Corporate Center for the third phase was approved by the Common Council of the City of Milwaukee on November 9, 1999, under File No. 990519; and

Whereas, The proposed letter height changes to exterior signage are consistent with the spirit and intent of the approved plan and will not adversely affect surrounding development and a copy of which is attached to this Common Council File as Exhibit A which is on file in the Office of the City Clerk and made a part as though fully set forth herein; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the minor modification to the approved plan permitting letter height changes to exterior signage is approved.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 7) [991276](#) Resolution amending design guidelines for the Site Plan Review Overlay District as established by Section 295-91.0001 of the Milwaukee Code of Ordinances and located on the North Side of West Layton Avenue and East of South 13th Street, in the 13th Aldermanic District. (DCD)

Whereas, Section 295-83-3-c of the Milwaukee Code of Ordinances ("Code") requires the establishment of design guidelines for such an Overlay District; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the following design guidelines are established which will apply to the industrial development:

1. The design of all parking lots shall be consistent with established traffic engineering standards.

2. Parking and loading areas shall be properly screened from adjoining streets to

insure that trucks and other equipment are screened from view.

3. Outdoor storage areas shall be setback 15 feet from public streets and provide a landscape buffer as required per Code.

4. Only one main sign not exceeding 50 square feet shall be permitted.

5. Site illumination shall meet Code requirements and be designed and located in a manner that will not cause glare.

6. Site access shall be limited to one driveway and must receive all appropriate municipal approvals.

7. All physical improvements and alterations required to meet these guidelines shall be completed within six months of the issuance of an occupancy permit.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 8) [991281](#) Resolution declaring as surplus and authorizing the sale of an improved, tax deed property located in the 6th Aldermanic District. (DCD-Real Estate)
- Whereas, The Common Council of the City of Milwaukee expects the Department of City Development ("DCD") to design and implement real estate disposition and development strategies that will spur redevelopment compatible with neighborhoods in terms of land use and urban design; and

Whereas, The City of Milwaukee ("City") owns property representing significant redevelopment and revenue potential, more particularly described as follows:

2730 North Humboldt Boulevard - residential use preferred - 23,940 square foot building - 42,400 square feet of land - Asking Price \$175,000 - Zoning is RD-40 - Tax Key No. 315-9971-100-X - 6th Aldermanic District

; and

Whereas, The DCD has formulated a marketing plan for this property that generally includes the following elements:

1. Create a listing (Property Information Sheet) for the property that illustrates physical and locational attributes. Advertise with a Request For Proposal ("RFP") at the asking price.
2. Indicate the City's preferred use(s) for this property, in addition to these which are allowable by zoning.
3. Advertise in major media outlets and do direct marketing to the real estate development and brokerage community.
4. Invite options to purchase with proposals to redevelop the property for a 45-day period.
5. Pay brokers a full commission of 10 percent of the purchase price on the closed transaction; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said property is declared surplus and that the DCD is authorized and directed to proceed with implementation of the above-described disposition plan; and, be it

Further Resolved, That the Commissioner of the DCD is authorized to accept offers based upon the offer amount, proposed use, amount of investment, and the buyer's financial ability and experience; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchasers are required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or property may revert back to the ownership of the City upon action by the Common Council; and, be it

Further Resolved, That the proceeds remaining from the sale of surplus property, after payment of commissions and other closing related expenses, be credited as applicable to the Reserve For Tax Deficit Fund Account No. 0001-334106.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 9) [991282](#) Resolution approving the blight designation and surplus declaration of the City-owned property at 1744-46 North 20th Street and authorizing its conveyance to the Redevelopment Authority of the City of Milwaukee for disposition as part of the CityHomes program, in the 17th Aldermanic District (Redevelopment Authority).
- Whereas, In Common Council File No. 49-2311-8d, adopted on September 16, 1968, the Redevelopment Authority of the City of Milwaukee ("Authority") was designated the Agent of the City of Milwaukee ("City") for the purpose of administering, undertaking, and carrying out all blight elimination, slum clearance, and urban renewal programs and projects both present and future; and
- Whereas, Applicable Wisconsin law, particularly Section 66.431(5)(c), Wisconsin Statutes, as amended, enables the Authority of a first class city, with the approval of the local legislative body of that city, to acquire blighted property without designating a boundary or adopting a redevelopment plan; and
- Whereas, The Authority proposes to eliminate blight and acquire the City-owned property at 1744-46 North 20th Street (Tax Key No. 350-0456-100-5); and
- Whereas, The City waived its right to receive the statutory notice and the Authority conducted a Public Hearing on December 16, 1999 pursuant to Wisconsin Statutes; and
- Whereas, The Authority determined the subject property to be blighted within the meaning of Section 66.431(4)(bm), Wisconsin Statutes, as amended, and requested approval of this Spot Acquisition by the Common Council of the City of Milwaukee ("Council"); and
- Whereas, In relation to the location and extent of public works and utilities, public buildings, and public uses proposed, the Authority has conferred with the City Plan Commission and with such other public officials, boards, authorities, and agencies of the City under whose administrative jurisdictions such uses respectively fall pursuant to Subsection 66.431(6)(c), Wisconsin Statutes; and
- Whereas, The City Plan Commission, which is the duly designated and acting official planning body for the City authorized to prepare a comprehensive plan, has reviewed and determined that this Spot Acquisition conforms to the general plan for the City as a whole, and the Council has duly considered the recommendations of the planning body; and
- Whereas, The City Plan Commission also has determined that this City-owned vacant lot has no possible municipal use and is surplus to the City's needs; and
- Whereas, After acquisition, the Authority desires to assemble this lot with other

Authority-owned property and convey the new lots to an owner-occupant who meets the CityHomes criteria and has submitted a Land Disposition Report pursuant to Wisconsin Statutes; and

Whereas, The Public Hearing conducted on December 16, 1999, concurrently addressed the disposition of this property as required by Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that this Spot Acquisition is approved; and, be it

Further Resolved, That it is found, determined, and reaffirmed that:

1. This property is blighted and in need of blight elimination, slum clearance, and urban renewal, and qualifies as an eligible project within the meaning of Section 66.431(4)(bm), Wisconsin Statutes, as amended.
2. The objectives of the Authority cannot be achieved solely through rehabilitation.
3. This Spot Acquisition is feasible and conforms to the general plan of the City; and, be it

Further Resolved, That this property is declared surplus to municipal needs and that the proper City officials are authorized and directed to execute a quit claim deed and any other related document(s) deemed necessary to effectuate the transfer of title to the Authority without monetary consideration; and, be it

Further Resolved, That to implement this Spot Acquisition, certain official action may be taken to support the new land uses after redevelopment including, among other things, changes in zoning; vacation and removal of streets, alleys, and other public ways; changes in the location of sewer and water mains and other public facilities; and other public actions deemed necessary to effectuate the purpose of this acquisition including the prohibition of any new construction on this property, and accordingly, the Council:

1. Pledges its cooperation in helping to carry out this Spot Acquisition.
2. Directs that no new construction shall be permitted or authorized on this property by any agencies, boards, or commissions of the City under local codes or ordinances unless as authorized by the Council under Section 66.431(6)(e), Wisconsin Statutes.
3. Directs the various public officials, departments, boards, and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end

and to exercise their respective functions and powers in a manner consistent with the Authority's objectives.

4. Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate redevelopment of this property; and, be it

Further Resolved, That the City Clerk is authorized and directed to transmit a certified copy of this resolution to the Commissioner of the Department of Public Works, the Commissioner of the Department of Neighborhood Services, the City Engineer, the Assessment Commissioner and the Redevelopment Authority of the City of Milwaukee, and to such other agencies, boards, and commissions of the City having administrative jurisdiction in the premises described above; and, be it

Further Resolved, That the Land Disposition Report, with respect to the proposed conveyance of the following property, is approved.

PROPERTY ADDRESS

1744-46 North 20th Street

REDEVELOPER

Owner-occupant who meets the CityHomes criteria

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 10) Resolutions approving Land Disposition Reports in the 4th and 6th Ald. districts.
- a) [991283](#) Resolution approving the Land Disposition Report for the property at 2718-20 North Dr. Martin Luther King, Jr. Drive for sale to Christopher Freund for use as open space for his adjacent property in the 6th Aldermanic District (Redevelopment Authority).
- Whereas, On November 18, 1999, the Redevelopment Authority of the City of Milwaukee held a Public Hearing on the proposed sale as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Redevelopment Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated November 18, 1999, with respect to the proposed sale of the following property is approved.

PROJECT

West Hadley Street-North 3rd Street

PARCEL NUMBER

Disposition Parcel No. 313-14-3

PARCEL ADDRESS

2718-20 North Dr. Martin Luther King, Jr. Drive

REDEVELOPER

Christopher Freund

Sponsors: Ald. Johnson-Odom

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

[991343](#)

Resolution approving the Land Disposition Report for the property at 401 West Wisconsin Avenue for sale to Milwaukee Renaissance Partners, LLP for hotel development, in the 4th Aldermanic District (Redevelopment Authority).

Sponsors: Ald. Henningsen

ALD. HENNINGSEN moved to amend File 991343 to add the following:

Add a "Further Resolved" clause following the "Resolved" clause to read:

"Further Resolved, That with respect to the proposed reuse of the property at

401 W. Wisconsin Avenue for hotel development, Milwaukee Renaissance Partners LLP shall submit for Common Council review and approval an architectural design plan with respect to the exterior of the proposed structure and a description of the materials to be used for the exterior".

The motion prevailed.

A motion was made by Ald. Henningsen that this matter be AMENDED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- b) [991343](#) Substitute resolution approving the Land Disposition Report for the property at 401 West Wisconsin Avenue for sale to Milwaukee Renaissance Partners, LLP for hotel development, in the 4th Aldermanic District (Redevelopment Authority).

Whereas, On December 16, 1999, the Redevelopment Authority of the City of Milwaukee ("Authority") held a Public Hearing on the proposed sale as required by Wisconsin Statutes; and

Whereas, Pursuant to Wisconsin Statutes and as a condition precedent to the sale, lease or transfer of land, the Authority submits herewith a Land Disposition Report describing the terms and conditions of the proposed sale; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Land Disposition Report dated December 14, 1999, with respect to the proposed sale of the following described parcel is approved.

PROJECT

North 5th Street-West Wisconsin Avenue

PARCEL NUMBER

Disposition Parcel No. 397-26-1

PROPERTY ADDRESS

401 West Wisconsin Avenue

REDEVELOPER

Milwaukee Renaissance Partners, LLP

Further Resolved, That with respect to the proposed reuse of the property at 401 W. Wisconsin Avenue for hotel development, Milwaukee Renaissance Partners, LLP shall submit for Common Council review and approval an architectural design plan with respect to the exterior of the proposed structure and a description of the materials to be used for the exterior.

Sponsors: Ald. Henningsen

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 11) [991300](#) Resolution accepting the donation of the vacant lot located at 3032 North Richards Street, in the 6th Aldermanic District. (DCD-Real Estate)
- Whereas, The Wisconsin Housing and Economic Development Authority ("WHEDA") wishes to donate to the City of Milwaukee by Warranty Deed, free and clear of any and all encumbrances, the vacant lot located at 3032 North Richards Street, Tax Roll Key No. 314-0669-0; and

Whereas, The Department of City Development recommends acceptance of this donation because when assembled with other City-owned vacant lots, it represents opportunity for the future development of in-fill housing; and

Whereas, The City Plan Commission has approved the acceptance of said vacant lot by the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the donation of said vacant lot is accepted, provided that the donor delivers clear title, free of any and all liens, encumbrances, taxes, charges or any other assessments affecting title, and further provided that environmental contamination is not known or suspected to exist on or under said property.

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

CONFIRMATION OF THE FOLLOWING:

- 12) [991287](#) Appointment of Kenneth Johnson to the Redevelopment Authority by the Mayor. (6th Aldermanic District)

Sponsors: THE CHAIR

A motion was made by Ald. Henningsen that this matter be CONFIRMED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

THE PUBLIC IMPROVEMENTS COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

- 1) [990651](#) Substitute resolution to vacate a portion of North 36th Street between West Meinecke Avenue and West North Avenue and portions of the North-South alleys in the blocks bounded by West North Avenue, North 35th Street, West Meinecke Avenue and North 37th Street, in the 17th Aldermanic District.

Whereas, It is proposed that a portion of North 36th Street between West Meinecke Avenue and West North Avenue and portions of the North-South alleys in the blocks bounded by West North Avenue, North 35th Street, West Meinecke Avenue and North 37th Street, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, In File No. 990330 adopted on July 13, 1999, the Common Council of the City of Milwaukee ("Council") authorized the sale of Redevelopment Authority of the City of Milwaukee ("Authority") land in the vicinity of West North Avenue and North 35th Street to American Stores Properties, Inc. for development of a combination grocery/drug store; and

Whereas, The Developer has agreed to grant an easement to the City of Milwaukee for public access through the vacated portions of North 36th Street; and

Whereas, The Developer has agreed to maintain vacated and public portions of North 36th Street from West North Avenue to West Meinecke Avenue; and

Whereas, The City Engineer also will draft the necessary easements for municipal infrastructure; and

Whereas, The Department of Public Works will design and identify costs of the private improvements to accommodate the connection of the public right-of-way and vacated portions of North 36th Street; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portions of street and alleys, as shown in Exhibit "A" and bound and described by:

All that part of North 36th Street in Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 41 in Block 1 of said subdivision; thence Southerly along the west line of said Block 1 to the Southwest corner of Lot 28 in said Block 1; thence Westerly to the Southeast corner of Lot 14 in Block 2 of said subdivision; thence Northerly along the east line of said Block 2 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement.

That part of the North-South 20 foot wide alley in Block 1 of Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 1 in said Block 1; thence Southerly along the west line of Lots 1 through 14 inclusive in said Block 1 to the Southwest corner of Lot 14; thence Westerly to the Southeast corner of Lot 28 in said Block 1; thence Northerly along the east line of Lots 28 through 41 inclusive in said Block 1 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement.

That part of the North-South 15 foot wide alley in Block 2 of Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 1 in said Block 2; thence Southerly along the west line of Lots 1 through 15 inclusive in said Block 2 to the Southwest corner of Lot 15; thence Westerly to the Southeast corner of Lot 23 in

said Block 2; thence Northerly along the east line of Lots 23 through 37 inclusive in said Block 2 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement, is vacated; and, be it

Further Resolved, That the City Engineer will prepare an easement for public access for the vacated portions of North 36th Street; and, be it

Further Resolved, That the City Engineer will prepare a Maintenance Agreement for the vacated portion of North 36th Street and a separate Maintenance Agreement will be prepared for the portion of North 36th Street that will remain a public right-of-way; and, be it

Further Resolved, That the City Engineer is directed to prepare the appropriate easements for municipal infrastructure; and, be it

Further Resolved, That the vacation of North 36th Street and alleys is effective January 31, 2000 unless the Commissioner of the Department of Public Works certifies to the City Clerk that the funds for the required deposits have not been made; in that case the vacation of North 36th Street will be null and void; and, be it

Further Resolved, That the Commissioner of the Department of Public Works is allowed to extend the deadline by 30 days; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair of entrance, maintenance, construction and repair with reference thereto shall continue as if said portions of street and alleys had not been vacated.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 2) [991173](#) Resolution amending the method of disposition for the surplus, improved, tax deed properties located at 2337-37A North 12th Street and 2418 North 28th Street and

the vacant lot at 2341 North 12th Street, in the 7th and 17th Aldermanic Districts.
(DCD-Real Estate)

Whereas, Common Council File Nos. 981152 and 990205, adopted on December 18, 1998 and June 2, 1999, respectively, declared surplus and directed that the Department of City Development sell 2337-37A North 12th Street, 2341 North 12th Street (vacant lot) and 2418 North 28th Street via the open listing method; and

Whereas, The Neighborhood Housing Rehab Group, Inc., a nonprofit organization, has offered to purchase said surplus, improved properties for \$500 each for affordable housing purposes and eventual resale to owner-occupants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Department of City Development is authorized and directed to sell the surplus, improved, tax deed properties located at 2337-37A North 12th Street and 2418 North 28th Street and the vacant lot at 2341 North 12th Street, Tax Roll Key Nos. 323-1358-100-3, 326-1191-1 and 323-1357-1, to the Neighborhood Housing Rehab Group, Inc., at a fixed price of \$500 for each improved property; and, be it

Further Resolved, That the proper City officials are authorized and directed to perform such acts as may be required to consummate the sale of said properties and that the proceeds be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106; and, be it

Further Resolved, That as a condition of the sale of surplus property, purchaser is required to bring property into compliance with applicable building codes within the time specified by the Department of Neighborhood Services or said property may revert back to the ownership of the City of Milwaukee upon action by the Common Council.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 3) [991270](#) Substitute resolution approving construction of nonassessable public improvement projects at various locations.
- Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct

nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

4th Aldermanic District

Clybourn Street Bridge over the Milwaukee River (BR10080112) File Number 970444: Lift Cables. (Nonassessable State Aid Bridge Fund (BR10090000 - Fund - 0303) - Additional \$25,000)

Wells Street Bridge over the Milwaukee River (BR10080113) File Number 980242: Emergency Repairs. (Nonassessable State Aid Bridge Fund (BR10090000 - Fund - 3030) -- \$10,000) 8th Aldermanic District

35th Street Viaduct (BR30683301) File Number 950846: Design engineering. (Bridge Parent Account - Additional \$80,000)

15th Aldermanic District

W. Kiehnau Ave. - N. 108th St. to N. 110th St. (ST21490133) File Number 980526: Asphalt pavement with rural cross-section, sodding, and grading. (Developer Paving Fund -- \$69,200)

N. 109th St. - W. Kiehnau Ave. to 110 feet m/l north of W. Kiehnau Ave. (ST21490133) File Number 980526: Asphalt pavement with rural cross-section. (Developer Paving Fund -- \$10,500)

N. 110th St. - W. Kiehnau Ave. to 100 feet m/l north of W. Kiehnau Ave. (ST21490133) File Number 980526: Asphalt pavement with rural cross-section. (Developer Paving Fund -- \$14,500) Various Districts

Testing material supplied by American Pipe and Supply (WT41001301): (Nonassessable Water Fund -- \$3,000)

Testing material supplied by Davies Water Equipment Company of Milwaukee (WT441001302): (Nonassessable Water Fund -- \$3,000)

Testing material supplied by First Supply Milwaukee (WT41001303): (Nonassessable Water Fund -- \$15,500)

Testing material supplied by Milwaukee Lead Works (WT41001304): (Nonassessable Water Fund -- \$15,500)

Testing material supplied by Waterpro Supplies (WT41001305): (Nonassessable Water Fund -- \$3,000)

Remote Bridges Engineering (BR10080110) File Number 970444 : (Bridge Parent Account -- Additional \$40,000)

Bridge Inspection Year 2000 (BR10090119): (Bridge Parent Account -- \$80,000)

;and

Whereas, The Common Council of the City of Milwaukee adopted resolution File Number 990529 on July 29, 1999 determining it necessary and in the public interest to construct nonassessable improvements to the N. 35th St. Viaduct over the Menomonee Valley; and

Whereas, The N. 35th St. Viaduct project is being separated into the following two projects with revised funding as follows:

8th Aldermanic District

N. 35th St. Viaduct over the Menomonee Valley: Paving (ST30683311) File Number 990529: Asphalt resurfacing, replace curb and gutter and sidewalk where needed. (State or Federal Funds -- \$154,030; Nonassessable State Aid Paving Fund (ST32090000 - Fund 0333) -- \$24,000; State/Federal Grantor Paving Fund (SP03290100 - Fund 0306) -- \$20,090); Bridge (BR30683311); Phase II bridge rehabilitation including resurfacing. (State or Federal Funds -- \$1,622,400; Nonassessable State Aid Bridge Fund (BR10090000 - Fund - 0303) -- \$415,000; State/Federal Grantor Bridge Fund (SP03290100 - Fund 0306) -- \$216,400)

N. 35th St. Viaduct over the Menomonee Valley (BR30683312) File Number 991273: Bridge rehabilitation including painting. (State or Federal Funds -- \$4,916,900; Nonassessable State Aid Bridge Fund (BR10090000 - Fund - 0303) -- \$1,229,200; State/Federal Grantor Bridge Fund (SP03290100 - Fund 0306) -- \$641,300)

;now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 4) [991271](#) Resolution determining it necessary to make various assessable public improvements at various locations. (Infrastructure Services Division)
- Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

3rd Aldermanic District

E. Hampshire St. - N. Oakland Ave. to a Point west of N. Bartlett Ave. (ST21110142): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$2,000) (2001 Program)

E. Linnwood Ave. - N. Newhall St. to N. Cambridge Ave. (ST21110143): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$2,000) (2001 Program)

4th Aldermanic District

Alley between W. Cherry St., W. Vliet St., N. 28th St. and N. 29th St. (ST21210133): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$2,000) (2001 Program)

8th Aldermanic District

S. 29th St. - W. Montana St. to W. Cleveland Ave. (ST21110140): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable

Reconstruction Paving Fund -- \$2,000) (2001 Program)

10th Aldermanic District

W. Keefe Ave. - N. Sherman Blvd. to N. 51st St. (ST21110108): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work.

12th Aldermanic District

Alley between E. Anderson Ave., S, Kinnickinnic Ave., E. Maple St. and S. 1st St. (ST21210132): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$2,000) (2001 Program)

Alley between W. Historic Mitchell St., W. Lapham St., S. 8th St. and S. 9th St. (ST21210135): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$2,000) (2001 Program)

W. Mineral St. - S. 20th St. to S. 21st St. (ST21100164): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$500)

14th Aldermanic District

Alley between W. Dakota St., W. Manitoba St., S. 10th St. and S. 11th St. (ST21210134): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$2,000) (2001 Program)

15th Aldermanic District

N. 124th St. - W. Bradley Rd. to W. Brown Deer Rd. (SW170010150): Install storm sewer.

N. 124th St. - W. Bradley Rd. to a Point 1200 feet m/l north of W. Bradley Rd. (SW170010151): Install sanitary sewer.

W. Good Hope Rd. - N. 115th St. to N. 124th St. (SW170010153): Install storm sewer.

W. Good Hope Rd. - 560 feet m/l east of N. 124th St. to a Point 300 feet m/l east of N. 124th St. (SW170010152): Install sanitary sewer.

16th Aldermanic District

N. 74th St. - A Point 200 feet m/l south of W. Stevenson St. to W. Blue Mound Rd. (ST21110141): Paving the roadway with asphalt. Laying a concrete curb and gutter. Laying concrete sidewalk. Doing all the necessary grading pertaining to said work. (Nonassessable Reconstruction Paving Fund -- \$2,000) (2001 Program)

Alley between W. National Ave., W. Pierce St., S. 36th St., and S. 37th St. (ST21210136): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$2,000) (2001 Program)

;and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

[991272](#)

Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be SUBSTITUTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

1st, 2nd and 9th Aldermanic Districts

N. 60th St. - W. Villard Ave. to W. Florist Ave. (ST30781601) File Number 971498: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (State or Federal Funds - \$597,150; Nonassessable State Aid Paving Fund -- \$93,600; Assessable State Aid Paving Fund -- \$73,700; State/Federal Grantor Paving Fund -- \$71,650)

5th Aldermanic District

Alley between W. Capitol Dr., W. Fiebrantz Ave., N. 87th St., and N. 88th St. (Southerly Half of North-South Leg and East-West Leg) (ST21200115) File Number 970997: Concrete alley pavement reconstruction, replace some abutting sidewalk and driveway approaches, grading, and storm water drainage facilities where needed. (Nonassessable Alley Paving Fund -- \$83,800; Assessable Alley Paving Fund -- \$24,000)

6th Aldermanic District

Alley between W. Auer Ave., W. Ring St., N. 2nd St. and N. 3rd St. (ST21200108) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, tree removal where necessary, and grading. (Nonassessable Alley Paving Fund -- \$27,200; Assessable Alley Paving Fund -- \$18,500)

7th Aldermanic District

Alley between W. Burleigh St., W. Chambers St., N. 40th St. and N. 41st St. (ST21200114) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, and grading.

(Nonassessable Alley Paving Fund -- \$36,800; Assessable Alley Paving Fund -- \$25,600)

8th and 12th Aldermanic Districts

S. 19th St. - W. Burnham St. to W. Mitchell St. (ST21100108) File Number 980790: Asphalt pavement reconstruction. Narrowing from 40 feet to 36 feet. Replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$114,900; Assessable Reconstruction Paving Fund -- \$45,300)

10th Aldermanic District

W. Keefe Ave. - N. Teutonia Ave. to N. 20th St. (ST21100142) File Number 870477: Concrete pavement reconstruction. Narrowing from 33 feet to 32 feet. Replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, tree removal where necessary, and grading. (Nonassessable Reconstruction Paving Fund -- \$92,100; Assessable Reconstruction Paving Fund -- \$25,400)

Alley between W. Keefe Ave., W. Townsend St., N. 37th St. and N. 38th St. (ST21200151) File Number 990176: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches and grading. (Nonassessable Alley Paving Fund -- \$20,000; Assessable Alley Paving Fund -- \$4,000)

11th Aldermanic District

W. Morgan Ave. - S. 84th St. to W. Beloit Rd. (ST32090101) File Number 981692: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where needed, sodding, and grading. (State or Federal Funds -- \$436,100; Nonassessable State Aid Paving Fund -- \$75,400; Assessable State Aid Paving Fund -- \$47,900; State/Federal Grantor Paving Fund -- \$56,900)

Alley between W. Howard Ave., W. Tripoli Ave., S. 78th St. and S. 80th St. (ST21200150) File Number 960740: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$36,300; Assessable Alley Paving Fund -- \$35,100)

13th Aldermanic District

S. Pine Ave. - S. Whitnall Ave. to E. Howard Ave. (ST21100145) File Number 980620: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and

driveway approaches where needed, sodding, and grading. (Nonassessable Reconstruction Paving Fund -- \$110,700; Assessable Reconstruction Paving Fund -- \$37,300)

Alley between W. Bolivar Ave., W. Whitaker Ave., S. 16th St. and S. 20th St. (North-South Leg and Westerly Portion of East-West Leg) (ST21200110) File Number 980790: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$33,300; Assessable Alley Paving Fund -- \$16,200)

14th Aldermanic District

Alley between S. Delaware Ave., E. Rusk Ave., E. Trowbridge Ave. and S. Wentworth Ave. (ST21200144) File Number 931241: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, and grading. (Nonassessable Alley Paving Fund -- \$33,100; Assessable Alley Paving Fund -- \$23,300)

15th Aldermanic District

N. 124th St. - W. Bradley Rd. to W. Brown Deer Rd. (SW170010150) File Number 980231: Install storm sewer. (Nonassessable New Sewer Fund -- \$17,100; Assessable New Sewer Fund -- \$111,400; Menomonee Falls -- \$128,500)

N. 124th St. - W. Bradley Rd. to a Point 1200 feet m/l north of W. Bradley Rd. (SW170010151) File Number 980231: Install sanitary sewer. (Nonassessable New Sewer Fund --\$84,600; Assessable New Sewer Fund -- \$55,400)

N. 124th St. - W. Park Pl. to a Point 350 feet m/l north of W. Park Pl. (WT41091404) File Number 990843: Relay water main. (Nonassessable Water Fund -- \$45,000)

N. 124th St. (Including Structure) - The Dretzka Park Entrance Road to a point 650 feet m/l north of W. Brown Deer Rd. (ST30782001) File Number 980231: Concrete pavement construction, place curb and gutter, driveway approaches, grading, sodding, and tree removal where necessary. (Nonassessable State Aid Paving Fund -- \$1,353,500; Assessable State Aid Paving Fund -- \$230,700; Menomonee Falls -- 1,584,200)

W. Good Hope Rd. - N. 115th St. to N. 124th St. (SW170010153) File Number 980231: Install storm sewer. (Nonassessable New Sewer Fund -- \$72,500; Assessable New Sewer Fund -- \$10,000; Menomonee Falls -- \$72,500)

W. Good Hope Rd. - 560 feet m/l east of N. 124th St. to a Point 300 feet m/l east of N. 124th St. (SW170010152) File Number 980231: Install sanitary sewer. (Nonassessable New Sewer Fund -- \$31,100; Assessable New Sewer Fund -- \$4,900)

W. Good Hope Rd. - A Point 1650 feet m/l east of N. 124th St. to N. 124th St. (WT42090002/WT41091361) File Number 980231: Install water main. (Nonassessable New Water Fund -- \$247,200; Assessable New Water Fund -- \$42,800)

W. Good Hope Rd. (Including Structure) - The USH 41-45 Interchange to N. 124th St. (ST30781901) File Number 980231: Concrete pavement construction, place curb and gutter, driveway approaches, grading, sodding, and tree removal where necessary. (Nonassessable State Aid Paving Fund -- \$752,300; Assessable State Aid Paving Fund -- \$59,100; Menomonee Falls -- \$811,400)

17th Aldermanic District

N. 14th St. - W. Fond du Lac Ave. to W. Brown St. (ST21100105) File Number 890774: Asphalt pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where needed, sodding, tree removal where necessary and grading. (Nonassessable Reconstruction Paving Fund -- \$89,700; Assessable Reconstruction Paving Fund -- \$29,300)

Alley between W. Galena St., W. Walnut St., N. 33rd St. and N. 34th St. (ST21200132) File Number 980909: Concrete alley pavement reconstruction, replace some abutting sidewalk or driveway approaches, tree removal where necessary, and grading. (Nonassessable Alley Paving Fund -- \$37,000; Assessable Alley Paving Fund -- \$17,100)

;and

Whereas, The report of the Commissioner of Public Works has been filed with the City Clerk; and

Whereas, Notices have been sent to all interested persons and public hearings held; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works' Report, as amended at said Public Hearing, is approved and the properties therein identified are benefited; and, be it

Further Resolved, That said Commissioner of Public Works is authorized and directed

to proceed with said work in accordance with said report pursuant to Section 66.60 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the proper departments take such action as is required of them to assess the abutting or adjacent properties and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That projects N. 124th St. (SW170010150), N. 124th St. (SW170010151), N. 124th St. (ST30782001), W. Good Hope Rd. (SW170010153), W Good Hope Rd. (SW170010152) and W. Good Hope Rd. (ST30781901) are being constructed under a State of Wisconsin contract with funds being advanced by the State. Funding will be established in a future resolution as outlined by this resolution for the 2001 budget year to reimburse the State of Wisconsin as provided in an agreement between the State of Wisconsin, the City of Milwaukee and the Village of Menomonee Falls, authorized by Common Council Resolution Number 970113; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts; and, be it

Further Resolved, That the projects do not involve any parcels of agricultural land which are eligible for deferred special assessments under the provisions of Section 14.30 of the Milwaukee City Charter; and, be it

Further Resolved, That projects N. 60th St. (ST30781601), Alley W. Capitol Dr. (ST21200115), Alley W. Auer Ave. (ST21200108), Alley W. Burleigh St. (ST21200114), S. 19th St. (ST21100108), W. Keefe Ave. (ST21100142), Alley W. Keefe Ave.(ST21200151), W. Morgan Ave. (ST32090101), Alley W. Howard Ave. (ST21200150), S. Pine St. (ST21100145), Alley W. Bolivar Ave. (ST21200110), Alley S. Delaware Ave. (ST21200144), N. 124th St. (SW170010150), N. 124th St. (SW170010151), N. 124th St. (WT41091404), N. 124th St. (ST30782001), N. 14th St. (ST21100105), and Alley W. Galena St. (ST21200132) will be billed after January 1, 2002, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That projects W. Good Hope Rd. (SW170010153), W. Good Hope Rd. (SW170010152), W. Good Hope Rd. (WT42090002/WT41091361), and W. Good Hope Rd. (ST307810901) will be billed after January 1, 2003, but not before 12 months after the project contract has been completed; and, be it

Further Resolved, That the following projects be deleted from the 2000 Paving

Program. 14th Aldermanic District Alley between E. Euclid Ave., S. Griffin Ave., S. Howell Ave., and E. Ohio Ave. (ST21200128) File Number 921421. 16th Aldermanic District S. 92nd St. - A Point 900 feet m/l south of W. Adler St. (City Limits) to the East-West Freeway (ST21100122) File Number 980909.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 6) [991273](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations.
- Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:
- 1st Aldermanic District
- Proposed Street (Park Lawn Housing Project) - W. Hope Ave. to W. Marion St. (WT43093054): Water main extension for reinforcement. (Nonassessable Water Fund -- \$8,000)
- 4th Aldermanic District
- Clybourn Street Lift Bridge (BR10090121): Sidewalk plates replacement. (Bridge Parent Account -- \$10,000)
- Michigan Street Lift Bridge (BR10090122): Grating replacement. (Bridge Parent Account -- \$6,000)
- 8th and 12th Aldermanic Districts
- 16th Street Viaduct (BR10090120): Stairway Repair (Bridge Parent Account -- \$5,000)
- 11th Aldermanic District
- W. Morgan Ave. - S. 92nd St. to S. 93rd St. (WT41001013): Water main relay. (Nonassessable Water Fund -- \$5,000) ;and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 7) [991286](#) Resolution authorizing and directing the proper City Officers to execute an Out-of-Program Agreement between Continental 107 Fund LLC and the City of Milwaukee for relocation of a sewer line required by development of a new Jewel/Osco store at Loomis Center located at South 27th Street and West Morgan Avenue. (DPW)

Whereas, Continental 107 Fund LLC intends to develop a Jewel/Osco Store at the Loomis Center located at South 27th Street and West Morgan Avenue; and

Whereas, Plans for the project necessitate relocation of an existing sewer line in easement running through the site; and

Whereas, The developer desires to enter into an Out-of-Program Agreement with the City of Milwaukee which will provide for construction and funding of the required sewer relocation; and

Whereas, Under the terms of the agreement the City will design the relocated sewer and inspect the work while the developer will let the construction contract and provide all of the necessary funding; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Out-of-Program Agreement attached to the file is hereby approved and the proper City Officers are hereby authorized and directed to execute said agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to make minor, non-substantive changes to the Out-of-Program Agreement prior to its

execution.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 8) [991304](#) Resolution relative to the cost participation and installation of traffic control devices in conjunction with the Federal/State Aid paving of N. 60th Street from W. Villard Avenue to W. Florist Avenue in the 1st, 2nd, and 9th Aldermanic Districts. (Infrastructure Services Div.)
- Whereas, The Surface Transportation Program provides cost participation for traffic control improvements in conjunction with the paving of highways located on the Federal/State Aid Highway System; and
- Whereas, Common Council Resolution File Number 970109 adopted March 13, 1997 authorized and directed the Commissioner of Public Works to execute an agreement for programming and construction of the improvement of N. 60th Street from W. Villard Avenue to W. Florist Avenue with Federal/State Aid under the Surface Transportation Program; and
- Whereas, The total estimated cost of these projects is \$23,000 for the alteration and upgrading of traffic control signals and the upgrading of traffic control signs; and
- Whereas, Twenty percent of the participating costs or \$4,600 is non-reimbursable and is included in the Division's 1999 Capital Purpose Project/Grant Number ST32090000; and
- Whereas, Eighty percent of the participating project cost or \$18,400 is reimbursable from the Wisconsin Department of Transportation, and this amount is not included in Division accounts, and should be earmarked for this project in the 1999 Capital Grant and Aid Projects Fund Project/Grant Number SP03290100; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works be and hereby is authorized and directed to execute a contract with the Wisconsin Department of Transportation pertaining to the cost participation for the installation and/or modification of traffic control facilities in conjunction with the improvements to N. 60th Street from W. Villard Avenue to W. Florist Avenue with agreed unit prices based on a predetermined estimate prepared under the

Federal/State aided highway program; and, be it

Further Resolved, That upon approval of this contract, the Commissioner of Public Works is authorized and directed to install or modify the traffic control facilities necessary in conjunction with the paving of these Federal/State aided highway improvements; and, be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create within the Capital Grant and Aid Projects Fund the appropriate Project/Grant Number for this project and transfer to this number the amounts required under the contract provisions but not to exceed a ten percent increase in those amounts set aside for the Grantor's Share and the City's Share as follows:

Location:

N. 60th Street from W. Villard Avenue to W. Florist Avenue, ID #2595-05-90.

Transfer from Project/Grant Number SP03290100, Grantor's Share (WISDOT), Estimated Cost - \$18,400.

Transfer from Project/Grant Number ST32090000, City's Share, Estimated Cost - \$4,600.

Total to be transferred to Project/Grant Number ST30781615, \$23,000.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 9) [991312](#) Resolution approving Cancellation of a Lease Agreement dated July 28, 1998 with Wisconsin Department of Agriculture. (Port of Milwaukee)

Whereas, The Port of Milwaukee has need of office space currently occupied by the Wisconsin Department of Agriculture, to allow the expansion of another Tenant on Port property, and

Whereas, The Wisconsin Department of Agriculture is amenable to moving from their current location at 2061 S. Harbor to another location on Jones Island suitable for their use, and

Whereas, The Wisconsin Department of Agriculture has been successful in securing said alternate space; and, be it

Resolved, By the Common Council of the City of Milwaukee that said Common Council hereby ratifies and approves the Cancellation of a Lease Agreement dated July 28, 1998 between the City, by and through its Board of Harbor Commissioners, and the Wisconsin Dept. of Agriculture for property located at 2061 S. Harbor Drive; and, be it

Further Resolved, That the designated officers of said government and of said Board are hereby authorized and directed to execute an agreement to carry out this purpose, as such an agreement is prepared by the City Attorney's office.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 10) [991313](#) Resolution approving the cancellation of a Lease Agreement with Seaway Cartage Ltd. and the approval of a new lease agreement with Seaway Cartage Ltd. (Port of Milwaukee)

Resolved, By the Common Council of the City of Milwaukee that said Common Council hereby ratifies and approves the cancellation of a Lease Agreement dated June 1, 1995 between the City of Milwaukee and Seaway Cartage Ltd; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that said Common Council, by and through its Board of Harbor Commissioners, hereby ratifies and approves a new lease agreement between the City and Seaway Cartage Ltd., for the use of about 4.77 acres of property and a building of about 8,196 square feet off South Harbor Drive on the Port of Milwaukee's South Harbor Tract, for the five-year period commencing January 1, 2000 and terminating on December 31, 2005 with Seaway Cartage option for an additional five-year term; and, be it

Further Resolved, That the designated officers of said government and of said Board of Harbor Commissioners are hereby authorized and directed to execute an agreement to carry out this purpose, with the agreement as prepared by the City Attorney's office.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 11) [991353](#) Substitute resolution authorizing the Commissioner of Public Works to execute an agreement with the United Community Center (UCC) which obligates the UCC to fund the entire local share of a State Transportation Enhancements Program project for the landscaping along the I-94 on-ramp at South 9th Street and West Mineral Street, approving the City of Milwaukee as the public sponsor for this project, and authorizing and directing the Commissioner of Public Works to execute a "State/Municipal Agreement for a Highway Improvement Project" with the Wisconsin Department of Transportation for the project.
- Whereas, The United Community Center (UCC) has requested the City of Milwaukee to act as local sponsor for a State Transportation Enhancement grant; and
- Whereas, The project consists of landscaping the lands along the I-94 on-ramp at South 9th Street and West Mineral Street, adjacent to the UCC's property; and
- Whereas, The project has been approved by the Wisconsin Department of Transportation (WISDOT); and
- Whereas, The grant will fund 80 percent of the eligible engineering and landscaping costs; and
- Whereas, The UCC has agreed to fund the local 20 percent share and 100 percent of any ineligible project costs including all City costs associated with the project; and
- Whereas, An agreement between the City and UCC has been prepared which specifies that the UCC shall bear all costs not covered by the State grant and defines each party's role and responsibility for implementing the project; and
- Whereas, The WISDOT has submitted a "State/Municipal Agreement for a Highway Improvement Project" for this project; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the City hereby agrees to act as public sponsor for the UCC project to landscape the lands along the freeway on-ramp adjacent to their property; and, be it

Further Resolved, That the Commissioner of Public Works (CPW) is authorized and directed to execute the agreement with the UCC which obligates the UCC to pay all costs not covered by the State grant and defines each party's role and responsibility for implementing the project, a copy of which is attached to Common Council Resolution File Number 991353, and incorporated in this resolution by reference as though set forth in full; and, be it

Further Resolved, That minor revisions to the UCC agreement that do not change the intent of the agreement are hereby authorized and approved; and, be it

Further Resolved, That once the UCC agreement is fully executed, the CPW is authorized and directed to execute the Project Agreement with the WISDOT for the programming and construction of the UCC project with Federal and/or State aid, a copy of which is attached to Common Council Resolution File Number 991353, and incorporated as though set forth in full; and, be it

Further Resolved, That the CPW is authorized to undertake or engage a consultant to undertake preliminary engineering work on the project; and, be it

Further Resolved, That the City Comptroller is hereby authorized to create within the Capital Improvement Fund, Grant and Aid Projects, the necessary Project/Grant Chartfield values for preliminary engineering for the project (Expenditure), and transfer to these accounts the amount required under the grant agreement and City Accounting Policy, but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Infrastructure Services Division Accounts

UCC Local Grantor Share

Fund No. 0306

Project Grant No. SP03290100

\$2,573

Federal Grantor Share

Fund No. 0306

Project Grant No. SP03290100

\$6,294

Federal Grantor Share (Non-Reimbursable)

Fund No. 0306

Project Grant No. SP03290100

\$4,000

Estimated Preliminary Engineering
Total = \$12,867

; and, be it

Further Resolved, That the City Engineer is hereby authorized and directed to approve and make periodic payments to the WISDOT upon receipt of invoices for the local share of costs of the project.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm,
Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert,
Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 12) [991354](#) Substitute resolution authorizing the City of Milwaukee to accept from the Wisconsin Department of Transportation the first right to acquire the abandoned Union Pacific Railroad right-of-way between South 6th Street and East Washington Street for the development of a bicycle trail.

Whereas, The Union Pacific Railroad Company has abandoned their railroad tracks in the corridor between South 6th Street and East Washington Street; and

Whereas, Pursuant to Section 85.09 of the Wisconsin Statutes, the State has the first right to acquire abandoned railway lands; and

Whereas, The statute gives the State the right to assign the first rights to a municipality; and

Whereas, The State has asked if we would like them to assign the first rights to the City of Milwaukee; and

Whereas, The City Engineer is reviewing if acceptance of the first rights would be in the City's best interest; and

Whereas, The City of Milwaukee has applied for State Congestion Mitigation and Air Quality funds for a bicycle trail within this abandoned railroad corridor, which would pay for 80% of the land acquisition costs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that if the City Engineer determines, based on engineering judgement, it is in the City's best interest to accept

the first rights, that the City Engineer, on behalf of the City of Milwaukee, is authorized to accept from the State assignment of the first right to acquire the abandoned Union Pacific Railroad Company right-of-way between South 6th Street and East Washington Street for the development of a bicycle trail.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- 13) [991363](#) Resolution approving and accepting Water Easement W.E. 868 for water main purposes as reflected on a Proposed Certified Survey Map at South 124th Street and West Waterford Avenue in the City of Greenfield as granted by the owner, Millennium Development Partners II, L.L.C. to the City of Milwaukee.

Whereas, In order to provide water service to Millennium Development Partners II, L.L.C., the owner has agreed to record Proposed Certified Survey Map with certain notations and conditions thereon, such notations being the rights of the Milwaukee Water Works to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect a water main over, across and under certain land; and

Whereas, The terms of said notation on the Proposed Certified Survey Map have been approved as to content by the Milwaukee Water Works; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said water easement W.E. 868 as shown on Proposed Certified Survey Map as a notation on pages 1 and 3 of 8, and attached conditions on page 8 of 8, be and the same is hereby accepted, and the proper City officers be and they hereby are authorized and directed to execute any documents necessary to evidence such acceptance on behalf of the City of Milwaukee, if necessary; and, be it

Further Resolved, That a certified copy of this resolution shall be evidence that the City of Milwaukee has accepted the notation on the referenced Proposed Certified Survey Map to constitute an easement in its favor for such water main purposes.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be ADOPTED. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

PLACING ON FILE THE FOLLOWING:

- 14) [991357](#) Substitute resolution authorizing the Buildings and Fleet Division to solicit competitive bids for long term rentals of certain vehicles utilized by the Department of Neighborhood Services.

Sponsors: THE CHAIR

A motion was made by Ald. Scherbert that this matter be PLACED ON FILE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

RESOLUTIONS PRESENTED FOR IMMEDIATE ADOPTION:

- [991424](#) Resolution amending Resolution File Number 971920 to substitute agreement with respect to City consideration of all Milwaukee County requested releases of park deed restrictions for agreement granting such releases without further consideration.

Sponsors: THE CHAIR

File Number 991424, which was presented for Immediate Adoption, be referred to the Judiciary and Legislation Committee.

A motion was made by Ald. Scherbert that this matter be REFERRED TO to the JUDICIARY & LEGISLATION COMMITTEE. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

- [991426](#) Resolution approving various final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following final

certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(s)
Housing Authority	364-1968-100
Joseph Richards	514-9916-100-3

Sponsors: ZONING and NEIGHBORHOODS & DEVELOPMENT COMMITTEE

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

[991428](#)

Resolution closing the west intersection of W. McKinley Ave. and N. Hawley Rd. for a period of 6 months.

Whereas, W. McKinley Ave. west of N. Hawley Rd. is often used by motorists as an alternative to using W. Vliet St.; and

Whereas, This rerouting of traffic onto W. McKinley Ave. has resulted in increased traffic congestion along that road; and

Whereas, Hawthorn Glen Playground abuts W. McKinley Ave. on the south side, and the north side of W. McKinley Ave. is composed of one- and two-family dwellings; and

Whereas, This area was never designed to accommodate a large traffic volume and has experienced a significant increase in traffic congestion in recent years; and

Whereas, In a poll conducted by the alderman's office, 70% of area residents supported closure of this intersection; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is authorized and directed to close the west intersection of W. McKinley Ave. and N. Hawley Rd. on a trial basis for a period of 6 months; and, be it

Further Resolved, That at the end of 6 months the Department of Public Works will provide a written evaluation regarding the impact of this closure on traffic congestion and pedestrian safety in the area.

Sponsors: Ald. Murphy

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. The motion carried by the following vote:

Aye: 16 - Pratt, Kalwitz, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 0

Excused: 1 - Hines Jr.

[991432](#)

Resolution approving year 2000 fees for city collection of solid waste from multiunit dwellings with 5 or more units.

Whereas, Section 79-2-1-b of the Milwaukee Code of Ordinances provides that solid waste from dwellings with 5 or more units may be collected by the Department of Public Works at a charge established by the Commissioner; and

Whereas, Section 79-2-1-b-2 provides that the amount of the fee charged shall be determined on or before January 31 of each year by the Commissioner of Public Works, subject to the approval of the Common Council; and

Whereas, The Sanitation Division - Public Works and the Budget and Management Division - Department of Administration have reviewed the actual costs of multiunit solid waste collection for 1998 and have established a new price schedule for this service; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the year 2000 pricing schedule for the collection of solid waste from multiunit dwellings of 5 units or more is approved as per the following schedule:

FRONTLOAD CONTAINERS BILL	MONTHLY FEE	QUARTERLY
2 yard	\$15.07	\$45.21
3 yard	\$17.82	\$53.46
4 yard	\$20.57	\$61.71
6 yard	\$26.06	\$78.18
8 yard	\$31.56	\$94.68
REARLOAD CONTAINERS		
(2 yard)	\$20.51	\$61.53
GARBAGE CARTS		
	\$ 3.81	\$11.43

Sponsors: PUBLIC SAFETY COMMITTEE

A motion was made by Ald. Schramm that this matter be ADOPTED to the MAYOR. The motion carried by the following vote:

Aye: 15 - Pratt, Kalwitz, D'Amato, Schramm, Johnson-Odom, Gordon, Frank, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli Murphy

No: 1 - Henningsen

Excused: 1 - Hines Jr.

Ald. Kalwitz, Chair moved to recess at 12:55 P.M. until 1:10 P.M. for a Global Settlement Briefing by the City Attorney.

Ald. Kalwitz, Chair moved to reconvene into session: Prevailed.

Ayes: 14 - Ald. Pratt, D'Amato, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, and Kalwitz

Noes: 0

Excused: 3 - Ald. Frank, Murphy and Hines

Ald. Henningsen moved to go into closed session pursuant to Section 19.85(1)(g), Wis. Stats. Prevailed.

Ayes: 14 - Ald. Pratt, Henningsen, Schramm, Johnson-Odom, Gordon, Richards, Butler, Scherbert, Witkowiak, Pawlinski, Breier, Nardelli, Murphy and Kalwitz

Noes: 0

Excused: 3 - Ald. D'Amato, Frank and Hines

Meeting adjourned: 1:40 P.M.

Christine M. Todd, Staff Assistant