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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of :
"PERMANENT EXTENSION"

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RAFAEL CETINA
"ZAMANA, LLC"
1447 South Muskego Avenue

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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ALD. JAMES BOHL, JR., - Vice-Chairman

ALD. JOSEPH A. DUDZIK

12

ALD. ROBERT PUENTE

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

14

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

15

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the LICENSES

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COMMITTEE OF THE CITY OF MILWAUKEE, on

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the 17th day of August, 2006.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: 12th District,
District, Rafael Cetina, Agent for "Zamana, LLC,"
Class "B" Tavern and Tavern Amusement
(Cabaret/Nite Club) application, a request for
the permanent extension of the premises to
include the mezzanine for Zamana, 1447 South
Muskego Avenue. Good morning.

MR. GIMBEL: Good morning.

THE APPLICANT: Good morning.

CHAIRMAN WITKOWIAK: Would you raise
your right hand. We'll swear you in, please?
(Whereupon those present were sworn.)

CHAIRMAN WITKOWIAK: Name and address
for the record, please?

THE APPLICANT: Name and address?
Rafael Cetina, 1813 South 28th Street, Milwaukee,
Wisconsin 53215.

CHAIRMAN WITKOWIAK: And state your
appearance, please?

MR. GIMBEL: Yes. Thank you, Mr.
Chairman. My name is Franklyn Gimbel, and I am
appearing for Mr. Cetina and the application that
is now being considered by the committee.

CHAIRMAN WITKOWIAK: And do you admit

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1 to receiving notice in the mail that there's a
2 possibility your application could be denied
3 because of neighborhood objections to loitering,
4 littering, loud music, noise, traffic, parking
5 problems, fights, disorderly patrons, drug and
6 criminal activity, fitness of the location based
7 on the concentration of alcohol beverage outlets
8 in the area, and conduct which is detrimental for
9 the health, safety and welfare of the
10 neighborhood?

11 MR. GIMBEL: We did receive a notice,
12 Mr. Chairman. I - - I should indicate, however,
13 that the notice that you have just read was a
14 notice that was received sometime in early 2006.
15 This committee made a recommendation, and then
16 the Common Council returned the matter to this
17 committee at my request and at - - at your
18 indulgence. The most recent notice was a much
19 more abbreviated one. But we certainly
20 understand and have a background of the original
21 notice and the most recent abbreviated notice.

22 CHAIRMAN WITKOWIAK: Thank you. Mr.
23 Schrimpf, are there any legal ramifications with
24 that?

25 MR. SCHRIMPF: I think probably not.

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1 But I think Ms. Barron has some questions.

2 MS. BARRON: The notice that you just
3 read is what I have in the - - in the file as
4 what we sent on August 1st. So - -

5 MR. GIMBEL: I - - I never saw that
6 one. I got one that's a - - an abbreviated that
7 was sent out and - - and came to me indirectly
8 from the neighborhood. So we never got - - But I
9 - - I do recall having seen the notice that
10 preceded a March action of this committee. And
11 so - -

12 CHAIRMAN WITKOWIAK: So, Ms. Barron,
13 you're testifying the notice, as I read it, was
14 mailed to the applicant?

15 MS. BARRON: On August 1st, 2006.

16 CHAIRMAN WITKOWIAK: On August 1st.

17 MR. SCHRIMPF: Perhaps, Mr. Chairman,
18 Mr. Cetina should indicate if he got - - what
19 notice he got.

20 MR. GIMBEL: Mr. Cetina did receive,
21 Mr. Chairman, the notice that you alluded to in
22 your introductory remarks, and - - and we're not
23 raising as an objection to us sitting here today
24 in any event.

25 MR. SCHRIMPF: Then we're fine, Mr.

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1 Chairman.

2 CHAIRMAN WITKOWIAK: Thank you very
3 much. Health Department?

4 HEALTH: Health Department needs an
5 inspection of the premises, and also, any plans
6 to be submitted for any construction or
7 remodeling.

8 CHAIRMAN WITKOWIAK: Neighborhood
9 Services.

10 DDS: Hold for occupancy and orders.

11 CHAIRMAN WITKOWIAK: And if the Health
12 Department and Neighborhood Services are not
13 needed in those next three items, those 9:15
14 items, to the best of your knowledge, they - -
15 they may - - you may be excused, unless you care
16 to be entertained by this committee for the next
17 few hours.

18 Okay. Could I see a show of hands of
19 the people in the room that are here to testify
20 on this matter, which is 1447 South Muskego
21 Avenue? Please raise your right hands. Okay.
22 And could - - Could we swear you all in at the
23 same time? If you're going to speak in front of
24 this committee, we'd like to swear you all in at
25 the same - - whether you're - - you're for it or

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1 against it, please raise your right hand so you
2 can give testimony.

3 (Whereupon the witnesses were sworn.)

4 CHAIRMAN WITKOWIAK: Thank you. Let's
5 start with the - - the people that are opposed to
6 this license being granted. Could you come up to
7 the microphone here one at a time, state your
8 name and address for the record, and give us your
9 testimony?

10 Good morning.

11 THE WITNESS: Good morning.

12 CHAIRMAN WITKOWIAK: Name and address
13 for the record, please?

14 THE WITNESS: Gerald Funk. 1425 South
15 Union Street, Milwaukee, Wisconsin 53204.

16 CHAIRMAN WITKOWIAK: And - - And Mr.
17 Funk, how far away do you live from this proposed
18 - -

19 THE WITNESS: Well, I can throw a ball
20 and hit the building from my house.

21 CHAIRMAN WITKOWIAK: Okay.

22 THE WITNESS: If I throw across the
23 street far enough.

24 CHAIRMAN WITKOWIAK: Okay. And, Mr.
25 Funk, what is your testimony?

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THE WITNESS: The one thing I want to testify against, this is not an area that we need another bar with more liquor license. We are loaded with bars right in this neighborhood. We got the Domino Club, and then you got the other club right there, both on 17th and 18th and Greenfield. You go over to where this place is going to be, you got the Tijuana Club. That's going to be almost across the street from them. Go down another block, there's another bar. And it's going to be just a congestion. And our streets are so bad, the streets are going every different direction. And when people are going to be leaving, we know that it's going to be a big problem, if they're going to put in this bar that they're talking about, two - 300 people. And it's going to be just a disturbance to the neighborhood, and we're not going to get anywhere. The people around our neighborhood, I know all of them, are all against it. They don't want this, because we're going to never get any sleep or anything around there.

CHAIRMAN WITKOWIAK: Okay. Thank you, Mr. Funk. Questions by members of the committee?

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1 Mr. Gimbel, do you have any questions of this
2 witness?

3 MR. GIMBEL: I do. Mr. Funk, you know
4 and you would indicate to the committee that this
5 location has not had an open bar, restaurant or
6 any other kind of business for the last five
7 years. Correct?

8 THE WITNESS: There was at one time a
9 bowling alley there.

10 MR. GIMBEL: Okay. But - -

11 THE WITNESS: That's many years ago.

12 MR. GIMBEL: - - the answer - - Yeah,
13 more than five years. Is that right?

14 THE WITNESS: Yeah, it's quite a few
15 years.

16 MR. GIMBEL: Do you know that Mr.
17 Cetina, who is the applicant for this particular
18 location, has entered into agreement with the
19 folks over at El Rey to have all of the cars for
20 the patrons at this place able to be valet'd,
21 that is, have somebody drive it from that
22 location to the parking lot of El Rey?

23 THE WITNESS: That's one of the biggest
24 complaints I got. If they're going to put them
25 in that lot, they're going to be driving around

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1 my house every day. Every day, going around in
2 circles to try to get in front of their place,
3 because El Rey is on the opposite way on the side
4 of the street. So that's going to be always - -
5 That's all we're going to do is have a rotation
6 of cars going around all the time, valet.

7 MR. GIMBEL: You are, of course, in
8 your testimony here, speculating on what the
9 effect of - -

10 THE WITNESS: That ain't speculating,
11 no.

12 MR. GIMBEL: No, no, no. Hold on, sir.
13 Let me finish the question, if you will, please.
14 Okay. I'll let you finish the answer. You let
15 me finish the question. Fair enough?

16 You have no experience with this
17 business having been in operation one day. Is
18 that correct?

19 THE WITNESS: There is no business.

20 MR. GIMBEL: Thank you. That's all I
21 have.

22 CHAIRMAN WITKOWIAK: Okay. Questions
23 by members of the committee of this witness?
24 Thank you very much, Mr. Funk. What - - Can I
25 ask Neighborhood Services or - - or do you - -

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1 What's the proposed capacity of this place?

2 THE APPLICANT: 300.

3 MR. GIMBEL: 300.

4 CHAIRMAN WITKOWIAK: 300. Okay. Thank
5 you. Next - - Next witness in opposition,
6 please.

7 THE WITNESS: I have a seat right here.
8 My name is Robert Heotis. 1327 South 17th
9 Street. H-E-O-T-I-S.

10 CHAIRMAN WITKOWIAK: And, Mr. Heotis,
11 how far away do you live from the proposed
12 location?

13 THE WITNESS: A couple doors down from
14 Gerry. So not very far.

15 CHAIRMAN WITKOWIAK: Okay.

16 THE WITNESS: Within 500 feet, I would
17 say.

18 CHAIRMAN WITKOWIAK: Okay. And what is
19 your testimony?

20 THE WITNESS: I'm strongly opposed to
21 another liquor license in the neighborhood, and I
22 think it's very, very - - There's way too many as
23 - - as it is right now. Also, you were saying
24 about the parking. I'd like to talk about that a
25 little bit. Is there a contract out with El Rey,

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1 and how long is that contract for, and is there
2 an extension on that?

3 CHAIRMAN WITKOWIAK: Would you answer
4 that, please?

5 MR. GIMBEL: The contract doesn't have
6 a specified term. The contract provides that - -
7 The agreement provides that the - - the parking
8 will be available from seven p.m. in the evening
9 until bar closing time, which coincides with the
10 closing of El Rey. So it would be an evening
11 parking permit.

12 THE WITNESS: What happens if that
13 contract falls through or doesn't have an
14 extension past five months? Then what do we do
15 for parking?

16 MR. GIMBEL: Well, I don't think that
17 I'm supposed to get into a dialog with you.

18 THE WITNESS: I'm sorry.

19 CHAIRMAN WITKOWIAK: That's okay.

20 THE WITNESS: Because of the traffic,
21 the traffic route that we were talking about
22 before, it's either U-turns in the middle of the
23 street or they're going to have to go through the
24 neighborhoods to get in front of the - - the
25 business. But that's one of the - - the things

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1 is the - - the parking. But the liquor license
2 is the - - is the main thing here. The main
3 thing is we do not feel we should have another
4 liquor license in this neighborhood. Thank you.

5 CHAIRMAN WITKOWIAK: Thank you. Any
6 other questions by members of the committee?

7 ALDERMAN PUENTE: Mr. Chair.

8 CHAIRMAN WITKOWIAK: Alderman Puente?

9 ALDERMAN PUENTE: How long have you
10 lived here?

11 THE WITNESS: I've had the building for
12 approximately four and a half years.

13 ALDERMAN PUENTE: Besides the traffic
14 problem that you alluded to, potential problems
15 of anything else? Noise? Littering?

16 THE WITNESS: Absolutely. Noise,
17 littering. Right now at about, say, 10:30 until
18 three in the morning, all you hear is screeching
19 tires, screaming people, in the neighborhood as
20 it is right now, and we're trying to make the
21 neighborhood better and get rid of that. This is
22 only going to add to the problem that we're
23 trying to clean up.

24 ALDERMAN PUENTE: What about drug
25 activity or other - -

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1 THE WITNESS: There's a lot of drug
2 activity and there's a lot of - -

3 ALDERMAN PUENTE: - - activity?

4 THE WITNESS: There's a lot of
5 prostitution, drug activity going on right now
6 that we're trying to crack down on with the
7 police in the neighborhood, too. And I don't
8 feel that this is going to help.

9 ALDERMAN PUENTE: Thank you, Mr. Chair.

10 CHAIRMAN WITKOWIAK: Any questions by
11 members of the committee of this witness? Mr.
12 Gimbel, do you have any questions?

13 MR. GIMBEL: Mr. Heotis, do you know
14 that this establishment intends to be open as a
15 restaurant as well?

16 THE WITNESS: Yes, I do.

17 MR. GIMBEL: Okay.

18 THE WITNESS: Is there going to be a
19 kitchen in there for a restaurant?

20 MR. GIMBEL: And - - And did you know
21 - - It's going to be catered from a block away.
22 Did you know that this place will have its own
23 contract with security in and outside of the
24 building?

25 THE WITNESS: Yes, I do.

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1 MR. GIMBEL: Okay. Thank you.
2 CHAIRMAN WITKOWIAK: Thank you for your
3 time.
4 THE WITNESS: Thank you.
5 CHAIRMAN WITKOWIAK: Next witness in
6 opposition, please. Good morning.
7 THE WITNESS: Good morning.
8 CHAIRMAN WITKOWIAK: Name and address
9 for the record, please.
10 THE WITNESS: Mary Jane Gratz, 1421
11 South Union Street, Milwaukee 53204.
12 CHAIRMAN WITKOWIAK: And how close do
13 you live to the proposed location?
14 THE WITNESS: I'm across the parking
15 lot one block, so I - - My - - My front window
16 directly looks at their - - the back of the
17 building, which right now is in a very, very
18 terrible disarray.
19 CHAIRMAN WITKOWIAK: Ms. Gratz, your
20 testimony, please?
21 THE WITNESS: Generally, I'm going to
22 repeat, I think, a lot of what has already gone
23 on. Our main concern - - My main concern is the
24 liquor license, obviously, and the trafficking.
25 As it is right now, our trafficking, we're having

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1 plenty of trouble with, because of - - I don't
2 know who initiated it, but we have two one-ways.
3 One going one-way and one going the opposite way
4 to, I guess, alleviate some of the heavy traffic
5 that's there now. Which is not being adhered to
6 by the general public, so I can't really see a
7 bunch of people coming out of a bar actually
8 following these rules, because they're - -
9 they're coming out of the other bars and being
10 very unruly. Also, Mr. Funk does an awful lot of
11 cleaning in our area. He's one of our best
12 neighbors, I would have to say, as far - - Well,
13 and the establishment across the street. We all
14 try to keep our neighborhood clean by cleaning up
15 litter and - - and things like that. We do - - I
16 work late nights, because I'm a bartender myself,
17 so I know what this establishment would be - - be
18 bringing. And so far we - - we find a lot of
19 bottles and things around our neighborhood now,
20 which, you know, it's broken glass. We have some
21 children in the area. So that this has to be
22 kept up as far as cleaning. The noise capacity
23 as far as music, I would like to know how they're
24 going to subdue that. So that because there is
25 nothing between that building and almost anything

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1 around there. There's nothing to insulate that,
2 so I'm worrying about traveling noise. Because
3 within a block, sometimes it can be louder away
4 from the actual activity than it is really at the
5 activity. Because I can listen to my radio in
6 the house and go outside sometimes, and it
7 carries all the way across the street, because
8 there's nothing there to bounce off of. So I'm
9 concerned about the noise. Also, being a late -
10 - late and early shift, I - - I'm an early shift
11 worker for MPS, also. So my mornings will be
12 starting early soon once the school system gets
13 back in.

14 The capacity, 300 people? Looking at
15 the building as it is now, I understand they're
16 going to be doing some renovations on it, and
17 adding space, but that's a lot of people, 300.
18 That's - - That's - - For - - For a neighborhood
19 place, I don't see that. So those are my main
20 concerns is the parking, the traffic, the litter,
21 the noise. I guess almost everything in general
22 that comes with that, but liquor license, we just
23 have enough in our area. And I - - I know that
24 they've only said four, but you can continually
25 go block for block for block. And, I mean, I

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1 don't know how far you'd want us to check that
2 out, but there's just too many in the area. And
3 that are having - - that have not had good
4 reputations, so I don't see it following, because
5 your clientele is going to stay the same. That's
6 a neighborhood. That's it for me.

7 CHAIRMAN WITKOWIAK: Thank you. Any
8 questions by members of the committee of this
9 witness?

10 ALDERMAN PUENTE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: How long have you
13 lived there?

14 THE WITNESS: 34 years. Well, the home
15 I'm at now I'm there five years. But the one
16 right next door, I lived for 27, so I'm right
17 there, you know, I've been there for years.

18 ALDERMAN PUENTE: The bar that you
19 bartend at, how - - approximately how far is it
20 away from this - -

21 THE WITNESS: It's in St. Francis.

22 ALDERMAN PUENTE: Okay. It's not a
23 competing bar.

24 THE WITNESS: No, it's not.

25 ALDERMAN PUENTE: Thank you, Mr. Chair.

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1 CHAIRMAN WITKOWIAK: Any other
2 questions by members of the committee? Mr.
3 Gimbel, do you have any questions for this
4 witness?

5 MR. GIMBEL: Yes, briefly. Ms. Gratz,
6 you and I met before, did we not?

7 THE WITNESS: Yes, we did.

8 MR. GIMBEL: And you attended a meeting
9 that was scheduled by Alderman Witkowiak in the
10 neighborhood to ventilate your complaints, the
11 same things you said here today. Is that
12 correct?

13 THE WITNESS: Correct.

14 MR. GIMBEL: And at that time you
15 received a handout, did you not, which kind of
16 talked about the business plan?

17 THE WITNESS: Yes.

18 MR. GIMBEL: And it had drawings of the
19 outside and inside of the building. Did you
20 review that material?

21 THE WITNESS: Yes, I did.

22 MR. GIMBEL: And you would agree with
23 me, would you not, that the appearance of this
24 would not suggest that this is - - this
25 establishment is intended to be some kind of a

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1 rowdy place, wouldn't you?

2 THE WITNESS: Intentions are one thing,
3 and - - Just - - The amount of - - of liquor that
4 we have already phasing through the neighborhood
5 just doesn't need another one. A restaurant
6 would be wonderful. I'd love to see a nice
7 restaurant in our area. I'm just - - The bar
8 thing is not what I want in my neighborhood.

9 MR. GIMBEL: But you have no personal
10 information that Mr. Cetina or the business plan
11 that you had an opportunity to review is a
12 business operation that - - that intends to cause
13 problems in the neighborhood.

14 THE WITNESS: Absolutely not, no.

15 MR. GIMBEL: Thank you.

16 CHAIRMAN WITKOWIAK: Any other
17 questions? Thank you for your testimony. Next
18 witness, please, in opposition. Good morning.

19 THE WITNESS: Good morning.

20 CHAIRMAN WITKOWIAK: Name and address
21 for the record.

22 THE WITNESS: My name is Carol Tylock.
23 I live at 1447 South Union - -

24 MR. GIMBEL: I'm sorry. I didn't get
25 the name.

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1 THE WITNESS: - - in Milwaukee 53204.

2 COURT REPORTER: Could you repeat your

3 name and address, please?

4 THE WITNESS: My name is Carol Tylock.

5 1447 South Union Street in Milwaukee 53204.

6 CHAIRMAN WITKOWIAK: And, Carol, just

7 for the committee how - - how close are you to

8 this proposed establishment?

9 THE WITNESS: Well, I'm kitty-corner

10 from the intersection on Union Street. I can see

11 the building from my porch and everything.

12 CHAIRMAN WITKOWIAK: And your

13 testimony?

14 THE WITNESS: Beg your pardon?

15 CHAIRMAN WITKOWIAK: Oh, your

16 testimony. What would you like to say?

17 THE WITNESS: Oh, I'm opposed to also

18 alcohol and the noise. And we don't need it. We

19 cope with a lot of it, and some of the

20 neighborhood's been improved since then. And the

21 parking at night, I can hear cars go back and

22 forth, loud, alcohol. We're always cleaning up

23 some people that go by. They use that one-way

24 like it was a freeway. A lot of times I see one

25 car come down from Muskego to Union, and they zip

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1 right through. And it was not too long ago they
2 converted it to a one-way. And then, you hear
3 arguments and everything else. There's a lot of
4 children in our neighborhood. Like I said, it
5 would be nice if we could see a restaurant or
6 something better than a tavern. We got so many
7 every other corner or right next door. Two on
8 one block, almost.

9 CHAIRMAN WITKOWIAK: Thank you. Any
10 questions by members of the committee?

11 ALDERMAN PUENTE: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Alderman Puente.

13 ALDERMAN PUENTE: How long have you
14 lived there?

15 THE WITNESS: I lived there longer than
16 26 years.

17 ALDERMAN PUENTE: Thank you.

18 THE WITNESS: Um-hnh.

19 CHAIRMAN WITKOWIAK: Mr. Gimbel, any
20 questions of this witness?

21 MR. GIMBEL: No.

22 CHAIRMAN WITKOWIAK: All right. Thank
23 you for your testimony.

24 THE WITNESS: Okay. Thank you.

25 CHAIRMAN WITKOWIAK: Next witness in

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1 opposition, please? Good morning. Name and
2 address for the record, please?

3 THE WITNESS: Carlo Ramos. 1423 South
4 Union.

5 CHAIRMAN WITKOWIAK: And - - And for
6 the committee, how close do you live - -

7 THE WITNESS: The same. We don't want
8 no liquor license over there - - in the
9 neighborhood no more.

10 CHAIRMAN WITKOWIAK: You're within like
11 a block of the place.

12 THE WITNESS: Yeah. I live next to
13 Carol.

14 CHAIRMAN WITKOWIAK: Okay. And your
15 testimony?

16 THE WITNESS: Yeah, the traffic.
17 There's a lot of drugs right now, a lot of
18 prostitution, and we don't want no more activity
19 like that over there. We're trying to clean the
20 neighborhood. Maybe to me, they put in a new
21 club over there, I got to be more activity - -
22 more people, more drug, and more prostitution
23 over there.

24 CHAIRMAN WITKOWIAK: Questions by
25 members of the committee?

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1 ALDERMAN PUENTE: Mr. Chair.
2 CHAIRMAN WITKOWIAK: Alderman Puente.
3 ALDERMAN PUENTE: How long have you
4 lived there?
5 THE WITNESS: Fourteen years.
6 ALDERMAN PUENTE: Fourteen?
7 THE WITNESS: Yeah.
8 ALDERMAN PUENTE: And what about loud
9 music?
10 THE WITNESS: Too, loud music.
11 ALDERMAN PUENTE: What about littering?
12 THE WITNESS: Littering, yeah, that's,
13 too. It would be simply to say that I agree with
14 them.
15 ALDERMAN PUENTE: Parking?
16 THE WITNESS: Parking place, yeah.
17 Main concern, the parking place.
18 ALDERMAN PUENTE: So - -
19 THE WITNESS: Because right now they
20 say at the right turn they got parking - - They
21 already park their truck over there every night.
22 I don't see no place for 300 car in the right
23 parking lot, the one they say. The - - The
24 truck, they are - - they are every night. I
25 don't know how they're going to do it. With

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1 truck - - With four, six truck over there, and
2 they're coming to unload trucks over there every
3 night. I've been there for 14 year, I see every
4 night truck coming by two o'clock in the morning,
5 one o'clock. There's no - - There's no room for
6 300 car over there.

7 ALDERMAN PUENTE: Thank you, Mr. Chair.

8 CHAIRMAN WITKOWIAK: Any other
9 questions by members of the committee? Mr.
10 Gimbel, any questions of this witness?

11 MR. GIMBEL: Mr. Ramos, you agree with
12 the first witness that there has not been an
13 active business at this location for the last
14 five years. Is that correct?

15 THE WITNESS: Um-hnh.

16 MR. GIMBEL: Is that yes?

17 THE WITNESS: Yeah.

18 MR. GIMBEL: And you - - When you talk
19 about drugs and prostitution, you have no
20 information that - - that these folks have
21 any - -

22 THE WITNESS: I don't have information,
23 but I don't want no more activity over there that
24 can bring some prostitution or drug in the area.

25 MR. GIMBEL: But you have no basis to

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1 believe - -

2 THE WITNESS: I don't have no basis,
3 but we don't want to - -

4 MR. GIMBEL: One minute.

5 CHAIRMAN WITKOWIAK: One person at a
6 time.

7 MR. GIMBEL: You have no basis to
8 believe that these people are going to permit or
9 encourage those kinds of activities at their
10 investment. Correct?

11 THE WITNESS: That's what we don't
12 know. I can't put a finger on nobody. We don't
13 know.

14 MR. GIMBEL: Okay.

15 THE WITNESS: We don't know what kind
16 of people they are. Maybe - - At the first
17 meeting, his father came out, he say you better
18 sit down. What kind of people they are. They
19 get mad at a meeting. I'm seeing him get pretty
20 upset ion the meeting, his father. You know.
21 What kind of people they are, like we do a
22 meeting, and he get all upset right away.

23 MR. GIMBEL: Are you talking about the
24 meeting that Alderman Witkowiak had?

25 THE WITNESS: The one we do in the - -

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1 Yeah.

2 MR. GIMBEL: Okay.

3 THE WITNESS: Yeah.

4 MR. GIMBEL: And he was upset because
5 he made an investment of a lot of money.

6 THE WITNESS: Oh, he get upset because
7 that, how can he do in the neighborhood like
8 that.

9 MR. GIMBEL: Nothing further.

10 CHAIRMAN WITKOWIAK: Okay. All right.
11 Thank you. Next witness, please, in opposition?
12 Good morning.

13 THE WITNESS: Good morning, Mr.
14 Chairman.

15 CHAIRMAN WITKOWIAK: Your name and
16 address for the record, please.

17 THE WITNESS: Dr. Joseph Kostrzewski,
18 K-O-S-T-R-Z-E-W-S-K-I. My business - - My
19 medical center is Greenfield Medical Center.
20 1717 West Greenfield Avenue. And I have been
21 there practicing medicine in the family medicine
22 for 34 years. And the clinic has been there
23 approximately 50 years. Dr. Levine was there
24 before me.

25 CHAIRMAN WITKOWIAK: And - - And for

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1 the members of the committee, how close is that
2 to this proposed location?

3 THE WITNESS: I would say probably
4 about 200 feet. My back - - My consult office
5 can see the back of their building.

6 CHAIRMAN WITKOWIAK: Okay. And your
7 testimony, Doctor?

8 THE WITNESS: I am opposed of another
9 bar. There are approximately 14 or 15 bars
10 between Miller Parkway and all the ways to I-94.
11 There are many bars on National Avenue. Also, in
12 the neighborhood there are one or two bars every
13 two blocks. Our main problem is we're having
14 problems with broken beer bottles, liquor
15 bottles, rum bottles all over the place. We have
16 our maintenance man cleaning up almost - - not
17 almost, but every day picking up papers and
18 liquor bottles. We have elderly patients coming
19 in, and they have to be careful as far as any
20 broken glass. We have children there. We have a
21 big pediatric practice, too. And some of them
22 even come without shoes, and walk barefooted and
23 could cut themselves.

24 Speaking of prostitution and so forth.
25 How do we know? I see them in my practice. We

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1 treat the people there. We've been there for 34
2 years. The problems with prostitution, problems
3 with drug abuse, I see them. We handle them. We
4 refer them, also.

5 CHAIRMAN WITKOWIAK: Thank you.
6 Questions by members of the committee? Mr.
7 Gimbel, any questions?

8 MR. GIMBEL: Yes. Dr. Kostrzewski,
9 where do you live, sir?

10 THE WITNESS: I live in Brookfield.

11 MR. GIMBEL: And what are the hours of
12 your clinic?

13 THE WITNESS: Basically, we're there
14 every day, Monday through Friday. Mondays we - -
15 I start - - Well, the nurses start at 8:30 all
16 the ways until 5:30 on Monday. Tuesday, all day.
17 Wednesday, all day. Thursday, all day. And
18 Friday, from eight until one.

19 MR. GIMBEL: So - - So you're - -

20 THE WITNESS: We're there five days a
21 week.

22 MR. GIMBEL: You're a daytime
23 operation. Is that correct, Doctor?

24 THE WITNESS: Yes.

25 MR. GIMBEL: You're not open at night

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1 for people to come in.

2 THE WITNESS: Negative.

3 MR. GIMBEL: All right. Now, would you
4 agree with me that the complaints that you are
5 concerned about, or the issues that you're
6 concerned about would be issues that should be
7 addressed by the proprietors of those businesses
8 that have given rise to the litter and other
9 things that you have talked about?

10 THE WITNESS: I don't agree with you.

11 We - - What are you going to do with
12 prostitution? What are you going to do with drug
13 abuse there?

14 MR. GIMBEL: Well, let's talk about
15 litter first.

16 THE WITNESS: Okay.

17 MR. GIMBEL: Then we can talk about
18 prostitution and drug abuse.

19 THE WITNESS: Okay.

20 MR. GIMBEL: Would you agree with me
21 that it is the principal responsibility of the
22 operator of a business to take care of inside and
23 outside maintenance of their premises?

24 THE WITNESS: No.

25 MR. GIMBEL: Well, who should do it

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1 then?

2 THE WITNESS: Well, how about the
3 people that come from the bar or that even have
4 their own liquor bottles in their cars and throw
5 it around.

6 MR. GIMBEL: I think you're missing the
7 question, sir. I'm asking you if you think it's
8 the responsibility of the proprietors of the
9 business to go out and clean up around their
10 premises for what their patrons do, either from
11 inside the bar or outside the bar?

12 THE WITNESS: I do.

13 MR. GIMBEL: Don't you think it's their
14 responsibility?

15 THE WITNESS: It is, yeah.

16 MR. GIMBEL: Okay.

17 THE WITNESS: But they don't do it.

18 MR. GIMBEL: Okay. So your complaint
19 is that the proprietors of the businesses that
20 are currently in your neighborhood aren't taking
21 care of business insofar as maintaining
22 cleanliness in the neighborhood. Do you agree?

23 THE WITNESS: No.

24 MR. GIMBEL: Do you agree with that?

25 THE WITNESS: No.

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1 MR. GIMBEL: You don't agree with that?

2 THE WITNESS: No, I don't agree.

3 MR. GIMBEL: What don't you agree with

4 about - -

5 THE WITNESS: How about the other
6 people that throw beer bottles around, beer cans
7 around?

8 MR. GIMBEL: Well, what other people
9 are you talking about?

10 THE WITNESS: Well, the people in the
11 neighborhood.

12 MR. GIMBEL: Well, you - - you
13 certainly don't - - don't think that - -

14 THE WITNESS: We're not saying that
15 everyone that goes to the bar is throwing - -
16 just because they're going to the bar, they're
17 throwing - - How about other people walking down
18 the street are throwing beer cans and bottles?

19 MR. GIMBEL: Well, you don't want to
20 agree with me on anything, do you, today?

21 THE WITNESS: Well, yes and no.

22 MR. GIMBEL: Well, I haven't heard any
23 yeses so far.

24 THE WITNESS: Well, so, therefore, take
25 it as it is.

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1 MR. GIMBEL: All right. You have no
2 information that Mr. Cetina would in any way
3 countenance prostitutes coming in and around his
4 place.

5 THE WITNESS: I don't even know the
6 man. I just met him one time, and I have no
7 connection here.

8 MR. GIMBEL: And you have no
9 information that he would countenance anybody who
10 would deal illegal drugs in his - - in and around
11 his place?

12 THE WITNESS: That is out of my
13 jurisdiction.

14 MR. GIMBEL: You have a problem with
15 people who commit crimes. Correct?

16 THE WITNESS: I don't have a problem -
17 -they commit crimes. They do it.

18 MR. GIMBEL: I have nothing further.

19 THE WITNESS: Okay. I thank you. Any
20 other questions?

21 CHAIRMAN WITKOWIAK: No.

22 THE WITNESS: Thank you.

23 CHAIRMAN WITKOWIAK: Thank you - - Any
24 questions by members of the committee? Thank you
25 for your testimony, Doctor. Next witness,

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1 please, and in - - next person to testify in
2 opposition. Please come forth. Next person to
3 testify in opposition please come forth. All
4 right. At this time I'd like to hear testimony
5 from the people in support. So anyone here to
6 testify in support, please come forth. Could you
7 state - -

8 THE WITNESS: Good morning. Good
9 morning.

10 CHAIRMAN WITKOWIAK: - - your name and
11 address for the record, please?

12 THE WITNESS: Ramon Candelaria. 3944
13 South 68th. But the other address is 807 South
14 14th, and I'm there more than I'm at the other
15 address, so. C-A-N-D-E-L-A-R-I-A.

16 MR. SCHRIMPF: First name?

17 THE WITNESS: R-A-M-O-N.

18 MR. SCHRIMPF: Thank you.

19 THE WITNESS: You're welcome.

20 CHAIRMAN WITKOWIAK: And your
21 testimony, please.

22 THE WITNESS: You know, I - - I'm not
23 here to advocate - -

24 CHAIRMAN WITKOWIAK: Excuse me. Before
25 you start. Were you sworn in? Were you here - -

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THE WITNESS: No.

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CHAIRMAN WITKOWIAK: Oh, could you
raise your right hand? We'll swear you in,
please.

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(Whereupon the witness was sworn.)

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CHAIRMAN WITKOWIAK: Your testimony,
please. I'm sorry.

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THE WITNESS: I'm not here to, you
know, advocate for liquor or anything like that.
But I attended that meeting, and I got to hear
some of the testimony right now. What I am here
for is to advocate for what's right, what's just.
And a lot of times we preach to young people, and
we preach to ourselves and to each other that if
you do what's right, and you follow protocol and
you don't break any laws, you should have the
right to do what you believe is correct, as - -
as well - - as far as starting a business. And
what I've heard is a lot of judgment on this
family and this business based on what other
people have done. And I think it's totally
unfair. Whether I agree with the business or
not, it's - - the stuff we're hearing is about
the people. That the people might cause this
because they look this way or their business is

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1 this type.
2 We haven't heard testimony in regards
3 to the positive businesses in the area that serve
4 liquor, the restaurants and other businesses that
5 serve liquor. And I think we have an obligation
6 to consider that. Someone did a great job
7 organizing their friends and got them here, and
8 you can clearly hear that in testimony. They
9 don't know these people. They haven't met them.
10 They haven't talked to them. I can tell you from
11 experience, and I was out last night until one in
12 the morning. I didn't see any of them out there,
13 working with the prostitutes, dealing with the
14 garbage, and it was a hot night last night. And
15 there was a lot of action, and it was - - the
16 action was more on Scott. 14th, 15th. So the
17 bottom line for me is that I believe that we send
18 a message when we start to judge people, based on
19 what they heard from someone else. Based on
20 what's currently existing, even though they're
21 not there yet, we're still telling the people
22 that it's their fault there's prostitution. It's
23 their fault there's beer bottles broken, and
24 their fault - - And I think that's unfair. And I
25 ask the committee to definitely dig deep and

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1 stand up to what they believe is fair. Does
2 someone have the right to start a business? Do I
3 have the right to tell them you can start a
4 business but take it over there. Do I have the
5 right to say you're white or black or Latino and
6 we know white, black and Latino establishments in
7 our area don't work and they create prostitution.
8 We don't have that right. I don't have that
9 right.

10 So I'm here today to talk about what I
11 believe is fair, and I attended the meetings, and
12 I know Rafael a little bit. And I know which
13 bars are in the area. I know which clubs are in
14 the area, and I know which prostitutes are in the
15 area. I know which drug dealers are. And we're
16 working with them to make sure that doesn't
17 happen. But I don't believe, again, not to
18 repeat myself, I don't believe that you should
19 judge me, because of what another person that
20 have - - that's in the same field as me did.
21 Imagine today, if you judged me as a nonprofit
22 manager based on what other nonprofit managers
23 have done. I'd have to go start a new career.
24 I'd have to do something else. And that's what I
25 - - That's my testimony. That's what I believe

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1 to be fair. And that's why I'm here. So whether
2 it was Rafael or someone else, I'm here because I
3 believe the basis on what people are judging this
4 comp - - or this business for is - - is unfair.
5 So I thank you for your time, and - - and I'll
6 answer any questions.

7 CHAIRMAN WITKOWIAK: Any questions by
8 members of the committee? Mr. Gimbel, do you
9 have any questions?

10 MR. GIMBEL: Yes. Ramon, why don't you
11 tell the members of this committee what it is
12 that you do for a living?

13 THE WITNESS: Well, most of the members
14 know. I work at Latino Community Center. And we
15 run youth programs, and I've worked for five
16 nonprofits. Milwaukee Christian Center, Social
17 Development Commission, LCC, the first time
18 juvenile offender program, and Kosciuszko Middle
19 School. And I currently run programs at South
20 Division and Kagel Elementary now. And I've been
21 in - - I've lived on 13th and Washington. I've
22 been in the neighborhood all the years of my
23 life. So what we do most, though, and if - - if,
24 you know, even the Mayor was out with us last
25 Friday. We walk the streets from nine to one in

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1 the morning. In the summer we've committed to
2 two to three nights a week. We walk every
3 Wednesday and every Friday night, and on
4 Saturdays whenever possible. And that is to talk
5 to - - to kind of attack what people were talking
6 about today. And we're seeing it, firsthand,
7 without getting into detail. I mean, last night
8 alone I can say, and the police happened to pull
9 up at the time, but, you know, we probably saved
10 a life. There was some young people that are
11 ready to go. And there was another lady that was
12 on the corner, and people were looking for a way
13 out. And, you know, that's who we are. That's
14 what we're doing.

15 So when I hear people talk about this
16 stuff, and I don't see them out there when we're
17 out there, and we're out there, that kind of
18 bothers me, as well. Because it's based on what
19 your friend told you. It's based on what you
20 heard on the news. And - - And, I mean, anybody
21 can say what they want, but you have to be out
22 there trying to help these people. You have to
23 be out there trying to serve them, not trying to
24 criticize them and put them down. Or not give
25 people opportunities because someone else had to

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1 struggle in their life. I think it's unfair to
2 talk about prostitutes like if they're - -
3 they're from another world. They're human beings
4 like us, and they deserve the respect, and we
5 shouldn't be down-playing them on TV or anywhere
6 else and act like they're just horrible people.
7 We're talking about them like they're horrible
8 people. And that's unfair, too.

9 So I think we need to watch what we say
10 and how we say it, and definitely how we use that
11 to judge somebody else. And - - And, you know,
12 that's my experience. I can't say that that's
13 the people behind me's experience or how they
14 should feel about, but that's my experience. And
15 I've been doing this for over 17 years.

16 MR. GIMBEL: Do you think - - Or do you
17 know of any factual basis that would support the
18 speculation that if this committee recommends to
19 the Common Council the issuance of license as
20 here requested, that such license the operation
21 of this business would give rise to litter,
22 prostitution, drug dealing, or traffic problems?

23 THE WITNESS: The only speculation that
24 I - - Not against the business. The only feeling
25 that I would have, based on my experience, is

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1 that really has come from, like, the litter has
2 come from the people that live in the
3 neighborhood. The - - The struggles that a
4 family leaves behind which lead you to looking
5 for employment, and if that doesn't work, which
6 leads you to look for other ways to make money,
7 doesn't come from a nightclub. It doesn't come
8 from a liquor store. It doesn't come from a
9 church or a nonprofit. It comes from the family
10 that for some reason fell - - they fell in - -
11 into that trap. So I would never blame a - - a
12 song, nightclub, a business, a church or whatever
13 for someone's deep struggles that lead them to
14 begin prostitution, or start doing drugs, or
15 start dealing drugs. I would never blame an
16 establishment for that. I would blame whatever
17 was in that person's life, and I wouldn't be able
18 to tell you until I met that person as an
19 individual what led them to that. So I have no
20 reason to believe that this establishment would
21 promote that or any other establishment for that
22 matter, as well as our organization. And that's
23 our job is to help those people get to our
24 center. And I think people have a hard time when
25 they wants - - when they do get to our center,

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1 because we promote, say, "Please come to our
2 center if you need help, if you're a gang member,
3 if you need - - you're on drugs." And when they
4 come, people are saying, "Hey, there's nothing
5 but gang members in there." You know what I
6 mean? So you're never going to win that battle,
7 but I don't believe that to make - - give you a
8 long answer, and I apologize for that.

9 MR. GIMBEL: Thank you. I have no
10 further questions.

11 ALDERMAN PUENTE: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Alderman Puente.

13 ALDERMAN PUENTE: When you do your
14 outreach program, do you at any time go in and
15 around liquor stores or - -

16 THE WITNESS: Absolutely.

17 ALDERMAN PUENTE: - - around tavern
18 - - Let me finish.

19 THE WITNESS: Yeah, I'm sorry, Puente
20 - - Alderman.

21 ALDERMAN PUENTE: Or taverns, the - -
22 the people that you are trying to help. Did you
23 target or you don't even go near any of these
24 establishments?

25 THE WITNESS: Last night we were by

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1 Cafe's Nut House right there on Scott, and, I
2 mean - -

3 ALDERMAN PUENTE: Is that where you
4 almost saved a life?

5 THE WITNESS: It was about two blocks
6 from there, and they were young people.

7 ALDERMAN PUENTE: Was there a tavern
8 two blocks away?

9 THE WITNESS: There was a tavern two
10 blocks away, but I would never blame the tavern
11 for those young people. There was actually - -

12 ALDERMAN PUENTE: But you target - -
13 But you target that area to look for potential
14 people to help?

15 THE WITNESS: I didn't target the bar
16 area, no. I targeted the neighborhood.

17 ALDERMAN PUENTE: Okay. In the
18 neighborhood there are taverns?

19 THE WITNESS: Oh, absolutely. There's
20 churches, as well.

21 ALDERMAN PUENTE: Okay.

22 THE WITNESS: One church was letting
23 out right there on 16th at that time.

24 ALDERMAN PUENTE: Did you talk to those
25 people - -

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1 THE WITNESS: Absolutely.
2 ALDERMAN PUENTE: Okay.
3 THE WITNESS: Absolutely.
4 ALDERMAN PUENTE: And, also, the
5 taverns?
6 THE WITNESS: Absolutely.
7 ALDERMAN PUENTE: Okay.
8 THE WITNESS: Absolutely. We don't go
9 inside any establishments, but we're outside and
10 around, yeah. Absolutely.
11 ALDERMAN PUENTE: So - -
12 THE WITNESS: We target all people.
13 ALDERMAN PUENTE: It's my
14 understanding, you're saying that alcohol and
15 drug abuse does not cause problems in the
16 neighborhoods?
17 THE WITNESS: I don't want to
18 disrespect you. Have you ever had a drink?
19 ALDERMAN PUENTE: Yes. You're not
20 disrespecting me.
21 THE WITNESS: Did that make you cause a
22 problem in the neighborhood?
23 ALDERMAN PUENTE: Not one drink.
24 THE WITNESS: Okay. So I - - I
25 wouldn't say that - - If you're responsible - -

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1 ALDERMAN PUENTE: You didn't answer my
2 question, though.

3 THE WITNESS: Yeah.

4 ALDERMAN PUENTE: And I've answered
5 yours now twice.

6 THE WITNESS: What do you want me
7 to - -

8 ALDERMAN PUENTE: I asked you, do you
9 believe - - Or you're saying that alcohol and
10 drugs do not impact the neighborhood, the quality
11 of life of neighborhoods.

12 THE WITNESS: I think that - - That - -
13 The way I believe, I believe that it's people
14 that do that. People that decide to drink so
15 much that cause them not to - - to feel that way.
16 But I don't believe that if - - It's not the gun
17 that shoots people, it's the people that pick up
18 the gun. It's not the alcohol, it's the people
19 that drink it and can't handle it. Is it my
20 responsibility to - - to monitor adults that way?
21 I could never do that. Is it my responsibility
22 to be out there and give them an opportunity and
23 alternative, absolutely. But I would never blame
24 any drug or alcohol on what people are going
25 through and the reasons why they picked that up.

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1 I wouldn't do that, because I've had a drink in
2 the past, and I've never had to go and prostitute
3 or - - or beat anybody up or feel like I had to
4 join a gang. So that's just me. I could live -
5 -

6 ALDERMAN PUENTE: We're not created
7 equal. We're not all like you. People are not
8 like me.

9 THE WITNESS: Absolutely.

10 ALDERMAN PUENTE: There are people who
11 do abuse drugs - -

12 THE WITNESS: Absolutely.

13 ALDERMAN PUENTE: - - do abuse alcohol.
14 Prostitution is a problem - -

15 THE WITNESS: Absolutely.

16 ALDERMAN PUENTE: - - because of the
17 quality of life that it enhances the neighborhood
18 and - - and disrespects the neighborhood.

19 THE WITNESS: I agree.

20 ALDERMAN PUENTE: But you go to Vegas,
21 prostitution is legal there. But not in this
22 City. And people, you know, I didn't hear
23 anybody dissing prostitution as a person, but as
24 the profession of what it brings in.

25 THE WITNESS: I agree.

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1 ALDERMAN PUENTE: Like alcohol and
2 drugs.

3 THE WITNESS: I agree, but I don't
4 think it's their fault. And I don't believe we
5 should judge them based on that. And the - - the
6 facts here is them. It's not - - Whether it's
7 legal or good in your eyes or what kind of people
8 they are, I would never judge them based on their
9 profession.

10 ALDERMAN PUENTE: People wouldn't be at
11 fault for dealing drugs?

12 THE WITNESS: I know - - I know some
13 people that tried to find employment and
14 couldn't. And tried so hard and were on the
15 streets, and that was the only alternative. It
16 didn't mean they were horrible people. I didn't
17 respect the way they went about it.

18 ALDERMAN PUENTE: Is that all right?
19 Is that right, then?

20 THE WITNESS: Is that their right?

21 ALDERMAN PUENTE: They can't find a
22 job, they could go deal drugs. Is that - - Is
23 that right, in your eyes?

24 THE WITNESS: Is that their right or is
25 it right?

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1 ALDERMAN PUENTE: No, in your - - in
2 your eyes. Do you feel that that's right?

3 THE WITNESS: I don't think it's right
4 to deal drugs, no. But I don't think it's right
5 to blame me for them dealing drugs.

6 ALDERMAN PUENTE: Nobody is.

7 THE WITNESS: Oh, I know, but there are
8 - - We're talking about the reasons why they
9 shouldn't open, and that - - those reasons are
10 because other people have dealt drugs or drink or
11 throw litter on the floor or prostitute. And
12 that's what the case is about today. It's not
13 about what I believe, but it's cool, if you want
14 to talk about what I believe. What I believe it
15 isn't right. That's why I'm in the field of
16 serving people. But I don't believe you should
17 judge me or judge them based on their struggles
18 or this business based on what other people have
19 done.

20 ALDERMAN PUENTE: Do you think people
21 should be held accountable for their actions?

22 THE WITNESS: And that's the job of the
23 law, and the job of my God. Not my job.

24 ALDERMAN PUENTE: So the answer is yes?

25 THE WITNESS: The answer is the people

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1 should be held accountable by the law, the law
2 enforcement officials, and they should be held
3 accountable by their spiritual God, which in my
4 opinion, those are the only two people that can
5 hold me accountable. I don't think I can hold
6 you accountable for what you've done. I can help
7 you. I can talk to you. I can guidance you. I
8 can give you alternative, but I can't - - I can't
9 judge you and I can't throw you in jail. And I
10 can't tell you you're going to hell.

11 ALDERMAN PUENTE: But other people can.

12 THE WITNESS: Well, they try. And I
13 don't think that's fair.

14 ALDERMAN PUENTE: That's all the
15 questions I have. Thank you.

16 THE WITNESS: Thanks, Alderman.

17 CHAIRMAN WITKOWIAK: Mr. Gimbel.

18 ALDERMAN PUENTE: Thank you.

19 THE WITNESS: You know I respect you,
20 man. This is a good - - This is a good
21 conversation, and I, you know, this isn't about
22 me.

23 CHAIRMAN WITKOWIAK: Thank you for your
24 testimony.

25 THE WITNESS: All right. Man, this was

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1 sweet. Thanks. Good luck, you guys.

2 CHAIRMAN WITKOWIAK: Next person to
3 testify.

4 CHAIRMAN WITKOWIAK: Were you sworn in?

5 THE WITNESS: Yes, I was.

6 CHAIRMAN WITKOWIAK: Okay. Name and
7 address for the record.

8 THE WITNESS: My name is Isan Addah. I
9 reside in Brookfield, and although I have
10 investment properties in the area on the south
11 side.

12 CHAIRMAN WITKOWIAK: And your
13 testimony?

14 THE WITNESS: I'm here, actually, to
15 speak to the character of the Cetina family. The
16 fact that many of the people that are opposed to
17 their business don't know anything about them.
18 And I'm here to speak of what type of people they
19 are, that they're good people, they're honest
20 people, they're God fearing people. In their
21 business, in their existing businesses, they're
22 very professional in the manner in which they
23 conduct business. They don't cut corners in any
24 ways. I've had the opportunity to work with them
25 on a number of ventures, and I very much

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1 respected the way they - - they conduct business.
2 I did attend the, if you want to call
3 it, the private hearing or the - - the hearing
4 outside - -

5 CHAIRMAN WITKOWIAK: Neighborhood.

6 THE WITNESS: The neighborhood hearing,
7 I'm sorry. And, you know, to kind of reiterate
8 what Ramon was mentioning. A lot of the problems
9 and concerns that the individuals had appear to
10 be problems that currently exist, and not
11 necessarily problems that are going to come out
12 of having Zamana built at that location. In
13 fact, if you're trying to improve the
14 neighborhood, I was quite surprised that they
15 were going against it. I mean, the Cetina
16 family's investing quite a bit of money to
17 renovate the property, which I think will take an
18 eyesore and turn it into something nice. I think
19 it's an opportunity to provide jobs in the
20 neighborhood. And I think it's actually a - - a
21 venue which would help eliminate some of the
22 negativity in the neighborhood. I question
23 whether the individuals that are going against
24 them have actually appeared before you guys
25 against the renewal of the existing businesses

00051

1 that - - that obviously are lending to the
2 problems in the neighborhood. You know, the
3 littering definitely doesn't come from a club.
4 Maybe from a bar that serves bottles and cans,
5 but a club setting doesn't serve bottles where
6 people can walk out and then, you know, throw it
7 on the ground and break it. That usually comes
8 from like a smaller type bar. It comes from a
9 liquor store. It comes from a grocery store and
10 whatnot. You know, the prostitution, once again,
11 when you have a business of a higher caliber than
12 what you currently have, you're actually
13 protecting yourself from having that - - that
14 element of prostitution and drug dealing and
15 whatnot. With regards to the alcoholism, you
16 know, once again, I won't dive into like what
17 causes it or what not, but you know, it's true.
18 Maybe you have people, you have alcoholics, you
19 have people that drink too much, that can't
20 control themselves, that may throw and litter and
21 whatnot, but once again, in a setting like this,
22 it's controlled. I mean, there's a
23 responsibility on behalf of the - - the club
24 owners to make sure that they cut off someone.
25 For example, if - - if they've had too much. You

00052

1 can't cut someone off at home, you know. An
2 individual drinking on their own makes their own
3 decision, and I, you know, agree with - - with -
4 - with the people in support that you can't blame
5 someone for the problems that currently exist.

6 I think it's the responsibility of
7 those individuals to take more action to spend
8 more time maybe speaking with the existing
9 establishments that - - that - - that are causing
10 some of the problem. But if - - If they have the
11 opportunity to meet with the Cetina family, and I
12 know they were gracious enough to - - to have the
13 neighborhood meeting, they're more than willing
14 to work with the neighborhood. I know they have
15 the - - the parking issue resolved. I know they
16 were more than willing to meet with the
17 neighborhood in terms of any other issues or
18 questions they have. They did assure people
19 that they would be out there on a - - a nightly
20 basis and a daily basis cleaning around their own
21 establishment, making sure things are fine. And
22 I think it would be unfair to not give them the
23 opportunity to pursue their - - their project.

24 CHAIRMAN WITKOWIAK: Thank you. Any
25 questions of this witness? No. Mr. Gimbel, any

00053

1 questions?

2 MR. GIMBEL: No.

3 CHAIRMAN WITKOWIAK: Thank you for your
4 testimony.

5 THE WITNESS: Thank you.

6 CHAIRMAN WITKOWIAK: Next person to
7 testify in support, please. Good morning.

8 THE WITNESS: Good morning.

9 CHAIRMAN WITKOWIAK: Name and address
10 for the record, please.

11 THE WITNESS: My name is Felix
12 Questell. Last name is Q-U-E-S-T-E-L-L. And my
13 address is 911 West Maple.

14 CHAIRMAN WITKOWIAK: Okay. And your
15 testimony, Felix?

16 THE WITNESS: My testimony is I know
17 the Cetina's for - - his father for five years.
18 This man is trying to make an investment here in
19 the neighborhood. And I - - I'm all for that,
20 you know, and then just to - - to let you know,
21 just give him a chance. This is the City of
22 Milwaukee, and it's greater Milwaukee. And I
23 speak for him on - - for the reason that this man
24 needs an opportunity to show the Council or the
25 City of Milwaukee that he's going to do a great

00054

1 - - there's going to be a great investment and
2 for the City of Milwaukee. And that's all I can
3 say.
4 CHAIRMAN WITKOWIAK: Okay. Thank you.
5 Any questions of this witness?
6 ALDERMAN PUENTE: Mr. Chair.
7 CHAIRMAN WITKOWIAK: Alderman Puente.
8 ALDERMAN PUENTE: How far away from
9 this establishment do you live?
10 THE WITNESS: I live like around right
11 off of Mitchell.
12 ALDERMAN PUENTE: I - - I heard your
13 address.
14 THE WITNESS: Around - - Around, I'd
15 say, ten blocks. But I've been living in the
16 City of Milwaukee for 22 years. I've been down
17 that - -
18 ALDERMAN PUENTE: How far do you live
19 from the establishment, sir? Approximately.
20 THE WITNESS: 12 - -
21 ALDERMAN PUENTE: A mile?
22 THE WITNESS: Like a mile.
23 ALDERMAN PUENTE: Okay. Thank you.
24 CHAIRMAN WITKOWIAK: Any other
25 questions of this witness? Mr. Gimbel, any

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1 questions?

2 MR. GIMBEL: No.

3 CHAIRMAN WITKOWIAK: Okay. Thank you,
4 Felix. Next person to testify, please. Name and
5 address for the record, please.

6 THE WITNESS: Brian Lundquist. 2416
7 West Orchard Street, Milwaukee.

8 CHAIRMAN WITKOWIAK: Brian, how far
9 away do you live from this establishment?

10 THE WITNESS: I live approximately four
11 blocks away on Orchard Street.

12 CHAIRMAN WITKOWIAK: Okay. And your
13 testimony?

14 THE WITNESS: I'd just like to say I've
15 been a resident of the Cetinas for approximately
16 five years, and I know that in his residences
17 that he - - he tries to keep people that are
18 orderly and people that, you know, aren't - -
19 aren't dealing drugs out of his houses and
20 breaking the law. And he doesn't hesitate to get
21 them out of there if he's got a problem. I also
22 know the neighborhood that I live in, basically
23 all the neighborhoods around that area of the
24 bar, as far as the prostitution, the litter, the
25 drugs, a lot of that stuff I see is going on

00056

1 during the day. Like I can go and sweep in front
2 of my house on the street, and the same night
3 I'll go out there, and - - and the litters not - -
4 I mean, it's beer bottles, it's - - it's a lot
5 of different stuff. But I mean most of it's
6 McDonald's wrappers, newspapers, and, I mean,
7 it's not stuff that's going to be coming out of a
8 nightclub.

9 Like I say, a lot of the problems that
10 I see are - - are in my own neighborhood, and - -
11 and there's not even a bar right there. A lot of
12 stuff I see going on is during the daytime. And
13 as far as parking and stuff in front of the
14 establishment, the times they're going to be open
15 and at night and stuff, I mean, that's all going
16 to be taken up by - - by the residents in the
17 area. So I mean, like - - like the proposed
18 parking that they have arranged, I mean, that - -
19 It's not going to be people looking for parking
20 on the street in front of their place. It's
21 going to be the designated area that they're
22 arranging for. So I don't think that's going to
23 be a problem.

24 CHAIRMAN WITKOWIAK: Any questions of
25 this witness? No. Mr. Gimbel, any questions?

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MR. GIMBEL: No.

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CHAIRMAN WITKOWIAK: Thank you.

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THE WITNESS: Basically, all that stuff people are talking about I see right in my front yard, and it's - - it's during the day. It's not - - I'll drive around there at night. I'll come home from work and you don't even see people out really doing that much. So - - And the loud music, you're going to have people drive by all day long with loud music in their cars and everything. So you have it 24 hours a day. It's not just when the clubs close. So.

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CHAIRMAN WITKOWIAK: Thank you. Thank you for your testimony. Next person to testify. No one else. Mr. Gimbel, did you want to call some witnesses?

MR. GIMBEL: No. I'm - - I'm going to call Mr. Cetina.

CHAIRMAN WITKOWIAK: Okay. Go ahead.

MR. GIMBEL: Now, what is your name?

THE APPLICANT: Rafael Cetina.

MR. GIMBEL: And how old are you,

Rafael?

THE APPLICANT: Thirty-four.

MR. GIMBEL: Are you living in the City

00058

1 of Milwaukee?
2 THE APPLICANT: Yes, I am.
3 MR. GIMBEL: And it is your father that
4 made an investment in this property?
5 THE APPLICANT: Yes.
6 MR. GIMBEL: Just for a little history
7 for the committee. This property was purchased
8 by your family in 2001. Is that accurate?
9 THE APPLICANT: Yes.
10 MR. GIMBEL: And at the time that the
11 property was purchased, it was a licensed Class
12 "B" establishment which had been closed.
13 THE APPLICANT: Yes.
14 MR. GIMBEL: Subsequent to the time
15 when you purchased the property in 2001, did you
16 apply for and acquire a Class "B" liquor license?
17 THE APPLICANT: Yes.
18 MR. GIMBEL: And did you have a liquor
19 license in your name in 2002?
20 THE APPLICANT: Yes.
21 MR. GIMBEL: Did you renew that
22 license?
23 THE APPLICANT: Yes.
24 MR. GIMBEL: And did you have a liquor
25 license then in 2003?

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THE APPLICANT: Yes.

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MR. GIMBEL: Did you renew that

3

license?

4

THE APPLICANT: Yes.

5

MR. GIMBEL: And did you have then a

6

Class "B" liquor license in 2004?

7

THE APPLICANT: Yes.

8

MR. GIMBEL: Did there come a time in

9

2005 when you communicated with the License

10

Division of the City of Milwaukee about changing

11

the applicant to a LLC rather than you,

12

individually?

13

THE APPLICANT: Yes.

14

MR. GIMBEL: And what happened then?

15

THE APPLICANT: They - - They asked me

16

to change it to - - to the corporation, and I

17

have to change it from individual to corporation.

18

So that's when all the - - the layover we had.

19

MR. GIMBEL: So - - So this

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establishment, since your family bought it, has

21

been a licensed establishment until you made a

22

decision, for whatever reason, to make the

23

application in the name of an LLC rather than

24

your own name. Is that correct?

25

THE APPLICANT: Yes, sir.

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1 MR. GIMBEL: The establishment has
2 never been open for business since your family
3 acquired it in 2001?

4 THE APPLICANT: That's correct.

5 MR. GIMBEL: Now, you have seen, and I
6 have provided, Mr. Chairman, to the committee
7 through Ms. Barron, a list of expenses that have
8 been incurred by your family between the time of
9 acquisition and the present time for this
10 project. Is that correct?

11 THE APPLICANT: Yes, sir.

12 MR. GIMBEL: And does that fairly
13 reflect an amount of money that has been invested
14 in this property by your family?

15 THE APPLICANT: Yes, sir.

16 MR. GIMBEL: Something in the
17 neighborhood of 400,000 dollars?

18 THE APPLICANT: Yes.

19 MR. GIMBEL: You also participated in
20 the preparation of a document for Alderman
21 Witkowiak's neighborhood meeting, which was held
22 about six weeks ago?

23 THE APPLICANT: Yes.

24 MR. GIMBEL: And - - And that's been
25 given to Ms. Barron for circulation with the

00061

1 committee. Is that correct?

2 THE APPLICANT: Yes.

3 MR. GIMBEL: That's this document?

4 THE APPLICANT: Yup.

5 MR. GIMBEL: And if you look at the
6 last pages of this document, which is called,
7 Zamana, there are some illustrations, are there
8 not, of this property?

9 THE APPLICANT: Yup.

10 MR. GIMBEL: And - - And is this a fair
11 and accurate representation of what, should this
12 committee and the Common Council approve your
13 application for the issuance of a Class "B"
14 liquor license, look like on this location?

15 THE APPLICANT: That's correct.

16 MR. GIMBEL: Does your father also own
17 real estate in and around this particular
18 location?

19 THE APPLICANT: Yes, even right across
20 the street.

21 MR. GIMBEL: How many houses does he
22 own across the street?

23 THE APPLICANT: Two.

24 MR. GIMBEL: And have you and your
25 father made an agreement with Mr. Villarreal to

00062

1 have parking available at the El Rey grocery
2 store on 16th Street?

3 THE APPLICANT: Yes, we did.

4 MR. GIMBEL: And how many cars
5 approximately will that parking lot accommodate?

6 THE APPLICANT: 150.

7 MR. GIMBEL: Have you also made
8 arrangements with a valet service to have valet
9 service available, on the evenings when you have
10 any significant business, to take cars from your
11 door front to the El Rey parking lot?

12 THE APPLICANT: Yes, we did.

13 MR. GIMBEL: Have you made arrangements
14 with people to work security in and out of your
15 building?

16 THE APPLICANT: Yes, we did.

17 MR. GIMBEL: And you've made
18 arrangements for a food service to be provided
19 inside of your building?

20 THE APPLICANT: Yes, we did.

21 MR. GIMBEL: And that would be on all
22 the times that the business would be open?

23 THE APPLICANT: That's correct.

24 MR. GIMBEL: Now, you have met with the
25 neighbors, some of whom showed up at the

00063

1 neighborhood meeting back in, I think it was,
2 June of this year.

3 THE APPLICANT: Yes.

4 MR. GIMBEL: And some of those folks
5 are here today.

6 THE APPLICANT: That's correct.

7 MR. GIMBEL: Have you ever said that
8 you wouldn't address their concerns about litter,
9 and about traffic, and about noise?

10 THE APPLICANT: No. I - - I said we
11 - - we would take care of this.

12 MR. GIMBEL: Now, does your father also
13 own other residential real estate that he rents
14 out in the City of Milwaukee?

15 THE APPLICANT: Yes, he does.

16 MR. GIMBEL: How many such buildings
17 does he own?

18 THE APPLICANT: Thirteen.

19 MR. GIMBEL: And to your knowledge, are
20 there any building code violations that have been
21 issued against any of the properties that have
22 been - - that are owned by the Cetina family?

23 THE APPLICANT: No.

24 MR. GIMBEL: I think that's all I have,
25 Mr. Chairman.

00064

1 MR. SCHRIMPF: Mr. Chairman.
2 CHAIRMAN WITKOWIAK: Mr. Schrimpf.
3 MR. SCHRIMPF: Mr. Cetina, I'm a little
4 bit confused. In the years 2002, 2004 - - 2002,
5 2003, 2004, 2005, where did you hold the Class
6 "B" license?
7 THE APPLICANT: Well, we held it, you
8 know, upon approval. I never acquired it, but it
9 was approved by the committee here.
10 MR. SCHRIMPF: For which address?
11 THE APPLICANT: For 1447 South Muskego
12 Avenue.
13 MR. SCHRIMPF: It had been approved by
14 the Common Council?
15 THE APPLICANT: Yes, it did.
16 MR. SCHRIMPF: And renewed?
17 THE APPLICANT: Yes.
18 MR. SCHRIMPF: For 1447 - -
19 THE APPLICANT: Yeah.
20 MR. SCHRIMPF: - - and it was in our
21 name?
22 THE APPLICANT: It was in my name.
23 Rafael Cetina.
24 MR. SCHRIMPF: And then when did you
25 file the application for the LLC?

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1 THE APPLICANT: That was right before -
2 - the beginning of last year, and then - -
3 Because November was my renewal for that. Then I
4 had to come and renew the application. And then
5 when I went in November, I showed her the new
6 business that I had. And she goes, well, you're
7 going into a corporation, and then she goes, we
8 got to change it to an LLC and not your
9 individual name. And that's when the problems
10 started.

11 MR. SCHRIMPF: All right. And I take
12 it, the change to the LLC was done for business
13 reasons.

14 THE APPLICANT: Correct.

15 MR. SCHRIMPF: Private to your family.

16 THE APPLICANT: Correct.

17 MR. SCHRIMPF: Okay. All right. And
18 why was it that - - I take it, that the - - the
19 location 1447, is that South Muskego, has never
20 operated as a Class "B" tavern. Is that correct?

21 THE APPLICANT: No, it's not - - hasn't
22 operated.

23 MR. SCHRIMPF: Why is that?

24 THE APPLICANT: We had architectural
25 problems that we were working on.

00066

1 MR. SCHRIMPF: And what were those?

2 THE APPLICANT: We changed from one
3 architect to another architect.

4 MR. SCHRIMPF: You mean, you didn't
5 have an occupancy for the building.

6 THE APPLICANT: We did have - - We - -
7 We had our plans approved, and then we had some
8 changes on - - on the plans itself. And then the
9 occupancy permit actually was approved in '03 - -
10 '02, I believe. I don't have the paperwork in
11 front of me right now. But it was approved for
12 350 people.

13 MR. SCHRIMPF: And then why didn't it
14 open?

15 THE APPLICANT: On the previous plans.
16 And then we changed our plans, because we wanted
17 to do the structure a lot better for the
18 building.

19 MR. SCHRIMPF: Okay. So - - So the
20 fact - - The fact that it didn't open was related
21 generally to whatever construction issues - -

22 THE APPLICANT: Right.

23 MR. SCHRIMPF: - - were going on with
24 the building at 1447.

25 THE APPLICANT: That's right.

00067

1 MR. SCHRIMPF: Okay. Ms. Barron, do
2 you have any further information on this?
3 MS. BARRON: Regarding - - It was
4 granted in November of 2002, and that was the - -
5 the only year the Class "B" tavern license was
6 paid for. So - -
7 MR. SCHRIMPF: Oh, it was not paid for?
8 MS. BARRON: It was paid for in 2002.
9 It was renewed in '03, '04. It wasn't paid for
10 in - - in that year. It was renewed again, and
11 it hasn't been paid since 2002. And that was
12 never issued. So it's never been in effect.
13 MR. SCHRIMPF: So your office never
14 issued the Class "B".
15 MS. BARRON: No.
16 MR. SCHRIMPF: And - - And the Class
17 "B" was in the name of this applicant, Mr.
18 Cetina?
19 MS. BARRON: As an individual.
20 MR. SCHRIMPF: As an individual.
21 MS. BARRON: That's correct. And if
22 you want to change your legal entity, you can't
23 renew it.
24 MR. SCHRIMPF: Yeah, you have to, you
25 know - -

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1 MS. BARRON: Yeah, you have to file as
2 a new - -

3 MR. SCHRIMPF: Okay. All right. The
4 building at 1447 South Muskego, has it, Mr.
5 Cetina, to your knowledge, ever operated as a
6 Class "B" tavern?

7 MR. GIMBEL: It was before he bought
8 it.

9 THE APPLICANT: Before I bought it.

10 MR. SCHRIMPF: What was it called?

11 THE APPLICANT: It was Monty's Westfahl
12 Bowling Alley.

13 MR. SCHRIMPF: Ms. Barron, what do you
14 have?

15 THE APPLICANT: Or Bertinetti's, you
16 know, everybody knows it as Bertinetti's.

17 MS. BARRON: It looks like the last
18 time it was issued would be in 2000 - - '99 or
19 2000. I'm not sure exactly which year.

20 MR. SCHRIMPF: And that would have been
21 to the previous operation.

22 MS. BARRON: That's correct.

23 MR. SCHRIMPF: That's all I have.

24 Thank you.

25 ALDERMAN PUENTE: Mr. Chair.

00069

1 CHAIRMAN WITKOWIAK: Alderman Puente.

2 ALDERMAN PUENTE: The valet parking,

3 how much will they be charging for that?

4 THE APPLICANT: That's going to be a
5 free service.

6 ALDERMAN PUENTE: Free service. Okay.

7 THE APPLICANT: Yes, sir.

8 ALDERMAN PUENTE: And on the
9 application it says, "legal capacity and
10 occupancy of premises, 450." I keep hearing 300
11 and 350, so.

12 THE APPLICANT: No, we're keeping it
13 minimal, because we wanted to - -

14 ALDERMAN PUENTE: But you could have up
15 to 450?

16 THE APPLICANT: If - - If the occupancy
17 - - Once the building is done, whatever, the BOZA
18 and everybody approves, you know, when they look
19 at the building, you know. You know, that's up
20 to them, you know. But I - - I want to keep it
21 between three to 350.

22 ALDERMAN PUENTE: Okay. Well, you
23 filled this out. Correct? This application?

24 THE APPLICANT: Yes.

25 ALDERMAN PUENTE: Okay. And there's

00070

1 450 on here. Okay. Thank you.

2 CHAIRMAN WITKOWIAK: Any other
3 questions by members of the committee? Alderman
4 Puente moves to make the items listed as
5 timetable on costs for Zamana, a two page
6 document, and a multi-page document just titled,
7 Zamana, as part of the record in this hearing,
8 and hearing no objections, so ordered.

9 MR. SCHRIMPF: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

11 MR. SCHRIMPF: In light of the
12 neighborhood testimony regarding, I think it was
13 concentration outlest and in light of the notice,
14 I think it would be appropriate to have the
15 concentration map that was included with the
16 notice also made a part of the record.

17 CHAIRMAN WITKOWIAK: Okay. At this
18 time Alderman Bohl moves to make the
19 concentration map and supporting statistics made
20 part of the permanent record in this hearing.
21 Hearing no objections, so ordered. Make sure
22 that Mr. Gimbel receives one of these, too.

23 DNS: Mr. Chair. As a point of
24 information only, Mr. Cetina was given an - - I
25 have a hold for occupancy and orders. There were

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1 orders issued on that property, actually to have
2 the property razed at one time, and Mr. Cetina
3 has a copy of those orders in his possession.

4 CHAIRMAN WITKOWIAK: Please repeat
5 that.

6 DNS: There was an order issued,
7 because of a fire.

8 CHAIRMAN WITKOWIAK: Okay.

9 DNS: There was an order issued at one
10 time to have that property razed or have it - -
11 It was torn down, to be torn down. Mr. Cetina, I
12 think, had then - - then came into an agreement
13 with the department to - - to renovate the
14 property. That's where he's at right now.

15 ALDERMAN PUENTE: Mr. Chair.

16 CHAIRMAN WITKOWIAK: Alderman Puente.

17 ALDERMAN PUENTE: When was that order
18 to raze it?

19 DNS: Mr. Cetina has a copy. I didn't
20 bring an exact copy. But if you can - - Mr.
21 Cetina.

22 MR. GIMBEL: Like six months ago, a
23 year ago. There's - - There's now a - - They
24 have entered into an agreement, renovation
25 agreement with the City Department of Public

00072

1 Works. So that's - - That's an agreement between
2 the City and the developer.

3 ALDERMAN PUENTE: And was the fire
4 about six - -

5 MR. GIMBEL: No, that was substantially
6 earlier.

7 THE APPLICANT: There was no fire.

8 MR. GIMBEL: I don't know, but it was
9 just - -

10 THE APPLICANT: It was demolition.

11 MR. GIMBEL: A good part of the
12 building was torn down. A good part of the
13 building was torn down, so the whole - - the
14 whole area is now wire-fenced. So there's
15 nothing there now. There's no - - nothing there.
16 This is all - - It's going to be a prefab steel
17 building. If you look at the plan, you'll see.
18 And that is already on the site, but not
19 constructed, because the occupancy permit would
20 be dependent upon affirmative action by the
21 Council on the - - on the liquor license.

22 ALDERMAN PUENTE: So the line item of
23 cost - -

24 MR. GIMBEL: Includes - - Includes
25 those things.

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1 ALDERMAN PUENTE: This stuff has been
2 done or has - - is going to be done.
3 MR. GIMBEL: It's - - It's on - - This
4 - - This is all done. Everything on the timeline
5 of cost is spent.
6 ALDERMAN PUENTE: Okay. That's what I
7 want to know.
8 MR. GIMBEL: That's correct.
9 ALDERMAN PUENTE: You're saying - -
10 MR. GIMBEL: Yes, it is. No, that's
11 spent. It will cost another two - 300,000
12 dollars to finish the deal.
13 ALDERMAN PUENTE: Thank you.
14 CHAIRMAN WITKOWIAK: Mr. Gimbel.
15 MR. GIMBEL: I'm sorry.
16 CHAIRMAN WITKOWIAK: I - - I beg to
17 differ with you.
18 MR. GIMBEL: Okay.
19 CHAIRMAN WITKOWIAK: Has there been
20 40,975 dollars worth of plumbing work done on
21 that building?
22 MR. GIMBEL: We got the - - We got the
23 plumber. Maybe that was a misstatement. Okay.
24 CHAIRMAN WITKOWIAK: You're misstating
25 - - Everything on here has not been done.

00074

1 MR. GIMBEL: Then I apologize. I
2 apologize.

3 CHAIRMAN WITKOWIAK: You don't need
4 40,000 dollars worth of plumbing materials if
5 they're on the site.

6 MR. GIMBEL: No, no. No, I - - That
7 - - No, no. I agree with you. That's right.
8 This was - -

9 ALDERMAN PUENTE: That's why I raised
10 the question.

11 MR. GIMBEL: That's right. And that's
12 a fair statement. That's fair. And I apologize.

13 CHAIRMAN WITKOWIAK: Do you wish to
14 call any more witnesses?

15 MR. GIMBEL: No.

16 CHAIRMAN WITKOWIAK: And the
17 concentration map shows a - - a one square mile
18 grid of 57 licenses, and the map is here as
19 supporting documentation.

20 MR. SCHRIMPF: Mr. Chairman, so that
21 we're clear. I believe you're referring to the
22 concentration map centered on 1447 South Muskego.

23 CHAIRMAN WITKOWIAK: Centered on 1447
24 South Muskego.

25 MR. SCHRIMPF: Correct. And there - -

00075

1 there is also a concentration map centered on
2 1586 South Pearl, but the one square mile happens
3 to include 1447 South Muskego. I - - I think the
4 record should be clear about that.

5 CHAIRMAN WITKOWIAK: Which is part of
6 our packet.

7 MR. SCHRIMPF: Right.

8 CHAIRMAN WITKOWIAK: Yes. Thank you.
9 All right. Are there any other questions by
10 members of the committee? Anything to say in
11 closing before we put this matter in committee?

12 MR. GIMBEL: Yes, please. Mr.
13 Chairman, members of the committee, this - - this
14 is truly an extraordinarily unique application
15 and a - - and a unique set of circumstances. I
16 don't pretend to be the greatest lawyer in
17 America, but I'll tell you, if - - if Mr. Cetina
18 had come to see me any time after he purchased
19 this property and until this committee made a
20 recommendation to deny this liquor license
21 application, I don't think we'd be having this
22 meeting here today.

23 I also don't think that the opposition
24 to this property is opposition that like the
25 predominant number of cases that you consider,

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1 arising out of special letters, grows out of
2 behavior of the applicant. It clearly doesn't.
3 And, in fact, I - - I have a sense, and Mr.
4 Schrimpf and I may have to talk about this at a
5 point in time, I have a sense that - - that this
6 license application is more like and - - and
7 perhaps should be treated more like a renewal
8 than like a new application, for the reason that,
9 in a new application, and you look at the issue
10 of concentration, you look at it from the point
11 of view is do we need another tavern in an area
12 that already has significant numbers of licenses.

13 This is an application for a location
14 that was licensed, that had no license issues.
15 So it should be viewed as a license that was
16 viable. It was in operation until Mr. Cetina
17 came in and said that he wanted to make a
18 significant investment in this property that was
19 licensed to enhance the neighborhood, and at the
20 same time create a business opportunity for
21 himself. I think it's clear that what he has
22 done, essentially between the time that he
23 acquired this property and today, is that he has
24 unfortunately spun a lot of wheels, and he
25 probably shouldn't have done so. And if properly

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1 advised by a lawyer, he wouldn't have done so,
2 prior to the time that he came before this
3 committee and came before the Common Council and
4 got his Class "B" liquor license.

5 Having said all of that, what we see
6 here is neighborhood objections that are totally
7 grounded on speculation, based on the behavior,
8 good and bad, mostly bad, of other people. Not
9 on the basis of the operation of this location.
10 Not on the basis of the operation of Mr. Cetina
11 and the - - and the plan that he has. This is a
12 - - a property that will be run as a restaurant,
13 and incidentally, will have a dance floor, and
14 will have nightclub opportunities. And it will
15 be run much like as though it were located
16 downtown with the availability of valet parking,
17 with the availability of a substantial parking
18 lot in the very near neighborhood where the
19 property is located, and with a sense of the
20 responsibility of the owners that must, at a
21 minimum, grow out of the expression of concerns
22 by the neighbors here today and at - - at prior
23 instances called by the local Alderman.

24 I - - I am asking you to view it, then,
25 as though it were an application for renewal

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1 without any specific underlying factual
2 predicates that would speak to nonrenewal. And
3 if you look at it that way and - - and then I - -
4 then I think it becomes somewhat irrelevant of
5 what all the opposition has said about this
6 thing. And I think it becomes irrelevant about
7 the concentration issue, because this is a
8 license that preceded probably a number of the
9 licenses that were located in this area. And so
10 essentially because Mr. Cetina got himself in the
11 hands of people who didn't perform very well for
12 him in - - in terms of moving this project
13 forward, didn't perform very well with him with
14 respect to giving him advice on not changing the
15 applicant for this liquor license, he's here now
16 defending the right for the exercise of his
17 sought-after opportunity. And I ask you to let
18 this family exercise their right to the
19 opportunity.

20 I think - - I think Mr. Candelaria's
21 comments are - - are almost like what a lawyer
22 would do in closing argument. This family has
23 done nothing that has given rise to support the
24 objections to your affirmative action on this
25 application. And I suggest that looking at it in

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1 those terms, that this project will enhance the
2 value of that neighborhood. It will en - -
3 enhance the tax base of the City of Milwaukee,
4 and it will provide a - - a quality forum for - -
5 for entertainment and - - and eating in a section
6 of the City that would profit by it.

7 CHAIRMAN WITKOWIAK: This matter is in
8 committee.

9 ALDERMAN BOHL: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Alderman Bohl.

11 ALDERMAN BOHL: I - - I just would say
12 that, Mr. Gimbel, you certainly are modest about
13 your - - your lawyering abilities, and that's
14 always much appreciated. But I think that there
15 are a few facts that - - that need to be brought
16 to bear here. And that is that Mr. Cetina has
17 had numerous opportunities to take advantage of
18 approved licenses by this elected body, and has
19 not taken advantage of them. In fact, I - -
20 There is a two year period in which an individual
21 who has an approved license has the ability to -
22 - to pay for and to operate a club before it can
23 be brought before this body, and it's my
24 understanding that he didn't take advantage of
25 that. He came before us, again. It was again

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1 approved, and never took ownership. Never paid
2 for those licenses. I - - I have no doubt that
3 perhaps this one - - may be one that will be a
4 test case here over the - - the issue of whether
5 or not an approved license versus one that is
6 paid for and obtained and utilized has any
7 bearing on - - on a renewal and whether it has
8 vested property rights.

9 I will just argue that Mr. Cetina has
10 lived many lives. That, in essence, like the
11 cat, he's gone through strike one, strike two,
12 strike three, and it was very much, I think, a
13 courtesy to Mr. Cetina for us to - - to have
14 another do-over and to sit through the relevance
15 of - - of hearing testimony again on this
16 particular - - on this particular application. I
17 just don't know that at this point anything is
18 - - comes forward to me as different from the
19 last time we took a swing at this here a number
20 of months ago. And as a result, I would move for
21 denial of the license application, based on
22 neighborhood objections, to the fitness of the
23 location, with the assortment of concerns from
24 parking traffic problem, loud music, noise, as
25 well as - - as well as the over concentration of

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1 alcohol outlets in the area.

2 CHAIRMAN WITKOWIAK: Motion by Alderman
3 Bohl is to recommend denial of this application,
4 based on neighborhood testimony and concentration
5 of alcohol beverage outlets. Is there any
6 discussion on the motion? Are there any
7 objections to the motion? Hearing none, so
8 ordered.

9 I appreciate everyone that came down
10 and testified today. We thank you for your time.

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4 STATE OF WISCONSIN)

5 MILWAUKEE COUNTY)

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I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Licenses Hearing held on August 17, 2006.

TERESE M. SCHIEBENSES - COURT REPORTER

Dated this day of September, 2006

