



# City of Milwaukee

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## Meeting Minutes JUDICIARY & LEGISLATION COMMITTEE

**ALD. ASHANTI HAMILTON, CHAIR**  
**Ald. Terry Witkowski, Vice-Chair**  
**Ald. James Bohl, Jr., Ald. Joe Davis, Sr., and Ald. Robert Donovan**

**Staff Assistant, Linda Elmer, (414) 286-2232**  
**Fax: (414) 286-3456, E-mail: lelmer@milwaukee.gov**

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Monday, October 26, 2009

1:30 PM

Room 301-B, City Hall

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*Meeting convened: 1:42 P.M.*

**Present** 5 - Hamilton, Witkowski, Bohl, Davis, Donovan

**The Judiciary and Legislation Committee may convene into closed session at 1:30 P.M. on Monday, October 26, 2009 in Room 301-B, City Hall, 200 E. Wells St., Milwaukee, Wisconsin, pursuant to s. 19.85(1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to Item #1...Resolution authorizing settlement of the lawsuit entitled Minerva Castillo and Joaquin C. Castillo, plaintiffs, and Michael L. Leavitt, Secretary of Dept. of Health & Human Services, involuntary plaintiffs, v. City of Milwaukee, defendant and then will go into open session for the regular agenda.**

*Ald. Witkowski moves that the Judiciary and Legislation Committee convene into closed session pursuant to s. 19.85(1)(g), Wis. Stats., for the purpose of conferring with the City Attorney who is rendering advice concerning strategy to be adopted by the City with respect to Item #1...Resolution authorizing settlement of the lawsuit entitled Minerva Castillo and Joaquin C. Castillo, plaintiffs, and Michael L. Leavitt, Secretary of Dept. of Health & Human Services, involuntary plaintiffs, v. City of Milwaukee, defendant and then will go into open session for the regular agenda.*

*Ayes --*

*Ald. Davis, Ald. Bohl, Ald. Donovan, Ald. Witkowski and Ald. Hamilton - 5*

1. [090835](#) Resolution authorizing settlement of the lawsuit entitled Minerva Castillo and Joaquin C. Castillo, plaintiffs, and Michael L. Leavitt, Secretary of Dept. of Health & Human Services, involuntary plaintiffs, v. City of Milwaukee, defendant.

**Sponsors:** THE CHAIR

**A motion was made by ALD. DAVIS that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

1:45 P.M.

2. [090504](#) Substitute resolution authorizing the return of real estate located at 1616-1618 S. Cesar E. Chavez Dr., in the 12th Aldermanic District to its former owner. (Maria de La Luz Hernandez)

**Sponsors:** THE CHAIR

*Ms. Herndandez not present.*

**A motion was made by ALD. BOHL that this Resolution be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

3. [090507](#) Substitute resolution authorizing the return of real estate located at 3015 N. 12th St., in the 6th Aldermanic District to its former owner. (Wacheyne Evans)

**Sponsors:** THE CHAIR

**A motion was made by ALD. DONOVAN that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

4. [090632](#) Substitute resolution authorizing the return of real estate located at 2619 S. 66th St, in the 11th Aldermanic District to its former owner. (US Bank)

**Sponsors:** THE CHAIR

**A motion was made by ALD. BOHL that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

5. [090633](#) Substitute resolution authorizing the return of real estate located at 5557-5557A N. 40th St., in the 1st Aldermanic District to its former owner. (Todd Michael Beale)

**Sponsors:** THE CHAIR

**A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

6. [090646](#) Substitute resolution authorizing the return of real estate located at 4830 N. 39th St., in the 1st Aldermanic District to its former owner. (Gary Michels)

**Sponsors:** THE CHAIR

*Applicant says he no longer owns the other property with tax delinquencies - the treasurer's Office will verify this prior to the Council meeting on November 3rd. Must pay \$25 and record the property prior to noon on November 2nd or this matter will be returned to committee.*

**A motion was made by ALD. BOHL that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

7. [090648](#) Substitute resolution authorizing the return of real estate located at 2532-2534 S. 5th Pl., in the 14th Aldermanic District to its former owner. (Liz Jackman, Agent for First American Tax Service for Washington Mutual)

**Sponsors:** THE CHAIR

*Applicant must record the property prior to noon on November 2nd or this matter will be returned to committee.*

**A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

8. [090649](#) Substitute resolution authorizing the return of real estate located at 3530 N. 20th St., in the 6th Aldermanic District to its former owner. (Charles Fowlkes for the Fowlkes Estate)

**Sponsors:** THE CHAIR

*Mr. Fowlkes not present.*

**A motion was made by ALD. DAVIS that this Resolution be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

9. [090650](#) Substitute resolution authorizing the return of real estate located at 2479 S. 11th St., in the 12th Aldermanic District to its former owner. (Antonio Mayfield)

**Sponsors:** THE CHAIR

*Mr. Mayfield not present.*

**A motion was made by ALD. DONOVAN that this Resolution be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

No 0

**A motion was made by ALD. BOHL that this Resolution be RECONSIDERED. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

*Applicant must pay \$276.38 in outstanding litter charges and record the property prior to noon on November 2nd or this matter will be returned to committee.*

**A motion was made by ALD. DONOVAN that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 4 - Hamilton, Bohl, Davis and Donovan

**No** 0

**Excused** 1 - Witkowski

**2:00 P.M.**

10. [090776](#) Resolution approving and authorizing the execution of a settlement agreement for delinquent real estate taxes in the matter of Old Carco LLC f/k/a Chrysler LLC. for property located at 3280 S. Clement Avenue.
- Sponsors:** THE CHAIR
- A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**
- Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan
- No** 0
11. [090837](#) Resolution to authorize settlement of benefit and interest claims made by Gregory Koestering in Koestering v. City of Milwaukee.
- Sponsors:** THE CHAIR
- A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**
- Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan
- No** 0
12. [090802](#) Resolution authorizing settlement of the lawsuit entitled Church Mutual Insurance Company (Northwest Lutheran School Association) v. City of Milwaukee.
- Sponsors:** THE CHAIR
- A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following**

vote:

**Aye** 4 - Hamilton, Witkowski, Bohl and Donovan

**No** 1 - Davis

13. [081060](#)

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

**Sponsors:** THE CHAIR

**A motion was made by ALD. DONOVAN that this Communication be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

14. [090666](#)

Communication from the City Attorney relating to semiannual reports as to the determination and disposition of all claims pending and closed and litigation matters closed through June 30, 2009.

**Sponsors:** THE CHAIR

**A motion was made by ALD. BOHL that this Communication-Report be RECOMMENDED FOR PLACING ON FILE. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

15. [090568](#)

Communication from the Comptroller's Office relating to a report analyzing delinquent outstanding debt.

**Sponsors:** THE CHAIR

*Individuals present:*

*Craig Kammholtz - Comptroller's Office*

*Kristine Hinrichs - Municipal Court*

**A motion was made by ALD. WITKOWSKI that this Communication-Report be RECOMMENDED FOR PLACING ON FILE. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

**Items below will be heard no earlier than 2:15 P.M.:**

16. [090683](#)

Substitute resolution relating to an appeal from Sabrina Childs for property damage.

**Sponsors:** THE CHAIR

*Individuals present:*

*Ms. Child's grandson, Paul Spencer, present on behalf of Ms. Childs.*

*Angeline Pride - witness to the accident*

*Grant in the amount of \$2,328.87.*

**A motion was made by ALD. DONOVAN that this Resolution be SUBSTITUTED.  
The motion PREVAILED by the following vote:**

**Aye** 4 - Hamilton, Bohl, Davis and Donovan

**No** 0

**Abstain** 1 - Witkowski

**090683**

Substitute resolution relating to an appeal from Sabrina Childs for property damage.

**Sponsors:** THE CHAIR

**A motion was made by ALD. DONOVAN that this Resolution be  
RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following  
vote:**

**Aye** 4 - Hamilton, Bohl, Davis and Donovan

**No** 0

**Abstain** 1 - Witkowski

**17. 090824**

Resolution relating to an appeal from Richard Benish, Jr. for property damage. (10th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by ALD. DONOVAN that this Resolution be  
RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The  
motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

**18. 090758**

Resolution relating to an appeal from Charmond Peterson for property damage.

**Sponsors:** THE CHAIR

*Claimant not present.*

**A motion was made by ALD. WITKOWSKI that this Resolution be  
RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The  
motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

**19. 090749**

Resolution relating to an appeal from Rachel Luttenberger for property damage.

**Sponsors:** THE CHAIR

**A motion was made by ALD. DAVIS that this Resolution be RECOMMENDED**

**FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

20. [090750](#)

Resolution relating to the claim of Christopher and Karra Esenberg for property damage. (5th Aldermanic District)

**Sponsors:** THE CHAIR

*Atty. Rick Esenberg present.*

**A motion was made by ALD. DONOVAN that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

21. [090834](#)

Resolution relating to the claim of Shirley Lloyd and Sherrel Cannon for property damage. (2nd Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by ALD. DAVIS that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

22. [090751](#)

Resolution relating to the claim of Mount Zion Missionary Baptist Church for property damage. (6th Aldermanic District)

**Sponsors:** THE CHAIR

**A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR DISALLOWANCE & INDEF. POSTPONEMENT. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

2:45 P.M.

23. [090838](#)

Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to pursue introduction and passage of state legislation related to enforcement of laws regulating the illegal transfer and possession of firearms, requiring reporting of lost and stolen firearms, and prohibiting felons from approaching within 1,000 feet of retail firearms establishments.

**Sponsors:** Ald. Donovan and Ald. Hamilton

*Accept Proposed Substitute A.*

*Individuals present:*

*Richard Withers - Legislative Reference Bureau*

*Paul Vornholt - Intergovernmental Relations*

**A motion was made by ALD. DONOVAN that this Resolution be SUBSTITUTED.**

**The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

**090838**

Substitute resolution directing the Intergovernmental Relations Division-Department of Administration to pursue introduction and passage of state legislation related to enforcement of laws regulating the illegal transfer and possession of firearms, requiring reporting of lost and stolen firearms, and prohibiting felons from approaching within 1,000 feet of retail firearms establishments.

**Sponsors:** Ald. Donovan and Ald. Hamilton

*Ald. Hamilton added as co-sponsor during the committee meeting.*

**A motion was made by ALD. DONOVAN that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 5 - Hamilton, Witkowski, Bohl, Davis and Donovan

**No** 0

*Ald. Donovan excused from the rest of the meeting at 3:50 P.M.*

**Present** 4 - Hamilton, Witkowski, Bohl, Davis

**Excused** 1 - Donovan

**24. 090820**

Substitute resolution relative to legislative bills.

**Sponsors:** THE CHAIR

*Ald. Bohl moved for support of AB-174/SB-144. There were no objections.*

*Ald. Bohl moved for opposition to LRB 1657/2. There were no objections.*

*The committee made no motion on LRB-3451/P1; chose to have Intergovernmental Relations report on this item separately as there are concerns with the financing and the representation as currently drafted.*

**A motion was made by ALD. WITKOWSKI that this Resolution be SUBSTITUTED. The motion PREVAILED by the following vote:**

**Aye** 4 - Hamilton, Witkowski, Bohl and Davis

**No** 0

**Excused** 1 - Donovan



090820

Substitute resolution relative to legislative bills.

**Sponsors:** THE CHAIR

**A motion was made by ALD. WITKOWSKI that this Resolution be RECOMMENDED FOR ADOPTION. The motion PREVAILED by the following vote:**

**Aye** 4 - Hamilton, Witkowski, Bohl and Davis

**No** 0

**Excused** 1 - Donovan

*Meeting adjourned: 4:25 P.M.  
Linda M. Elmer  
Staff Assistant*

*This meeting can be viewed in its entirety through the City's Legislative Research Center at <http://milwaukee.legistar.com/calendar>.*