

28th REGULAR OMAHA CITY COUNCIL MEETING

AUGUST 19, 2014

THE CITY COUNCIL met in Regular Session on Tuesday, August 19, 2014 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Pete Festersen.

ROLL CALL

1. City Clerk calls the roll.

CCID # 1018 – Present: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Rich Pahls of District No. 5.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on August 15, 2014, notice re: Pre-Council and Regular City Council Meetings, August 19, 2014.

CCID # 1019 – From Chair on File

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

WHENEVER ANY PERSON HAS BEEN INVITED TO SPEAK, OR HAS BEEN GRANTED THE OPPORTUNITY OF SPEAKING BEFORE THE COUNCIL DURING A HEARING, EACH PERSON WILL BE REQUESTED TO BE BRIEF, AND TO LIMIT HIS OR HER PRESENTATION TO TEN MINUTES. WHEN MORE THAN ONE PERSON WISHES TO ADDRESS THE COUNCIL ON A GIVEN QUESTION, THE PROPONENTS WILL BE GIVEN THE OPPORTUNITY OF FIRST ADDRESSING THE COUNCIL. THE OPPONENTS OF THE QUESTION WILL BE GIVEN THE OPPORTUNITY TO SPEAK AFTER THE PROPONENTS' PRESENTATION. THE PROPONENTS WILL BE GIVEN A BRIEF PERIOD FOR REBUTTAL OF ANY NEW MATERIAL INTRODUCED DURING THE OPPONENT'S PRESENTATION, AFTER WHICH THE PUBLIC HEARING WILL BE CONCLUDED. IT IS CITY COUNCIL PROCEDURE THAT EACH SIDE RECEIVE TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. Ord. to rezone the property located at 2614 “Z” Street from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 939 – July 29 and August 12 Meetings)
Notice of public hearing on August 19, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 939 – Motion by Gernandt that the Ordinance be passed
Seconded by Gray
ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40066 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2614 “Z” Street from HI to R4 – [see attached](#).
(See Doc. # 939 – July 29 Meeting)

939 – From Chair on File

6. Ord. to rezone the property located at 4908 Underwood Avenue from R8-Multiple Family Residential District (high-density) to NBD-Neighborhood Business District (property is also within an NCE-C Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 940 – July 29 and August 12 Meetings)
Notice of public hearing on August 19, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

Rick Anderson, Attorney for the applicant, 2120 South 72nd Street, appeared and spoke.

CCID # 940 – Motion by Gray that the Ordinance be passed
Seconded by Festersen
ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40067 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 4908 Underwood Avenue from R8-Multiple Family Residential District (high-density) to NBD-Neighborhood Business District (property is also located within an NCE-C Overlay District) – [see attached](#).
(See Doc. # 940 – July 29 Meeting)

940 – From Chair on File

- 7. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 13125 "Q" Street; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 941 – July 29 and August 12 Meetings)
Notice of public hearing on August 19, 2014 published in the Daily Record on August 1, 2014.

CCID # 941 – Motion by Gray that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yea: Gray

Nays: Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Motion LOST 1-6

- (a) Planning Board and Planning Department recommend approval of an MCC-Major Commercial Corridor Overlay District for the property located at 13125 Q Street – [see attached](#).
(See Doc. # 941 – July 29 Meeting)

941 – From Chair on File

- 8. Res. that the Special Use Permit application submitted by Mike Sharif, for a Special Use Permit to allow Automotive Sales in a CC-Community Commercial District located at 13125 Q Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – over from 7/29/14 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 942 – July 29 Meeting)

CCID # 942 – Motion by Gray that the Resolution be adopted
Seconded by Gernandt
ROLL CALL:
Yea: Gray
Nays: Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
Motion LOST 1-6

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Automotive Sales in a CC-Community Commercial District located at 13125 Q Street – over from 7/29/14 – [see attached](#).
(See Doc. # 942 – July 29 Meeting)

942 – From Chair on File

- 9. Ord. to rezone the property located at 215 South 181st Street from R6 – Low-Density Multiple Family Residential District to MU – Mixed Use District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 943 – July 29 and August 12 Meetings)
Notice of public hearing on August 19, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

Kent Bunger, Attorney for the applicant, 18313 Dewey Street, appeared and spoke.

CCID # 943 – Motion by Jerram that the Ordinance be passed
Seconded by Gray
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
ORDINANCE # 40068 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 215 South 181st Street from R6 – Low-Density Multiple Family Residential District to MU – Mixed Use District – [see attached](#).
(See Doc. # 943 – July 29 Meeting)

943 – From Chair on File

10. Ord. to approve a Mixed Use District Development Agreement for All Holy Spirit Greek Orthodox Church located at 215 South 181st Street between the City of Omaha and All Holy Spirit Greek Orthodox Church, providing site development standards; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 944 – July 29 and August 12 Meetings)

Notice of public hearing on August 19, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

Kent Bunger, Attorney for the applicant, 18313 Dewey Street, appeared and spoke.

CCID # 944 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40069 – PASSED 7-0

ORDINANCES ON FINAL READING and Planning Board Attachments

11. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southwest of Pacific Street and Skyline Drive, Riverside Hills and adjacent area (SID 281) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 953 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 953 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40070 – PASSED 7-0

12. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northwest of 108th and Harrison Streets, Brookhaven (SID 294) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 954 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 954 – Motion by Melton that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40071 – PASSED 7-0

13. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 96th and Harrison Streets, Turtle Creek and adjacent area (SID 295) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 955 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 955 – Motion by Melton that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40072 – PASSED 7-0

14. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southwest of 48th and “Y” Streets, Harper Valley and adjacent area (SID 301) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 956 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 956 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40073 – PASSED 7-0

15. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southwest of West Dodge Road and Skyline Drive, Skyline Meadows (SID 408) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 957 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 957 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40074 – PASSED 7-0

16. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southeast of 144th Street and West Maple Road, Eagle Run West and adjacent area (SID 365) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 958 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 958 – Motion by Melton that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40075 – PASSED 7-0

17. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 168th and Harney Streets, Cambridge Estates and adjacent area (SID 366) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY)) (See Doc. # 959 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 959 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40076 – PASSED 7-0

18. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 78th Street and Sorensen Parkway, Woodbridge and adjacent area (SID 373) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY)) (See Doc. # 960 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 960 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40077 – PASSED 7-0

19. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southwest of 168th and “Q” Streets, Mission Park and adjacent area (SID 376) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY)) (See Doc. # 961 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 961 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40078 – PASSED 7-0

20. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 180th and “F” Streets, Baywood and adjacent area (SID 382) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 962 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 962 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40079 – PASSED 7-0

21. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northwest of 132nd and Burt Streets, Linden Estates II (SID 397) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 963 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 963 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40080 – PASSED 7-0

22. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 180th and Pacific Streets, Pacific Springs and adjacent area (SID 398) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 964 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Cassie Seagren, Mayor's Office
Todd Pfitzer, Public Works Department
Dave Fanslau, Planning Department
Steve Curtiss, Finance Director
Marty Grate, Public Works Department

CCID # 964 – Motion by Thompson that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Gernandt

Nays: Gray, Mr. President

ORDINANCE # 40081 – PASSED 5-2

23. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 144th and "L" Streets, Southwestern Plaza and adjacent area (SID 407) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 965 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 965 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40082 – PASSED 7-0

24. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 150th Street and West Maple Road, Arbor Oaks and adjacent area (SID 418) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 966 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.
- CCID # 966** – Motion by Melton that the Ordinance be passed
Seconded by Gray
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
ORDINANCE # 40083 – PASSED 7-0
25. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northwest of 144th and “F” Streets, Altech Business Park (SID 422) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 967 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.
- CCID # 967** – Motion by Melton that the Ordinance be passed
Seconded by Gray
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
ORDINANCE # 40084 – PASSED 7-0
26. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located North of Harrison Street and abutting 118th Street/Circle, I-80 Business Park (SID 436) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 968 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 968 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40085 – PASSED 7-0

27. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northwest of 108th and Blondo Streets, Blondo 108 Business Park and adjacent area (SID 510) – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 969 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 969 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40086 – PASSED 7-0

28. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Southeast of 120th and Blondo Streets, Miracle Hills Golf Course – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 970 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014.

CCID # 970 – Motion by Gray that the Ordinance NOT be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Motion Carried 7-0

29. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska and incorporating the same into and making the same a part of the City of Omaha and to provide an effective date hereof, located Northeast of 60th and Harrison Streets, Northeast of 60th and Harrison Streets – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 971 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 971 – Motion by Gray that the Ordinance NOT be passed
Seconded by Gernandt
ROLL CALL:
Yeas: Gray, Thompson, Gernandt, Mr. President
Nays: Jerram, Melton, Pahls
Motion Carried 4-3

CCID # 1083 – Motion by Jerram that the City Council Rules of Order be suspended
Seconded by Gray
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
Motion Carried 7-0

Motion by Jerram to reconsider Document No. 971 of August 19, 2014
Seconded by Thompson
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
Motion Carried 7-0

CCID # 971 – Ordinance read
Motion by Thompson that the Ordinance be passed
Seconded by Melton
ROLL CALL:
Yeas: Jerram, Melton, Pahls, Thompson
Nays: Gray, Gernandt, Festersen
ORDINANCE # 40087 – PASSED 4-3

CCID # 1084 – Motion by Gray that the City Council Rules of Order be reinstated
Seconded by Thompson
ROLL CALL:
Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President
Motion Carried 7-0

- (a) Planning Board recommends approval of the 2014 Annexation Package, with the exception of Miracle Hills Golf Course and Northeast of 60th and Harrison Streets – [see attached](#).
(See Doc. # 971 – July 29 and August 12 Meetings)

971 – From Chair on File

- (b) Planning Department recommends approval of the 2014 Annexation Package – [see attached](#).
(See Doc. # 971 – July 29 and August 12 Meetings)

971 – From Chair on File

- (c) Communication re: Proposed 2014 Annexation Package for the City of Omaha – over from 8/12/14 – [see attached](#).
(See Doc. # 971 – August 12 Meeting)

971 – From Chair on File

LIQUOR

30. CLASS “1” – BZ, L.L.C., dba “Four Season’s Convenience Store”, 2202 North 16th Street. New application, New location. Property posted: 08-06-14; Notification sent: 08-08-14 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Mike Kelley, Attorney for the applicant, 7134 Pacific Street
Birhanu Zewale

Protestants: Anton Rocz, 1512 Burdette Street
Constance Carter, 2055 North 18th Street
Pastor Gregory C. Ashley, St. John Baptist Church, 3912 North 16th Street

For the City: Buster Brown, City Clerk

Application read

Motion by Gernandt that the Resolution to GRANT be ADOPTED AS AMENDED with the stipulation that there be no sales of single containers less than 32 ounces of beer and 375 milliliters of liquor and a 6-month review by the City Council Law Committee

Seconded by Melton

ROLL CALL:

Yeas: Melton, Pahls, Thompson, Gernandt

Nays: Gray, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Melton, Pahls, Thompson, Gernandt

Nays: Gray, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1020 – ADOPTED AS AMENDED 4-2-1 Pass

- (a) Communication from Sean P. Kelley, Attorney representing BZ, L.L.C., dba “Four Season’s Convenience Store”, 2202 North 16th Street for a Class “I” Liquor License, requesting to amend the application from a Class “I” Liquor License to a Package Liquor License – [see attached](#).

1020 – Motion by Gernandt that the Amendment be approved

Seconded by Melton

ROLL CALL:

Yeas: Melton, Pahls, Thompson, Gernandt, Mr. President

Nay: Gray

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Melton, Pahls, Thompson, Gernandt, Mr. President

Nay: Gray

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 5-1-1 Pass

- (b) Communication opposing the application of BZ, L.L.C., dba “Four Season’s Convenience Store”, 2202 North 16th Street, for a Package Liquor License – [see attached](#).

1020 – From Chair on File

31. Second Wind, Inc., dba “Crescent Moon Ale House”, 3578 Farnam Street, requests permission for a Special Designated License for a beer garden on September 26, 2014 from 12:00 noon to 2:00 a.m. and September 27, 2014 from 11:00 a.m. to 2:00 a.m. with music until 12:00 midnight each night – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Kandace Gladwin, 4802 Capitol Avenue, appeared and spoke.

CCID # 1021 – Motion by Jerram that the request be approved

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Motion Carried 7-0

RESOLUTIONS RE: LIQUOR LICENSE CANCELLATION

32. Res. that effective thirty days after the adoption of this Resolution, the Class “C” retail liquor license held by Puerto Santa Maria, LLC., dba “Maria Sangria” at 302 South 11th Street, in Omaha, Nebraska, is hereby canceled for the reasons set forth herein – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Brandon Henry, General Manager, Michael’s at the Market, 1102 Harney Street
Arnold Breslow, President, Old Market Neighborhood Association, 1240 South 10th Street
Chris Foster, Spokesperson, LOCAL Coalition

Protestants: Nicholas Scalise, 3808 North 50th Street
Archie Godfrey, President, Nebraska Black Chamber of Commerce, 2505 North 24th Street
Tommy Nguyen, 4525 Grover Street
Orville Townsend Jr., Nebraska Black Chamber of Commerce, 2505 North 24th Street

For the City: Tom Mumgaard, Deputy City Attorney
Sgt. Jeremy Christensen, Police Department
Sgt. Chris Perkins, Police Department
Officer Douglas Eric, Police Department
Captain Kathy Gonzalez, Police Department

Motion by Gray that the Resolution be adopted

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1049 – ADOPTED 7-0

- (a) Communication from Deputy City Attorney Tom Mumgaard, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – Affidavit (Facebook) –see attached.

1049 – From Chair on File

- (b) Communication from Deputy City Attorney Tom Mumgaard, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – Affidavit (Transcript) –see attached.

1049 – From Chair on File

- (c) Communication from Deputy City Attorney Tom Mumgaard, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – Affidavit (DVD of video clips) –see attached.

1049 – From Chair on File

- (d) Documents submitted in opposition of the revocation of the Class “C” retail liquor license and the revocation of any certificate of occupancy held by Puerto Santa Maria, LLC., dba “Maria Sangria” at 302 South 11th Street – see attached.

1049 – From Chair on File

- 33. Res. that effective three days after the adoption of this Resolution, any certificate of occupancy issued for the premises operated by Puerto Santa Maria, LLC, dba “Maria Sangria,” at 302 South 11th Street in Omaha, Nebraska, or any other business conducted on those premises, is hereby revoked for the reasons set forth herein. No certificate of occupancy may be issued for the premises until full compliance with the public nuisance prevention standards and the Notice to Abate issued to that business is achieved – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Brandon Henry, General Manager, Michael’s at the Market, 1102 Harney Street

Arnold Breslow, President, Old Market Neighborhood Association, 1240 South 10th Street

Chris Foster, Spokesperson, LOCAL Coalition

Protestants: Nicholas Scalise, 3808 North 50th Street

Archie Godfrey, President, Nebraska Black Chamber of Commerce, 2505 North 24th Street

Tommy Nguyen, 4525 Grover Street

Orville Townsend Jr., Nebraska Black Chamber of Commerce, 2505 North 24th Street

For the City: Tom Mumgaard, Deputy City Attorney

Sgt. Jeremy Christensen, Police Department

Sgt. Chris Perkins, Police Department

Officer Douglas Eric, Police Department

Captain Kathy Gonzalez, Police Department

Motion by Gray that the Resolution be adopted

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Nay: Thompson

Res. # 1044 – ADOPTED 6-1

- (a) Communication from Deputy City Attorney Tom Mumgaard, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – Subpoena –see attached.

1044 – From Chair on File

- (b) Communication from Deputy City Attorney Tom Mumgaard, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – Exhibits –see attached.

1044 – From Chair on File

- (c) Document submitted by Chris Foster, Spokesperson, LOCAL Coalition, re: Puerto Santa Maria, LLC, dba “Maria Sangria”, 302 South 11th Street – see attached.

1044 – From Chair on File

- 34. Res. that a hearing shall be held on August 26, 2014, or a subsequent date agreed to by the City Attorney to comply with law, to determine if the class ‘C’ retail liquor license held by Oasis Hookah Bar & Café, LLC., dba “Oasis Hookah Bar & Cafe” and “Taza Hookah Lounge,” at 1507 Farnam Street in Omaha, Nebraska, should be canceled – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Protestants: Jesse Hill, Owner, Taza Hookah Lounge, 3622 North 60th Street
Daniel Loyola, 10731 Pacific Street

For the City: Tom Mumgaard, Deputy City Attorney

CCID # 1046 – Motion by Jerram that the Resolution be placed on file

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Motion Carried 7-0

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 35 through 37 were held on August 12, 2014.)

CONSENT AGENDA – ORDINANCES

35. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the Farnam Street One-Way Conversion - 36th to 42nd Street, identified as Project No. OPW 52051; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

(See Doc. # 955 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 955 – Motion by Gernandt that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40088 – PASSED 7-0

36. Ord. authorizing the issuance of a purchase order to Eletech, LLC for a 12-month price agreement as detailed in the attached bid tabulation for elevator maintenance services at various locations to be managed by the Facility Management Division that is extendable until 2020 as separate one-year extensions, to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended, to provide for payments from a specific account, and to provide an effective date hereof – [see attached](#).

(See Doc. # 952 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 952 – Motion by Gernandt that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40089 – PASSED 7-0

37. Ord. to amend Chapter 21 of the Omaha Municipal Code by adding to Article I, a new Section 22, entitled “Litter in Parks”; to create the new offense of Litter in Parks; to amend Section 21 to provide a punishment for the new offense; and to provide the effective date thereof – [see attached](#).

(See Doc. # 972 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 972 – Motion by Gernandt that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40090 – PASSED 7-0

((MOTION NEEDED THAT THE ORDINANCES ON THE CONSENT AGENDA BE PASSED))

* * * * *

(The public hearings on Agenda Item Nos. 38 through 52 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

CONSENT AGENDA – RESOLUTIONS

- 38. Res. that, as recommended by the Mayor, Amendment No. 1 to the Engineering Services Agreement with AGA Consulting for the provision of additional engineering and bid phase services on the Omaha Park One and Omaha Park Four Repair and Upgrade Project, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$39,200.00 for these engineering services from the Parking Revenue Fund 21116, System Wide Parking Improvements Organization 116239 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1022 – ADOPTED 7-0

- 39. Res. that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of Omaha officially designates the Mexican Independence Day Parade as a special event under LB 589 and NEB. REV. STAT. §39-1359 R.R.S. 2008 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of U.S. Highway 275/NE 92 from 24th Street to 20th Street on September 13, 2014, between the hours of 9:30 am and 1:00 pm., for the entire route of the Nebraska Hispanic Chamber of Commerce special event, the Mexican Independence Day Parade – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1023 – ADOPTED 7-0

40. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and the Nebraska State Historical Society for a grant to supplement the City's historic preservation program in the amount of \$45,750.00 to be matched with City services in-kind, for the period from June 1, 2014 until May 31, 2015 is hereby approved – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1024 – ADOPTED 7-0

41. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and the African American Empowerment Network, Inc., a Nebraska non-profit corporation, 2221 North 24th Street, Omaha, Nebraska 68110, in the amount of \$300,000.00, for partial funding of its Step Up Omaha Job Training and Work Experience Program for the period from January 1, 2014, through December 31, 2014, is hereby approved. Funds shall be paid from the FY 2014 Community Development Block Grant Fund No. 12186, Organization No. 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1025 – ADOPTED 7-0

42. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and Catholic Charities of the Archdiocese of Omaha, Inc., a Nebraska non-profit corporation, John J. Griffith, Executive Director, 3300 North 60th Street, Omaha, Nebraska 68104, in the amount of \$50,000.00, for partial funding of its Micro-Enterprise Training and Development Program for the period from January 1, 2014, through December 31, 2014, is hereby approved. Funds shall be paid from the FY 2014 Community Development Block Grant Fund No. 12186, Organization No. 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1026 – ADOPTED 7-0

43. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and Family Housing Advisory Services, Inc., a Nebraska Non-profit Corporation, Teresa C. Hunter, Executive Director, 2401 Lake Street, Omaha, Nebraska 68111, in the amount of \$60,000.00 for funding support for its housing counseling program for the period from January 1, 2014 through December 31, 2014, is hereby approved. Funds shall be paid from the FY 2014 Community Development Block Grant, Housing Development Program, Fund No. 12186, and Organization No. 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1027 – ADOPTED 7-0

44. Res. that, as recommended by the Mayor, the attached Agreement between the City of Omaha and the League of Human Dignity, Inc., a Nebraska Non-profit Corporation, 5513 Center Street, Omaha, Nebraska 68106, in the amount of \$50,000.00 in FY 2014 funds for barrier removal services for 10 housing units within the city limits of the City of Omaha for the period from January 1, 2014 through December 31, 2014, is hereby approved. Funds shall be paid from the Community Development Block Grant, Fund No. 12186, and Organization No. 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1028 – ADOPTED 7-0

45. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and Omaha 100, Incorporated, a Nebraska Non-profit Corporation, Teresa C. Hunter, Authorized Representative, 2401 Lake Street, Omaha, Nebraska 68111, in the total amount of \$50,000.00 for operational support for its mortgage lending program for the period from April 1, 2014 through March 31, 2015, is hereby approved. Funds shall be paid from the FY 2014 Community Development Block Grant, Housing Development Program, Fund 12186, and Organization 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1029 – ADOPTED 7-0

46. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$30,000.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Cynthia Johnson located at 3024 Seward Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to White's Construction. Funds shall be paid as follows: \$30,000.00 from CDBG Target Area Program 2014, Fund No. 12186, Org. No. 128072 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1030 – ADOPTED 7-0

47. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$41,700.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Shnail Morris located at 3409 Burdette, Omaha, NE 68111, is hereby approved. The contract is to be awarded to White's Construction. Funds shall be paid as follows: \$26,200.00 from CDBG Target Area Program 2014, Fund No. 12186, Org. No. 128072; \$15,500.00 from NAHTF 12-TFHP-7058 Housing Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1031 – ADOPTED 7-0

48. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$29,630.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Carla Kay Lynn Perkins located at 3370 Grant Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to R & R Construction. Funds shall be paid as follows: \$14,130.00 from CDBG Target Area Program 2014, Fund No. 12186, Org. No. 128072; \$15,500.00 from NAHTF 12-TFHP-7058 Housing Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1032 – ADOPTED 7-0

49. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$39,727.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Cornelius Riley located at 3510 Charles Street, Omaha, NE 68131, is hereby approved. The contract is to be awarded to Lamb's Remodeling, Tom Lamb, Owner. Funds shall be paid as follows: \$24,227.00 from CDBG Target Area Program 2014, Fund No. 12186, Org. No. 128072; \$15,500.00 from NAHTF 12-TFHP-7058 Housing Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1033 – ADOPTED 7-0

50. Res. that, as recommended by the Mayor, the bid in the total amount of \$107,665.00, from Mackie Construction, Inc. to provide all tools, labor, mechanics for labor, equipment, and materials for the demolition, relocation, and construction of a portion of the Southwestern Plaza Trail (West Papio Trail), located east of South 144th Street and north of "L" Street, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted; and that the Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bonds – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1034 – ADOPTED 7-0

51. Res. that, as recommended by the Mayor, the Live Homework Help Libraries - Renewal upon the invoice of Tutor.Com, providing a unique and non-competitive service, in the amount not to exceed \$24,000 for the subscription renewal of Live Homework Help for one year, through May 31, 2015, is hereby approved; and, the Finance Department is authorized to pay the \$24,000 cost thereof from the Library's General Fund 11111, Organization 117016, Object Code 43416, year 2014 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1045 – ADOPTED 7-0

52. Res. that, the City of Omaha hereby creates the South Omaha Business Improvement Area Board which shall consist of five or more members made up of property owners, residents, business operators or users of space within the South Omaha Business Improvement Area Board area who will be appointed by the Mayor and confirmed by the City Council; and, further that the South Omaha Business Improvement Area Board area shall include property owners, residents, business operators or users of space along and between Deer Park Boulevard to the north, 25th Street to the west, U Street to the south, and 23rd Street to the east as shown on the attached map – [see attached](#).

David Catalan, 900 Farnam Street, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Res. # 1035 – ADOPTED 7-0

((MOTION NEEDED THAT THE RESOLUTIONS ON THE CONSENT AGENDA BE ADOPTED))

* * * * *

ORDINANCES ON FINAL READING

53. Ord. proposing amendments to Sections 6.01, 6.03, 6.04, 6.05, 6.06, and 6.07 of the Home Rule Charter of the City of Omaha, 1956, as amended, to update outdated language in ARTICLE VI. PERSONNEL of the Charter, to increase the qualifications for Human Resources Director and to change the process by which the Human Resources Director is chosen; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Sections 6.01, 6.03, 6.04, 6.05, 6.06, and 6.07 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 974 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 974 – Ordinance read

- (a) Amendment of the Whole requested by Council President Festersen – see attached.

974 – Motion by Jerram that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40091 – PASSED AS AMENDED 7-0

- (b) Communication submitted by Mikki Frost, Human Resources and Human Rights & Relations Director, re: the Ordinance to amend Sections 6.01, 6.03, 6.04, 6.05, 6.06, and 6.07 of the Home Rule Charter of the City of Omaha – see attached.

974 – From Chair on File

54. Ord. proposing amendments to Sections 5.03, 5.05, and 5.07 of the Home Rule Charter of the City of Omaha, 1956, as amended, to allow for an increase in the size of the Cash Reserve Fund and to make other minor updates to ARTICLE V. FINANCE of the Charter; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Sections 5.03, 5.05, and 5.07 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 975 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 975 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40092 – PASSED 7-0

55. Ord. proposing amendments to Section 5.30 of the Home Rule Charter of the City of Omaha, 1956, as amended, to amend provisions concerning General Obligation and Revenue Bonds to provide the City Council with the discretion to determine the price for which the bonds should be sold or exchanged; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Section 5.30 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))
(See Doc. # 976 – July 29 and August 12 Meetings)
Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 976 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40093 – PASSED 7-0

56. Ord. proposing amendments to Sections 4.07, 4.09, 5.04, 5.05, 5.06, 5.07, and 7.07 of the Home Rule Charter of the City of Omaha, 1956, as amended, to provide for biennial budgeting by the City of Omaha; to provide for the submission of the proposed amendments to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Sections 4.07, 4.09, 5.04, 5.05, 5.06, 5.07, and 7.07 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 977 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014.

CCID # 977 – Ordinance read

- (a) Amendment of the Whole requested by the Finance Department – over from 8/12/14 – [see attached](#).
(See Doc. # 977 – August 12 Meeting)

977 – Motion by Melton that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Gernandt

ROLL CALL:

Yeas: Melton, Pahls, Thompson

Nays: Gray, Jerram, Gernandt, Mr. President

Motion LOST 3-4

57. Ord. proposing amendments to Sections 2.02 and 2.05(7) of the Home Rule Charter of the City of Omaha, 1956, as amended, to ensure that the restriction which disqualifies an individual from being a councilmember while holding a high elective office applies to the entirety of ARTICLE II. THE COUNCIL AND LEGISLATION of the charter and also applies to a sitting councilmember; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Sections 2.02 and 2.05(7) of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 978 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 978 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40094 – PASSED 7-0

58. Ord. proposing amendments to Sections 3.07 and 3.11 of the Home Rule Charter of the City of Omaha, 1956, as amended, to eliminate the Communications Department and the Communications Chief and all references to them thereto; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Sections 3.07 and 3.11 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 979 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 979 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40095 – PASSED 7-0

59. Ord. proposing amendments to Section 4.06 of the Home Rule Charter of the City of Omaha, 1956, as amended, to amend the duties and responsibilities of the Parks and Recreation Board to align with the duties that they perform as a result of changes in law and process over time; to provide for the submission of the proposed amendment to the qualified electors of the City of Omaha for their approval or rejection at the General Election to be held on November 4, 2014; to repeal Section 4.06 of the Home Rule Charter of the City of Omaha as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING HELD 8/12/14 – CAN BE PASSED TODAY))

(See Doc. # 980 – July 29 and August 12 Meetings)

Notice of public hearing on August 12, 2014 published in the Daily Record on August 1, 2014. Ordinance passed on August 19, 2014 published in the Daily Record on August 27, 2014.

CCID # 980 – Motion by Gray that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

ORDINANCE # 40096 – PASSED 7-0

ORDINANCE ON SECOND READING

60. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1503-1507 ½ Ohio Street, and legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2014 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Donna L. Thompson, 1682 Whitmore Street, Omaha, NE 68112, to acquire the property for the sum of Seven Thousand Nine Hundred Seventy and NO/100 Dollars (\$7,970.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12786, Organization No. 128072, Project No. 4501, Task 10.1440, Award 100184; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1010 – August 12 Meeting)

CCID # 1010 – Public hearing was held today – Final reading set for August 26, 2014 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS
ON AGENDA ITEM NOS. 61 THROUGH 70
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

61. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Cole Creek CSO 204 Area, Phase I Combined Sewer Separation Project, identified as City Project No. OPW 51995, providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

CCID # 1036 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

62. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 49th and Caldwell Area Sewer Separation Project, identified as City Project No. OPW 52193, providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing for the effective date hereof – [see attached](#).

CCID # 1037 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

63. Ord. approving a redevelopment and tax increment financing agreement between the City of Omaha and Alchemy Development, LLC, a Nebraska limited liability company to implement the Aksarben Zone 3 Apts Tax Increment Financing (TIF) Redevelopment Project Plan located at South 64th Avenue and Frances Street by developing Lot 6, Aksarben Village into a 45 unit, 4-story multifamily structure with 31 parking stalls constructed on the ground floor level, and Lot 4, Aksarben Village Replat 6 into an 8 unit, 3-story multifamily, walk-up style structure; the agreement authorizes the use of up to \$663,535.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project, and providing for an effective date – [see attached](#).

CCID # 1038 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

64. Ord. approving a redevelopment and tax increment financing agreement between the City of Omaha and Midtown Properties, LLC, a Nebraska limited liability company to implement The State Tax Increment Financing (TIF) Redevelopment Project Plan located at 528 S. 29th Street, which contemplates the complete rehabilitation of the multifamily structure to create 21 apartment units; the agreement authorizes the use of up to \$156,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project, and providing for an effective date – [see attached](#).

CCID # 1039 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

65. Ord. to approve the acceptance of and authorize disbursement from the FY2013 Office of Violence Prevention (OVP) Program, award #13-VP-5000, from the Nebraska Commission on Law Enforcement and Criminal Justice, in the amount of two hundred and eight thousand eight hundred and forty dollars (\$208,840), with a match of sixty nine thousand three hundred and eighty two dollars (\$69,382) provided by sub-grantee recipients as detailed in the attached grant budget, during the project period extending from July 01, 2014 to June 30, 2015; to provide funding to implement gang intervention and prevention strategies and at-risk youth outreach through participating sub-grantees; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#).

CCID # 1040 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

66. Ord. (1) to approve an agreement between the Domestic Violence Council (DVC) and the City of Omaha in the amount of eighty one thousand four hundred thirty two dollars (\$81,432) with a match of twenty seven thousand eight hundred ninety four dollars (\$27,894) provided by the Omaha Police Department; to provide funding for a Domestic Violence Investigation Squad (DVIS) Sergeant position at the Omaha Police Department during the period of July 1, 2014 to June 30, 2015; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#).

CCID # 1041 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

67. Ord. (1) to approve Agreements between the City of Omaha and (a) Boys Town in the amount of twenty five thousand three hundred and thirty eight dollars (\$25,338); (b) Empowerment Network in the amount of fifty two thousand dollars (\$52,000); (c) Heartland Family Service in the amount of fifteen thousand one hundred and fourteen dollars (\$15,114); (d) Hope Center for Kids in the amount of nineteen thousand eight hundred and seventy five dollars (\$19,875); (e) Release Ministries in the amount of thirty thousand dollars (\$30,000); and (f) Impact One Community Connection in the amount of fifty thousand three hundred and seventy three dollars (\$50,373); and (2) to authorize funding for such agreements from the City of Omaha's 2013 Office of Violence Prevention Grant, award #13-VP-5000, awarded by the Nebraska Crime Commission on Law Enforcement and Criminal Justice, Office of Violence Prevention; to provide funding for the Omaha Gang Violence Prevention Strategy Phase 4 to address factors that contribute to gang and violent crime in Omaha; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 1042 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

68. Ord. to approve the acceptance of the Nebraska Crime Commission, 2014 Juvenile Services / 2013 Title II grants: #13-JJ-01, African-American Youth Leadership Development Experience, in the amount of \$7,500, with a match of \$1,678 provided by the subcontractor Center for Holistic Development; #14-JS-404, Liberty Project Family Strengthening Program, in the amount of \$50,000, with a match of \$61,733 provided by the subcontractor Completely KIDS; #14-JS-405, Mini-Pros, in the amount of \$30,500, with a match of \$22,380 provided by the subcontractor Eastern Nebraska Community Action Partnership (ENCAP); #14-JS-406, GOALS Center, in the amount of \$40,400, with a match of \$14,100 provided by the subcontractor Greater Omaha Attendance and Learning Services (GOALS) Center; #14-JS-407, Hope Employment and Learning Academy, in the amount of \$25,800, with a match of \$5,920 provided by the subcontractor Hope Center for Kids; #14-JS-410, Teen Girls Chat; Real Life Situations, in the amount of \$9,023, with a match of \$9,117 provided by the subcontractor Nebraska Children's Home Society; during the project period of July 1, 2014 to June 30, 2015, to provide program support to six youth-service agencies; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 1046 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

69. Ord. to approve Agreements between the City of Omaha and (a) Center for Holistic Development in the amount of seven thousand five hundred dollars (\$7,500); (b) Completely KIDS in the amount of fifty thousand dollars (\$50,000); (c) Greater Omaha Attendance and Learning Services (GOALS) Center in the amount of forty thousand four hundred dollars (\$40,400); (d) Hope Center for Kids in the amount of twenty five thousand eight hundred dollars (\$25,800); and (e) Nebraska Children's Home Society in the amount of nine thousand and twenty three dollars (\$9,023) to provide services and programs to juveniles in Omaha during the period of July 1, 2014 to June 30, 2015; to authorize funding for such agreements from the 2014 Juvenile Services / 2013 Title II grants #13-JJ-01, #14-JS-404, #14-JS-406, #14-JS-407 and #14-JS-410; and to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 1047 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

70. Ord. (1) to approve an agreement between the City of Omaha and Brian M. Bogdanoff in the amount of thirty one thousand two hundred dollars (\$31,200); and (2) to authorize funding for such agreement from the City of Omaha's 2013 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods – PSN): Category 3, award #2013-GP-BX-0002, awarded by the U.S. Department of Justice; to provide funding for the position of PSN Coordinator; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#).

CCID # 1043 – Publication to be made and public hearing to be held on August 26, 2014 as per City Charter requirements.

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EXECUTIVE SESSION

71. Motion to go into Executive Session for the purpose of discussing labor negotiations, personnel matters and litigation.

Motion by Gray that the meeting be adjourned

Seconded by Melton

ROLL CALL:

Yeas: Gray, Jerram, Melton, Pahls, Thompson, Gernandt, Mr. President

Motion Carried 7-0

ADJOURNED: 6:13 P.M.

I, BUSTER BROWN, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on August 19th, 2014.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 21st DAY OF AUGUST, 2014.