



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, MARCH 27, 2018

@ 2:00 PM

**LEGISLATIVE CHAMBERS,
1819 FARNAM STREET
OMAHA, NEBRASKA**

OMAHA CITY COUNCILMEMBERS

Ben Gray – Council President	District 2
Chris Jerram – Council Vice President	District 3
Pete Festersen	District 1
Vinny Palermo	District 4
Rich Pahls	District 5
Brinker Harding	District 6
Aimee Melton	District 7

THE CITY COUNCIL OF THE CITY OF OMAHA met in open session on Tuesday, March 27, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President (Gray) – **CCID # 278.**

Council President Ben Gray led those present in the Pledge of Allegiance.

Councilmember Rich Pahls of District 5 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on March 23, 2018, notice of the Pre-Council and Regular City Council Meetings, March 27, 2018 – **CCID # 279.**

Ms. Butler stated that a current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

PRESENTATIONS AND PROCLAMATIONS

None

STREET IMPROVEMENT DISTRICT ORDINANCES ON FINAL READING

Required notices of public hearings relating to this development were published in the Daily Record on March 15, 2018.)

6. ORD. 41436 – An ordinance to create Street Improvement District No. 6886, in the City of Omaha, for the purpose of improving South 85th Street, from Pacific Street north to the end of the cul-de-sac, by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading March 13, 2018; Second Reading March 20, 2018; Third Reading, Public Hearing and Vote March 27, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 6.

The following person(s) appeared and spoke:

PROPOSERS:

Paula Hazelrigg, 901 South 85th Street

FOR THE CITY:

Heather Tippey Pierce, Public Works Department

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41436 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

(Required notices of public hearings relating to this development were published in the Daily Record on March 15, 2018.)

7. ORD. 41437 – An ordinance to create Street Improvement District No. 6887, in the City of Omaha, for the purpose of improving South 86th Street, from Pacific Street to Shamrock Road, by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading March 13, 2018; Second Reading March 20, 2018; Third Reading, Public Hearing and Vote March 27, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Communication in support – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item 7.

No one came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41437 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

LIQUOR

8. RES. 280 – Class “I” Liquor License Application – Aksarben Lodging, LLC, dba “Hilton Garden Inn – Aksarben”, 6737 Frances Street. (This is a new application for a new location.) Notice was posted on the property on 03/14/18; Notification was sent to property owners within 500 feet on 03/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 8.

The following person(s) appeared and spoke:

PROPOSERS:

Steve Young, Hilton Garden Inn – Aksarben, 6737 Frances Street

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Gray that RESOLUTION # 280 be approved

ROLL CALL:

Yeas: Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

Pass: Melton

(Councilmember Melton passed twice due to potential conflict of interest)

MOTION APPROVED 6-0-1

9. RES. 281 – Class “I” Liquor License Application – Burns, Glenn, dba “Burnzzz”, 504 North 33rd Street, with a waiver of City Council Liquor Rule 7 (Parks – Gifford Park). (This is a new application for a new location.) Notice was posted on the property on 03/14/18; Notification was sent to property owners within 500 feet on 03/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

PROPOSERS:

Glen Burns, Burnzzz, 504 North 33rd Street

Luis Jimenez, 518 North 40th Street

OPPOSERS:

Robert Hutton, 3216 California Street

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 281 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

10. RES. 282 – Class “I” Liquor License Application – Le, Trung Q., dba “Top Nails”, 2914 South 84th Street, contingent upon no objections from Life Church Omaha (a church located within 150 feet) at the Nebraska Liquor Control Commission public hearing (NRS 53-177(2)). (This is a new application for a new location.) Notice was posted on the property on 03/14/18; Notification was sent to property owners within 500 feet on 03/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

PROPOSERS:

Jan Headley, 10828 Old Mill Road #6, Attorney for the applicant

No one else came forward, and the public hearing was closed.

MOTION by Melton, SECOND by Harding that RESOLUTION # 282 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

11. RES. 283 – Class “I” Liquor License Application – Midtown Bar, Inc., dba “Midtown Bar”, 330 North 30th Street. (This is a new application for a new location.) Notice was posted on the property on 03/14/18; Notification was sent to property owners within 500 feet on 03/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 11.

The following person(s) appeared and spoke:

PROPOSERS:

Ed Stephens, Midtown Bar, 330 North 30th Street

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Gray that RESOLUTION # 283 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

12. RES. 272 – Class “D” Liquor License Application – Danny’s Corner Store, Inc., dba “Danny’s Corner Store”, 3301 California Street. (This is a new application for an old location). UPGRADE. Currently licensed to Ketaw, Bereded, dba “K-N-J Grocery, who has a Class “B” License. Notice was posted on the property on 03/12/18; Notification was sent to property owners within 500 feet on 03/09/18 - Corrected notification sent to property owners within 500 feet on 03/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communications in opposition – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

Chris Estwick, 409 South 17th Street, Attorney for the applicant

Luis Jimenez, 518 North 40th Street

Daniel Dessie, Danny’s Corner Store, 3301 California Street

OPPONENTS:

Jerry Sullivan, 132 North 33rd Street
Robert Benzol, 132 North 33rd Street
Robert Hutton, 3216 California Street

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 272 be approved with the stipulation that there be no sales of single containers less than 32 ounces of beer and 375 milliliters of liquor

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

13. RES. 284 – Class “L” Liquor License Application – 1905 Vault, LLC, dba “Benson Brewery,” 6059 Maple Street. (This is a new application for an old location.) Present licensee is Omaha Brewery, Inc., dba “Benson Brewery,” who has a Class “CKL” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPONENTS:

Joe Carmichael, 9811 Calhoun Road

No one else came forward, and the public hearing was closed.

MOTION by Festersen, SECOND by Melton that RESOLUTION # 284 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

14. RES. 285 – Class “K” Liquor License Application – Dillon Brothers Harley-Davidson, Inc., dba “Dillon Brothers Harley-Davidson”, 3838 N HWS Cleveland Blvd. (This is a new application for an old location.) Presently holds a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPONENTS:

Mike Bischof, 3838 North HWS Cleveland Boulevard

No one else came forward, and the public hearing was closed.

MOTION by Melton, SECOND by Harding that RESOLUTION # 285 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

15. RES. 286 – Lakes Venture, LLC, dba “Fresh Thyme Farmers Market”, requests permission to appoint Corky E. Anderson manager of their present Class “C” Liquor License locations located at 13215 West Center Road; 17550 Gold Plaza and 14949 Evans Plaza – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

PROPOSERS:

Corky Anderson, 16320 Madison Street

No one else came forward, and the public hearing was closed.

MOTION by Melton, SECOND by Harding that RESOLUTION # 286 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

16. RES. 287 – North Omaha Love’s Jazz Cultural Arts & Humanities Complex, Inc., dba “Love’s Jazz & Art Center”, 2506-2510 North 24th Street, requests permission to appoint Harry D. Washington manager of their present Class “I” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

PROPOSERS:

Harry Douglas Washington III, Love’s Jazz & Art Center, 2510 North 24th Street

No one else came forward, and the public hearing was closed.

MOTION by Pahls, SECOND by Festersen that RESOLUTION # 287 be approved

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

City Clerk Elizabeth Butler stated that any member of the City Council may cause any item placed on the Consent Agenda to be removed. 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 provided by the City Council Rules of Order.

Council President Gray announced that the public hearings on Agenda Items 17 through 22 were held on March 20, 2018.

(Required notices of the public hearings were published in the Daily Record on March 16, 2018.)

CONSENT AGENDA – ORDINANCES

17. ORD. 41438 – An ordinance authorizing the issuance of a purchase order to D.P.C. Industries, Inc. in the amount of \$599,250.00 for the purchase of sodium hypochlorite to be utilized at the Water Resource Recovery Facilities to be effective for a period of 12 months and is extendable for two one-year periods with approval of both parties; 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 – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

18. ORD. 41439 – An ordinance authorizing the issuance of a purchase order to Faure Enterprises, Inc. dba Painting and More in the amount of \$103,635.00 for maintenance painting and coating at the Missouri River Water Resource Recovery Facility, Papillion Creek Water Resource Recovery Facility, and Lift Stations to be effective for a period of 12 months from the date of award and is extendable for two one-year periods with approval of both parties; 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 – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

19. SPECIAL ORD. 10228 – An ordinance, levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District 6876, in the City of Omaha, to cover the cost of constructing and improving Poppleton Avenue from 78th Avenue to 80th Street, in Portland cement concrete – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

20. SPECIAL ORD. 10229 – An ordinance, levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District 6877, in the City of Omaha, to cover the cost of constructing and improving South 78th Avenue, from Woolworth Avenue north to Poppleton Avenue, in Portland cement concrete – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

21. ORD. 41440 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with RLT Premier, LLC to convey the property described in the agreement, located at 1706 North 34th Street, in consideration of the sum of \$500.00; there are no expenses associated with the transfer of the property to RLT Premier, LLC – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

22. ORD. 41441 – An ordinance that, as recommended by the Mayor, the Omaha Public Library is hereby authorized to approve a bid from Petties Unique Cleaning Solutions to provide janitorial services for various library facilities in the amount of \$154,000.00 annually from April 1, 2018 to March 31, 2020 with two one-year options to extend. (This is in accordance with Section 5.16 of the Omaha Home Rule Charter and in accordance with the low bid submitted meeting specifications. The library locations include: W. Dale Clark Library, Milton R. Abrahams Branch, Benson Branch, Bess Johnson Elkhorn Branch, Florence Branch, Millard Branch, A.V. Sorensen Branch, W. Clarke Swanson Branch, Charles B. Washington Branch, and Willa Cather Branch. The Finance Department is authorized to pay the \$154,000.00 cost thereof from the Library's General Fund 11111, Organization 117014, Object 42274, year 2018 expenditures.) – (First Reading March 13, 2018; Second Reading and Public Hearing March 20, 2018; Third Reading March 27, 2018) – [see attached](#).

MOTION by Festersen, SECOND by Melton that the CONSENT AGENDA – ORDINANCES be approved

**Item # 17 ORDINANCE # 41438;
 Item # 19 SPECIAL ORDINANCE # 10228;
 Item # 21 ORDINANCE # 41440; and,**

**Item # 18 ORDINANCE # 41439;
 Item # 20 SPECIAL ORDINANCE # 10229;
 Item # 22 ORDINANCE # 41441;**

ROLL CALL VOTE:

**Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President
 Nays: None**

MOTION APPROVED 7-0

(The public hearings on Agenda Items 23 through 47 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.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 45 AND 46 WERE REMOVED FROM THE CONSENT AGENDA.

CONSENT AGENDA – RESOLUTIONS

23. RES. 289 – Res. that, as recommended by the Mayor, the contract with Terry Hughes Tree Service for OPW 53351, in the amount of \$77,600.00, being the 2018 Tree Stump Removal Services at Various Locations, is hereby approved. (The Finance Department is authorized to pay the cost of \$77,600.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).
24. RES. 290 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Vulcan Industries, Inc. in the total amount of \$52,172.00 for one (1) full rake assembly and submersible motor to be utilized by the Water Resource Recovery Facility Division. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Missouri Treatment Plant Main Organization 116613, year 2018 expenditure.) – [see attached](#).
25. RES. 291 – Res. that, as recommended by the Mayor, to renew CitySourced Platform license and software maintenance services from CitySourced, Inc. in the amount of \$23,250.00. (Invoice #INV-100792 - bidding procedures be waived in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique and non-competitive items; and that the Purchasing Agent is authorized to issue a purchase order to CitySourced, Inc. in the amount of \$23,250.00 to be paid from the General Fund 11111, General Expense Organization 119014.) – [see attached](#).
26. RES. 292 – Res. that, as recommended by the Mayor, a Purchase Order to 3M Company, in the amount of \$125,000.00, for pavement marking materials to be utilized by the Traffic Maintenance Division, in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique or non-competitive items, is hereby approved. (The Finance Department is authorized to pay 3M Company for these pavement marking materials an estimated sum of \$125,000.00 from the Street and Highway Allocation Fund 12131, Pavement Markings Organization 116184, year 2018 expenditure.) – [see attached](#).
27. RES. 293 – Res. that, as recommended by the Mayor, the contract with Bayshore Contractors, LLC for OPW 53304, in the amount of \$860,874.18, being the 2018 Residential Street Curb Ramp Construction, Various Locations, is hereby approved. (The Finance Department is authorized to pay the cost of \$860,874.18 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
28. RES. 294 – Res. that, as recommended by the Mayor, the contract with N L & L Concrete Inc. for OPW 53358, in the amount of \$241,350.00, being the 2018 Utility Cuts at Various Locations, is hereby approved. (The Finance Department is authorized to pay the cost of \$241,350.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).

29. RES. 295 – Res. that, as recommended by the Mayor, the contract with N L & L Concrete Inc. for OPW 53356, in the amount of \$806,114.00, being the 2018 Emergency Utility Cuts Major Roadways, is hereby approved. (The Finance Department is authorized to pay the cost of \$806,114.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).
30. RES. 296 – Res. that, as recommended by the Mayor, the contract with DMS Landscaping for OPW 53359, in the amount of \$494,101.70, being the 2018 Brick Street Restoration at Various Locations, is hereby approved. (The Finance Department is authorized to pay the cost of \$494,101.70 from the Street and Highway Allocation Fund 12131, Residential Brick Street Repair Organization 116122, year 2018 expenditure.) – [see attached](#).
31. RES. 297 – Res. that, as recommended by the Mayor, the contract with Spencer Management, LLC for OPW 53357, in the amount of \$479,736.00, being the 2018 Emergency Utility Cuts Minor Roadways, is hereby approved. (The Finance Department is authorized to pay the cost of \$479,736.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).
32. RES. 298 – Res. that, as recommended by the Mayor, the contract with Building Crafts Inc. for OPW 52708, in the amount of \$1,200,000.00, being the Papillion Creek Wastewater Treatment Plant Digester Gas Cogeneration System Upgrade – Digester Gas Moisture Removal System Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$1,200,000.00 from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913, year 2018 expenditure.) – [see attached](#).
33. RES. 299 – Res. that, as recommended by the Mayor, the Agreement with the State of Nebraska Department of Transportation in an amount not to exceed \$400,000.00 for resurfacing US-275 (“L” Street) from 96th Street to 108th Street, Westbound, is hereby approved. (Project S-D2(1042), State Control No. 22642, and that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha.) – [see attached](#).
34. RES. 300 – Res. that, as recommended by the Mayor, the Agreement with NuStyle Development Corporation in an amount not to exceed \$100,000.00 for public street improvements of a portion of Leavenworth Street for the Breakers Apartments planned development is hereby approved. (This is in conjunction with Capital Improvements Program Project No. 1982T502 and OPW 52995. The Finance Department is authorized to pay an amount not to exceed \$100,000.00 from the 2014 Transportation Fund 13184, Organization 117117.) – [see attached](#).
35. RES. 301 – Res. that, as recommended by the Mayor, the Professional Services Agreement with The Schemmer Associates, Inc., in an amount not to exceed \$30,500.00, to provide professional services for the 42nd Street Facility Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$30,500.00, from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).

36. RES. 302 – Res. that, as recommended by the Mayor, Amendment No. 4 to the Engineering Services Agreement with JEO Consulting Group, Inc., in an amount not to exceed \$473,683.54, for the project management professional services on OPW 52878, being the Jones Street Improvements, 11th Street to 13th Street Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$473,683.54 for these services from the Sewer Revenue Improvements Fund 21124, Sewer Separation Organization 116912, year 2018 expenditure.) – [see attached](#).
37. RES. 303 – Res. that, as recommended by the Mayor, the Professional Services Agreement with The Schemmer Associates, Inc., in an amount not to exceed \$50,400.00, to provide professional services on OPW 52659, being the Lake James to Fontenelle Park Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$50,400.00, from the Sewer Revenue Improvements Fund 21124, Organization 116918, year 2018 expenditure.) – [see attached](#).
38. RES. 304 – Res. that, as recommended by the Mayor, the Final Design Agreement with The Schemmer Associates, Inc. for the improvements to 120th Street from Stonegate Drive to Roanoke Boulevard, known as Federal Aid Project MAPA-5009(3), State Control No. 22277, in the amount of \$149,307.65 is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$149,307.65 for these engineering services to be paid from 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
39. RES. 305 – Res. that the temporary use of State HWY 64 from 52nd Street to 63rd Street from 9:30 AM to 11:30 AM and on Maple Street from 58th Street to 63rd Street from 6:00 AM to 6:00 PM on July 28, 2018 for the Benson Days Parade and Festival is hereby approved – [see attached](#).
40. RES. 314 – Res. that, as recommended by the Mayor, the Agreement with Union Pacific Railroad Company, for the construction cost of \$282,877.00 and the maintenance fee of \$19,380.00, associated with traffic control signal improvements to the intersection of Railroad and North 192nd Street (DOT Number 816859H at Railroad's Milepost 20.61), near Blondo Street associated with OPW 52893 being the 168th Street - Blondo Street to West Maple Road Project is hereby approved. (The Finance Department is authorized to pay the construction cost of \$282,877.00 and the maintenance fee of \$19,380.00 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
41. RES. 307 – Res. that, the Declaration of Use, formally dedicating City owned property described on Exhibit "A" thereto, for the non-exclusive use of facilitating development of the City's bike share system, including the placement and maintenance of bike share equipment for the benefit of the general public; and the attached four License Agreements with Transit Authority of the City of Omaha (dba Metro), Board of Regents of the University of Nebraska, The Nebraska Medical Center, and The Metropolitan Community College Area, providing for the use of the said entities' property for the placement and maintenance of bike share equipment, be and hereby are approved, and the Mayor is authorized to execute the said documents – [see attached](#).

42. RES. 308 – Res. that, the Deferred Payment Loan, as recommended by the Mayor, to provide funding in the amount of \$33,500.00 for the rehabilitation and lead removal work to the property located at 2608 Patrick Avenue, Omaha, Nebraska, 68111, owned by Philip M. Abraham, 920 S. 36th Street, Omaha, Nebraska, 68105, is hereby approved. Funds in the amount of \$33,500.00 shall be paid as follows: FY 2017 HOME Rental Rehabilitation Program funds in the amount of \$33,500.00, Organization No. 128071 – [see attached](#).
43. RES. 309 – Res. that, authorizes Sanitary and Improvement District (S.I.D.) #438 (The Grove), to make improvements to an existing neighborhood park, located on South 187th Street, including grading to improve drainage in certain areas of the park, removal and replacement of concrete paths, adding picnic shelter, construction of a half-court basketball court, construction of two (2) picnic table pads with tables, and replacement of the existing baseball backstop in the amount of \$147,667.19. (This includes administrative costs with the funding source, the General Fund for Douglas County S.I.D. #438 (The Grove), with the conditions.) – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
44. RES. 310 – Res. that, authorizes Sanitary and Improvement District (S.I.D.) #559 (Indian Pointe), to make improvements to Outlot M, a future neighborhood park, located north of West Maple Road and west of North 180th Street, including improvements of a 6 foot wide concrete trail, a new playground, new benches, site grading, and drainage and seeding of all disturbed areas in the amount of \$209,121.75. (This includes administrative costs with the funding source, the General Fund for Douglas County S.I.D. #559 (Indian Pointe), with the following conditions: (1) Clarification needed on the concrete walks where they terminate on the north and west sides of the new playground; (2) For final construction documents, enlargement of the new playground that shows its overall layout and grading in more detail, and (3) Final set of the construction documents (plans, specifications) prior to the S.I.D. going out to bid.) – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
45. RES. 311 – Res. that, as recommended by the Mayor, the annual subscription service based upon the invoice of Ebsco Information Services, providing a unique and non-competitive service, in the amount not to exceed \$22,816.00 for the annual subscription of ConsumerReports.org, is hereby approved. (The Finance Department is authorized to pay the \$22,816.00 cost thereof from the Library's General Fund 11111, Organization 117016, Object Code 43416, year 2018 expenditures.) – [see attached](#). **(REMOVED FROM CONSENT)**
46. RES. 312 – Res. that, as recommended by the Mayor, Renewal Subscription Fee based upon the invoice of Value Line Institutional Services, providing a unique and non-competitive service, in the amount not to exceed \$24,000.00 for the Renewal Subscription Service Fee, for two years from April 1, 2018 through May 31, 2020, is hereby approved. (The Finance Department is authorized to pay the \$24,000.00 cost thereof from the Library's General Fund 11111, Organization 117016, Account 43416, year 2018 expenditures.) – [see attached](#). **(REMOVED FROM CONSENT)**

47. RES. 313 – Res. that, as recommended by the Mayor, the bids of First Choice Medical, Mid-West Medical, Bound Tree Medical, and Life-Assist Inc. in the total amount of \$32,432.50 for the purchase of medical supplies is hereby approved. (The cost of this acquisition may be expended from two or more Omaha Fire Department budgets for medical supplies, Fund No. 11111, Organization 114582, Account Codes 43712 for supplies, 43717 for restocking of medications, and 44131 for equipment.) – [see attached](#).

A. Communication from Assistant Fire Chief Kathy Bossman – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item 23 through 44 and 47.

No one came forward, and the public hearing was closed.

MOTION by Festersen, SECOND by Melton that the CONSENT AGENDA – RESOLUTIONS be approved

Item # 23 RESOLUTION # 289;
Item # 25 RESOLUTION # 291;
Item # 27 RESOLUTION # 293;
Item # 29 RESOLUTION # 295;
Item # 31 RESOLUTION # 297;
Item # 33 RESOLUTION # 299;
Item # 35 RESOLUTION # 301;
Item # 37 RESOLUTION # 303;
Item # 39 RESOLUTION # 304;
Item # 41 RESOLUTION # 307;
Item # 43 RESOLUTION # 309;
Item # 47 RESOLUTION # 313;

Item # 24 RESOLUTION # 290;
Item # 26 RESOLUTION # 292;
Item # 28 RESOLUTION # 294;
Item # 30 RESOLUTION # 296;
Item # 32 RESOLUTION # 298;
Item # 34 RESOLUTION # 300;
Item # 36 RESOLUTION # 302;
Item # 38 RESOLUTION # 304;
Item # 40 RESOLUTION # 314;
Item # 42 RESOLUTION # 308;
Item # 44 RESOLUTION # 310; and,

ROLL CALL VOTE:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

45. RES. 311 – Res. that, as recommended by the Mayor, the annual subscription service based upon the invoice of Ebsco Information Services, providing a unique and non-competitive service, in the amount not to exceed \$22,816.00 for the annual subscription of ConsumerReports.org, is hereby approved. (The Finance Department is authorized to pay the \$22,816.00 cost thereof from the Library’s General Fund 11111, Organization 117016, Object Code 43416, year 2018 expenditures.) – [see attached](#).

46. RES. 312 – Res. that, as recommended by the Mayor, Renewal Subscription Fee based upon the invoice of Value Line Institutional Services, providing a unique and non-competitive service, in the amount not to exceed \$24,000.00 for the Renewal Subscription Service Fee, for two years from April 1, 2018 through May 31, 2020, is hereby approved. (The Finance Department is authorized to pay the \$24,000.00 cost thereof from the Library’s General Fund 11111, Organization 117016, Account 43416, year 2018 expenditures.) – [see attached](#).

**MOTION by Harding, SECOND by Gray that the Items # 45 and # 46 be continued to April 10, 2018 for public hearing and vote
Item # 45 RESOLUTION # 311; and Item # 46 RESOLUTION # 312;**

ROLL CALL VOTE:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

48. ORD. 41442 – An ordinance authorizing the issuance of a purchase order to Univar USA, Inc. in the amount of \$510,375.00 for the purchase of sodium bisulfite to be utilized at the Water Resource Recovery Facilities to be effective for a period of 12 months and is extendable for two one-year periods with approval of both parties; 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 – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 48.

No one came forward, and the public hearing was closed.

49. ORD. 41443 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, and 1701 LLC, to implement the Habitat for Humanity Adams Park Project 2 Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located between 30th and 32nd Streets, Pinkney and Emmet Streets, which proposes the new construction of 18 new single-family homes for ownership by lower income home buying households; the agreement authorizes the use of up to \$350,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 49.

The following person(s) appeared and spoke:

FOR THE CITY:

Bridget Hadley, Planning Department

No one else came forward, and the public hearing was closed.

50. SPECIAL ORD. 10230 – An ordinance levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group 2018-07 – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 50.

No one came forward, and the public hearing was closed.

51. SPECIAL ORD. 10231 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group 2018-08 – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 51.

No one came forward, and the public hearing was closed.

52. ORD. 41444 – An ordinance to amend certain portions of Special Levy Ordinance No. 10222 levying assessments for weed abatement in the year 2017 by repealing two assessments on the properties legally described as Parcel 0380 0000 12 Lot 32 40 x 120 Block 0 Goodland Addition 5325 N 18th Street and Parcel 3519 0000 14 Lot 13 LTS 11 12 & 120 x 129 Block 0 Kenwood Addition 3514 N 36th Street and to levy a special tax assessment for weed abatement to the property legally described as Parcel 3520 0004 14 Lot 14 40 x 129 Block 0 Kenwood Addition 3504 N 36th Street – Group 2018-01 – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 52.

No one came forward, and the public hearing was closed.

53. ORD. 41445 – An ordinance to amend certain portions of Special Levy Ordinance No. 10223 levying assessments for weed abatement in the year 2017 by repealing two assessments on the properties legally described as Parcel 2892 0000 15 Lot 3 50 x 124 Block 33 Kountze Place Addition 2011 Pinkney Street and Parcel 0430 0000 20 Lot 15 64 x 125 Block 0 Patricks Saratoga Addition 2032 Grand Avenue – Group 2018-02 – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 53.

No one came forward, and the public hearing was closed.

54. ORD. 41446 – An ordinance that, as recommended by the Mayor, the Omaha Public Library is hereby authorized to approve a bid from Lion's Gate Security Solutions, to provide security services for various library facilities in the amount of \$196,422.00 for a period of two years, with two one-year options to extend, from March 15, 2018 through March 14, 2020. (This is in accordance with Section 5.16 of the Omaha Rule Charter. The Finance Department is authorized to pay the \$196,422.00 cost thereof from the Library's General Fund 11111, Organization 117014, Object 42239, year 2018 expenditures) – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 54.

No one came forward, and the public hearing was closed.

55. ORD. 41447 – An ordinance to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Household Hazardous Waste Technician with an hourly pay range of \$20.62 to \$25.41; to repeal Section 23-177 as heretofore existing – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

A. Personnel Board recommends approval.

Council President Ben Gray opened the Public Hearing on Item 55.

No one came forward, and the public hearing was closed.

56. ORD. 41448 – An ordinance to amend Sections 23-177 and 23-178 of Chapter 23 of the Omaha Municipal Code to reflect changes negotiated between the City of Omaha and the Omaha Police Managers Association for the years 2018 through 2021; to provide for a wage increase for individuals holding the rank of Police Chief and Deputy Police Chief; to provide for a change in the method of calculation of longevity pay; to provide that members of police management will change to the High Deductible Healthcare Plan (HDHP) in place for police bargaining employees; to provide that any ordinances of the City of Omaha, and any rules and regulations promulgated thereunder, which are in conflict with this ordinance shall not be applicable to those employees in Police Management – (First Reading March 20, 2018; Second Reading and Public Hearing March 27, 2018; Third Reading April 10, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

A. Personnel Board recommends approval.

Council President Ben Gray opened the Public Hearing on Item 56.

The following person(s) appeared and spoke:

PROPOSERS:

Mark McQueen, Baird Holm, LLP, 1700 Farnam Street #1500

No one else came forward, and the public hearing was closed.

NON-ACTION ITEMS

(Items 57 through 64 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON APRIL 3, 2018 DUE TO THE EASTER HOLIDAY)

PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

57. ORD. 41449 – An ordinance to approve a Major Amendment to the Mixed Use District Development Agreement for All Holy Spirit Greek Orthodox Church, located at 215 South 181st Street, between the City of Omaha and Rega Engineering Group, providing site development standards – (First Reading March 27, 2018; **Second Reading April 10, 2018**; Third Reading, Public Hearing and Vote April 17, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
58. ORD. 41450 – An ordinance to rezone the property located at 2720 Keystone Drive from DR-Development Reserve and R2-Single Family Residential District (low density) to GI-General Industrial District (portions of the property are located within the FW-Floodway District) – (First Reading March 27, 2018; **Second Reading April 10, 2018**; Third Reading, Public Hearing and Vote April 17, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTIONS

59. RES. 274 – Res. that, the Moxy Hotel Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 409 South 12th Street which proposes the demolition of existing structures and the construction of a new six story, 105 room hotel, recommending the City's participation through the allocation of TIF in an amount up to \$1,931,000.00, plus accrued interest, to offset TIF eligible expenses for acquisition, building rehabilitation, architectural and engineering fees, and public improvements as required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE APRIL 10, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
60. RES. 306 – Res. that, the Landmark Building Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northeast of 13th and Harney Streets which proposes the conversion of an office building into 128 rooms of an upper, upscale hotel and associated amenities, and the construction of a restaurant with rooftop seating on the southeast side of the building, recommending the City's participation through the allocation of TIF in an amount up to \$9,824,122.00, plus accrued interest, to offset the following eligible expenses: rehabilitation costs related to converting office spaces to hotel rooms, converting the 1st and 2nd floors of the building to hotel uses and various public improvements as required, with the applicant contributing \$100,000.00 of the TIF proceeds to the Downtown Public Improvement Fund and nearly \$200,000.00 of the TIF proceeds for various other public improvements, identified by the City, surrounding the project, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE APRIL 17, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

SPECIAL USE PERMIT

61. RES. 288 – Res. that the Special Use Permit application submitted by Christ for the City International, to allow Large group living in a CC-Community Commercial District for property located at 5835 North 90th 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 referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. 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 – [see attached](#). **(LAID OVER TO THE APRIL 10, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**

STREET IMPROVEMENT DISTRICT ORDINANCE ON FIRST READING

62. ORD. 41451 – An ordinance, to create Street Improvement District No. 6884, in the City of Omaha, for the purpose of improving Nicholas Street from North 87th Street west to its terminus by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading March 27, 2018; **Second Reading April 10, 2018**; Third Reading, Public Hearing and Vote April 17, 2018) – [see attached](#).

ORDINANCES ON FIRST READING

63. ORD. 41452 – An ordinance vacating a portion of the East/West alley between 68th Avenue and 69th Street, South of Farnam Street and abutting Lots 22, 23, 40 and 41, of Sunset Terrace, a subdivision, as surveyed, platted and recorded in Douglas County – (First Reading March 27, 2018; **Second Reading and Public Hearing April 10, 2018**; Third Reading April 17, 2018) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

64. ORD. 41453 – An ordinance to accept the bid of Pay-Less Office Products to provide Janitorial Supplies for the Omaha Fire Department; the term of the agreement is for one year at a total cost of \$21,609.08 with the option to extend the agreement monthly for an additional 24-month period at no increase in cost – (First Reading March 27, 2018; **Second Reading and Public Hearing April 10, 2018**; Third Reading April 17, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

MOTION by Jerram, SECOND by Festersen that the meeting be adjourned

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:41 P.M.

I, ELIZABETH BUTLER, 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 March 27, 2018.

WITNESS:

s/Sherri Brown

Sherri Brown, Executive Secretary

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler