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# **JOURNAL RECORD**

## **CITY OF OMAHA**

### **CITY COUNCIL MEETING**

**TUESDAY, MAY 15, 2018**

**@ 2:00 PM**

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

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#### 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, May 15, 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 Pahls, Palermo, Harding, Jerram, Melton, Mr. President (Gray); Absent Entire Meeting was Councilmember Festersen – **CCID # 454.**

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

Council President Vinny Palermo of District No. 4 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 May 11, 2018, notice of the Pre-Council and Regular City Council Meetings, May 15, 2018 – **CCID # 455.**

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**

Proclamation read for Ione Werthman Day, which was presented to Sam Bennett, President of Friends of Heron Haven, who appeared and spoke.

### **PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

City Clerk Elizabeth Butler stated that Items 6 through 9 relate to the same project and would be considered together.

*(Required notices of public hearings relating to this development were published in the Daily Record on May 1, 2018.)*

### **THE LANDING**

6. ORD. 41485 – An ordinance to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located southeast of 30th and Burt Streets – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#).  
**(PUBLIC HEARING AND VOTE TODAY)**

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

7. RES. 410 – Res. that, the Final Plat transmitted herewith entitled The Landing, located southeast of 30th and Burt Streets, is hereby approved, and concurrently a portion of the existing plats entitled Hillside Addition Number 2, Avondale Park, Sunnyside and Drake’s Addition, and described on said replat, are hereby vacated. The applicant is 2929 California Plaza, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
8. RES. 411 – Res. that, the Special Use Permit application submitted by 2929 California Plaza, LLC, for a Large Project Special Use Permit in a GO-General Office District for property southeast of 30th and Burt Streets, Omaha, Nebraska, is hereby approved. (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](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  
9. RES. 421 – Res. that, the Subdivision Agreement between the City of Omaha and 2929 California Plaza, LLC, as recommended by the Mayor, providing for the reimbursement for certain public improvements to the benefit of the City, is hereby approved. The Subdivision is to be known as The Landing (Lots 1-5 and Outlot A) and is southeast of 30th and Burt Streets. (The City shall reimburse 2929 California Plaza, LLC, a Nebraska corporation, for the cost of the improvements, not to exceed \$1,160,000.00, from the RNC Fund, Organization 116912, Fund 21124.) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 6 through 9.

The following person(s) appeared and spoke:

**PROPOSERS:**

Todd Heistand, 2223 Dodge Street

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

**MOTION by Jerram, SECOND by Harding that the following items be approved:**

**Item # 6 ORDINANCE # 41485;                      Item # 7 RESOLUTION # 410;**  
**Item # 8 RESOLUTION # 411; and,                Item # 9 RESOLUTION # 421**

**ROLL CALL:**

**Yeas:                      Pahl, Palermo, Harding, Jerram, Melton, Mr. President**

**Nays:                     None**

**Absent:                  Festersen**

**MOTION APPROVED 6-0**

**MAPLE 180**

10. RES. 468 – Res. that, the Preliminary Plat entitled Maple 180, located northeast of 180th Street and West Maple Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is White Lotus Group, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

**PROPOSERS:**

Larry Jobeun, 11440 W. Center Rd, Attorney for the applicant

**OPPOSERS:**

Mark Vondrasek, 211 South 37th Street

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

**MOTION by Melton, SECOND by Harding that RESOLUTION # 468 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

**PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

11. ORD. 41474 – An ordinance to rezone the property located at 1217 Pacific Street from HI-Heavy Industrial District to NBD-Neighborhood Business District (property is also located within an existing ACI-1 Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 11.

The following person(s) appeared and spoke:

**PROPOSERS:**

Ron Hackett, 3515 Oakridge Road

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

**MOTION by Jerram, SECOND by Harding that ORDINANCE # 41474 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

City Clerk Elizabeth Butler stated that Items 12 and 13 relate to the same project and would be considered together.

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

12. ORD. 41476 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in an R6-Low Density Multiple Family Residential District, located at 1514 William Street, to approve the Development Plan – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

13. ORD. 41475 – An ordinance to rezone the property located at 1514 William Street from GI-General Industrial District to R6-Low Density Multiple Family Residential District – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Items 12 and 13.

The following person(s) appeared and spoke:

**PROPOSERS:**

Kyle Haase, E&A Consulting Group, 10909 Mill Valley Road

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

**MOTION by Jerram, SECOND by Harding that the following items be approved:  
Item # 12 ORDINANCE # 41476; and, Item # 13 ORDINANCE # 41475**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

14. ORD. 41477 – An ordinance to rezone the property located southwest and southeast of 22nd Street and Willis Avenue from R4-Single Family Residential District (high density) and GC-General Commercial District to R4 District – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

**PROPOSERS:**

Terry Morrison, Ehrhart Griffin & Associates, 3552 Farnam Street  
James Witcher, 2219 Willis Avenue  
Barbara Summers Robinson, 5506 Ellison Avenue

**FOR THE CITY:**

Dave Fanslau, Planning Director

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

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41477 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

15. ORD. 41478 – An ordinance to rezone the properties located at 4524 and 4602 Farnam Street from GI-General Industrial District to CC-Community Commercial District (properties are also located within an existing ACI-2 Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 15.

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

**MOTION by Jerram, SECOND by Harding that ORDINANCE # 41478 be approved**

**ROLL CALL:**

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

**Nays:** None

**Absent:** Festersen

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

16. ORD. 41479 – An ordinance to rezone the property located northwest of 11th and Leavenworth Streets from DS-Downtown Services District to CBD-Central Business District (property is also located within an ACI-Area of Civic Importance) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

Council President Gray opened the Public Hearing on Item 16.

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

**MOTION by Jerram, SECOND by Harding that ORDINANCE # 41479 be approved**

**ROLL CALL:**

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

**Nays:** None

**Absent:** Festersen

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

17. ORD. 41480 – An ordinance to rezone the properties located at 3924 and 3926 Harney Street from GC-General Commercial District to NBD-Neighborhood Business District (properties are also located within an existing ACI-1 Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 17.

The following person(s) appeared and spoke:

**PROPOSERS:**

Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street

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

**MOTION by Jerram, SECOND by Harding that ORDINANCE # 41480 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

18. ORD. 41481 – An ordinance to rezone the property located at 4911 Underwood Avenue from R8-High-Density Multiple-Family Residential District to NBD-Neighborhood Business District (property is located in a NCE Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 18.

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

**MOTION by Jerram, SECOND by Gray that ORDINANCE # 41481 be postponed to the May 22, 2018 City Council meeting**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

*(Required notice of public hearing relating to this development was published in the Daily Record on May 1, 2018.)*

19. ORD. 41482 – An ordinance to rezone the property located northeast of 212th and Harney Streets from R1-Single-Family Residential District (Large Lot) to R3-Single-Family Residential District (Medium-Density) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 19.

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



**MOTION by Harding, SECOND by Melton that ORDINANCE # 41482 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

City Clerk Elizabeth Butler stated that Items 20 and 21 relate to the same project and would be considered together.

*(Required notices of public hearings relating to this development were published in the Daily Record on May 1, 2018.)*

20. ORD. 41483 – An ordinance to rezone the property located southeast of 147th and F Streets from LO-Limited Office District and CC-Community Commercial District to CC-Community Commercial District (portions of the property are located in the FF-Flood Fringe Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

21. ORD. 41484 – An ordinance to rezone the property located southeast of 147th and F Streets from R6-Low-Density Multiple-Family Residential District and LO-Limited Office District to R6-Low-Density Multiple-Family Residential District (portions of the property are located in the FF-Flood Fringe Overlay District) – (First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Items 20 and 21.

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

**MOTION by Melton, SECOND by Harding that the following items be approved:  
Item # 20 ORDINANCE # 41483; and, Item # 21 ORDINANCE # 41484**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

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**LIQUOR**

22. RES. 456 – Class “C” Liquor License Application – Maverick And Goose Social Club, LLC, dba “Winchester”, 7002 “Q” Street. (This is a new application for an old location). Present licensee is 7002 Corporation, dba “Winchester bar”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 22.

The following person(s) appeared and spoke:

**PROPOSERS:**

Mike Kelley, 2804 South 87th Avenue, Attorney for the applicant

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

**MOTION by Palermo, SECOND by Melton that RESOLUTION # 456 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

23. RES. 457 – Class “I” Liquor License Application – Fajitas, LLC, dba “Fajitas Bar & Grill”, 6222 North 72nd Street. (This is a new application for a new location). Notice was posted on the property on 04/30/18; Notification was sent to property owners within 500 feet on 05/04/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 23.

The following person(s) appeared and spoke:

**PROPOSERS:**

Lilia Mercado, 1829 South Street #4, Blair, NE

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

**MOTION by Melton, SECOND by Harding that RESOLUTION # 457 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

24. RES. 458 – Kum & Go, LLC, dba “Kum & Go #372”, 7152 Pacific Street, requests permission for the Reconstruction of their existing licensed location from a one (1) story building approximately 28’ x 60’ plus east end of walk-in cooler to the north to a one (1) story building approximately 56’ x 99’. Notice was posted on the property on 04/30/18; Notification was sent to property owners within 500 feet on 05/04/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 24.

The following person(s) appeared and spoke:

PROPOSERS:

Eric McDonald, 7101 South 174th Street

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

**MOTION by Jerram, SECOND by Gray that RESOLUTION # 458 be approved**

**ROLL CALL:**

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

**Nays:** None

**Absent:** Festersen

**MOTION APPROVED 6-0**

25. RES. 459 – Legacy Blatt, LLC, dba “Blatt Beer and Table”, 2835 South 170th Plaza, requests permission to appoint Tucker B. Beglin manager of their present Class “CG” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 25.

The following person(s) appeared and spoke:

PROPOSERS:

Tucker Beglin, 17115 Camden Circle

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

**MOTION by Harding, SECOND by Melton that RESOLUTION # 459 be approved**

**ROLL CALL:**

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

**Nays:** None

**Absent:** Festersen

**MOTION APPROVED 6-0**

City Clerk Elizabeth Butler stated that Items 26 through 31 would be considered together.

26. RES. 460 – WalMart, Inc., dba “Walmart 1637”, 6304 North 99th Street, requests permission to appoint Roger L. Radloff manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
27. RES. 461 – WalMart, Inc., dba “Walmart 3151”, 5018 Ames Avenue, requests permission to appoint Joseph M. McBreen manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
28. RES. 462 – WalMart, Inc., dba “Walmart 3267”, 18201 Wright Street, requests permission to appoint Evan D. Ockey manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
29. RES. 463 – WalMart, Inc., dba “Walmart 4358”, 1606 South 72nd Street, requests permission to appoint Bryan E. Bell manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

30. RES. 464 – WalMart, Inc., dba “Walmart 5141”, 16960 West Maple Road, requests permission to appoint Gregory S. Armstrong manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
31. RES. 465 – WalMart, Inc., dba “Walmart Market 4138”, 13105 Birch Drive, requests permission to appoint Bryan M. Hardy manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 26 through 31.

The following person(s) appeared and spoke:

**PROPOSERS:**

Roger Radloff, 17234 Polk Circle  
 Joseph McBreen, 1440 Fieldcrest Drive, Blair, NE  
 Evan Ockey, 17577 William Street  
 Bryan Bell, 14802 South 22nd Street, Bellevue, NE  
 Gregory Armstrong, 17586 Taylor Street  
 Bryan Hardy, 4931 North 20th Street, Lincoln, NE

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

**MOTION by Melton, SECOND by Harding that the following items be approved:**

<b>Item # 26 RESOLUTION # 460;</b>	<b>Item # 27 RESOLUTION # 461;</b>
<b>Item # 28 RESOLUTION # 462;</b>	<b>Item # 29 RESOLUTION # 463;</b>
<b>Item # 30 RESOLUTION # 464; and,</b>	<b>Item # 31 RESOLUTION # 465</b>

**ROLL CALL:**

**Yeas:** Pahls, Palermo, Harding, Jerram, Melton, Mr. President  
**Nays:** None  
**Absent:** Festersen  
**MOTION APPROVED 6-0**

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**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 hearing on Agenda Item 32 was held on May 8, 2018.

*(Required notice of the public hearing was published in the Daily Record on May 4, 2018.)*

## CONSENT AGENDA – ORDINANCES

32. ORD. 41473 – An ordinance to designate the Grand Theatre Building located southwest of 16th and Binney Streets as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – (First Reading May 1, 2018; Second Reading and Public Hearing May 8, 2018; Third Reading May 15, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

**MOTION by Jerram, SECOND by Harding that CONSENT AGENDA – ORDINANCES be approved:**

**Item # 32 ORDINANCE # 41473**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

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Council President Gray announced that the public hearings on Agenda Items 33 through 44 were today. He asked that anyone who wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, state their name, address, who they represent, and if they were speaking as a proponent or opponent.

## CONSENT AGENDA – RESOLUTIONS

33. RES. 470 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda in the total amount of \$68,776.00 for two (2) 1-ton extended cab pickup trucks to be utilized by the Construction Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Construction Survey & Inspect Organization 116121, year 2018 expenditure.) – [see attached](#).
34. RES. 474 – Res. that, as recommended by the Mayor, the contract with McC, LLC for OPW 53234, in the amount of \$117,888.00, being the Pacific Street Bridge Sidewalk Replacement, is hereby approved. (The Finance Department is authorized to pay the cost of \$117,888.00 from the Street and Highway Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2018 expenditure.) – [see attached](#).
35. RES. 471 – Res. that, as recommended by the Mayor, the Agreement with MCImetro Access Transmission Services, Corp. d/b/a Verizon Access Transmission Services providing for the installation of communications cable at various locations around the City of Omaha, is hereby approved – [see attached](#).

36. RES. 472 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Snyder & Associates, Inc., in the amount of \$56,729.14, to provide professional services on OPW 53380, being the 2018 Concrete Pavement Repair, Westbound L Street from 96th to 108th Street Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$56,729.14, from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159, year 2018 expenditure.) – [see attached](#).
37. RES. 473 – Res. that, as recommended by the Mayor, the Professional Services Agreement with JEO Consulting Group, Inc., in the amount of \$38,260.00, to provide professional services on OPW 53391, being the Q Street Bridge at 136th Street Bridge Approach Replacement Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$38,260.00, from the Street and Highway Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2018 expenditure.) – [see attached](#).
38. RES. 475 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 3 between the City of Omaha and Iteris, Inc. with additional local costs in the amount of \$101,864.39, for the System Manager for Omaha Signal System Project, for additional services to provide project management and other services associated with this project. (This project is known as Federal Aid Project MAPA-28(115), State Control No. 22587, OPW 52496, 2017 through 2018 through 2023 Capital Improvement Program Transportation Project #2012T514 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, is hereby approved, 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](#).
39. RES. 476 – Res. that, per NEB. REV. STAT. §39-1359, the City of Omaha officially designates the temporary use of State Highway 50 between “L” Street and “P” Street on August 25, 2018, between the hours of 11:00 AM and 1:15 PM, for the entire route of the Millard Days Parade – [see attached](#).
40. RES. 477 – Res. that, the application of MKKL Holdings, LLC for a lease of City property adjacent to 4823 South 27th Street, Omaha, Nebraska for purposes of stairs and a grease interceptor, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law. (The Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return.) – [see attached](#).
41. RES. 478 – Res. that, as recommended by the Mayor, the bid in the total amount of \$235,999.88 from Spencer Management to construct a 10 foot wide multi-use recreation trail along the south side of Pacific Street from South 36th Street to the Field Club Trail, Omaha, Nebraska, being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and that the Finance Department is authorized to pay the Funds in the amount of \$235,999.88 from the 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond, Project I.D. No. 1991P503.) – [see attached](#).

42. RES. 481 – Res. that, as recommended by the Mayor, the bid in the total amount of \$1,687,312.00 from FireFox Rescue Equipment to purchase two (2) E-One Rear Mount, Cyclone II Metro 100 Aerials, to be utilized by the Omaha Fire Department, based on a bid to the State of Nebraska per Contract Number 14913 OC, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith and the Finance Department is authorized to pay \$1,687,312.00 from Fund 13299, Organization 114512, Project 1862, Account 47033.) – [see attached](#).
43. RES. 482 – Res. that, as recommended by the Mayor, the agreement between the City of Omaha and the Siena/Francis House Homeless Shelter in the amount of \$50,000.00 to operate the Rehousing and Reintegration Services (“Day Services”) Program from January 1, 2018 to December 31, 2018, and incorporated herein by this reference, and funding of such project, is hereby approved. (The Finance Director is authorized to provide payment of \$50,000.00 from 2018 Community Services, Keno/Lottery Proceeds 12118, Organization 126045; and in accordance with the contract terms.) – [see attached](#).
44. RES. 479 – Res. that, the appointment by Mayor Stothert of Keegan Korf as a member of the Library Board to serve a term, commencing upon confirmation by the City Council and expiring on June 30, 2019, be and hereby is confirmed and approved – [see attached](#).

Council President Gray opened the Public Hearing on Items 33 through 44.

The following person(s) appeared and spoke:

**PROPONENTS:**

Mark Vondrasek, 211 South 37th Street – Item # 41

**FOR THE CITY:**

Brook Bench, Parks, Recreation and Public Property Director – Item # 41

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

**MOTION by Melton, SECOND by Harding that CONSENT AGENDA – RESOLUTIONS be approved:**

<b>Item # 33 RESOLUTION # 470;</b>	<b>Item # 34 RESOLUTION # 474;</b>
<b>Item # 35 RESOLUTION # 471;</b>	<b>Item # 36 RESOLUTION # 472</b>
<b>Item # 37 RESOLUTION # 473;</b>	<b>Item # 38 RESOLUTION # 475;</b>
<b>Item # 39 RESOLUTION # 476;</b>	<b>Item # 40 RESOLUTION # 477;</b>
<b>Item # 41 RESOLUTION # 478;</b>	<b>Item # 42 RESOLUTION # 481;</b>
<b>Item # 43 RESOLUTION # 482; and,</b>	<b>Item # 44 RESOLUTION # 479</b>

**ROLL CALL:**

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

**Nays:** None

**Absent:** Festersen

**MOTION APPROVED 6-0**



**RESOLUTION**

45. RES. 480 – Res. that, the City Council does hereby approve the settlement of the case entitled *Edward W. Hasenjager v. City of Omaha*, CI17-4003, filed in the Douglas County District Court, in the amount of \$185,000.00 in full and complete satisfaction and settlement of this case. The Law Department of the City of Omaha is hereby authorized and empowered to execute and deliver and approve and receive all appropriate settlement documents to cause the conclusion of said case, including the Settlement Agreement and any necessary releases. (The funds to satisfy the same shall be paid out of the Special Levy Judgment Fund No. 12111, Org. No 121101, and Acct. No. 46113.) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 45.

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

**MOTION by Melton, SECOND by Jerram that RESOLUTION # 480 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

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**ORDINANCES ON SECOND READING**

46. ORD. 41486 – An ordinance to authorize the Purchasing Agent to issue a purchase order to Midwest Laboratories, Inc., in the amount of \$64,725.00, for professional laboratory testing services for the testing of water and wastewater samples in conjunction with the treatment processes at the Missouri River Water Resource Recovery Facility and the Papillion Creek Water Resource Recovery Facility for a contract period of April 1, 2018 to March 31, 2020, with one optional two-year extension; 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 totaling an estimated \$64,725.00 per year, according to actual testing required, from specific accounts – (First Reading May 8, 2018; Second Reading and Public Hearing May 15, 2018; Third Reading May 22, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 46.

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



47. ORD. 41487 – 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 Seventy-Five North Revitalization Corporation, 4383 Nicholas Street, Suite 306, Omaha, NE 68131, to convey the property described in the agreement, located between Corby Street and Parker Street, in consideration of the sum of \$1.00. There are no expenses associated with the transfer of the property to Seventy-Five North Revitalization Corporation – (First Reading May 8, 2018; Second Reading and Public Hearing May 15, 2018; Third Reading May 22, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 47.

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

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### **NON-ACTION ITEMS**

City Clerk Elizabeth Butler announced that Items 48 through 58 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 MAY 29, 2018 DUE TO THE MEMORIAL DAY HOLIDAY)

### **THE RIDGES REPLAT 17**

48. RES. 448 – Res. that, the Preliminary Plat entitled The Ridges Replat 17, a cluster subdivision, located southeast of Pacific and 189th Streets, with a waiver of Section 53-9(9) of the Omaha Municipal Code for Sidewalks along the south side of Pacific Street only, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – [see attached](#). **(LAID OVER TO THE MAY 22, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**

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

### **LEGACY REPLAT 21**

49. RES. 466 – Res. that, the Preliminary Plat entitled Legacy Replat 21, located at 16901 Wright Plaza, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Sammy's LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 5, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**

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

50. RES. 467 – Res. that, the Final Plat transmitted herewith entitled Legacy Replat 21, located at 16901 Wright Plaza, is hereby approved, and concurrently a portion of the existing plat entitled Legacy Replat 16, and described on said replat, is hereby vacated. The applicant is Sammy's LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 5, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 49)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

#### **RESOLUTION**

51. RES. 469 – Res. that, the Urban Chiral Condominiums Tax Increment Financing (TIF) Redevelopment Project Plan located at 714 South 15th Street, which proposes the rehabilitation of an 11,485 square foot two story brick building constructed in 1910, into a commercial unit on the first floor and two residential units above, with three parking spaces, including two striped on street spaces in front of the building, recommending the City's participation through the allocation of TIF in an amount up to \$348,436.00, plus accrued interest, to offset TIF eligible costs such as acquisition, building rehabilitation, architectural and engineering fees, and any public improvements, as may be 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 JUNE 5, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

#### **SPECIAL USE PERMIT**

52. RES. 445 – Res. that, the Special Use Permit application submitted by Leslie Salvage Inc., for a Special Use Permit to allow Scrap and salvage services in a GI-General Industrial District (property is also located within the flood fringe overlay district) for property located at 6202 Orchard Avenue, Omaha, Nebraska, is hereby approved as amended and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the approved resolution, as hereby amended to include the revised site plan attached as Exhibit "B", are satisfied 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 MAY 22, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS**

53. ORD. 41488 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Pacific Springs Vista, to allow for the construction of a restaurant on Lot 1 of the development, located northwest of 168th and Pacific Streets between the City of Omaha and La Casa West, Corp., providing site development standards – (**First Reading May 15, 2018**; Second Reading May 22, 2018; Third Reading, Public Hearing and Vote June 5, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
54. ORD. 41489 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Sterling Ridge, to allow for the construction of an apartment complex, in addition to modifying language in the mixed use agreement regarding the future Tri Faith Center, between the City of Omaha and Sweetbriar IV, LLC, providing site development standards – (**First Reading May 15, 2018**; Second Reading May 22, 2018; Third Reading, Public Hearing and Vote June 5, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
55. ORD. 41490 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 20324 Veterans Drive – (**First Reading May 15, 2018**; Second Reading May 22, 2018; Third Reading, Public Hearing and Vote June 5, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **ORDINANCES ON FIRST READING**

56. ORD. 41493 – An ordinance authorizing the issuance of a purchase order to Abe's Trash Service for a price agreement for rubbish container service at various Street Maintenance facilities to be effective through December 31, 2019 with two 1-year extensions at the sole option of the City; 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 May 15, 2018**; Second Reading and Public Hearing May 22, 2018; Third Reading June 5, 2018) – [see attached](#).
57. ORD. 41491 – An ordinance to accept the bid of Miller & Sons Golf Cars in the total amount of \$286,733.44 for the lease, through PNC Equipment Finance, of one hundred forty-four (144) gas powered golf cars for the Golf Division of the Parks, Recreation and Public Property Department; for four (4) years beginning June 1, 2018 through June 1, 2022; to authorize annual payments as specified therein in the amount of \$71,683.35 per year, for a total amount of \$286,733.44 – (**First Reading May 15, 2018**; Second Reading and Public Hearing May 22, 2018; Third Reading June 5, 2018) – [see attached](#).

58. ORD. 41492 – An ordinance providing for the approval of a ten-year lease between the City of Omaha and the Transit Authority of the City of Omaha doing business as METRO pursuant to Section 3-90, et seq. of the Omaha Municipal Code for the purpose of installation and maintenance of bus stop shelters – (**First Reading May 15, 2018**; Second Reading and Public Hearing May 22, 2018; Third Reading June 5, 2018) – [see attached](#).

**EXECUTIVE SESSION**

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

**ADJOURNMENT:**

**MOTION by Harding, SECOND by Melton that the meeting be adjourned**

**ROLL CALL:**

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

**Nays: None**

**Absent: Festersen**

**MOTION APPROVED 6-0**

**MEETING ADJOURNED AT: 2:38 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 May 15, 2018.

WITNESS:

s/Talia Smith

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Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

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Elizabeth Butler