



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, MAY 22, 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, May 22, 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

Deputy City Clerk Kimberly Pulliam took the Roll Call: Present were Councilmembers Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President (Gray) – **CCID # 483.**

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

Councilmember Rich Pahls of District No. 5 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

Deputy City Clerk Kimberly Pulliam certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on May 18, 2018, notice of the Pre-Council and Regular City Council Meetings, May 22, 2018 – **CCID # 484.**

Ms. Pulliam 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

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

COUNCILMEMBER JERRAM LEFT THE LEGISLATIVE CHAMBERS AT 2:03 P.M.

COUNCILMEMBER JERRAM RETURNED TO THE LEGISLATIVE CHAMBERS AT 2:04 P.M.

THE RIDGES REPLAT 17

(Required notice of public hearing relating to this development was published in the Daily Record on May 8, 2018.)

6. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Communication in support – [see attached](#).
 - C. Communication in opposition – [see attached](#).

Council President Gray opened the Public Hearing on Item 6.

The following person(s) appeared and spoke:

PROPOSERS:

Larry Jobeun, 11440 West Center Road, Attorney for the applicant
Justin Shanahan, 1501 South 188th Plaza

OPPOSERS:

Debbie Lutton, 18515 Marinda Circle
Larry Lutton, 18515 Marinda Circle
Jennifer Campbell, 1801 South 186th Street

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

MOTION by Jerram, SECOND by Melton that RESOLUTION # 448 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

DUDA FARM ACRES

Deputy City Clerk Kimberly Pulliam stated that Items 7 through 9 relate to the same project and would be considered together.

7. RES. 490 – Res. that, the Preliminary Plat entitled Duda Farm Acres, located southeast of North River Drive and White Deer Lane, with a waiver of Section 53-9(9) Sidewalks, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Lamp Rynearson and Associates, Inc – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

8. RES. 491 – Res. that, the Final plat entitled Duda Farm Acres, located southeast of North River Drive and White Deer Lane, is hereby approved and accepted. The applicant is Lamp Rynearson and Associates, Inc – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

9. RES. 505 – Res. that, the Subdivision Agreement between the City of Omaha and Duda Farm LLC, a Nebraska Corporation, is hereby approved. The Subdivision is to be known as Duda Farm Acres (Lots 1-3) and is located southeast of North River Drive and White Deer Lane – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 7 through 9.

The following person(s) appeared and spoke:

PROPOSERS:

Clare Duda, 13031 North River Drive
Randy Kuszak, 14710 West Dodge Road, Lamp Rynearson and Associates

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

MOTION by Festersen, SECOND by Harding that the following items be approved:
Item # 7 RESOLUTION # 490; Item # 8 RESOLUTION # 491; and,
Item # 9 RESOLUTION # 505

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

HUNZEKER

10. RES. 493 – Res. that, the request of Jerry Torczon, Richland Homes, LLC, for a waiver to the Present Development Zone specifications of the Urban Development Element of the City of Omaha Master Plan for property located northwest of Kilpatrick Parkway and State Street and in conjunction with the proposed Hunzeker subdivision plat, as shown on Exhibit "A" and made a part hereof by this reference is hereby approved – [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:

Pat Hillyer, 14710 West Dodge Road

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 493 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

11. RES. 494 – Res. that, the Preliminary Plat entitled Hunzeker, located northwest of Kilpatrick Parkway and State Street, along with the conditions, is hereby accepted; and, the preparation of the Final Plat of this subdivision is hereby authorized. The applicant is Jerry Torczon, Richland Homes, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

(CONTINGENT UPON APPROVAL OF AGENDA ITEM 10)

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:

PROPONENTS:

Pat Hillyer, 14710 West Dodge Road

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 494 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

SPECIAL USE PERMIT

(Required notice of public hearing relating to this project was published in the Daily Record on May 8, 2018.)

12. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Documentation received from Duane Dowd – [see attached](#).

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPONENTS:

John Meng-Frecker, 3552 Farnam Street, Ehrhart Griffin and Associates
Oliver Jenkins, 10855 West Dodge Road #100, Attorney for the applicant
David Leslie, 14810 Manderson Plaza #201

OPPONENTS:

Duane Dowd, 220 North 89th Street

FOR THE CITY:

Dave Fanslau, Planning Director

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

MOTION by Palermo, SECOND by Jerram that RESOLUTION # 445 be postponed to the June 19, 2018 City Council meeting

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR AND KENO RESOLUTIONS

13. RES. 485 – Class “I” Liquor License Application – Shekar & Oinos, LLC, dba “Noah’s Omaha”, 17121 Marcy Street. (This is a new application for a new location). Notice was posted on the property on 05/09/18; Notification was sent to property owners within 500 feet on 05/11/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

Eric Wynn, 3400 North Ashton Boulevard #440, Lehi, UT

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

MOTION by Harding, SECOND by Palermo that RESOLUTION # 485 be postponed to the June 5, 2018 City Council meeting

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

14. RES. 486 – Pionor, LLC, dba “Interlude Lounge”, 7643 Pacific Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 28’ x 8’ to the north. Notice was posted on the property on 05/09/18; Notification was sent to property owners within 500 feet on 05/11/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPOSERS:

Scott Piotrowski, 431 South 119th Street

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

MOTION by Jerram, SECOND by Palermo that RESOLUTION # 486 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

15. RES 495 – Old Market Roja, LLC, dba “Roja Mexican Grill & Margarita Bar”, 1212 Harney Street, requests permission to appoint Lance T. Lerch manager of their present Class “I” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 15.

FOR THE CITY:

William Acosta-Trejo, Assistant City Attorney

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 495 be placed on file with no recommendation to the Liquor Control Commission.

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Deputy City Clerk Kimberly Pulliam stated that Items 16 through 18 relate to keno satellite agreements and would be considered together.

16. RES. 487 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Eat Drink Play, LLC, dba “The Sand Bar”, 3809 North 90th Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
17. RES. 488 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at MV2, LLC, dba “Annie’s Irish Pub”, 1101 Davenport Plaza, Suite 110 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
18. RES. 489 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at MV2, LLC, dba “Beer Can Alley/The Exchange”, 1101 Davenport Plaza, Suite 200 & 240 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 16 through 18.

The following person(s) appeared and spoke:

PROPOSERS:

Katrina Coffey, 11248 John Galt Boulevard, Big Red Keno

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

**MOTION by Melton, SECOND by Festersen that the following items be approved:
Item # 16 RESOLUTION # 487; Item # 17 RESOLUTION # 488; and,
Item # 18 RESOLUTION # 489**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

Deputy City Clerk Kimberly Pulliam 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 19 and 20 were held on May 15, 2018.

(Required notices of the public hearings were published in the Daily Record on May 11, 2018.)

CONSENT AGENDA – ORDINANCES

19. 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](#).

20. 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](#).

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

Item # 19 ORDINANCE # 41486; and, Item # 20 ORDINANCE # 41487

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 21 through 31 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

21. RES. 496 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Clark Equipment Company dba Bobcat Company & Doosan Infracore Construction Equipment Americas in the amount of \$208,210.11 for the purchase of one (1) Doosan Excavator with accessories to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).
22. RES. 497 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Elliott Sanitation Equipment in the total amount of \$266,537.00 for one (1) Broom Street Sweeper with Belt Conveyor to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).
23. RES. 498 – Res. that, as recommended by the Mayor, the Amendment to the Agreement with College World Series, Inc. in the amount of \$35,000.00 providing for the replacement of certain brackets and bracket arms on certain street light poles in downtown Omaha, is hereby approved. (The Finance Department is authorized to pay the cost of this project, currently estimated at \$35,000.00 from the Street and Highway Allocation Fund 12131, Traffic Control Signs Organization 116188.) – [see attached](#).
24. RES. 499 – Res. that, as recommended by the Mayor, the Agreement between the City of Omaha, and the Nebraska Department of Transportation for concrete repair work on a portion of N-133 (Blair High Road/North 90th Street) from I-680 to West Dodge Road, at no cost to the municipality, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha – [see attached](#).

25. RES. 500 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 2 with HDR Engineering, Incorporated for engineering services on HSIP-5003(12), State Control No. 22629, and OPW 52496, being intersection improvements at 132nd Street and West Center Road, with the City’s local share in the amount of \$1,372.00, as stewarded by the Nebraska Department of Roads. (To be paid as a part of the 2018-2023 Capital Improvement Program Transportation Project #2008T105 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 Agreement on behalf of the City of Omaha.) – [see attached](#).
26. RES. 501 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt & Ullevig in the amount of \$697,000.00 to provide professional services on OPW 50157, being the 156th Street Improvements - Pacific to Dodge Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$697,000.00, from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
27. RES. 502 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with HDR Engineering, Inc. in the amount of \$136,507.00 to provide construction management services for OPW 52783, being the Leavenworth Lift Station Flood Mitigation Project, is hereby approved. (The Finance Department is authorized to pay an additional \$136,507.00 for these services, to be paid from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
28. RES. 503 – Res. that, the Third Amendment to the Subdivision Agreement among the City of Omaha, Fort 165, LLC, and the Copper Valley Owners Association, as recommended by the Mayor, is hereby approved. The Subdivision is known as Copper Valley (Lot 1 and Outlots A-D) and is located southeast of 168th and Fort Streets – [see attached](#).
29. RES. 507 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Midlands Latino Community Development Corporation (MLCDC), Marta Sonia Londono Mejia, Executive Director, 4923 South 24th Street Suite 201, Omaha, Nebraska 68107, in the amount of \$60,000.00, for partial funding of its Micro-Enterprise Training and Development Program for the period from January 1, 2018 through March 31, 2019, is hereby approved. (Funds shall be paid from the FY 2017 Community Development Block Grant Fund No. 12186, Organization No. 128072.) – [see attached](#).
30. RES. 508 – Res. that, as recommended by the Mayor, the attached bid of Municipal Emergency Services in the total amount of \$19,960.00 for the purchase of Scott SCBA Cylinders is hereby approved. (The Finance Department is authorized to pay the cost of such purchase from the Omaha Fire Department budget - General Fund No. 11111, Organization 114561, Account 43254.) – [see attached](#).

31. RES. 509 – Res. that, as recommended by the Mayor, the purchases based upon the bids of Sunset Law Enforcement, Ultramax Ammunition, Kiesler Police Supply, and Clyde Armory, Inc. for certain types of ammunition, safety equipment, and shotguns and accessories for the Omaha Police Department, are hereby accepted. (The Finance Department of the City of Omaha is authorized to pay the cost of these purchases in the amount of \$214,753.60 from Fiscal Year 2018, General Fund 11111, Organization 113171 Training Academy, Account 43916 Ammunition; and in the amount of \$40,825.60 from General Fund 11111, Organization 113171 Training Academy, Account 46617 Safety Equipment; and in the amount of \$66,960.82 from General Fund 11111, Organization 113171 Training Academy, Account 43915 Guns. The Finance Department is authorized to pay the cost from these accounts.) – [see attached](#).

Council President Gray opened the Public Hearing on Items 21 through 31.

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

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

Item # 21 RESOLUTION # 496;	Item # 22 RESOLUTION # 497;
Item # 23 RESOLUTION # 498;	Item # 24 RESOLUTION # 499;
Item # 25 RESOLUTION # 500;	Item # 26 RESOLUTION # 501;
Item # 27 RESOLUTION # 502;	Item # 28 RESOLUTION # 503;
Item # 29 RESOLUTION # 507;	Item # 30 RESOLUTION # 508; and,
Item # 31 RESOLUTION # 509	

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON FINAL READING

(Required notice of the public hearing was published in the Daily Record on April 27, 2018.)

32. ORD. 41472 – An ordinance to amend Sections 30-21, 30-22, 30-23, 30-25, 30-26; 30-31; 30-32; 30-34; to add new Section 30-36; of the Omaha Municipal Code; to amend the system whereby the Police Department can track stolen goods and to regulate second-hand dealers in order to reduce theft of certain items – (First Reading April 24, 2018; Second Reading and Public Hearing May 1, 2018; Third Reading May 22, 2018) – [see attached](#). **(POSTPONED FROM MAY 1, 2018 MEETING, VOTE TODAY)**
- A. Communication in opposition – [see attached](#).
 - B. Amendment of the Whole requested by the Law Department – [see attached](#).

The following person(s) was called to appear and spoke:

FOR THE CITY:

Michelle Peters, Deputy City Attorney

MOTION by Festersen, SECOND by Jerram that the Amendment of the Whole for ORDINANCE # 41472 be approved:

ROLL CALL:

Yeas: Palermo, Festersen, Jerram, Mr. President

Nays: Harding, Melton, Pahls

MOTION APPROVED 4-3

(Required notice of the public hearing was published in the Daily Record on May 1, 2018.)

33. ORD. 41481 – An ordinance to rezone the properties located at 4911 Underwood Avenue from R8-High-Density Multiple-Family Residential District to NBD-Neighborhood Business District (property is located in an NCE Overlay District) – First Reading May 1, 2018; Second Reading May 8, 2018; Third Reading, Public Hearing and Vote May 15, 2018) – [see attached](#). **(POSTPONED FROM MAY 15, 2018 MEETING, VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

The following person(s) was called to appear and spoke:

FOR THE CITY:

Dave Fanslau, Planning Director

MOTION by Festersen, SECOND by Jerram that ORDINANCE # 41481 be approved:

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

34. 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](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 34.

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

35. 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](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 35.

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

36. 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](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 36.

The following person(s) appeared and spoke:

PROPOSERS:

Evan Schweitz, 2222 Cuming Street, Metro Transit

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

NON-ACTION ITEMS

Deputy City Clerk Kimberly Pulliam announced that Items 37 through 49 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)

LEGACY REPLAT 21

37. 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](#).

38. 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 37)**

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

BRYNHAVEN AT HANOVER FALLS REPLAT 3

39. ORD. 41495 – An ordinance to rezone property located at 8485 North HWS Cleveland Boulevard from DR-Development Reserve District and R6-Low-Density Multiple-Family Residential District to R6-Low-Density Multiple-Family Residential District – **(First Reading May 22, 2018; Second Reading June 5, 2018; Third Reading, Public Hearing and Vote June 12, 2018)** – [see attached](#).

40. ORD. 41496 – An ordinance to rezone property located at 8485 North HWS Cleveland Boulevard from DR-Development Reserve District and R6-Low-Density Multiple-Family Residential District to DR-Development Reserve District – **(First Reading May 22, 2018; Second Reading June 5, 2018; Third Reading, Public Hearing and Vote June 12, 2018)** – [see attached](#).

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

41. RES. 492 – Res. that, the Final plat entitled Brynhaven at Hanover Falls Replat 3, located at 8485 North HWS Cleveland Boulevard, is hereby approved and accepted. The applicant is Brynhaven at Hanover Falls Townhome Association – Outside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 12, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 39)**

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

42. RES. 504 – Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, The Hanover Falls Homeowners Association, Inc., The Brynhaven at Hanover Falls Townhome Association, formerly known as The Brynhaven Homeowners Association, and Sanitary and Improvement District No. 535 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Brynhaven at Hanover Falls Replat 3 (Lots 1-3 and Outlot A) and is located at 8485 North HWS Cleveland Boulevard – [see attached](#). **(LAID OVER TO THE JUNE 12, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 39)**

RESOLUTIONS

43. 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)**
44. RES. 506 – Res. that, the Second Amendment to the Omaha Campus for Hope Redevelopment Plan that proposes the demolition and clearance of the existing day shelter, environmental remediation of the eastern side of the redevelopment area, site preparation and landscaping in preparation for the construction of a 43,000 square foot shelter for single adult men and women, in accordance with Section 18-2109 of the Nebraska Revised Statutes, as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE JUNE 12, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

45. 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](#).
46. 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](#).
47. 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

- 48. ORD. 41494 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and GandT Enterprises, LLC, to implement the Jukes Ale Works and Brew Pub Tax Increment Financing (TIF) Redevelopment Project Plan which is for a redevelopment site located at 20560 Elkhorn Drive, and proposes to construct a new building, following demolition and site preparation; the agreement authorizes the use of up to \$259,850.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – **(First Reading May 22, 2018; Second Reading and Public Hearing June 5, 2018; Third Reading June 12, 2018) – [see attached](#).**

- 49. ORD. 41497 – An ordinance supplemental to Ordinance No. 37507 authorizing and directing an issue as Additional Bonds in one or more series of not to exceed an aggregate principal amount of Eighty Million Dollars (\$80,000,000.00) Sanitary Sewerage System Revenue Bond, of the City of Omaha, Nebraska, to be termed for identification purposes “Sanitary Sewerage System Revenue Bond, Series of 2018 (WIFIA Project)”, for the purpose of providing funds to finance the acquisition, construction, improving and equipping of capital improvements to the City’s sanitary sewerage system; prescribing the form of the bond; covenanting to maintain and collect rates and charges for the use and services of the system; pledging the revenue derived from the operation of the system, including all extensions and improvements thereto and equipping thereof, to the payment of the cost of operating and maintaining the system, to the deposits required by Ordinance No. 35840, as supplemented, by Ordinance No. 37507, as previously supplemented, and by this ordinance, to the payment of the principal of and interest on the bond as the same fall due; covenanting to carry out all other covenants and agreements of this ordinance; limiting the payment of the bond solely to the system revenues; creating and establishing funds and accounts; authorizing the sale of the bond to the U.S. Environmental Protection Agency (“EPA”) – WIFIA Program; making other covenants and agreements in connection with the foregoing; appointing a Paying Agent and Registrar; authorizing the form of the WIFIA Loan Agreement between the City and the EPA and the execution and delivery thereof – **(First Reading May 22, 2018; Second Reading and Public Hearing June 5, 2018; Third Reading June 12, 2018) – [see attached](#).**

EXECUTIVE SESSION

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

ADJOURNMENT:

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 4:33 P.M.

I, KIMBERLY PULLIAM, DEPUTY 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 22, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

DEPUTY CITY CLERK:

s/Kimberly Pulliam

Kimberly Pulliam