



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, JUNE 5, 2018

@ 2:00 P.M.

**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, June 5, 2018 at 2:45 P.M. immediately following the Board of Equalization meeting 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 Festersen, Harding, Jerram, Melton, Pahls, Mr. President (Gray); Absent the entire meeting was Councilmember Palermo – **CCID # 510.**

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

Councilmember Brinker Harding of District No. 6 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 June 1, 2018, notice of the Pre-Council and Regular City Council Meetings, June 5, 2018 – **CCID # 511.**

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

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

LEGACY REPLAT 21

City Clerk Elizabeth Butler stated that Items 6 and 7 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 22, 2018.)

6. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

7. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Items 6 and 7.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Thiellen, E&A Consulting Group, 10909 Old Mill Road #100

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

**MOTION by Harding, SECOND by Melton that the following items be approved:
Item # 6 RESOLUTION # 466; and, Item # 7 RESOLUTION # 467**

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

EVERT PLACE

8. RES. 516 – Res. that, the Preliminary Plat entitled Evert Place, a subdivision outside the city limits, located northwest of 192nd Street and Grey Fawn Plaza, along with the conditions, is hereby accepted; and, the preparation of the final plat of the subdivision is hereby authorized. The applicant is All Holy Spirit Greek Orthodox Church – 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 8.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Thiellen, E&A Consulting Group, 10909 Old Mill Road #100

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 516 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

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 22, 2018.)

9. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

PROPOSERS:

Tony Vacanti Sr., La Casa West, 8216 Grover Street

Tony Vacanti Jr., La Casa West, 8216 Grover Street

Joe Dethlefs, Thompson Dreessen & Dornier, 10836 Old Mill Road

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41488 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

(Required notice of public hearing relating to this development was published in the Daily Record on May 22, 2018.)

10. 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](#). **(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:

Jim Buser, Attorney for the applicant, 10250 Regency Circle #300

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41489 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

(Required notice of public hearing relating to this development was published in the Daily Record on May 22, 2018.)

11. 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](#). **(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:

Joe Dethlefs, Thompson Dreessen & Dorner, 10836 Old Mill Road

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41490 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

LIQUOR

12. 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](#). **(POSTPONED FROM THE MAY 22, 2018 CITY COUNCIL MEETING, VOTE TODAY)**
- A. Communication in opposition – [see attached](#).
B. Documentation received from Eric Wynn – [see attached](#).

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

Eric Wynn, 3400 North Ashton Boulevard #440, Lehi, UT
Jerine Harris, 17110 Pierce Street
Bob Harris, 17110 Pierce Street

No one else came forward.

MOTION by Harding, SECOND by Melton that RESOLUTION # 485 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

13. RES. 512 – Class “I” Liquor License Application – Akshaya, LLC, dba “Maharaja Indian Cuisine”, 617 North 114th Street. (This is a new application for an old location). Present licensee is Prem, LLC, dba “Maharaja Indian Cuisine,” who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

Sethupathy Thangamuthu, 17365 Cinnamon Circle

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

MOTION by Melton, SECOND by Festersen that RESOLUTION # 512 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

14. RES. 513 – Class “D” Liquor License Application – Casey’s Retail Company, dba “Casey’s General Store”, 9905 “Q” Street. (This is a new application for an old location). Present licensee is CGS Sales Corp., dba “Casey’s General Store #2986”, who has a Class “D” Liquor License – [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:

Michelle Crites, Casey’s General Store, 9905 Q Street
Justin Stokes, Casey’s General Store, 9905 Q Street

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 513 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

15. RES. 514 – Class “A” Liquor License Application – Rizinya, LLC, dba “Rizinya Sushi”, 2814 South 108th Street. (This is a new application for a new location). Notice was posted on the property on 05/23/18; Notification was sent to property owners within 500 feet on 05/25/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communication from Michael Wilwerding, Chief Building Inspector – [see attached](#).

Council President Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

PROPOSERS:

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

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

MOTION by Harding, SECOND by Gray that RESOLUTION # 514 be approved contingent upon the outdoor area permit being obtained

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

- 16. RES. 515 – Burrito Envy & Tequila Bar, LLC, dba “Burrito Envy & Tequila Bar”, 6113 Maple Street, requests permission for additions to their present Class “C” Liquor License location of an area approx. 22’ x 64’ to the east including a walk in cooler in the basement approx. 7’ x 10’. Notice was posted on the property on 05/23/18; Notification was sent to property owners within 500 feet on 05/25/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

PROPONENTS:

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

OPPONENTS:

Jim Baxter, 2543 North 61st Street

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

MOTION by Festersen, SECOND by Harding that RESOLUTION # 515 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

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 19 were held on May 22, 2018.

(Required notices of the public hearings were published in the Daily Record on May 18, 2018.)

CONSENT AGENDA – ORDINANCES

- 17. 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](#). **(REMOVED FROM CONSENT)**

18. 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](#).
19. 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](#).

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

Item # 18 ORDINANCE # 41491; and, Item # 19 ORDINANCE # 41492

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

17. 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](#).

MOTION by Harding, SECOND by Melton that ORDINANCE # 41493 be approved

ROLL CALL:

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

Nays: None

Pass: Jerram

(Councilmember Jerram passed twice due to potential conflict of interest.)

Absent: Palermo

MOTION APPROVED 5-0-1

Council President Gray announced that the public hearings on Agenda Items 20 through 41 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, and state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

20. RES. 520 – 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 \$44,384.00 for one 19,500 GVWR Chassis, to be utilized by the Traffic Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Traffic Engineering Equipment Organization 116191, year 2018 expenditure.) – [see attached](#).
21. RES. 521 – 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 \$51,330.00 for two, 1-ton, full size, Ford Transit Vans to be utilized by the Fleet Management Division. (The Finance Department is authorized to pay the cost of this equipment from the General Fund 11111, Contract Administration Organization 116261, year 2018 expenditure.) – [see attached](#).
22. RES. 532 – 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 \$28,420.00 for one, 1/2-ton, extended cab, pickup truck to be utilized by the Traffic Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Traffic Engineering Equipment Organization 116191, year 2018 expenditure.) – [see attached](#).
23. RES. 524 – 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 \$27,997.00 for one (1) Mid-Sized SUV, 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](#).
24. RES. 523 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Sid Dillon Ford Inc. in the total amount of \$41,636.00 for one (1) 1-ton crew cab truck with utility box 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](#).
25. RES. 522 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to American Concrete Products in the amount of \$55,330.00 for the purchase of sewer manhole construction items to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 funding.) – [see attached](#).
26. RES. 525 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue Purchase Orders to Oldcastle Materials Midwest Co. d/b/a Omni Engineering, Flinn Paving Co., Inc., and Logan Contractors Supply, Inc. for asphalt mixes (hot mix and cold patch) to be utilized by the Street Maintenance Division for the 2018-2019 winter season. (The Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditures.) – [see attached](#).

27. RES. 526 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt & Ullevig in the amount of \$99,641.00 to provide professional services on OPW 52285, being the Q Street Improvements - 48th Street to 60th Street Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,641.00, from the 2014 Transportation Bond Fund 13184, Capital Special Assessment Organization 13573, year 2018 expenditure.) – [see attached](#).
28. RES. 527 – Res. that, as recommended by the Mayor, the Professional Services Agreement with AGA Consulting, Inc. in the amount of \$49,800.00 to provide professional services on OPW 53412, being the 2018 Structural Condition Study Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$49,800.00, from the Parking Revenue Fund 21116, Interstate Parking Organization 116241, year 2018 expenditure.) – [see attached](#).
29. RES. 528 – Res. that, as recommended by the Mayor, the Professional Services Agreement Amendment No. 2 with Olsson Associates in the amount of \$44,695.00 to provide professional services for OPW 53251, being the Missouri River SOIA Clarifiers Ventilation Evaluation and Corrosion Prevention Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$44,695.00, which will be paid from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure.) – [see attached](#).
30. RES. 529 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Burns & McDonnell Engineering Co, Inc. in the amount of \$466,942.00 to provide professional services on OPW 53149 being the CSO 119 South Barrel Conversion Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$466,942.00 from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
31. RES. 530 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Co. in the amount of \$38,850.00 to provide professional services on OPW 53425, being the Mercy Road Bridge Approach Repair Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$38,850.00, from the Street and Highway Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2018 expenditure.) – [see attached](#).
32. RES. 531 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt and Ullevig, Inc. in the amount of \$40,824.00 to provide professional engineering support services for STPC-5011(9), OPW 50416, being the 108th Street from Harrison to Q Street Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$40,824.00, to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 funding.) – [see attached](#).

33. RES. 533 – Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha, Douglas County, and Sarpy County, Nebraska in the amount of \$77,500.00 for construction phase services on the construction of right-turn lanes along all four legs of the intersection of Harrison Street and 180th Street, is hereby approved. (The Finance Department is authorized to pay the cost share in the amount of 25% of the cost of said services, which cost share is currently estimated to be \$77,500.00, from the 2014 Transportation Bond Fund 13184, Organization 117117.) – [see attached](#).
34. RES. 535 – Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Hidden Creek, LLC, and Hidden Creek Homeowners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Hidden Creek Replat Seven (Lots 1-2 and Outlot A) and is located at 13459 Ogden Plaza Circle – [see attached](#).
35. RES. 536 – Res. that, the quote of New Era Excavation Co. for the demolition of 1911 Wirt Street, in the amount of \$21,875.00 is accepted and award is made to New Era Excavation Co. (The amount of this award shall be paid from Community Development Block Grant, TAP Demolition 2016, Fund No. 12186, Org. No. 128072. The Purchasing Agent is authorized to issue a purchase order to New Era Excavation Co. for the demolition of 1911 Wirt Street, in the amount of \$21,875.00.) – [see attached](#).
36. RES. 537 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing from Vireo, in the amount of \$39,300.00 to develop, design and construct documentation for the new playground. The work includes but is not limited to: themed playground, play area surfacing, parking area, sidewalks, site amenities and vegetation restoration at Flanagan Lake Park located near 168th and Fort Street, Omaha, NE for the Parks, Recreation and Public Property Department, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$39,300.00 to Vireo from the 2014 Parks and Recreation Bond Fund No. 13356, Organization No. 117317, Parks and Cultures Bond, Project I.D. No. 2011P509, for the 2018 fiscal year.) – [see attached](#).
37. RES. 538 – Res. that, as recommended by the Mayor, the purchase based upon the contract from HNTB Corporation, in the amount of \$98,003.52 to perform professional services for the 2018 In-Depth Inspection of the Bob Kerrey Pedestrian Bridge, an inspection is required every five (5) years, located at 705 Riverfront Drive, Omaha, NE for the Parks, Recreation and Public Property Department, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$98,003.52 to HNTB Corporation from the Pedestrian Trail Bridge Fund No. 13419, Organization No. 113176, Missouri River Pedestrian Bridge, for the 2018 fiscal year.) – [see attached](#).
38. RES. 539 – Res. that, as recommended by the Mayor, the purchase based upon the quote from Axon Enterprise, Inc. in the amount of \$32,371.00, for Taser cartridges and supplies, providing a unique and non-competitive service, and as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay \$32,371.00 for the Taser cartridges and supplies from Year 2018, General Fund 11111, Organization 113171 Training Unit, Account 46617 Safety Equipment.) – [see attached](#).

39. RES. 540 – Res. that, the reappointment by Mayor Jean Stothert of Jeffrey C. Royal to be a member of the Dundee Business Improvement District Area Board to serve a five year term from October 28, 2018 and end on October 27, 2023, is hereby confirmed by the City Council – [see attached](#).
40. RES. 541 – Res. that, the reappointment by Mayor Jean Stothert of Brian Kruse to serve as a member of the Administrative Appeals Board, said term to commence on September 15, 2018, and expire on September 14, 2021, is hereby confirmed – [see attached](#).
41. RES. 544 – Res. that, as recommended by the Mayor, the purchase pursuant to Section 5.16 of the Home Rule Charter 1956 as amended, based upon the quote from Baxter Ford South in the amount of \$39,215.00, for a 2018 Ford Edge midsize all-wheel drive SUV, as a purchase for which the Purchasing Department has advertised for formal sealed competitive bids to be opened in public and for which no bids were received, is hereby approved. (The Finance Department is authorized to pay the cost of this vehicle in the amount of \$39,215.00 from the City Capital Improvement Fund 13112, Organization 131555 City Capital Improvement, Account 47032 Vehicles Small Non-law Enforcement.) – [see attached](#).
- A. Communication from Bernard in den Bosch, Deputy City Attorney – [see attached](#).

Council President Gray opened the Public Hearing on Items 20 through 41.

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

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

Item # 20 RESOLUTION # 520;	Item # 21 RESOLUTION # 521;
Item # 22 RESOLUTION # 532;	Item # 23 RESOLUTION # 524;
Item # 24 RESOLUTION # 523;	Item # 25 RESOLUTION # 522;
Item # 26 RESOLUTION # 525;	Item # 27 RESOLUTION # 526;
Item # 28 RESOLUTION # 527;	Item # 29 RESOLUTION # 528;
Item # 30 RESOLUTION # 529;	Item # 31 RESOLUTION # 530;
Item # 32 RESOLUTION # 531;	Item # 33 RESOLUTION # 533;
Item # 34 RESOLUTION # 535;	Item # 35 RESOLUTION # 536;
Item # 36 RESOLUTION # 537;	Item # 37 RESOLUTION # 538;
Item # 38 RESOLUTION # 539;	Item # 39 RESOLUTION # 540;
Item # 40 RESOLUTION # 541; and,	Item # 41 RESOLUTION # 544

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

RESOLUTIONS

COUNCIL PRESIDENT GRAY LEFT THE LEGISLATIVE CHAMBERS AT 3:27 P.M.

COUNCIL PRESIDENT GRAY RETURNED TO THE LEGISLATIVE CHAMBERS AT 3:31 P.M.

42. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 42.

The following person(s) appeared and spoke:

OPPONENTS:

Mark Vondrasek, 211 South 37th Street

FOR THE CITY:

Bridget Hadley, Planning Department

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 469 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

43. RES. 542 – Res. that, the City Council does hereby approve the settlement of the case entitled *City of Omaha v. Sanitary and Improvement District No. 392 of Douglas County and School District No. 17 of Douglas County a/k/a Millard School District* and that the Mayor is hereby authorized and empowered to execute the Settlement Agreement and Release – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 43.

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

MOTION by Melton, SECOND by Jerram that RESOLUTION # 542 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

44. RES. 543 – Res. that, the Mayor is authorized to sign, and the City Clerk to attest, the Interlocal Cooperation Agreement between the City of Omaha Sanitary and Improvement District No. 392 and School District No. 17 a/k/a Millard School District – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

(CONTINGENT UPON APPROVAL OF AGENDA ITEM 43)

Council President Gray opened the Public Hearing on Item 44.

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

MOTION by Melton, SECOND by Jerram that RESOLUTION # 543 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

ORDINANCES ON SECOND READING

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

Council President Gray opened the Public Hearing on Item 45.

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.

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

Council President Gray opened the Public Hearing on Item 46.

The following person(s) appeared and spoke:

PROPOSERS:

Luis Jimenez, 518 North 40th Street

FOR THE CITY:

Al Herink, Finance Department

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

NON-ACTION ITEMS

(Items 47 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.)

BRYNHAVEN AT HANOVER FALLS REPLAT 3

47. 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](#).

48. 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](#).
49. 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 47)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
50. 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 47)**

INDIAN POINTE

51. ORD. 41499 – An ordinance to rezone property located northeast of 189th Street and George Miller Parkway from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (**First Reading June 5, 2018**; Second Reading June 12, 2018; Third Reading, Public Hearing and Vote June 19, 2018) – [see attached](#).
52. ORD. 41500 – An ordinance to rezone property located northeast of 189th Street and George Miller Parkway from AG-Agricultural District to DR-Development Reserve District – (**First Reading June 5, 2018**; Second Reading June 12, 2018; Third Reading, Public Hearing and Vote June 19, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
53. RES. 518 – Res. that, the Final Plat entitled Indian Pointe (Lots 395-560, Outlots N-P), located northeast of 189th Street and George Miller Parkway, is hereby approved and accepted. The applicant is FRK Development, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 19, 2018 MEETING TO COINCIDE WITH ITEM 51)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

54. RES. 534 – Res. that, the Subdivision Agreement among the City of Omaha, FRK Development LLC, The Indian Pointe Home Owners Association, Inc., and Sanitary and Improvement District (S.&I.D.) 580 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Indian Pointe (Lots 395-560 and Outlots N-P) and is located northeast of 189th Street and George Miller Parkway – [see attached](#). **(LAID OVER TO THE JUNE 19, 2018 MEETING TO COINCIDE WITH ITEM 51)**

ANCHOR POINTE

55. ORD. 41498 – An ordinance to rezone property located southwest of 168th Street and HWS Cleveland Boulevard from AG-Agricultural District to R4-Single Family Residential District (High Density) – **(First Reading June 5, 2018; Second Reading June 12, 2018; Third Reading, Public Hearing and Vote June 19, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
56. RES. 517 – Res. that, the Final Plat entitled Anchor Pointe (Lot 216), located southwest of 168th Street and HWS Cleveland Boulevard, is hereby approved and accepted. The applicant is Douglas County School District #59 – Outside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 19, 2018 MEETING TO COINCIDE WITH ITEM 55)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

GEORGE MILLER PARKWAY NORTH

57. ORD. 41501 – An ordinance to rezone property located northwest of 177th Street and George Miller Parkway from AG-Agricultural District to R4-Single Family Residential District (High Density) – **(First Reading June 5, 2018; Second Reading June 12, 2018; Third Reading, Public Hearing and Vote June 19, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
58. RES. 519 – Res. that, the Final Plat entitled George Miller Parkway North, located northwest of 177th Street and George Miller Parkway, is hereby approved and accepted. The applicant is Elkhorn Public Schools – Outside City Limits – [see attached](#). **(LAID OVER TO THE JUNE 19, 2018 MEETING TO COINCIDE WITH ITEM 57)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTION

59. 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)**

SEWER IMPROVEMENT DISTRICT ORDINANCE ON FIRST READING

60. ORD. 41502 – An ordinance to create Sewer Improvement District No. 1582, in the City of Omaha, for the purpose of constructing public sanitary sewers within the project area known as 32 California, located at the intersection of North 32nd Street and California Street; 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 June 5, 2018**; Second Reading June 12, 2018; Third Reading, Public Hearing and Vote June 19, 2018) – [see attached](#).

ORDINANCES ON FIRST READING

61. ORD. 41503 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and DineNDash Lodging, LLC, a Nebraska Limited Liability Company to implement the Moxy Hotel Tax Increment Financing (TIF) Redevelopment Project Plan located at 409 South 12th Street, which proposes the demolition of the existing structure and construction of a new six story, 105 room Marriott franchise hotel with offsite parking; the agreement authorizes the use of up to \$1,931,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading June 5, 2018**; Second Reading and Public Hearing June 12, 2018; Third Reading June 19, 2018) – [see attached](#).
62. ORD. 41504 – An ordinance to amend Section 23-177 of the Omaha Municipal Code by changing the title of the class specifications entitled Management Information Systems Manager to Information Systems Project Manager with no change in salary range; to repeal Section 23-177 as heretofore existing – (**First Reading June 5, 2018**; Second Reading and Public Hearing June 12, 2018; Third Reading June 19, 2018) – [see attached](#).
- A. Personnel Board recommends approval.
63. ORD. 41505 – An ordinance to provide for approving an Interlocal Agreement between the City of Omaha, the Omaha Library Board of Trustees and Douglas County, for more than one year for the City to provide library services to County (non-City) residents and for the County to contribute to the funding of those services through a Library Tax – (**First Reading June 5, 2018**; Second Reading and Public Hearing June 12, 2018; Third Reading June 19, 2018) – [see attached](#).
64. ORD. 41506 – An ordinance to approve the Lot B Development Agreement between the City of Omaha and the Metropolitan Entertainment and Convention Authority which establishes guidelines and procedures for future development of Lot B – (**First Reading June 5, 2018**; Second Reading and Public Hearing June 12, 2018; Third Reading June 19, 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: Festersen, Harding, Jerram, Melton, Pahls, Mr. President

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

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 June 5, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler