



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, JULY 10, 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, July 10, 2018 at 2:00 P.M. 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 the entire meeting was Councilmember Festersen – **CCID # 629**.

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

Councilmember Chris Jerram of District No. 3 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 July 6, 2018, notice of the Pre-Council and Regular City Council Meetings, July 10, 2018 – **CCID # 630**.

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 ORDINANCE ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notice of the public hearing was published in the Daily Record on June 26, 2018.)

6. ORD. 41509 – An ordinance to rezone the property located at 3021 North 72nd Street from R4(35)-Single-Family Residential District (High Density) to R5-Urban Family Residential District – (First Reading June 19, 2018; Second Reading June 26, 2018; Third Reading, Public Hearing and Vote July 10, 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 6.

The following person(s) appeared and spoke:

PROPONENTS:

Alvin Okereke, 11610 Burke Street

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

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41509 be approved

ROLL CALL:

Yeas: Pahlis, Palermo, Harding, Jerram, Melton, Mr. President

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

SPECIAL USE PERMIT

(Required notice of the public hearing was published in the Daily Record on June 26, 2018.)

7. RES. 580 – Res. that, the Special Use Permit application submitted by Dave Paladino, for a Major Amendment to a Special Use Permit (assumed) to allow Convenience storage in a CC-Community Commercial District with a waiver of Section 55-366, Height, for a 125 foot tall flagpole, located at 20800 West Dodge Road, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the referenced application 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 recommends approval – [see attached](#).

B. Planning Department recommends denial – [see attached](#).

Council President Gray opened the Public Hearing on Item 7.

The following person(s) appeared and spoke:

PROPOSERS:

Dale Clymens, 2702 Douglas Street

OPPOSERS:

Mark Vondrasek, 112 South 37th Street

FOR THE CITY:

Paul Kratz, City Attorney

Dave Fanslau, Planning Director

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 580 be approved

SUBSTITUTE MOTION by Jerram, SECOND by Palermo that RESOLUTION # 580 be approved with the restriction that only the United States flag can fly on the flagpole

ROLL CALL:

Yeas: Pahls, Palermo, Harding, Jerram, Melton

Nays: Mr. President

Absent: Festersen

MOTION APPROVED 5-1

LIQUOR AND KENO RESOLUTIONS

8. RES. 631 – Class “C” Liquor License Application – Pollo de Oro, LLC, dba “Pollo de Oro”, 2646 “Y” Street. (This is a new application for a new location). Notice was posted on the property on 06/22/18; Notification was sent to property owners within 500 feet on 06/26/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Communication in opposition – [see attached](#).

Council President Gray opened the Public Hearing on Item 8.

The following person(s) appeared and spoke:

PROPOSERS:

Alma Diaz, Pollo de Oro, 2646 Y Street

Kate Turner, Attorney for the applicant, 110 South 184th Court

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

MOTION by Palermo, SECOND by Melton that RESOLUTION # 631 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

9. RES. 632 – Class “C/K” Liquor License Application – Rathskeller Bier Haus, LLC, dba “Rathskeller Bier Haus”, 4524 Farnam Street. (This is a new application for a new location). Notice was posted on the property on 06/22/18; Notification was sent to property owners within 500 feet on 06/26/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

PROPOSERS:

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

Chaz Kline, 4216 Hickory Street

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

MOTION by Jerram, SECOND by Harding that RESOLUTION # 632 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

10. RES. 633 – Class “I” Liquor License Application – High Peak Asian Restaurant, LLC, dba “High Peak Asian Restaurant”, 333 North 78th Street. (This is a new application for a new location). Notice was posted on the property on 06/22/18; Notification was sent to property owners within 500 feet on 06/26/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

PROPOSERS:

Laura Xiong, 2929 North 55th Street

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 633 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

11. RES. 634 – Addition Application – Aldi, Inc. (Kansas), dba “Aldi #75”, 3433 North 90th Street, requests permission for an addition of their present Class “D” Liquor License location of an area approx. 25’ x 15’ to the existing building. Notice was posted on the property on 06/22/18; Notification was sent to property owners within 500 feet on 06/26/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 11.

The following person(s) appeared and spoke:

PROPOSERS:

Nick Bizoni, 225 North 12th Street

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 634 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

12. RES. 635 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 8805 Maple Street, The Brokendown Palace, in Omaha, Nebraska – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 12.

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 635 be postponed to the August 28, 2018 City Council meeting and that the public hearing be continued

ROLL CALL:

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

Nays: None

Absent: Festersen

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 13 through 17 were held on June 26, 2018.

(Required notices of the public hearings were published in the Daily Record on June 22, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 13 AND 14 WERE REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – ORDINANCES

13. SPECIAL ORD. 10235 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-27, in the City of Omaha, to cover the cost of constructing and improving South 94th Street, from West Center Frontage Road south to its terminus north of Rockbrook Park, by asphalt overlay – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#). **(REMOVED FROM CONSENT)**

14. SPECIAL ORD. 10236 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-28, in the City of Omaha, to cover the cost of constructing and improving Oak Street, from South 94th Street to its terminus, by asphalt overlay – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#). **(REMOVED FROM CONSENT)**
15. ORD. 41510 – An ordinance approving the Fifth Addendum to the Interlocal Agreement between the City of Omaha and the Papio-Missouri River Natural Resource District (PMRNRD) regarding a cost-share involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Omaha is to participate with the PMRNRD on the Cole Creek Flood Mitigation Program through the year 2020, in which the City and PMRNRD will partner to provide for a updated study and priorities for further partnership in buying out eligible flood-prone properties via a voluntary acquisition process; to authorize the Finance Department to receive a 50% cost share from PMRNRD not to exceed a total of \$750,000.00 in additional funding through 2020, according to the disbursement schedule contained within the Agreement – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#).
16. ORD. 41511 – An ordinance to amend Sections 31-51, 31-145, 31-147 and 31-158 of the Omaha Municipal Code, dealing with definitions and sewer use fees; to provide for sewer service charges for the period January 1, 2019 through December 31, 2023, subject to an audit of the sewer service charges every five (5) years; and to repeal Sections 31-51, 31-145, 31-147 and 31-158 of the Omaha Municipal Code as heretofore existing – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#).
17. ORD. 41512 – An ordinance to amend Chapter 43 of the Omaha Municipal Code entitled “Building”; to amend code sections therein to conform with previous code changes; to repeal sections 43-5, 43-6, 43-9, 43-10, 43-14, 43-16, 43-71, 43-72, 43-74, 43-75, 43-76, 43-80, 43-91, 43-104, 43-111, 43-114, 43-121 and 43-126 as heretofore existing – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#).

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

**Item # 15 ORDINANCE # 41510; Item # 16 ORDINANCE # 41511; and,
Item # 17 ORDINANCE # 41512**

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

City Clerk Elizabeth Butler stated that Items 13 and 14 would be considered together.

13. SPECIAL ORD. 10235 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-27, in the City of Omaha, to cover the cost of constructing and improving South 94th Street, from West Center Frontage Road south to its terminus north of Rockbrook Park, by asphalt overlay – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#).
14. SPECIAL ORD. 10236 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-28, in the City of Omaha, to cover the cost of constructing and improving Oak Street, from South 94th Street to its terminus, by asphalt overlay – (First Reading June 19, 2018; Second Reading and Public Hearing June 26, 2018; Third Reading July 10, 2018) – [see attached](#).

**MOTION by Jerram, SECOND by Melton that the following be approved:
Item # 13 SPECIAL ORDINANCE # 10235; and, Item # 14 SPECIAL ORDINANCE # 10236**

ROLL CALL:

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

Nays: Palermo

Absent: Festersen

MOTION APPROVED 5-1

Council President Gray announced that the public hearings on Agenda Items 18 through 35 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

18. RES. 644 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda in the amount of \$44,178.00 for one (1) 19,500 GVW Chassis to be utilized by the Traffic Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Traffic Engineering Equipment Organization 116191, year 2018 funding.) – [see attached](#).
19. RES. 645 – Res. that, as recommended by the Mayor, the Purchase Order and facilities waiver with the Omaha Public Power District in the amount of \$178,850.00 for street lighting for Vinton Street as a part of OPW 53296, being the Vinton Street Acorn Light Poles Project, is hereby approved. (The purchasing agent is authorized to issue a PO to OPPD in an amount not to exceed \$178,850.00 which will be paid from the Community Develop Block Grant Fund 12186, CDBG Grant Organization 128072, year 2018 expenditure.) – [see attached](#).

20. RES. 646 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Kirkham, Michael & Associates, Inc. in the amount of \$164,164.13 to provide professional services on OPW 53380 being the Concrete Panel Repair Westbound L Street from 84th Street to 108th Street, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$164,164.13 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
21. RES. 647 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR, Inc. in the amount of \$776,999.39 to provide professional services on OPW 52600, being the 72nd and D Street Bridges Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$776,999.39, from the Nebraska Department of Roads Grant Fund 17116, Capital Grants – Transportation Organization 132044, year 2018 expenditure) – [see attached](#).
22. RES. 648 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Wade Trim, Inc. in the amount of \$29,768.00 to provide professional services on OPW 51588, being the South Omaha Industrial Area Lift Station Investigation Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$29,768.00, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure.) – [see attached](#).
23. RES. 649 – Res. that, as recommended by the Mayor, the Professional Services Agreement with InfraStructure, LLC in the amount of \$24,200.00 to provide professional services on OPW 53411, being the Minne Lusa Grit Facility Improvements Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$24,200.00, from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913, year 2018 expenditure.) – [see attached](#).
24. RES. 650 – Res. that, as recommended by the Mayor, the Professional Services Agreement with AGA Consulting, Inc. in the amount of \$28,500.00 to provide professional services on OPW 53404, being the Park One and Park Four Awnings Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$28,500.00, from the Parking Revenue Fund 21116, Omaha Park One Organization 116243, year 2018 expenditure.) – [see attached](#).
25. RES. 651 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt & Ullevig in the amount of \$28,114.00 to provide professional services on OPW 52828, being the Oakbrook Channel Stabilization Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$28,114.00, from the 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217, year 2018 expenditure.) – [see attached](#).
26. RES. 652 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HGM Associates Inc. in the amount of \$30,000.00 to provide professional services on OPW 53413, being the S275 18910 Bridge Sidewalk Rehabilitation Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$30,000.00, from the Nebraska Department of Roads Grant Fund 17116, Capital Grants - Transportation Organization 132044, year 2018 expenditure.) – [see attached](#).

27. RES. 653 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with Carollo Engineers, Inc. in the amount of \$599,634.00 to provide project management and administrative services for OPW 53417 being the Cole Creek 202 Sewer Separation Phase 1 Project, is hereby approved. (The Finance Department is authorized to pay an additional \$599,634.00 for these services, to be paid 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](#).
28. RES. 654 – Res. that, as recommended by the Mayor, the Professional Services Agreement Supplement No. 1 with Olsson & Associates, Inc. in the amount of \$11,112.11, with the City's local share of \$1,111.21 to provide on-call subsurface investigation services for the 30th Street Road Diet Project, known as Federal Aid Project HSIP-MAPA-5073(1), State Control No. 22706. (Federal Funds will pay for 90% of the project costs, as stewarded by the Nebraska Department of Transportation, with the remaining 10% being a local share of \$1,111.21 to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha.) – [see attached](#).
29. RES. 655 – Res. that, as recommended by the Mayor, the Amendment to the Subdivision Agreement among the City of Omaha, Coventry Estates, LLC, AVG-CFM 204Q, LLC, AVG-CFM Coventry Corporate Campus, LLC, the Coventry Homeowners Association, the Coventry Business Owners Association, and Sanitary and Improvement District (S.&I.D.) 524 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Coventry Replat Six (Lot 1 and Outlot A) and is located northeast of 207th Street and George B Lake Parkway – [see attached](#).
30. RES. 656 – Res. that, the Declaration of Use, be approved dedicating certain portions of Lot 2, South Omaha Industrial Park Replat 5, for right-of-way purposes, as a condition of funding for the project required by the State of Nebraska and the Federal Highway Administration – [see attached](#).
31. RES. 657 – Res. that, per NEB. REV. STAT. §39-1359, the City of Omaha officially designates the temporary use of U.S. Highway 75 from Redick Avenue to Bondesson Street within Omaha City Limits on October 5, 2018, between the hours of 1:00 p.m. and 2:45 p.m., for the entire route of the Omaha North High Homecoming Parade – [see attached](#).
32. RES. 658 – Res. that, the nomination of “Preston Love Sr. Street” as a commemorative street name on 24th Street from Lake Street to Ohio Street is hereby approved; and the Public Works Department is authorized to erect the acceptable sign(s) therefore, in compliance with all applicable local and state statutes, ordinances or regulations, and policies with all costs to be borne by the applicant – [see attached](#).

33. RES. 659 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$43,400.00 for the Lead-based Paint Hazard Control work to the property owned by Julia Settell located at 2003 Deer Park Blvd, Omaha, NE 68108, is hereby approved. The contract is to be awarded to Cherek’s Home Repair, LLC. (Funds shall be paid as follows: \$43,400.00 from Lead 2015 NELHD0278-15, Fund No. 12136, Org. No. 128104.) – [see attached](#).
34. RES. 660 – Res. that, as recommended by the Mayor, the bid in the total amount of \$69,916.00 from Jim Hawk Truck Trailers to purchase one (1) Triple Axel Trailer, 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 \$69,916.00 from the Marinas Fund No. 21111, Organization No. 115451, NP Dodge Marina.) – [see attached](#).
35. RES. 661 – Res. that, as recommended by the Mayor, the agreements between the City of Omaha and the Empowerment Network in the total amount of \$700,000.00 to operate the Step-Up Omaha! One Stop American Jobs Center, providing career exploration, on-the-job training, internship opportunities, and connection to career-oriented work experiences for approximately 900 youth between 14 and 21 years of age from January 1, 2018 to December 31, 2018, is hereby approved. (The Finance Director is authorized to provide payment of \$700,000.00 from 2018 Community Services, General Fund 11111, Organization 126064; and in accordance with the contract terms.) – [see attached](#).

Council President Gray opened the Public Hearings on Items 18 through 35.

The following person(s) appeared and spoke:

PROPOSERS:

- Item # 32 – Portia Vivienne Love, 2035 Drake Court Walk
- Item # 32 – Richie Love, Fayetteville, North Carolina
- Item # 32 – Luis Jimenez, 518 North 40th Street
- Item # 35 – Ben Salazar, 1703 Ontario Street
- Item # 35 – Ivan Gilreath, Boys and Girls Club, 5051 South 22nd Street
- Item # 35 – John Ewing, Douglas County Treasurer
- Item # 35 – Thomas Warren, Urban League of Nebraska, 3040 Lake Street
- Item # 35 – Albert Varas, Latino Center of the Midlands, 4821 South 24th Street
- Item # 35 – Willie Barney, Empowerment Network, 2401 Lake Street

FOR THE CITY:

- Item # 35 – Deputy Chief Scott Gray, Omaha Police Department

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

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

Item # 18 RESOLUTION # 644;	Item # 19 RESOLUTION # 645;
Item # 20 RESOLUTION # 646;	Item # 21 RESOLUTION # 647;
Item # 22 RESOLUTION # 648;	Item # 23 RESOLUTION # 649;
Item # 24 RESOLUTION # 650;	Item # 25 RESOLUTION # 651;
Item # 26 RESOLUTION # 652;	Item # 27 RESOLUTION # 653;
Item # 28 RESOLUTION # 654;	Item # 29 RESOLUTION # 655;
Item # 30 RESOLUTION # 656;	Item # 31 RESOLUTION # 657;
Item # 32 RESOLUTION # 658;	Item # 33 RESOLUTION # 659;
Item # 34 RESOLUTION # 660; and,	Item # 35 RESOLUTION # 661

ROLL CALL:

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

Nays: None

Absent: Festersen

MOTION APPROVED 6-0

ORDINANCES ON SECOND READING

36. SPECIAL ORD. 10237 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of clearing snow from sidewalks in District No. SWSR 2017-01 – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading July 17, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 36.

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

37. ORD. 41513 – An ordinance to approve the execution of a Master Agreement between the City of Omaha and Cox Wireless Access, (“Cox”), providing for Cox’s usage of street light poles in City right of way for microcell antennas – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading July 17, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 37.

The following person(s) appeared and spoke:

PROPONENTS:

Calli Hite, Cox Communications, 11505 West Dodge Road

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

38. ORD. 41514 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, and Saddlecreek 1011, LLC, to implement the Saddlecreek 1011 Tax Increment Financing (TIF) Redevelopment Project Plan which is for a redevelopment site located northeast of Saddle Creek Road and Pacific Street, and proposes the redevelopment and transformation of an approximately 2.6 acre site that contains a few houses and a warehouse into a market-rate, multi-family development of 158 units with approximately 170 parking stalls provided; the agreement authorizes the use of up to \$2,628,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading July 17, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 38.

The following person(s) appeared and spoke:

PROPOSERS:

Larry Jobeun, Attorney for the applicant, 11440 West Center Road

FOR THE CITY:

Don Seten, Planning Department

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

39. ORD. 41515 – An ordinance approving a Redevelopment Agreement by and between the City of Omaha and the Omaha Shelter for Homeless Trust for the redevelopment of the site located at the northwest corner of 16th and Nicholas Streets – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading July 17, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 39.

The following person(s) appeared and spoke:

PROPOSERS:

Sue Morris, Omaha Shelter for Trust, 10050 Regency Circle

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

40. ORD. 41516 – An ordinance to approve a first amendment to business property lease between the City of Omaha and Circo Strategic Investments, LLC for approximately 1,724 square feet of space on the first floor in the LeDoiyt Landmark Building located at 1001 Farnam Street for operation of the Omaha Convention and Visitors Bureau's (OCVB) Visitor Information Center; to authorize the amount not to exceed \$2,729.67 per month to authorize the payments specified therein – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading July 17, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 40.

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

RECONSIDERATION

41. Motion by Councilmember Pahls to reconsider Resolution No. 445, being a resolution 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. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code. **(ROLL CALL VOTE WILL OCCUR ON JULY 17, 2018)**

MOTION by Pahls, SECOND by Gray to reconsider Resolution No. 445

NON-ACTION ITEMS

(Items 42 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.)

GLODA ADDITION

42. ORD. 41517 – An ordinance to rezone the property located southeast of Blair High Road and McKinley Street from AG-Agricultural District to GI-General Industrial District – (**First Reading July 10, 2018**; Second Reading July 17, 2018; Third, Reading, Public Hearing and Vote July 24, 2018) – [see attached](#).
43. ORD. 41518 – An ordinance to amend the boundaries of the IG-Industrial Gateway Overlay District, to incorporate into that district the property located southeast of Blair High Road and McKinley Street – (**First Reading July 10, 2018**; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
44. RES. 636 – Res. that, the Final Plat entitled Gloda Addition, located southeast of Blair High Road and McKinley Street, is hereby approved and accepted. The applicant is Gloda Investors, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

45. RES. 637 – Res. that, the Subdivision Agreement between the City of Omaha and Gloda Investors, LLC., is hereby approved. The Subdivision is to be known as Gloda Addition (Lot 1) and is located southeast of Blair High Road and McKinley Street – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**

MAJESTIC POINTE

46. ORD. 41519 – An ordinance to rezone property located southwest of 168th and State Streets from AG-Agricultural District and DR-Development Reserve District to DR-Development Reserve District – **(First Reading July 10, 2018;** Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#).
47. ORD. 41520 – An ordinance to rezone property located southwest of 168th and State Streets from AG-Agricultural District and DR-Development Reserve District to R4-Single Family Residential District (High Density) – **(First Reading July 10, 2018;** Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
48. RES. 638 – Res. that, the Final Plat entitled Majestic Pointe (Lots 187-243, Outlots F-H), located southwest of 168th and State Streets, is hereby approved and accepted. The applicant is Majestic C Team, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
49. RES. 639 – Res. that, the Subdivision Agreement among the City of Omaha, Majestic C Team, LLC, the Majestic Pointe Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 568 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Majestic Pointe (Lots 187-243 and Outlot F-H) and is located southwest of 168th and State Streets – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46)**

THE PRESERVE

50. ORD. 41521 – An ordinance to rezone the property located southwest of 222nd and F Streets from AG-Agricultural District to DR-Development Reserve District (portions of the property are located in the FF-Flood Fringe Overlay District) – **(First Reading July 10, 2018;** Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

51. RES. 640 – Res. that, the revised Preliminary Plat entitled The Preserve, located southwest of 222nd and F streets, with a request for waivers to Section 53-8(2)(b) Cul-de-sacs and cul-de-sac length, Section 53-8(2)(g) Street width and Street grade, Section 53-8(2)(g) minimum stopping sight distance, Section 53-8(3) Block length, Section 53-9(3) Curb and gutter and 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 228 Skyline, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50)**

A. Planning Board and Planning Department recommend approval of the revised Preliminary Plat and the request for waivers with the exception of a denial of Section 53-9(10) regarding Street Lights – [see attached](#).

52. RES. 641 – Res. that, the Final Plat entitled The Preserve, located southwest of 222nd and F Streets, is hereby approved and accepted. The applicant is 228 Skyline, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50)**

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

53. RES. 642 – Res. that, the Subdivision Agreement among the City of Omaha, 228 Skyline, LLC, and The Preserve at the Farm Homeowners Association, is hereby approved. The Subdivision is to be known as The Preserve (Lots 1-67 and Outlots A-H) and is located southwest of 222nd and F Streets – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50)**

SPECIAL USE PERMIT WITH REZONE

54. ORD. 41522 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5545 Center Street – **(First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018)** – [see attached](#).

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

55. RES. 643 – Res. that, the Special Use Permit application submitted by Carolina Padilla, for a Special Use Permit to allow Personal improvement services in the GI District for property located at 5545 Center Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#). **(LAID OVER TO THE JULY 24, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND NOTIFY SURROUNDING PROPERTY OWNERS AND TO COINCIDE WITH ITEM 54)**

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

RESOLUTIONS

56. RES. 618 – Res. that, the Charlie Graham Tax Increment Financing (TIF) Redevelopment Project Plan located at 4103 Leavenworth Street which proposes a newly constructed approximately 17,000 square foot, one-story structure to include 38 onsite parking stalls, recommends the City's participation through the allocation of TIF in an amount up to \$562,944.00, plus accrued interest, to offset TIF eligible costs such as acquisition, street paving, utility mains, 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 JULY 17, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
57. RES. 619 – Res. that, The Bank Phase 2 Tax Increment Financing (TIF) Redevelopment Project Plan located at 1919 Douglas Street which proposes to expand and renovate the existing downtown building occupied by Wells Fargo Bank; Wells Fargo will maintain a branch bank operation of about 5,000 square feet in the building and an additional story will be constructed on top of the building; the project will contain approximately 213 one and two-bedroom market rate apartment units averaging approximately 600 square feet and will be tied in to the existing 106 units located in the adjacent Bank Building, also known as the Farm Credit Building with shared common amenity areas located in both buildings; there will be 122 parking stalls inside the building, and an additional 150 stalls in the surface lot across the street at the northwest corner of 20th and Farnam; the surface lot, owned by the project developer, will be improved and landscaped for the parking use, recommends the City's participation through the allocation of TIF in an amount up to \$5,000,000.00, plus accrued interest, to offset TIF eligible costs such as acquisition, alley improvements, 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 JULY 17, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

ORDINANCES ON FIRST READING

58. ORD. 41523 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the 24th Street Complete Streets, project identified as OPW 52336; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – **(First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018)** – [see attached](#).

59. ORD. 41524 – An ordinance to approve an agreement with OCLC for the purchase of a five-year renewal subscription for WorldShare Metadata/OCLC Cataloging and WorldShare InterLibrary Loan Services, involving a unique or non-competitive purchase under Section 5.16 and involving appropriations of more than one year in conformity with Section 5.17, both of the Home Rule Charter of the City of Omaha, 1956; to provide for payment to OCLC for these cataloging and resource sharing services in a total amount not to exceed \$237,258.83, covering the period from July 1, 2018 to June 30, 2023 – **(First Reading July 10, 2018;** Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
60. ORD. 41525 – An ordinance to approve an Agreement between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, up to four Associate School Resource Officers, one Canine Associate School Resource Officer, and marked police cruisers, subject to the availability of such cruisers and the School District's needs, to specifically designated locations, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty-eight (28) hours (or less) per week while school is in session during the regular school year, and twenty-eight (28) hours per week while school is in session during the regular school year for the Canine Associate SRO, from August 13, 2018 and ending at the close of the 2018 – 2019 school year. (The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$35.00 per hour for each officer; and \$40.00 per hour for the canine officer; and \$5.00 per day for the canine officer when school is not in session (summer break).) – **(First Reading July 10, 2018;** Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
61. ORD. 41526 – An ordinance to approve an Agreement between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one Associate School Resource Officer and a marked police cruiser, subject to the availability of such cruiser and Elkhorn's needs, to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty (20) hours per week while school is in session during the regular school year, from August 14, 2018 and ending at the close of the 2018 – 2019 school year; reimbursement from the Elkhorn Public Schools to the City will be in the amount of \$35.00 per hour for the officer, not to exceed \$27,451.00 – **(First Reading July 10, 2018;** Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
62. ORD. 41527 – An ordinance to approve the Redevelopment Agreement between the City of Omaha, and the Board of Regents of the University of Nebraska, to implement the Center Aloft and Baxter Arena Tax Increment Financing TIF Redevelopment Project Plan for a redevelopment site at 2425 South 67th Street and generally located at southwest of 64th and Center Streets, for the construction and installation of various public improvements and authorizes the use of \$1,000,000 in redevelopment bond proceeds to fund the costs of the public improvements – **(First Reading July 10, 2018;** Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

63. ORD. 41528 – An ordinance to approve the Agreement between the City of Omaha, and the Aksarben Future Trust, which provides funds to reimburse Aksarben Future Trust for the construction and installation of various public improvements in and around Aksarben Village and Baxter Arena, generally located between Pacific and Center Streets, 62nd Street and Little Papillion Creek and authorizes the use of \$1,000,000.00 in either transportation bonds or lease-purchase bonds to fund those expenses – (**First Reading July 10, 2018**; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
64. ORD. 41529 – An Ordinance to approve the Agreement to enter into Sublease and Purchase Agreement and the Sublease and Purchase Agreement between the City of Omaha and Omaha Hotel, LLC, a Delaware limited liability company, for the sublease and installment sale of City-owned property located at 1001 Cass Street, commonly known as the Omaha Hilton Hotel – (**First Reading July 10, 2018**; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

MOTION by Jerram, SECOND by Gray 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: 2:59 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 July 10, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler