



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, JULY 17, 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 17, 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 Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President (Gray) – **CCID # 662.**

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

Councilmember Vinny Palermo of District No. 4 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on July 13, 2018, notice of the Pre-Council and Regular City Council Meetings, July 17, 2018 – **CCID # 663.**

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

MAYOR'S BUDGET MESSAGE AND PRESENTATION FOR YEAR 2019

6. Mayor Jean Stothert's Budget Message and Presentation of the recommended budget for year 2019 (**BUDGET PUBLIC HEARING WILL BE HELD ON JULY 31, 2018 AT 6:30 P.M.**)

Jean Stothert, Mayor, appeared and spoke.

RECONSIDERATION

7. 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. 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. (**IF RECONSIDERED, ACTION CAN BE TAKEN TODAY, RECONSIDERATION VOTE REQUIRES SUPER MAJORITY VOTE OF 5**)
 - A. Planning Board and Planning Department recommend approval – see attached.
 - B. Documentation received from Duane Dowd – see attached.

ROLL CALL ON RECONSIDERATION:

Yeas: Palermo, Festersen, Pahls, Mr. President

Nays: Harding, Jerram, Melton

MOTION FAILED 4-3

LIQUOR

8. RES. 664 – Class “C” Liquor License Application – Candyland, LLC, dba “Candyland”, 7215 Blondo Street. (This is a new application for a new location). Notice was posted on the property on 06/27/18; Notification was sent to property owners within 500 feet on 07/06/18 – [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:

Raymond Kurtzuba, 9354 Corby Street

Aaron Hueftle, 620 South 196th Avenue

OPPOSERS:

Dan Arcuri, Danny’s Bar & Grill

Sen. Theresa Thibodeau, 12811 IZARD STREET

Mary Bourgeois, 7637 Springfield Drive

Cory Sepich, St. Pius X/St. Leo School, 10914 Olin Avenue

Becky App, 1124 North Happy Hollow Boulevard

Susan Drew, 9812 Seward Street

FOR THE CITY:

Will Acosta-Trejo, Assistant City Attorney

The following were present at the meeting and in support of item 8:

Jeff Chu, 17104 Sherwood Avenue; Kay LeFlore, 4611 North 29th Street

The following were present at the meeting and opposed to item 8:

Sarah Brungardt, 2020 North 72nd Street; Kathleen Chattin, 7601 Glenvale Drive; Bob Foster, 105 North 53rd Street; Jackie Foster, 105 North 53rd Street; Gregg Johnsen, 1926 North 72nd Street; Emily Klassen, 7313 North 112th Avenue; Denise Klimes-Schumacher, 1725 Hillside Drive; Jacquelyn Kucera, 10328 Y Street; Ryan Lampe, 1111 North 121st Street; Jennifer Mangan, 10019 Bloomfield Drive; Michelle Mertz, 1335 North 129th Circle; Laura O’Doherty, 6705 Hillcrest Lane, La Vista, NE; Rosalie Riccobono, 3439 State Street; Matthew Rusch, 13052 Decatur Street; Cynthia Sauer, 7537 Fairway Drive; Mollie Vance, 2020 North 72nd Street; Christy Vogel, 13410 Sahler Street; Terese Vogel, 13410 Sahler Street; Kaela Volkmer, 2706 North 55th Street; Roselyn Volkmer, 2539 North 55th Street; Martha Wharton, 5104 Cuming Street; Erica Williamson, 7422 Page Street

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

MOTION by Festersen, SECOND by Melton that the application be amended to change the trade name to “Kandi’s”

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Festersen, SECOND by Melton that RESOLUTION # 664 be denied

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

9. RES. 665 – Class “C” Liquor License Application – LakePark & Co., dba “Emery’s Café”, 2118 North 24th Street, Suite 101. (This is a new application for a new location). Notice was posted on the property on 06/27/18; Notification was sent to property owners within 500 feet on 07/06/18 – [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:

Diamond Simms, 1015 North 16th Street

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

MOTION by Festersen, SECOND by Gray that RESOLUTION # 665 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

10. RES. 666 – Class “C/K/G” Liquor License Application – Midtown Alamo, LLC, dba “Alamo Drafthouse Cinema”, 3201 Farnam Street, Suite 6111. (This is a new application for an old location). UPGRADE. Currently licensed to Nebraska Entertainment, Inc., dba “Marcus Midtown Cinema”, who has a Class “I” Liquor License. Notice was posted on the property on 06/27/18; Notification was sent to property owners within 500 feet on 07/06/18 – [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:

Tyler Calabrese, 3201 Farnam Street

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 666 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

11. RES. 667 – Class “C” Liquor License Application – Ohana Helenihi, Inc., dba “Molly’s Pub”, 8525 Park Drive. (This is a new application for an old location). Currently licensed to KJC-B, Inc., dba “Molly’s Pub”, who has a Class “C” Liquor License – [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:

Teresa Helenihi, 805 South Grandview Avenue, Papillion, NE

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

MOTION by Palermo, SECOND by Melton that RESOLUTION # 667 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

12. RES. 668 – Class “I” Liquor License Application – 550 Degrees, LLC, dba “Zio’s Pizzeria”, 18110 & 18114 Wright Street. (This is a new application for a new location). Notice was posted on the property on 06/27/18; Notification was sent to property owners within 500 feet on 07/06/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

Rick Ledwich, 2736 North 122nd Circle

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 668 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

13. RES. 669 – Class “I” Liquor License Application – Mouth of the South; CBD, LLC, dba “Mouth of the South Southern Grub”, 7051 Ames Avenue, with a waiver of City Council Liquor Rule 7 (Establishment located within 300’ of Benson Park) (This is a new application for a new location). Notice was posted on the property on 06/27/18; Notification was sent to property owners within 500 feet on 07/06/18 – [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:
Ryan Ernst, 3422 Forest Lawn Avenue

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

MOTION by Festersen, SECOND by Jerram that RESOLUTION # 669 be approved with a waiver of City Council Liquor Rule 7

ROLL CALL:
Yeas: Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President
Nays: None
MOTION APPROVED 7-0

14. RES. 670 – Manager’s Application – SMG Food and Beverage, LLC, dba “Savor”, 2425 South 67th Street requests permission to appoint Ronald E. McGaugh manager of their present Class “IK” Liquor License location – [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:
Ronald McGaugh, 1538 South 168th Avenue

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 670 be approved

ROLL CALL:
Yeas: Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President
Nays: None
MOTION APPROVED 7-0

15. RES. 671 – Manager’s Application – West Center Lodging, LLC, dba “Stay Bridge Suites”, 2720 Oak Drive requests permission to appoint Clark W. Anderson 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.

The following person(s) appeared and spoke:

PROPOSERS:

Clark Anderson, 2720 Oak Drive

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 671 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

City Clerk Elizabeth Butler stated that any member of the City Council may cause any item placed on the Consent Agenda to be removed. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise provided by the City Council Rules of Order.

Council President Gray announced that the public hearings on Agenda Items 16 through 19 were held on July 10, 2018.

(Required notices of the public hearings were published in the Daily Record on July 6, 2018.)

CONSENT AGENDA – ORDINANCES

16. 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](#).
17. 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](#).

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

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

**Item # 16 ORDINANCE # 41513; Item # 17 ORDINANCE # 41514;
Item # 18 ORDINANCE # 41515; and, Item # 19 ORDINANCE # 41516**

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 20 through 24 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.

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 23 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – RESOLUTIONS

20. RES. 672 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Wicks Sterling Trucks, Inc. in the total amount of \$152,645.00 for one (1) 60,000 GVW Dump Truck to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Interceptor Maintenance Organization 116717, year 2018 expenditure.) – [see attached](#).
21. RES. 673 – Res, that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Cornhusker International Trucks in the total amount of \$725,124.00 for four (4) 35,000 GVW Truck Chassis, Dump Box and Spreaders 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](#).

22. RES. 674 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 2 between the City of Omaha and Alfred Benesch & Company in the amount of \$8,357.69 for HSIP-64-7(127), State Control No. 22702, OPW 52937, being the 72nd & Maple Intersection Improvements Project, is hereby approved. (To be paid from the 2014 Transportation Bond Fund, 13184, Transportation Bonds Organization 117117. The City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha.) – [see attached](#).
23. RES. 675 – Res. that, the First Amendment to Subdivision Agreement among the City of Omaha, VG-CFM 204Q, LLC, AVG-CFM Coventry Estates, LLC, the Coventry Homeowners Association, Inc., 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 9 (Lots 1-6 and Outlots A-B) and is located west of 209th Street and George B Lake Parkway – [see attached](#). **(REMOVED FROM CONSENT)**
24. RES. 676 – Res. that, the appointment by Mayor Jean Stothert of Brinker Harding for a term while he is serving as Councilmember through July 1, 2022, or until his successor shall be appointed and take office, on the Board of Commissioners of the Omaha/Douglas Public Building Commission is hereby approved and confirmed. Such term shall begin upon confirmation. The City Clerk of the City of Omaha shall file a certified copy of the Resolution with the Secretary of State of the State of Nebraska, with the County Clerk of Douglas County, Nebraska, and with the said Omaha/Douglas Public Building Commission – [see attached](#).

Council President Gray opened the Public Hearing on Items 20 through 22 and 24.

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

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

Item # 20 RESOLUTION # 672; Item # 21 RESOLUTION # 673;
Item # 22 RESOLUTION # 674; and, Item # 24 RESOLUTION # 676

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

23. RES. 675 – Res. that, the First Amendment to Subdivision Agreement among the City of Omaha, VG-CFM 204Q, LLC, AVG-CFM Coventry Estates, LLC, the Coventry Homeowners Association, Inc., 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 9 (Lots 1-6 and Outlots A-B) and is located west of 209th Street and George B Lake Parkway – [see attached](#).

MOTION by Jerram, SECOND by Gray that RESOLUTION # 675 be removed from consent and withdrawn from the agenda

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCE ON FINAL READING

25. 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](#). **(VOTE TODAY)**

A. Amendment of the Whole requested by the Public Works Department – [see attached](#).

MOTION by Melton, SECOND by Harding that SPECIAL ORDINANCE # 10237 be postponed to the August 28, 2018 City Council meeting

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

RESOLUTIONS

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

Council President Gray opened the Public Hearing on Item 26.

The following person(s) appeared and spoke:

PROPONENTS:

Brent Beller, Attorney for the applicant, 11440 West Center Road

FOR THE CITY:

Bridget Hadley, Planning Department

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

MOTION by Jerram, SECOND by Melton that RESOLUTION # 618 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

Council President Gray opened the Public Hearing on Item 27.

The following person(s) appeared and spoke:

PROPONENTS:

Todd Heistand, NuStyle Development, 2223 Dodge Street

FOR THE CITY:

Don Seten, Planning Department

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

MOTION by Jerram, SECOND by Harding that RESOLUTION # 619 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

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

Council President Gray opened the Public Hearing on Item 28.

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

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

Council President Gray opened the Public Hearing on Item 29.

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

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

Council President Gray opened the Public Hearing on Item 30.

The following person(s) appeared and spoke:

FOR THE CITY:

Sgt. Amos Shepherd, Omaha Police Department

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

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

Council President Gray opened the Public Hearing on Item 31.

The following person(s) appeared and spoke:

PROPONENTS:

Luis Jimenez, 518 North 40th Street

FOR THE CITY:

Sgt. Amos Shepherd, Omaha Police Department

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

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

Council President Gray opened the Public Hearing on Item 32.

The following person(s) appeared and spoke:

PROPONENTS:

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

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

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

Council President Gray opened the Public Hearing on Item 33.

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

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

Council President Gray opened the Public Hearing on Item 34.

The following person(s) appeared and spoke:

PROPOSERS:

Bob Swerdling, 1670 Quebec Street, Denver, CO

OPPOSERS:

Brad Mellott, 5107 Capitol Avenue

FOR THE CITY:

Paul Kratz, City Attorney

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

NON-ACTION ITEMS

(Items 35 through 50 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 JULY 31, 2018 AT 2:00 P.M. DUE TO DEPARTMENT BUDGET HEARINGS)

(CITY COUNCIL WILL MEET IN THE LEGISLATIVE CHAMBERS ON JULY 31, 2018 FROM 1:00 P.M. TO 5:00 P.M. FOR DEPARTMENT BUDGET HEARINGS AND AT 6:30 P.M. FOR THE BUDGET PUBLIC HEARING)

GLODA ADDITION

35. 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](#).
36. 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](#).
37. 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 35)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
38. 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 35)**

MAJESTIC POINTE

39. 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](#).
40. 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](#).
41. 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 39)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

42. 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 39)**

THE PRESERVE

43. 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](#).
44. 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 43)**
- 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](#).
45. 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 43)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
46. 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 43)**

SPECIAL USE PERMIT WITH REZONE

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

ROAD MAINTENANCE DISTRICT ORDINANCE ON FIRST READING

49. ORD. 41530 – An ordinance to create Road Maintenance District No. 745-31, in the City of Omaha, for the purpose of improving South 91st Avenue, from Shirley Street to Hickory Street, by asphalt overlay; 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 July 17, 2018**; Second Reading July 24, 2018; Third Reading, Public Hearing and Vote August 7, 2018) – [see attached](#).

ORDINANCES ON FIRST READING

50. ORD. 41531 – An ordinance to amend sections 20-230 and 30-261 of the Omaha Municipal Code; to shorten the period of time currently allowed for the use of fireworks from June 25 through July 4, to June 30 through July 4; to shorten the period of time currently allowed for the sale of fireworks from June 24 through July 5, to June 29 through July 4; to shorten the hours allowed for the use of fireworks, except for July 4; to repeal Omaha Municipal Code Sections 20-320 and 30-261 as heretofore existing – (**First Reading July 17, 2018**; Second Reading and Public Hearing July 24, 2018; Third Reading August 7, 2018) – [see attached](#).
- A. Communication in support – [see attached](#).

EXECUTIVE SESSION

51. 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: 4:38 P.M.

I, ELIZABETH BUTLER, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on July 17, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler