



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 11, 2018

@ 2:00 PM

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

OMAHA CITY COUNCILMEMBERS

Ben Gray – Council President	District 2
Chris Jerram – Council Vice President	District 3
Pete Festersen	District 1
Vinny Palermo	District 4
Rich Pahls	District 5
Brinker Harding	District 6
Aimee Melton	District 7

THE CITY COUNCIL OF THE CITY OF OMAHA met in open session on Tuesday, September 11, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President (Gray) – **CCID # 833**.

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 September 7, 2018, notice of the Pre-Council and Regular City Council Meetings, September 11, 2018 – **CCID # 834**.

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

TAX LEVY RESOLUTION

(Required notice of public hearing relating to this item was published in the Daily Record on September 5, 2018.)

6. RES. 837 – Res. that, pursuant to Nebraska Revised Statute 77-1601.02, the current property tax request for 2019 be a different amount than the property tax request for 2018. The 2019 property tax request be set at \$168,736,627 based on the certified valuation dated August 20, 2018, and using the assumed collection factor of 99.69%. Further, that pursuant to the provisions of Section 5.07 and Section 11.02 of the Home Rule Charter of the City of Omaha, 1956, the City Council hereby certifies to the County Clerk of Douglas County, Nebraska, the number of cents or fraction thereof which the City of Omaha desires to be levied on each One Hundred Dollars (\$100) of actual valuation upon all taxable property within the limits of the City of Omaha for the year 2019 for the purposes as follows: 47.922 cents for the City of Omaha 2019 Budget, including 25.979 cents for General Fund purposes, 18.743 cents to provide for principal and interest payments on the indebtedness of the City of Omaha, .600 cents for the satisfaction of judgments and litigation expenses in connection therewith, and 2.600 cents for the Redevelopment Fund – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 6.

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 837 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

7. RES. 861 – Res. that, the Preliminary Plat entitled Harrison 210, with a waiver of Section 53-8(4)(d) Lot frontage, located northwest of Spence Drive and Harrison Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Loren Johnson, Celebrity Homes Omaha – 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 7.

The following person(s) appeared and spoke:

PROPONENTS:

Mark Johnson, Attorney for the applicant, 11440 West Center Road

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 861 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

8. RES. 854 – Class “C” Liquor License Application – JGIL Omaha, LLC, dba “J. Gilbert’s Wood-Fired Steaks & Seafood”, 1010 Capitol Avenue. (This is a new application for a new location). Notice was posted on the property on 08/29/18; Notification was sent to property owners within 500 feet on 08/31/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 8.

The following person(s) appeared and spoke:

PROPONENTS:

Mike 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 # 854 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

9. RES. 855 – Class “C” Liquor License Application – Menner & Maynard, Inc., dba “Pat & Mike’s Bar & Grill”, 9136 Bedford Avenue. (This is a new application for an old location). Present licensee is COS, Inc., dba “Pat & Mike’s”, who has a Class “C” Liquor License – [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:

Thomas Garvey, 16012 Cedar Circle

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

MOTION by Festersen, SECOND by Melton that RESOLUTION # 855 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

10. RES. 856 – Class “C” Liquor License Application – Omaha Hotel Partners, LLC, dba “Cambria Hotel & Suites Omaha”, 740 North 14th Street. (This is a new application for a new location). Notice was posted on the property on 08/29/18; Notification was sent to property owners within 500 feet on 08/31/18 – [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:

Levi Stork, 740 North 14th Street

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 856 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

11. RES. 857 – Class “A” Liquor License Application – Craft Axe Throwing, LLC, dba “Craft Axe Throwing”, 2562 Leavenworth Street, Suite 100. (This is a new application for a new location). Notice was posted on the property on 08/29/18; Notification was sent to property owners within 500 feet on 08/31/18 – [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:

Travis Cornelius, 4545 South 50th Street

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 857 be approved with the follow conditions: (1) no alcohol will be allowed in the throwing lanes and (2) a wristband system will be implemented to identify minors

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, 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 12 through 14 were held on August 28, 2018.

(Required notices of the public hearings were published in the Daily Record on August 24, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – ORDINANCES

12. ORD. 41548 – An ordinance to insert Article XIV into Chapter 10 of the Omaha Municipal Code concerning Lift Assist Cost Recovery to allow the City to charge a fee to assisted living facilities and nursing care facilities when the Omaha Fire Department provides a lift assist to any person; to establish an initial fee of \$400.00 per lift assist, and to create an appellate process as well – (First Reading July 24, 2018; Second Reading and Public Hearing August 7, 2018; Third Reading September 11, 2018) – [see attached](#). **(POSTPONED FROM AUGUST 14, 2018 CITY COUNCIL MEETING) (REMOVED FROM CONSENT)**

13. ORD. 41572 – An ordinance to approve Lease Agreement, No. DACW45-1-18-6031 with Exhibits A-E, between the City of Omaha and the Secretary of the Army, for more than one year, for the City to provide operation and maintenance of parkland and recreational opportunities at Papillion Creek and Dam #11, commonly referred to as Cunningham Lake – (First Reading August 21, 2018; Second Reading and Public Hearing August 28, 2018; Third Reading September 11, 2018) – [see attached](#).
14. ORD. 41573 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the Nebraska Crime Commission, FY 2017 STOP Violence Against Women (VAWA) Grant, Award #17-VW-0711 in the amount of \$234,406.00, during the project period of July 1, 2018 to June 30, 2019; to enhance victim assistance services and prosecute cases of domestic violence through the multi-agency Douglas County Community Response Team, in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 21, 2018; Second Reading and Public Hearing August 28, 2018; Third Reading September 11, 2018) – [see attached](#).

**MOTION by Festersen, SECOND by Harding that the following items be approved:
Item # 13 ORDINANCE # 41572; and, Item # 14 ORDINANCE # 41573**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

12. ORD. 41548 – An ordinance to insert Article XIV into Chapter 10 of the Omaha Municipal Code concerning Lift Assist Cost Recovery to allow the City to charge a fee to assisted living facilities and nursing care facilities when the Omaha Fire Department provides a lift assist to any person; to establish an initial fee of \$400.00 per lift assist, and to create an appellate process as well – (First Reading July 24, 2018; Second Reading and Public Hearing August 7, 2018; Third Reading September 11, 2018) – [see attached](#). **(POSTPONED FROM AUGUST 14, 2018 CITY COUNCIL MEETING)**
 - A. Amendment of the Whole requested by the Law Department – [see attached](#).

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

FOR THE CITY:

Assistant Chief Kathy Bossman, Omaha Fire Department

**MOTION by Festersen, SECOND by Gray that the Amendment of the Whole for
ORDINANCE # 41548 be approved**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 15 through 33 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 18 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – RESOLUTIONS

15. RES. 838 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Logan Contractors Supply, Inc. in the total amount of \$20,405.00 for one (1) portable rotary screw air compressor, 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](#).
16. RES. 860 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Auto Brake & Clutch Company, in the amount of \$69,862.10, for the purchase of brake parts and service to be utilized by the Fleet Management Division. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Mechanical Repair Organization 116172, year 2018 expenditure.) – [see attached](#).
17. RES. 839 – Res. that, as recommended by the Mayor, the contract with A. Raymond Plumbing for OPW 53210, in the amount of \$291,931.25, being the Omaha Mason Sewer Improvement District, is hereby approved. (The Finance Department is authorized to pay the cost of \$291,931.25 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).
18. RES. 840 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. to provide professional services on OPW 53441, in the amount of \$2,392,849.00, being the Water Resources Recovery Facilities Master Plan Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$2,392,849.00 from the Sewer Revenue Fund 21121, Capital Asset Replacement Program Organization 116913, year 2018 expenditure. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#). **(REMOVED FROM CONSENT)**
19. RES. 841 – Res. that, as recommended by the Mayor, the Professional Services Agreement with E & A Consulting Group Inc. in the amount of \$21,297.00 to provide professional services on OPW 53476, being the 33 Mason North and 33 Mason South Sewer Improvements Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$21,297.00, from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).

20. RES. 842 – Res. that, as recommended by the Mayor, Change Order No. 1 with L.G. Roloff Construction Company, Inc. in the amount of \$100,264.00 for additional work on OPW 52659, being the Lake James to Fontenelle Park – Paxton Basin Upstream Sewer Separation Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$100,264.00, for this change order, 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](#).
21. RES. 843 – 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 \$21,434.55 for HSIP-64-7(127), State Control No. 22702, OPW 52937, being the 72nd & Maple Intersection Improvements Project, is hereby approved. (Currently estimated to be \$21,434.55, which will 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](#).
22. RES. 844 – Res. that, as recommended by the Mayor, the Task Order Agreement for design engineering services with Olsson Associates, Inc., with the City's local share of \$10,360.57, for the 132nd Street Traffic Control System Project, known as HSIP-5003(10), State Control No. 22438, and OPW 51924, being the 132nd Street ASCT Project is hereby approved. (The City's local share being \$10,360.57, to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, as a part of Capital Improvement Program Project No. 2012T514. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha.) – [see attached](#).
23. RES. 845 – Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Charleston Homes, LLC, the Arbor View Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 561 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Arbor View Replat 1 (Lot 1 and Outlot A) and is located southwest of 208th Street and Larimore Avenue – [see attached](#).
24. RES. 846 – Res. that, per NEB. REV. STAT. §39-1359, the City of Omaha officially designates the temporary use of State Highway 275/NE 92 (L Street) between 25th Street and 23rd Street on September 15, 2018, between the hours of 10:00 AM and 12:30 PM, for the partial route of the Fiesta Patrias Parade – [see attached](#).
25. RES. 847 – Res. that, the nomination of "Rodney S. Wead Street" as a commemorative street name on 52nd Street from Ames Avenue to Fowler Avenue 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](#).

26. RES. 848 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Environmental Restoration, LLC in the amount of \$132,466.00 for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 440. (The Finance Department is authorized to pay the cost of the project in the amount of \$132,466.00 from City of Omaha - U.S. EPA Cooperative Agreement Assistance ID No. V-97748601 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).
27. RES. 850 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Environmental Restoration, LLC for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 442. (The Finance Department is authorized to pay the cost of the project in the amount of \$238,384.00 from City of Omaha -U.S. EPA Cooperative Agreement Assistance ID No. V-97748601 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).
28. RES. 851 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Environmental Restoration, LLC for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 441. (The Finance Department is authorized to pay the cost of the project in the amount of \$274,129.00 from City of Omaha - U.S. EPA Cooperative Agreement Assistance ID No. V-97748601 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).
29. RES. 849 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Karlyn Co., in the amount of \$35,495.00 for the address listed on the bid tabulation results for the Omaha Exterior Paint Stabilization Program Project Group No. 443. (The Finance Department is authorized to pay the cost of the project in the amount of \$35,495.00 from City of Omaha - U.S. EPA Cooperative Agreement No. V-97748601 out of Lead Hazard Fund 12136, Org. No. 128104.) – [see attached](#).
30. RES. 852 – Res. that, as recommended by the Park and Recreation Advisory Board, the approval of improvements with conditions, to an existing neighborhood park located at 187th Street in Sanitary Improvement District (SID) 438 in the amount of \$230,000.00 – [see attached](#).
31. RES. 853 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of improvements with conditions, to an existing neighborhood park located at 1801 HWS Cleveland Boulevard in Sanitary Improvement District (SID) 498 in the amount of \$114,328.40 – [see attached](#).
32. RES. 858 – Res. that, as recommended by the Mayor, in accordance with Section 5.16 of the Home Rule Charter of the City of Omaha, 1956, the Omaha Public Library is hereby authorized to purchase unique and non-competitive library books, publications, and materials from WT Cox in an amount not to exceed \$75,000.00 through December 31, 2018. (The Finance Department is authorized to pay \$75,000.00 for the cost of purchases from the 2018 General Fund 11111, Organization 117016.) – [see attached](#).

33. RES. 836 – Res. that, pursuant to the provisions of Sections 14-1821 and 77-3443, Revised Statutes of Nebraska, 1943, as amended by Revised Statutes, Cumulative Supplement 2006, the Transit Authority of the City of Omaha Board certified to the City Council of the City of Omaha one-half of their total tax rate for the year 2019 to assist in the defraying of all character of expenses of the Authority; and, the City Council of the City of Omaha hereby certifies to the County Clerk of Douglas County, Nebraska, one-half of the number of cents or fraction thereof which the Transit Authority of the City of Omaha Board desires to be levied on each One Hundred Dollars (\$100) of actual valuation upon all taxable property within the corporate limits of the City of Omaha for the year 2019 for the purpose as follows: 5.101 cents (five and one hundred one thousandths cents) to assist in the defraying of all character of expenses of the Authority – [see attached](#).

Council President Gray opened the Public Hearing on Items 15 through 17 and 19 through 33.

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

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

Item # 15 RESOLUTION # 836;	Item # 16 RESOLUTION # 860;
Item # 17 RESOLUTION # 839;	Item # 19 RESOLUTION # 841;
Item # 20 RESOLUTION # 842;	Item # 21 RESOLUTION # 843;
Item # 22 RESOLUTION # 844;	Item # 23 RESOLUTION # 845;
Item # 24 RESOLUTION # 846;	Item # 25 RESOLUTION # 847;
Item # 26 RESOLUTION # 848;	Item # 27 RESOLUTION # 850;
Item # 28 RESOLUTION # 851;	Item # 29 RESOLUTION # 849;
Item # 30 RESOLUTION # 852;	Item # 31 RESOLUTION # 853;
Item # 32 RESOLUTION # 858; and,	Item # 33 RESOLUTION # 836

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

18. RES. 840 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. to provide professional services on OPW 53441, in the amount of \$2,392,849.00, being the Water Resources Recovery Facilities Master Plan Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$2,392,849.00 from the Sewer Revenue Fund 21121, Capital Asset Replacement Program Organization 116913, year 2018 expenditure. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).

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

Council President Gray opened the Public Hearing on Item 18.

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 810 be amended

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Gray that RESOLUTION # 840 be approved as amended

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

RESOLUTIONS

34. RES. 766 – Res. that, the Dahlman Rows Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 1903 South 7th Street proposes the construction of 36 for sale market rate row house units, and authorizes the City’s participation through the allocation of TIF in an amount up to \$1,800,000.00, 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, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 34.

The following person(s) appeared and spoke:

PROPOSERS:

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

OPPOSERS:

Mark Vondrasek, Omaha Tenants United, 211 South 37th Street

FOR THE CITY:

Don Seten, Planning Department

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

MOTION by Palermo, SECOND by Gray that RESOLUTION # 766 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

35. RES. 767 – Res. that, the 420 Condominium Regime Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 420 South 11th Street, proposes the reconstruction of twelve (12) residential condominium units and their associated common areas, and authorizes the City’s participation through the allocation of TIF in an amount up to \$685,682.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to interior demolition, mold and asbestos abatement, structural stabilization, rehabilitation construction, architecture and engineering fees, and 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 analyzed and determined to be in conformance with the Community Development Law and 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 35.

The following person(s) appeared and spoke:

PROPONENTS:

Kendra Ringenberg, 1318 North 187th Street

FOR THE CITY:

Don Seten, Planning Department

Paul Kratz, City Attorney

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

MOTION by Festersen, SECOND by Melton that RESOLUTION # 767 be approved

ROLL CALL:

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

Nays: None

Pass: Jerram

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

MOTION APPROVED 6-0-1

36. RES. 768 – Res. that, the Grace University Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 1311 South 9th Street, proposes the adaptive reuse of the former Grace University campus into 167 one bedroom and studio market rate apartments, with 100 off-street parking spaces and additional parking proposed, for a total of 167 parking spaces, and authorizes the City’s participation through the allocation of TIF in an amount up to \$2,786,095.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, architecture and engineering fees, asbestos abatement, and any other public improvements as required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and 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 36.

The following person(s) appeared and spoke:

PROPOSERS:

Scott Semrad, 1750 South 85th Avenue

FOR THE CITY:

Don Seten, Planning Department

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 768 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

37. RES. 769 – Res. that, the Blackstone Hotel Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 302 South 36th Street, which proposes the complete rehabilitation, conversion and restoration of the historic Blackstone Hotel into a 204 room upper, upscale, full-service boutique hotel with various hotel amenities, authorizes the City’s participation through the allocation of TIF in an amount up to \$7,646,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, utility extensions and hookups, and public improvements as required, with the applicant contributing \$31,000.00 of the TIF loan proceeds to the Midtown Public Improvement Fund for future public infrastructure improvements along Farnam Street, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 37.

The following person(s) appeared and spoke:

PROPOSERS:

Tom McLeay, 3814 Farnam Street

OPPOSERS:

Mark Vondrasek, Omaha Tenants United, 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 Festersen that the Amendment of the Whole for RESOLUTION # 769 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

38. RES. 770 – Res. that, the Drummond Motor Company and Firestone Tire Buildings Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 2570 and 2566 Farnam Street, proposes a complete rehabilitation and conversion of two historic buildings: 1) the Drummond Motor Company Building into 20 market rate apartment units, ground floor and basement commercial space, and indoor parking garage, and 2) the Firestone Tire Building into approximately 20,000 SF of leasable commercial retail and office space, and authorizes the City's participation through the allocation of TIF in an amount up to \$1,080,688.00, plus accrued interest, to offset TIF eligible expenses, including, but not limited to acquisition, rehabilitation and renovation construction costs, and public improvements as required, with the applicant contributing \$20,000.00 of the TIF loan proceeds to the Midtown Public Improvement Fund for future public infrastructure improvements along Farnam Street, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and 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 38.

The following person(s) appeared and spoke:

PROPOSERS:

Tom McLeay, 3814 Farnam Street

OPPOSERS:

Luis Jimenez, 520 North 40th 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 # 770 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

39. RES. 771 – Res. that, the Cuming Plaza Tax Increment Financing (TIF) Redevelopment Project Plan for redevelopment project site located at 3040 Cuming Street, proposes the rehabilitation of a portion of an existing 23,000 square foot unused warehouse building with no parking into an approximately 7,000 square foot, 3-bay retail center with 25 parking stalls, and demolition of the existing metal building, and authorizes the City's participation through the allocation of TIF in an amount up to \$133,554.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, 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 analyzed and determined to be in conformance with the Community Development Law and 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 39.

The following person(s) appeared and spoke:

FOR THE CITY:
Don Seten, Planning Department

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

MOTION by Melton, SECOND by Gray that RESOLUTION # 771 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

40. RES. 859 – Res. that the lawsuit pending in the District Court of Douglas County, Nebraska entitled USS Hazard, Inc. v. City of Omaha should be and hereby is settled, and the attached Mediated Settlement Memorandum should be and hereby is approved; that as provided in the Mediated Settlement Memorandum, the City shall pay to USS Hazard, Inc. the amount of \$2,500,000.00, inclusive of all costs, in full settlement of the lawsuit, through entry of Judgment in that amount or other appropriate means; and that the said \$2,500,000 shall be paid from the Judgment Levy Fund, Fund 12111, Organization 121101 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 40.

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

MOTION by Jerram, SECOND by Melton that RESOLUTION # 859 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

41. ORD. 41575 – An ordinance to accept the bid from Galls, LLC, which is headquartered at 1340 Russell Cave Road, Lexington, KY, with a local branch located at 3105 Leavenworth Street, Omaha, NE, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide firm price commitments per item for two years, on Omaha Police Department standard uniform items, which are to be provided to members of the Omaha Police Department, although prices have been specifically determined by the bid, the exact costs are indeterminate and will vary depending on the purchases, they are anticipated to be in the approximate area of, with the possibility of exceeding, the sum of \$847,991.85, over the two-year period – (First Reading August 28, 2018; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 41.

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

City Clerk Elizabeth Butler stated that the Public Hearings for Items 42 and 43 would be held together.

42. ORD. 41576 – An ordinance to amend Omaha Municipal Code, Chapter 6, Article 1, Section 6-87; amending the definition of “Reckless Owner” to include any person convicted of violating Sec. 6-206 – (First Reading August 28, 2018; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**
43. ORD. 41577 – An ordinance to amend Omaha Municipal Code, Chapter 6, Article 1, Section 6-149 (3)(a); amending the definition of “potentially dangerous animal” by deleting provisions in Sec. 6-149 (1)(3) regarding medical treatment and public grounds and clarifying that the condition is satisfied whether the incident occurs on public or private property – (First Reading August 28, 2018; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Items 42 and 43.

The following person(s) appeared and spoke:

PROPOSERS:

Kelli Brown, Nebraska Humane Society, 8929 Fort Street

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

NON-ACTION ITEMS

(Items 44 through 65 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.)

TRANSIT AUTHORITY BUDGET

44. CCID 835 – Transit Authority of the City of Omaha transmits their request for budget year 2019 – [see attached](#). **(THIS ITEM WAS RECEIVED BY THE CITY CLERK AND REFERRED TO THE FINANCE DEPARTMENT)**

SUMMER HILL FARM

45. ORD. 41574 – An ordinance to rezone property located southeast of 168th and State Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (First Reading August 28, 2018; **Second Reading September 11, 2018**; Third Reading, Public Hearing and Vote September 18, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
46. RES. 815 – Res. that, the Final Plat entitled Summer Hill Farm (Lots 1-160, Outlots A-K), located southeast of 168th and State Streets, is hereby approved and accepted. The applicant is KMS-168, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE SEPTEMBER 18, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 45)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
47. RES. 816 – Res. that, the Subdivision Agreement among the City of Omaha, KMS-168, LLC, a Nebraska corporation, the Summer Hill Farm Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 581 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Summer Hill Farm (Lots 1-160 and Outlots A-K) and is located southeast of 168th and State Streets – [see attached](#). **(LAID OVER TO THE SEPTEMBER 18, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 45)**

PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

48. ORD. 41578 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6727 North 87th Circle – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
49. ORD. 41579 – An ordinance to rezone the property located northwest of 90th Street and Mockingbird Drive from R1 Single-Family Residential District (Large Lot) and R3 Single-Family Residential District (Medium-Density) to R3 Single-Family Residential District (Medium-Density) – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
50. ORD. 41580 – An ordinance to rezone the property located north of 134th Circle and Bedford Avenue from DR-Development Reserve District and R3-Single Family Residential District (medium density) to DR-Development Reserve District – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
51. ORD. 41581 – An ordinance to rezone the property located north of 134th Circle and Bedford Avenue from DR-Development Reserve District and R3-Single Family Residential District (medium density) to R3-Single Family Residential District (medium density) – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. ORD. 41589 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 333 South 132nd Street – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
53. ORD. 41590 – An ordinance to rezone the property located at 6143 Whitmore Street from R2-Single-Family Residential District (Low Density) and R3-Single-Family Residential District (Medium Density) to R3-Single-Family Residential District (Medium Density) – **(First Reading September 11, 2018;** Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

54. ORD. 41591 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6143 Whitmore Street – (**First Reading September 11, 2018**; Second Reading September 18, 2018; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
55. ORD. 41594 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for West Point, to allow for multi-family residential, located at 15450 and 15454 Ruggles Street, between the City of Omaha and KVT No. 2 Limited Partnership, a Nebraska corporation, providing site development standards – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTION

56. RES. 828 – Res. that, the Amendment to the Landmark Building Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located northeast of 13th and Harney Streets, requests the substitution of funding sources, which involves the designation of an Enhanced Employment Area and the use of the Occupation Tax as per the Community Development Law, and contains a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). (**LAI D O V E R T O T H E S E P T E M B E R 1 8 , 2 0 1 8 C I T Y C O U N C I L M E E T I N G T O A D V E R T I S E F O R P U B L I C H E A R I N G**)

ORDINANCES ON FIRST READING

57. ORD. 41582 – An ordinance to amend Omaha Municipal Code Sec. 26-24, to allow “gap and extend” improvements of portions of streets or alleys not previously improved to meet or exceed the City’s minimum standards; to repeal Sec. 26-24 as heretofore existing – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
58. ORD. 41583 – An ordinance to designate the Kay Apartment House located at 118 North 31st Street as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

59. ORD. 41584 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, and 1919 Douglas Street, LLC, to implement The Bank Phase 2 Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1919 Douglas Street, and 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; 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 agreement authorizes the use of up to \$5,000,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
60. ORD. 41585 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, and BH & JH Leavenworth, LLC, to implement the Charlie Graham Tax Increment Financing (TIF) Redevelopment Project Plan which is for a redevelopment site located at 4103 Leavenworth Street and proposes the construction of an approximately 17,000 square foot, one-story structure with 38 onsite parking stalls for the relocation of the Charlie Graham Service Center and Auto Body business; the agreement authorizes the use of up to \$562,944.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
61. ORD. 41593 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment and Occupation Tax Agreement between the City of Omaha and Avaden Landmark, LLC, to implement the Landmark Building Tax Increment Financing (TIF) Redevelopment Project Plan, for a project site located northeast of 13th and Harney Streets, which proposes the conversion of four office floors of the Landmark Building, a 15-story, Class “A” Office building, into an upper, upscale hotel with 128 rooms, construction of a two-story restaurant with rooftop seating, and use of the attached garage to serve the patrons on the hotel; the agreement authorizes the use of up to \$9,824,122.00, plus accrued interest; in excess ad valorem taxes (TIF) and \$8,700,000.00 in occupation tax funds generated by the development to help fund the cost of the project – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
62. ORD. 41586 – An ordinance to amend Section 10-200.2 of the Omaha Municipal Code; to change the words “certification” or “certified” to “authorization” or “authorized”; to repeal Omaha Municipal Code Section 10-200.2 as heretofore existing – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).

63. ORD. 41587 – An ordinance to amend Sections 30-263, 30-264 and 30-265 of the Omaha Municipal Code; to remove the City Clerk from the City Fireworks Committee, reducing the number of members to four; to reduce the number of fireworks sales permits issued from 50 to 40; to add a requirement for the permit holder to post a city-approved sign displaying the fireworks discharge period and the penalties for conviction of a violation of Section 20-320; to repeal Omaha Municipal Code Sections 30-263, 30-264 and 30-265 as heretofore existing – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
64. ORD. 41588 – An ordinance to approve the acceptance of the City of Omaha and Douglas County joint application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Application #201-H3323-NE-DJ, in the amount of \$376,710.00 for law enforcement programs, prevention and education programs, prosecution and court programs, mental health programs, and planning, evaluation and technology improvement programs during the period of October 1, 2017 to September 30, 2021; to provide the Council an opportunity for review and public comment for such application; and upon award of such grant to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).
65. ORD. 41592 – An ordinance providing for the designation of an enhanced employment area; the levy of a general business occupation tax; providing for the administration, imposition and collection of such occupation tax; specifying the use of such occupation tax revenue; and related matters – (**First Reading September 11, 2018**; Second Reading and Public Hearing September 18, 2018; Third Reading September 25, 2018) – [see attached](#).

EXECUTIVE SESSION

66. 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, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:19 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 September 11, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler