



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 18, 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 18, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

Deputy City Clerk Kimberly Pulliam took the Roll Call: Present were Councilmembers Harding, Jerram, Melton, Pahls, Palermo, Festersen, Mr. President (Gray) – **CCID # 862.**

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

Deputy City Clerk Kimberly Pulliam certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on September 14, 2018, notice of the Pre-Council and Regular City Council Meetings, September 18, 2018 – **CCID # 863.**

Ms. Pulliam stated that a current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

SUMMER HILL FARM

Deputy City Clerk Kimberly Pulliam stated that Items 6 through 8 relate to the same project and would be considered together.

(Required notices of the public hearings related to this development were published in the Daily Record on September 4, 2018.)

6. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
7. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

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

Council President Gray opened the Public Hearing on Items 6 through 8.

The following person(s) appeared and spoke:

PROPOSERS:

Daniel Walsh, Attorney for the applicant, 11330 Q Street #231

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

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

**Item # 6 ORDINANCE # 41574; Item # 7 RESOLUTION # 815; and,
Item # 8 RESOLUTION # 816**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

AMENDMENT TO THE LANDMARK BUILDING TIF REDEVELOPMENT PROJECT PLAN

Deputy City Clerk Kimberly Pulliam stated that Items 9 through 11 relate to the Landmark Building and the public hearings would be held together with a vote only on Item 9.

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

- A. Document submitted by Larry Storer – [see attached](#).

10. 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](#). **(PUBLIC HEARING TODAY)**
11. 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 (Landmark Building); 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](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Items 9 through 11.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Fisher, 17534 Baywood Circle

OPPOSERS:

Larry Storer, 5015 Lafayette Avenue

FOR THE CITY:

Bridget Hadley, Planning Department

Kevin Anderson, Mayor’s Office

Jennifer Taylor, Law Department

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 828 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR AND KENO RESOLUTIONS

12. RES. 864 – Class “C” Liquor License Application – Four Bakery, LLC, dba “Farine & Four”, 3020 Leavenworth Street, Suite 1. (This is a new application for a new location). Notice was posted on the property on 09/05/18; Notification was sent to property owners within 500 feet on 09/07/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Communications in support – [see attached](#).

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

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

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 864 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

13. RES. 865 – Class “D” Liquor License Application – Four Seasons Convenience Store, LLC, dba “Nations Mart”, 6620 South 36th Street. (This is a new application for an old location). Present licensee is Nations Mart, LLC, dba “Nations Mart”, who has a Class “D” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

Michael Polk, Attorney for the applicant, 2712 South 87th Avenue

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

MOTION by Palermo, SECOND by Harding that RESOLUTION # 865 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Deputy City Clerk Kimberly Pulliam stated that Items 14 through 17 relate to Keno Satellite Agreements and would be considered together.

14. RES. 866 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Addy’s Sports Grill Maple, Inc., dba “Addy’s Sports Grill & Bar”, 14615 West Maple Road, Suites 100-102 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
15. RES. 867 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at BH Hospitality Co., LLC, dba “Moe & Curly’s – Pub & Grill and Howard & Fine”, 1011 Capitol Avenue – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
16. RES. 868 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Menner & Maynard, Inc., dba “Pat & Mike’s Bar & Grill”, 9136 Bedford Avenue – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
17. RES. 869 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at TP Restaurant Omaha, LLC, dba “Twin Peaks”, 17330 West Center Road – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 14 through 17.

The following person(s) appeared and spoke:

PROPOSERS:

Katrina Coffey, Big Red Keno, 11248 John Galt Boulevard

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

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

Item # 14 RESOLUTION # 866; Item # 15 RESOLUTION # 867;
Item # 16 RESOLUTION # 868; and, Item # 17 RESOLUTION # 869

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 18 through 20 were held on September 11, 2018.

(Required notices of the public hearings were published in the Daily Record on September 7, 2018.)

CONSENT AGENDA – ORDINANCES

18. 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](#).
19. 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](#).
20. 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](#).

**MOTION by Festersen, SECOND by Harding that the following items be approved:
Item # 18 ORDINANCE # 41575; Item # 19 ORDINANCE # 41576; and,
Item # 20 ORDINANCE # 41577**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 21 through 34 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 27 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – RESOLUTIONS

21. RES. 870 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to ORBIS Corporation in the total amount of \$33,426.00 for five thousand, four hundred (5,400) 18 gallon residential recycling bins to be utilized by the Environmental Quality Control Division. (The Finance Department is authorized to pay the cost of this equipment from the General Fund 11111, Solid Waste - Collect & Disposal Organization 116321, year 2018 expenditure.) – [see attached](#).
22. RES. 871 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Pro Tech Commercial Vehicle Outfitters, Inc. in the total amount of \$26,757.00 for one (1) concrete flatbed truck body and 10' snow plow blade to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).
23. RES. 872 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Clark Equipment Company in the total amount of \$68,000.00 for the annual trade of fifteen (15) skid loaders and mini-excavators, 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](#).
24. RES. 873 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Truck Equipment, Inc. in the total amount of \$33,426.00 for one (1) truck mounted aerial bucket lift with utility body installed on a provided 19,500 GVW Cab and Chassis to be utilized by the Traffic Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Traffic Engineering Equipment Organization 116191, year 2018 expenditure.) – [see attached](#).
25. RES. 874 – Res. that, the Purchasing Agent is authorized to issue a Purchase Order to Vulcan, Inc. in the total amount of \$58,170.00 for galvanized U posts to be utilized by the Traffic Division; and that, Resolution No. 712 dated August 7, 2018 awarding the contract to Barco Municipal Products, Inc. is hereby rescinded as recommended by the Mayor, and contract is awarded to Vulcan, Inc., in the amount of \$58,170.00. (The cost of this equipment to be paid from the Street and Highway Allocation Fund 12131, Traffic Control Signs Organization 116188, year 2018 expenditure.) – [see attached](#).
26. RES. 875 – Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Jensen Construction Company, for Project BR-5026 (11), State Control No. 22325, and OPW 51461, being the 26th and Q Street Bridge Replacement project, in the amount of \$14,537,501.48, with the City's local share in the amount of \$2,907,500.30. (Being paid as a part of Capital Improvement Program Project 2008T105 from the 2018 Transportation Bond Fund 13185, Organization 117117, in accord with the approved program agreement with NDOT for the project. The City Council hereby authorizes the Mayor and City Clerk to sign the construction contract documents on behalf of the City of Omaha, and that the Mayor and City Clerk are also authorized to sign the NDOT documents.) – [see attached](#).

27. RES. 876 – Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Tab Holding Company, Inc. DBA Tab Construction, for Project HSIP-5003 (12), State Control No. 22629, and OPW 52493, being the 132nd and West Center Road Intersection Improvements project, in the amount of \$5,086,189.05, with the City’s local share in the amount of \$508,618.91. (Being paid as a part of Capital Improvement Program Project 2008T419 from the 2018 Transportation Bond Fund 13185, Organization 117117, in accord with the approved program agreement with NDOT for the project. The City Council hereby authorizes the Mayor and City Clerk to sign the construction contract documents on behalf of the City of Omaha, and that the Mayor and City Clerk are also authorized to sign the NDOT documents.) – [see attached](#).
(REMOVED FROM CONSENT)
28. RES. 877 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates in the amount of \$75,092.00 to provide professional services on OPW 53433, being the Old Headworks Grit Classifier and New Headworks Grit Building - Snails Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$75,092.00, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure.) – [see attached](#).
29. RES. 878 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. to provide professional services on OPW 53403, in the amount of \$99,832.00, being the 84th and Indian Hills Intersection Realignment Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,832.00, from the 2014 Transportation Bond Fund 13184, Transportation Bonds Required Organization 117117, year 2018 expenditure.) – [see attached](#).
30. RES. 879 – Res. that, as recommended by the Mayor, the Professional Services Agreement with AECOM Technical Services, Inc. to provide professional services on OPW 53461, being the Biosolids and Composting Evaluation & Market Assessment at PCWRRF Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$64,328.00, from the Sewer Revenue Fund 21121, Capital Asset Replacement Program Organization 116913, year 2018 expenditure.) – [see attached](#).
31. RES. 880 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,823.36 to provide additional services not included in the scope of the original agreement for OPW 53253, being the Cole Creek Watershed Study Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$30,823.36, from the 2014 Environmental Fund 13124, Environmental Bonds Organization 117217, year 2018 expenditures.) – [see attached](#).
32. RES. 881 – Res. that, as recommended by the Mayor, the Agreement with Farnam Lodging, LLC in the amount of \$188,542.85 for public infrastructure improvements constructed in conjunction with OPW 53108 and OPW 53264, being the 24th Avenue and Farnam Street Intersection Improvements, is hereby approved. (The Finance Department is authorized to pay an amount not to exceed \$188,542.85 from the Transportation Bond Fund 13184, Organization 117117, in conjunction with Capital Improvements Program 2018T519, Urban Design Retrofit Projects.) – [see attached](#).

33. RES. 882 – Res. that, as recommended by the Mayor, the purchase based upon the quote of Anderson Ford Lincoln Mercury Mazda in the amount of \$83,481.00 for three Ford Explorers, which represents Nebraska State Contract bid pricing, having been determined to be the best available current price for the Ford Explorers, is hereby approved. (The Finance Department is authorized to pay the cost of the Ford Explorers in the amount of \$83,481.00 from the Omaha Police Department, Year 2018, Equitable Sharing Fund 17121, Organization 177771, Project 5708, Task D.1, Award 100596, Account 47031 Vehicles Small Law Enforcement Only.) – [see attached](#).
34. RES. 883 – Res. that, the Mayor is authorized to sign and the City Clerk to attest the Professional Services Agreement-Transition Assistance between the City of Omaha and Caroline Gillan Consulting for a period from September 1, 2018 to December 31, 2018 at an hourly rate of \$50.00 per hour, plus the reimbursement of costs and funding for such Agreement shall come from 2018 Budget-General Fund 11111, Organization 107024, 42239 (Professional Fees-Other). (Any payment to Caroline Gillan Consulting for services prior to September 1, 2018 in excess of \$20,000.00 are hereby ratified and to be paid from 2018 Budget-General Fund 11111, Organization 107024, 42299 (Reimbursement Professional Services).) – [see attached](#).

Council President Gray opened the Public Hearing on Items 21 through 26 and 28 through 34.

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

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

Item # 21 RESOLUTION # 870;	Item # 22 RESOLUTION # 871;
Item # 23 RESOLUTION # 872;	Item # 24 RESOLUTION # 873;
Item # 25 RESOLUTION # 874;	Item # 26 RESOLUTION # 875;
Item # 28 RESOLUTION # 877;	Item # 29 RESOLUTION # 878;
Item # 30 RESOLUTION # 879;	Item # 31 RESOLUTION # 880;
Item # 32 RESOLUTION # 881;	Item # 33 RESOLUTION # 882; and,
Item # 34 RESOLUTION # 883	

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

27. RES. 876 – Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Tab Holding Company, Inc. DBA Tab Construction, for Project HSIP-5003 (12), State Control No. 22629, and OPW 52493, being the 132nd and West Center Road Intersection Improvements project, in the amount of \$5,086,189.05, with the City’s local share in the amount of \$508,618.91. (Being paid as a part of Capital Improvement Program Project 2008T419 from the 2018 Transportation Bond Fund 13185, Organization 117117, in accord with the approved program agreement with NDOT for the project. The City Council hereby authorizes the Mayor and City Clerk to sign the construction contract documents on behalf of the City of Omaha, and that the Mayor and City Clerk are also authorized to sign the NDOT documents.) – [see attached](#).
(REMOVED FROM CONSENT)

- A. Documents submitted by Troy Anderson – [see attached](#).
- B. Documents submitted by Randy Lenhoff – [see attached](#).

Council President Gray opened the Public Hearing on Item 27.

The following person(s) appeared and spoke:

OPPONENTS:

Randy Lenhoff, 1214 South 194th Street

FOR THE CITY:

Troy Anderson, Mayor's Office

Gayle Sturdivant, Public Works Department

Jeff Riesselman, Public Works Department

Heather Tippey-Pierce, Public Works Department

Alan Thelen, Law Department

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

MOTION by Melton, SECOND by Festersen that RESOLUTION # 876 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

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

Council President Gray opened the Public Hearing on Item 35.

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

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

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

Council President Gray opened the Public Hearing on Item 36.

The following person(s) appeared and spoke:

PROPOSERS:

Arun Agarwal, 105 North 31st Avenue

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

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

Council President Gray opened the Public Hearing on Item 37.

The following person(s) appeared and spoke:

PROPOSERS:

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.

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

Council President Gray opened the Public Hearing on Item 38.

The following person(s) appeared and spoke:

PROPOSERS:

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.

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

Council President Gray opened the Public Hearing on Item 39.

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

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

- A. Document submitted by Mary Ann Krzremien – [see attached](#).

Council President Gray opened the Public Hearing on Item 40.

The following person(s) appeared and spoke:

PROPONENTS:

Mary Ann Krzremien, South Omaha Environmental Task Force, 1902 O Street

OPPONENTS:

Vince Bellino, Bellino Fireworks, 501 Olson Drive, Papillion, NE

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

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

Council President Gray opened the Public Hearing on Item 41.

The following person(s) appeared and spoke:

OPPONENTS:

Larry Storer, 5015 Lafayette Avenue

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

NON-ACTION ITEMS

(Items 42 through 67 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.)

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

42. 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](#).
43. 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](#).

44. 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](#).
45. 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](#).
46. 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](#).
47. 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](#).
48. 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](#).
49. 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 September 18, 2018**; Third Reading, Public Hearing and Vote September 25, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

50. ORD. 41595 – An ordinance to amend the boundaries of the ACI-2-Area of Civic Importance Overlay District, to incorporate into that district the property located northwest of 84th Street and Indian Hills Drive – (**First Reading September 18, 2018**; Second Reading September 25, 2018; Third Reading, Public Hearing and Vote October 2, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
51. ORD. 41596 – An ordinance to rezone property located at 1708 Sahler Street from GI-General Industrial District to R5-Urban Family Residential District – (**First Reading September 18, 2018**; Second Reading September 25, 2018; Third Reading, Public Hearing and Vote October 2, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. ORD. 41597 – An ordinance to rezone property located at 1103 South 22nd Street from GI-General Industrial District to R5-Urban Family Residential District – (**First Reading September 18, 2018**; Second Reading September 25, 2018; Third Reading, Public Hearing and Vote October 2, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend denial of a request to rezone the property to R7 but recommend approval of rezoning to R5 – [see attached](#).
53. ORD. 41598 – An ordinance to rezone property located at 13126 North 42nd Street from DR-Development Reserve District and R1-Single-Family Residential District (Large lot) to R1-Single-Family Residential District (Large lot) (property is located within an ED-Environmental Resources Overlay District) – (**First Reading September 18, 2018**; Second Reading September 25, 2018; Third Reading, Public Hearing and Vote October 2, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
54. ORD. 41599 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5645 North 90th Street – (**First Reading September 18, 2018**; Second Reading September 25, 2018; Third Reading, Public Hearing and Vote October 2, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

ORDINANCES ON FIRST READING

55. ORD. 41600 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Blake Street Lift Station project identified as OPW 53270 (CSO); providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
56. ORD. 41601 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Cole Creek 202, Phase 1; project identified as OPW 53417; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
57. ORD. 41602 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 78th Street, Mercy Road to Pacific Street, project identified as OPW 52281; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
58. ORD. 41603 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 120th Street, Stonegate Drive to Roanoke Boulevard, project identified as MAPA 5009(3). CN 22277, OPW 50949; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
59. ORD. 41604 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 168th Street, “Q” to West Center Road; project identified as Federal Aid Project Number STPC-3811 (1), State Control No. 22209, City Project OPW 50417; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).

60. ORD. 41605 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 168th Street, Pacific Street to West Center Road; project identified as Federal Aid Project Number STPC-3811 (2), State Control No. 22210, City Project OPW 51016; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
61. ORD. 41606 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Crown Pointe Avenue, Blair High Road to 72nd Street Improvement project identified as OPW 52884; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
62. ORD. 41607 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing 99th & Ida Storm Sewer Repair, project identified as OPW 53096; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
63. ORD. 41608 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment and Occupation Tax Agreement between the City of Omaha and BSHO, LLC, to implement the Blackstone Hotel Tax Increment Financing (TIF) Redevelopment Project Plan, for a project site located at 302 South 36th Street, which proposes the complete rehabilitation, conversion and restoration of the historic Blackstone Hotel into a 205 room upper, upscale, full-service boutique hotel with various hotel amenities, and also requests the designation of an Enhanced Employment Area and the use of the General Business Occupation Tax; the agreement authorizes the use of up to \$7,807,000.00, plus accrued interest; in excess ad valorem taxes (TIF) and \$22,627,138.00 in occupation tax funds generated by the development to help fund the cost of the project – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
64. ORD. 41609 – 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 (Blackstone); specifying the use of such occupation tax revenue; and related matters – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).

65. ORD. 41610 – An ordinance authorizing and directing an issue of general obligation bonds and an issue of general obligation refunding bonds of the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$75,500,000.00 to be termed for identification purposes “Various Purpose and Refunding Bonds, Series 2018A” and “General Obligation Refunding Bonds, Taxable Series 2018B,” respectively; prescribing the form of said bonds; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City of Omaha and certain sanitary and improvement districts annexed by the City of Omaha, Nebraska; directing the Finance Department to give notices of such defeasance and redemption; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, a Paying Agent and Registrar; approving the selections of an underwriter and an escrow verification agent; directing that said bonds shall initially be issued and registered in book-entry form; providing for continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said bonds – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
66. ORD. 41611 – An ordinance (1) to approve a professional services agreement between the City of Omaha and Toni G. Jensen in the amount of \$7,380.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2016 Improving Criminal Justice Responses to Sexual Assault, Domestic Violence and Stalking Grant Program (ICJR), Award #2016-WE-AX-0041, awarded by the Office on Violence Against Women (OVW); to provide funding for one (1) Community Safety Assessment and Accountability Coordinator; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).
67. ORD. 41612 – An ordinance to approve an agreement between the City of Omaha and the Women’s Center for Advancement in the amount of \$39,377.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2017 STOP Violence Against Women (VAWA) Grant, Award #17-VW-0711, awarded by the Nebraska Crime Commission; to provide partial funding for one (1) full-time Client Attorney and one (1) full-time Victim Advocate, and Indirect Costs as part of the Douglas County Community Response Team; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (**First Reading September 18, 2018**; Second Reading and Public Hearing September 25, 2018; Third Reading October 2, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:02 P.M.

I, KIMBERLY PULLIAM, DEPUTY CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on September 18, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

DEPUTY CITY CLERK:

s/Kimberly Pulliam

Kimberly Pulliam