



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 25, 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 25, 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 Jerram, Melton, Pahls, Palermo, Festersen, Harding, Mr. President (Gray) – **CCID # 884**.

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

Councilmember Rich Pahls of District No. 5 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 21, 2018, notice of the Pre-Council and Regular City Council Meetings, September 25, 2018 – **CCID # 885**.

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

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

MAJESTIC POINTE

6. RES. 886 – Res. that, the Preliminary Plat entitled Majestic Pointe (Lots 244-252 and Outlots I-N), located southwest of 168th and State Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is David Steier/Ken Hagen – 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 6.

The following person(s) appeared and spoke:

PROPONENTS:

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

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

MOTION by Harding, SECOND by Festersen that RESOLUTION # 886 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

7. 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](#).
(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:

PROPOSERS:

Randy Kuszak, 14710 West Dodge Road

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

MOTION by Festersen, SECOND by Melton that ORDINANCE # 41578 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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

Council President Gray opened the Public Hearing on Item 8.

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

MOTION by Melton, SECOND by Harding that ORDINANCE # 41579 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 9 and 10 relate to the same property and would be considered together.

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

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

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

Council President Gray opened the Public Hearing on Items 9 and 10.

The following person(s) appeared and spoke:

PROPOSERS:

Heather Efaw, 3335 North 134th Circle

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

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

Item # 9 ORDINANCE # 41580; and, Item # 10 ORDINANCE # 41581

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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

Council President Gray opened the Public Hearing on Item 11.

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41589 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 12 and 13 relate to the same property and would be considered together.

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

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

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

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

Council President Gray opened the Public Hearing on Items 12 and 13.

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

**MOTION by Melton, SECOND by Harding that the following items be approved:
Item # 12 ORDINANCE # 41590; and, Item # 13 ORDINANCE # 41591**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPOSERS:

Jim Buser, Attorney for the applicant, 10250 Regency Circle
Jeff Lake, 21008 Cumberland Drive

OPPOSERS:

Adrian Agula, Hamilton Heights Child Development Center, 15475 Taylor Street
Mark Vondrasek, 211 South 37th Street

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

MOTION by Melton, SECOND by Harding that ORDINANCE # 41594 be approved

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Palermo, Festersen, Harding, 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 15 through 20 were held on September 18, 2018.

(Required notices of the public hearings were published in the Daily Record on September 14, 2018.)

CONSENT AGENDA – ORDINANCES

15. 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](#).

16. 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](#).

17. 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](#).

18. 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](#).

19. 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](#).

20. 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](#).

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

Item # 15 ORDINANCE # 41584; Item # 16 ORDINANCE # 41585;
Item # 17 ORDINANCE # 41582; Item # 18 ORDINANCE # 41583;
Item # 19 ORDINANCE # 41586; and, Item # 20 ORDINANCE # 41588

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 21 through 23 were today. He asked that anyone who wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

21. RES. 891 – Res. that, as recommended by the Mayor, the contract with R & R Construction for OPW 53296 being the Vinton Street Acorn Light Poles Project, is hereby approved. (The Finance Department is authorized to pay the cost of this project in the amount of \$381,774.00 from the Community Development Block Grant Fund 12186, Community Development Block Grant Organization 128072, year 2018 expenditures.) – [see attached](#).
22. RES. 892 – Res. that, as recommended by the Mayor, the Professional Services Agreement with The Schemmer Associates, Inc. in the amount of \$43,573.70 to provide professional services on OPW 53210, being the 31 Mason Sewer Improvement District Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$43,573.70, from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure.) – [see attached](#).

23. RES. 893 – Res. that, the quote of Superior Green, Inc. for tree trimming and removal in the Neighborhood Action & Fact (R.O.W. of North Freeway) Phase II, in the amount of \$84,700.00 is accepted. (The amount of this award shall be paid from 2017 Community Block Grant Program, Fund No. 12186, Organization No. 128072. The Purchasing Agent is authorized to issue a purchase order to Superior Green, Inc. for tree trimming and removal in the Neighborhood Action & Fact (R.O.W. of North Freeway) Phase II, in the amount of \$84,700.00.) – [see attached](#).

Council President Gray opened the Public Hearing on Items 21 through 23.

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

**MOTION by Palermo, SECOND by Festersen that the following items be approved:
Item # 21 RESOLUTION # 891; Item # 22 RESOLUTION # 892; and,
Item # 23 RESOLUTION # 893**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON FINAL READING

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

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41592 be approved

ROLL CALL:

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

Nays: Melton

MOTION APPROVED 6-1

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

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41593 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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

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

FOR THE CITY:

Paul Kratz, City Attorney

MOTION by Harding, SECOND by Melton that ORDINANCE # 41587 be amended to remove the line that states “to reduce the number of fireworks sales permits issued from 50 to 40” and to keep the number 50 in Section 30-264 of the Omaha Municipal Code

ROLL CALL:

Yeas: Melton, Harding

Nays: Jerram, Pahls, Palermo, Festersen, Mr. President

MOTION FAILED 2-5

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41587 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

27. ORD. 41531 – An ordinance to amend sections 20-230 and 30-261 of the Omaha Municipal Code; to shorten the period of time currently allowed for the use of fireworks from June 25 through July 4, to June 30 through July 4; to shorten the period of time currently allowed for the sale of fireworks from June 24 through July 5, to June 29 through July 4; to shorten the hours allowed for the use of fireworks, except for July 4; to repeal Omaha Municipal Code Sections 20-320 and 30-261 as heretofore existing – (First Reading July 17, 2018; Second Reading and Public Hearing July 24, 2018; Third Reading September 25, 2018) – [see attached](#). **(POSTPONED FROM THE AUGUST 7, 2018 CITY COUNCIL MEETING, VOTE TODAY)**
- A. Communication in support – [see attached](#).
 - B. Communication from Police Chief Todd Schmaderer – [see attached](#).
 - C. Communication from Fire Chief Daniel Olsen – [see attached](#).
 - D. Communication received from Mayor Stothert during July 24, 2018 Public Hearing – [see attached](#).
 - E. Amendment requested by Councilmember Melton dated July 20, 2018 – [see attached](#).
 - F. Amendment requested by the Law Department – [see attached](#).
 - G. Amendment requested by the Law Department – [see attached](#).
 - H. Amendment requested by the Law Department – [see attached](#).

MOTION by Festersen, SECOND by Jerram that Amendment F be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Festersen that Amendment G be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Festersen that Amendment H be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41531 be approved as amended

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

City Clerk Elizabeth Butler stated that the public hearings on Items 28 through 35 would be held together.

28. 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](#). **(PUBLIC HEARING TODAY)**
29. 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](#). **(PUBLIC HEARING TODAY)**
30. 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](#). **(PUBLIC HEARING TODAY)**
31. 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](#). **(PUBLIC HEARING TODAY)**
32. 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](#). **(PUBLIC HEARING TODAY)**

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

Council President Gray opened the Public Hearing on Items 28 through 35.

The following person(s) appeared and spoke:

FOR THE CITY:

Item # 34 – Gayle Sturdivant, Public Works Department

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

City Clerk Elizabeth Butler stated that the public hearings on Items 36 and 37 would be held together.

36. 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](#). **(PUBLIC HEARING TODAY)**
 - A. Communication in opposition – [see attached](#).

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

Council President Gray opened the Public Hearing on Items 36 and 37.

The following person(s) appeared and spoke:

PROPOSERS:

Matt Dwyer, Greenslate Development, 3814 Farnam Street
John Fahrer, Scriptown Brewery, 3922 Farnam Street
Dominic DiGiacomo, 3910 Farnam Street
Matt Moser, 3814 Farnam Street
Luis Jimenez, 518 North 40th Street
Jessica Keith, Corkscrew Wine & Cheese, 3908 Farnam Street
Michael Sanchez, Mula, 3932 Farnam Street
Bill Baburek, Crescent Moon, 3578 Farnam Street
Tyler Wilson, 6404 Shirley Street
Jared Alexander, 2202 South 40th Street
Connie Spellman, 705 North 57th Avenue
Tom McLeay, 3814 Farnam Street
Jay Lund, 3814 Farnam Street

OPPOSERS:

Larry Storer, 5015 Lafayette Avenue
Alex Sindelar, 4902 Capitol Avenue
Mark Brannen, 6915 Evans Street
Mark Vondrasek, 211 South 37th Street

FOR THE CITY:

Kevin Andersen, Mayor's Office
Bridget Hadley, Planning Department
Paul Kratz, City Attorney

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

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

Council President Gray opened the Public Hearing on Item 38.

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

39. 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,

Council President Gray opened the Public Hearing on Item 39.

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

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

Council President Gray opened the Public Hearing on Item 40.

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

NON-ACTION ITEMS

(Items 41 through 55 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON OCTOBER 9, 2018 DUE TO THE COLUMBUS DAY HOLIDAY)

SIENA/FRANCIS HOUSE SHELTER

41. ORD. 41613 – An ordinance to rezone property located northwest of 16th and Nicholas Streets from DS-Downtown Services District, GC-General Commercial District and GI-General Industrial District to DS-Downtown Services District – (**First Reading September 25, 2018**; Second Reading October 2, 2018; Third Reading, Public Hearing and Vote October 16, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

42. ORD. 41614 – An ordinance to amend the boundaries of the ACI-1-Area of Civic Importance Overlay District, to incorporate into that district the property located northwest of 16th and Nicholas Streets – (**First Reading September 25, 2018**; Second Reading October 2, 2018; Third Reading, Public Hearing and Vote October 16, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

43. ORD. 41615 – An ordinance to approve an Amendment to the Land Use Element of the Master Plan for the City of Omaha, to change the future land map to Civic for an area generally located northwest of 16th and Nicholas Streets – (**First Reading September 25, 2018**; Second Reading October 2, 2018; Third Reading, Public Hearing and Vote October 16, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

44. RES. 888 – Res. that, the Preliminary Plat entitled Siena/Francis House Shelter, a minor plat inside the city limits, located northwest of 16th and Nicholas Streets, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Omaha Shelter for Homeless Trust – Inside City Limits – [see attached](#). (**LAI D O V E R T O T H E O C T O B E R 1 6 , 2 0 1 8 C I T Y C O U N C I L M E E T I N G T O C O I N C I D E W I T H I T E M 4 1 A N D 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 A N D T O N O T I F Y S U R R O U N D I N G P R O P E R T Y O W N E R S**)
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

45. RES. 889 – Res. that, the Final Plat transmitted herewith entitled Siena/Francis House Shelter, a minor plat inside the city limits, located northwest of 16th and Nicholas Streets, is hereby approved, and concurrently a portion of the existing plats entitled Horbach’s First Addition, Horbach’s 1st Addition Replat 1, Omaha Building and Saving Association, and Original City of Omaha, and described on said replat, are hereby vacated. The applicant is Omaha Shelter for Homeless Trust – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 41 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

46. 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](#).

47. 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](#).

48. 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](#).

49. 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](#).

50. 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](#).

RESOLUTIONS

51. RES. 887 – Res, that, the Preliminary Plat entitled Dahlman Rows, a minor plat inside the city limits, located northeast of 7th and Cedar Streets, with a request for a waiver of Section 53-8(4)(a) Lot depth, and Section 53-8(4)(d) Lot frontage, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Dahlman Rows, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. RES. 890 – Res. that, the 44 Douglas Student Housing Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 4412-4418 Douglas Street and 114-120 South 44th Street, which proposes the new construction of 120 studio-style efficiency apartment units contained in a five-story building, a surface parking lot with 33 spaces, 6 additional on-street parking spaces adjacent to the project site, and 87 leased parking spaces from UNMC in the parking structure across the street, authorizes the City's participation through the allocation of TIF in an amount up to \$2,173,800.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, environmental and geotechnical studies, site work, 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](#). **(LAID OVER TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

ORDINANCES ON FIRST READING

53. ORD. 41617 – An ordinance awarding a contract to Kone, Inc., for elevator maintenance at various City Facilities throughout the City of Omaha, with an estimated annual cost of \$24,900.00, for a one-year term with up to four (4) one-year renewals; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account – **(First Reading September 25, 2018**; Second Reading and Public Hearing October 2, 2018; Third Reading October 16, 2018) – [see attached](#).

54. ORD. 41616 – An ordinance approving a License Agreement and Maintenance and Support Agreement between the City of Omaha and Accela, Inc., providing the Omaha Planning Department, Omaha Fire Department, and Omaha Public Works Department with ongoing use of a permit processing and inspection management system with remote and public access to approve and authorize the payment of money from appropriations of more than one year in accordance with Sections 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended – (**First Reading September 25, 2018**; Second Reading and Public Hearing October 2, 2018; Third Reading October 16, 2018) – [see attached](#).
55. ORD. 41618 – An ordinance authorizing and providing for an issue of special tax revenue redevelopment bonds and an issue of taxable special tax revenue redevelopment bonds in the aggregate principal amount of not to exceed \$10,000,000.00 to be termed for identification purposes “Special Tax Revenue Redevelopment Bonds, Series 2018A,” and “Special Tax Revenue Redevelopment Bonds, Taxable Series 2018B,” respectively; prescribing the form and detail of said bonds; ratifying and confirming the creation of a community development agency; providing for the annual certification of the amount of community redevelopment tax to be levied for each succeeding fiscal year; pledging the special tax revenues to the payment of the principal of and interest on said bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the payment of said bonds solely to said special tax revenues; authorizing the sale of said bonds by negotiation; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing a Paying Agent and Registrar; approving the selection of an underwriter; 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 25, 2018**; Second Reading and Public Hearing October 2, 2018; Third Reading October 16, 2018) – [see attached](#).

EXECUTIVE SESSION

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:38 P.M.

I, ELIZABETH BUTLER, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on September 25, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler