



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, OCTOBER 2, 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, October 2, 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 Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President (Gray) – **CCID # 894.**

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

Councilmember Brinker Harding of District No. 6 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 28, 2018, notice of the Pre-Council and Regular City Council Meetings, October 2, 2018 – **CCID # 895.**

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

SOUTH FARM REPLAT 1

City Clerk Elizabeth Butler stated that Items 6 through 8 relate to the same project and would be considered together.

6. RES. 897 – Res. that, the Preliminary Plat entitled South Farm Replat 1, located northwest of 144th and Pine Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is South Farm, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

7. RES. 898 – Res. that, the Final Plat transmitted herewith entitled South Farm Replat 1 located northwest of 144th and Pine Streets, is hereby approved, and concurrently a portion of the existing plat entitled South Farm, and described on said replat, is hereby vacated. The applicant is South Farm, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

8. RES. 899 – Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, South Farm LLC, South Farm Master Property Owners Association, Inc., and Sanitary and Improvement District No. 583 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as South Farm Replat 1 (Lots 1-2 and Outlot A) and is located northwest of 144th Street and Applied Parkway – [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:

Joe Flaxbeard, 14710 West Dodge Road

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

**MOTION by Harding, SECOND by Melton that the following items be approved:
Item # 6 RESOLUTION # 897; Item # 7 RESOLUTION # 898; and,
Item # 8 RESOLUTION # 899**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notices of the public hearings relating to the following developments were published in the Daily Record on September 18, 2018.)

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

Council President Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

PROPOSERS:

Troy Meyerson, Attorney for the applicant, 409 South 17th Street

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

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41595 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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

Council President Gray opened the Public Hearing on Item 10.

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

MOTION by Harding, SECOND by Gray that ORDINANCE # 41596 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

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](#).

Council President Gray opened the Public Hearing on Item 11.

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

MOTION by Jerram, SECOND by Palermo that ORDINANCE # 41597 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

- 12. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Communication in opposition – [see attached](#).
 - C. Amendment of the Whole requested by Councilmember Festersen – [see attached](#).

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:
Kim Brady, 13724 Camden Avenue

OPPOSERS:
Dorothy Polan, 13030 North 47th Street

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

MOTION by Festersen, SECOND by Jerram that the Amendment of the Whole for ORDINANCE # 41598 be approved

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

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

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:
Jeff Elliott, Woodsonia Real Estate, 17007 Marcy Street

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

MOTION by Festersen, SECOND by Melton that ORDINANCE # 41599 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

14. RES. 900 – Class “C” Liquor License Application – FTW, Inc., dba “Grover Inn”, 3505 South 42nd Street. (This is a new application for an old location). Present licensee is BMC-69, LLC, dba “Grover Inn”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPONENTS:

Gary Mangiameli, 3505 South 42nd Street

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

MOTION by Palermo, SECOND by Melton that RESOLUTION # 900 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

15. RES. 901 – Class “I” Liquor License Application – GTI Management Group, LLC, dba “Burgerim”, 225 North 12th Street #130. (This is a new application for a new location). Notice was posted on the property on 09/19/18; Notification was sent to property owners within 500 feet on 09/21/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
16. RES. 902 – Class “E” Liquor License Application – GTI Management Group, LLC, dba “Burgerim”, 225 North 12th Street #130. (This is a new application for a new location). Notice was posted on the property on 09/19/18; Notification was sent to property owners within 500 feet on 09/21/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 15 and 16.

The following person(s) appeared and spoke:

PROPONENT:

Michael Lehan, 2804 South 87th Avenue

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

**MOTION by Jerram, SECOND by Festersen that the following items be approved:
Item # 15 RESOLUTION # 901; and, Item # 16 RESOLUTION # 902**

ROLL CALL:

Yeas: Melton, Pahls, Palermo, Festersen, Harding, Jerram, 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 17 through 25 were held on September 25, 2018.

(Required notices of the public hearings were published in the Daily Record on September 21, 2018.)

CONSENT AGENDA – ORDINANCES

17. 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](#).
18. 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](#).
19. 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](#).

20. 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](#).
21. 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](#).
22. 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](#).
23. 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](#).
24. 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](#).

25. 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](#).

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

Item # 17 ORDINANCE # 41600;	Item # 18 ORDINANCE # 41601;
Item # 19 ORDINANCE # 41603;	Item # 20 ORDINANCE # 41604;
Item # 21 ORDINANCE # 41605;	Item # 22 ORDINANCE # 41606;
Item # 23 ORDINANCE # 41607;	Item # 24 ORDINANCE # 41608; and,
Item # 25 ORDINANCE # 41612	

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 26 through 31 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

26. RES. 905 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to Central Salt, LLC, as the primary supplier, and Nebraska Salt & Grain Company, as a secondary supplier, in the approximate amount of \$1,409,700.00 for the purchase of rock salt for the 2018-2019 winter season to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2018 expenditure.) – [see attached](#).
27. RES. 906 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to Affordable Construction, Alexander Lawn & Landscape, Inc., Choppers Lawn Service, Cooter Enterprises, Inc., Dana Enterprises, Inc., DPS, LLC, D&S Lawn Service, Inc., Dr. Exteriors, LLC, H&H Building Services, Hardscape Contractors, MaConn Enterprises, Melvin Sudbeck Homes, Neon Green, Pond Pros, Precision Enterprise, Inc., Priority Turf & Irrigation, RMS Services, SC Contracting, Sean Negus Construction, LLC, and Stranger Enterprises, LLC., to furnish residential street snow plowing services within the City of Omaha for the 2018-2019 winter season. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2018 expenditures.) – [see attached](#).

28. RES. 907 – Res. that, the Deferred Payment Loan Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,500.00 for the rehabilitation and lead removal work to the property located at 3535 North 36th Avenue, Omaha, Nebraska, 68111, owned by Brisco Investments LLC, is hereby approved. (Funds in the amount of \$24,500.00 shall be paid as follows: FY 2017 HOME Rental Rehabilitation Program funds in the amount of \$24,500.00, Organization No. 128071, Fund No. 12179.) – [see attached](#).
29. RES. 909 – Res. that, the Preliminary Official Statement pertaining to the issuance and sale of general obligation and refunding bonds titled “Various Purpose and Refunding Bonds, Series 2018A,” and “General Obligation and Refunding Bonds, Taxable Series 2018B,” in Exhibit A by this reference made a part hereof as if fully set forth herein, is hereby approved in substantially the form hereto; the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (except for certain omissions permitted by said Rule 15c2-12); the Finance Director of the City of Omaha is hereby authorized to deliver the Preliminary Official Statement on behalf of the City of Omaha; the distribution of the Preliminary Official Statement by the prospective underwriter of the Various Purpose and Refunding Bonds, Series 2018A, and the General Obligation and Refunding Bonds, Taxable Series 2018B, is hereby approved; that the Bond Purchase Agreement pertaining to the issuance and sale of the Various Purpose and Refunding Bonds, Series 2018A, and the General Obligation and Refunding Bonds, Taxable Series 2018B, by the City of Omaha, Nebraska to the prospective underwriter in Exhibit B hereto and by reference made a part hereof as fully as if set forth herein is hereby approved in substantially the form hereto – [see attached](#).
30. RES. 908 – Res. that, the Mayor’s reappointment of Michael Pate as a City-resident member of the Planning Board to serve a term commencing on December 23, 2018, and expiring December 22, 2023, be and hereby is confirmed and approved – [see attached](#).
31. RES. 911 – Res. that, the appointment by Mayor Jean Stothert of Kristine K. Moore as a permanent representative member of the Zoning Board of Appeals to serve a five-year term commencing October 2, 2018, and expiring on October 1, 2023, be and hereby is confirmed and approved – [see attached](#).

Council President Gray opened the Public Hearing on Items 26 through 31.

The following person(s) appeared and spoke:

FOR THE CITY:

Item # 27 – Austin Rowser, Public Works Department

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

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

Item # 26 RESOLUTION # 905;	Item # 27 RESOLUTION # 906;
Item # 28 RESOLUTION # 907;	Item # 29 RESOLUTION # 909;
Item # 30 RESOLUTION # 908; and,	Item # 31 RESOLUTION # 911

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON FINAL READING

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

MOTION by Jerram, SECOND by Gray that ORDINANCE # 41602 be approved

ROLL CALL:

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

Nays: None

Pass: Festersen

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

MOTION APPROVED 6-0-1

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

MOTION by Jerram, SECOND by Gray that ORDINANCE # 41609 be approved

ROLL CALL:

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

Nays: Melton

MOTION APPROVED 6-1

34. 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](#). **(VOTE TODAY)**
- A. Amendment of the Whole requested by the Law Department – [see attached](#).

MOTION by Jerram, SECOND by Gray that the Amendment of the Whole for ORDINANCE # 41608 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

35. ORD. 41610 – An Ordinance authorizing and directing an issue of general obligation bonds and an issue of general obligation and refunding bonds of the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$79,500,000.00 to be termed for identification purposes “Various Purpose and Refunding Bonds, Series 2018A” and “General Obligation and 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](#). **(VOTE TODAY)**
- A. Amendment of the Whole requested by the Finance Department – [see attached](#).

MOTION by Melton, SECOND by Jerram that the Amendment of the Whole for ORDINANCE # 41610 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

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

Council President Gray opened the Public Hearing on Item 36.

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

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

Council President Gray opened the Public Hearing on Item 37.

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

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

Council President Gray opened the Public Hearing on Item 38.

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

NON-ACTION ITEMS

(Items 39 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)

DOUGLAS COUNTY ELECTION COMMISSIONER

39. CCID 904 – Douglas County Election Commissioner transmits the invoice for the City of Omaha’s portion of the costs associated with the May 15, 2018 Primary Election – [see attached](#). **(THIS ITEM WAS RECEIVED BY THE CITY CLERK AND REFERRED TO THE FINANCE DEPARTMENT)**

SIENA/FRANCIS HOUSE SHELTER

40. 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](#).
41. 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](#).
42. 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](#).
43. 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](#). **(LAID OVER TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 40 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
44. 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 40 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

STONECREEK AT BLUE SAGE

45. ORD. 41619 – An ordinance to rezone property located northwest of 204th Street and Blue Sage Parkway from AG-Agricultural District to R6-Low-Density Multiple-Family Residential District – (**First Reading October 2, 2018**; Second Reading October 16, 2018; Third Reading, Public Hearing and Vote October 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

46. ORD. 41620 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northwest of 204th Street and Blue Sage Parkway – (**First Reading October 2, 2018**; Second Reading October 16, 2018; Third Reading, Public Hearing and Vote October 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
47. RES. 896 – Res. that, the Final Plat entitled Stonecreek at Blue Sage, located northwest of 204th Street and Blue Sage Parkway, is hereby approved and accepted. The applicant is Blue Sage Apt. Associates LLC – Outside City Limits – [see attached](#). (**LAI D O V E R T O T H E O C T O B E R 2 3 , 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 5 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](#).
48. RES. 903 – Res. that, the Subdivision Agreement between the City of Omaha and Blue Sage APT Associates, LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Stonecreek at Blue Sage (Lot 1 and Outlot A) and is located northwest of 204th Street and Blue Sage Parkway – [see attached](#). (**LAI D O V E R T O T H E O C T O B E R 2 3 , 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 5 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**)

RESOLUTIONS

49. 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](#). (**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 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](#).

50. 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

51. ORD. 41621 – An ordinance to accept a price agreement in the amount of \$898,115.00 with B & W Co., Inc. for machine sweeping services to be in effect from 2019 through 2023; to provide payment involving appropriations of more than one fiscal year in accord with the provisions of Section 5.17 of the Home Rule Charter of 1956, as amended; to provide payments from a specific account – **(First Reading October 2, 2018; Second Reading and Public Hearing October 16, 2018; Third Reading October 23, 2018)** – [see attached](#).
52. ORD. 41622 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the 62nd and Bancroft Storm Sewer, project identified as OPW 53081; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – **(First Reading October 2, 2018; Second Reading and Public Hearing October 16, 2018; Third Reading October 23, 2018)** – [see attached](#).
53. SPECIAL ORD. 10238 – An ordinance levying a special tax assessment for condemned buildings or structures in accordance with Section 48-93 of the Omaha Municipal Code on certain lots in the City of Omaha - Group No. 2018-01 – **(First Reading October 2, 2018; Second Reading and Public Hearing October 16, 2018; Third Reading October 23, 2018)** – [see attached](#).
54. ORD. 41623 – An ordinance to amend Section 23 – 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Human Resources Information Systems (HRIS) Manager with a salary range of 18 AEC (\$65,250 - \$77,162); to repeal Section 23 – 177 as heretofore existing – **(First Reading October 2, 2018; Second Reading and Public Hearing October 16, 2018; Third Reading October 23, 2018)** – [see attached](#).
- A. Personnel Board recommends approval.

55. ORD. 41624 – An ordinance amending a Business Improvement District under the authority of the Business Improvement District Act, Neb.Rev.Stat. §§ 19-4015, et seq., known as the Blackstone Business Improvement District (BID No. 6877); with the current boundaries of the BID starting at the west side of 36th Street and then proceeding westward along Farnam Street to the eastern curb of 42nd Street, to include all properties having frontage on Farnam Street being expanded to new boundaries starting at the northeast corner of 35th Street and Dewey Avenue and heading west to 42nd Street and then heading north to Dodge Street and then heading east to South 35th Avenue and then heading south to the alley between Dodge Street and Farnam Street and then east to 35th Street and the south to Dewey Avenue for the purpose of continuing activities, works and improvements in the Blackstone area for the City of Omaha, Nebraska; to identify the properties benefited by the proposed improvements which will be subject to special assessments in accordance with this Ordinance; to provide for special assessment in an initial amount not to exceed \$0.90 per \$1,000 of valuation with a \$5,000,000.00 dollar cap on total amount of assessed value, with an annual escalator of 5% on the cap of assessed value; for cleaning and maintenance, security, lighting, promotion, roadway improvements, and beautification to be imposed upon such District based upon the benefits conferred with an approximate initial budget of \$70,280.00 with a 5% escalator on the budget; to provide for the assessment of property specially benefited within the District; to provide a method of assessment to be assessed upon properties specially benefited by the District – (**First Reading October 2, 2018**; Second Reading and Public Hearing October 16, 2018; **Third Reading October 23, 2018**) – [see attached](#).

EXECUTIVE SESSION

56. Executive Session – Labor Negotiations.

MOTION by Jerram, SECOND by Melton to go into executive session to protect the public interest to only discuss labor negotiations

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Ben Gray restated for the record the purpose of the executive session was to protect the public interest to only discuss labor negotiations. The executive session would include: City Council, City Attorney, City Clerk, City Council Chief of Staff, Human Resources Director, and Attorney Mark McQueen of Baird Holm Law Firm. City Council went into executive session at 2:21 P.M.

Upon returning from executive session, Council President Ben Gray stated that the only item discussed in executive session was labor negotiations.

MOTION by Jerram, SECOND by Melton to adjourn from executive session

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

EXECUTIVE SESSION ADJOURNED AT: 3:08 P.M.

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:08 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 October 2, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

DEPUTY CITY CLERK:

s/Kimberly Pulliam

Kimberly Pulliam