



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, OCTOBER 23, 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 23, 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 Palermo, Harding, Melton, Pahls, Mr. President (Gray); Absent the entire meeting were Councilmembers Festersen, Jerram – **CCID # 950**.

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

Council President Ben Gray of District No. 2 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 October 19, 2018, notice of the Pre-Council and Regular City Council Meetings, October 23, 2018 – **CCID # 951**.

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

STONECREEK AT BLUE SAGE

City Clerk Elizabeth Butler stated that Items 6 through 9 relate to the same project and would be considered together.

(Required notice of the public hearing relating to this development was published in the Daily Record on October 9, 2018.)

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

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

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

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

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

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

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

Council President Gray opened the Public Hearing on Items 6 through 9.

The following person(s) appeared and spoke:

PROPOSERS:

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 Melton that the following items be approved:

Item # 6 ORDINANCE # 41619;

Item # 7 ORDINANCE # 41620;

Item # 8 RESOLUTION # 896; and,

Item # 9 RESOLUTION # 903

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

LIQUOR

10. RES. 959 – Class “C” Liquor License Application – Retro Rewind, Inc., dba “Retro Rewind”, 15475 Ruggles Street, Suites 108-109. (This is a new application for a new location). Notice was posted on the property on 10/10/18; Notification was sent to property owners within 500 feet on 10/12/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

PROPOSERS:

Thomas Green, Attorney for the applicant, 11311 Chicago Circle

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 959 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

11. RES. 960 – Class “C” Liquor License Application – SCL Jonesy’s, Inc., dba “Jonesy’s Taco House”, 1502 South 60th Street. (This is a new application for an old location). Currently licensed to C. R. Jones, Inc., dba “Jonesy’s Taco House”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 11.

The following person(s) appeared and spoke:

PROPOSERS:

Jan Headley, Attorney for the applicant, 711 North 108th Court

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 960 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

12. RES. 961 – Class “D” Liquor License Application – Nisnor, Inc., dba “Petromart”, 6508 John J Pershing Drive. (This is a new application for an old location). UPGRADE. Presently holds a Class “B” License. Notice was posted on the property on 10/10/18; Notification was sent to property owners within 500 feet on 10/12/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

Matt Lippincott, 6508 John J Pershing Drive

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

MOTION by Melton, SECOND by Gray that RESOLUTION # 961 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

13. RES. 962 – Class “D” Liquor License Application – SNJ, Inc., dba “Tobacco Hut #19”, 6206 Ames Avenue. (This is a new location, City Council considered applications for this location on July 29, 2014 and October 25, 2016). Property located within 150’ of New Rising Star Baptist Church, 6118 Ames Ave. Notice was posted on the property on 10/10/18; Notification was sent to property owners within 500 feet on 10/12/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Communication from Mike Kelley, Attorney, requesting to lay over to October 30, 2018 – [see attached](#).

B. Communications in opposition – [see attached](#).

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 962 be postponed and the public hearing be continued to the October 30, 2018 City Council meeting

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

14. RES. 963 – Addition Application – Mercury, LLC, dba “Mercury”, 329 South 16th Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 61’ x 7’ to the south. Notice was posted on the property on 10/10/18; Notification was sent to property owners within 500 feet on 10/12/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPOSERS:

Clark Ross, 329 South 16th Street

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 963 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

15. RES. 964 – Addition Application – Todorovich Management Company, dba “Starsky’s”, 7812 “F” Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 40’ x 36’ to the south. Notice was posted on the property on 10/10/18; Notification was sent to property owners within 500 feet on 10/12/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Communication from Michael Wilwerding, Chief Building Inspector – [see attached](#).

Council President Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

PROPOSERS:

Kristi Todorovich, 7812 F Street

OPPOSERS:

Colm Breathnach, Colliers International, 7810 F Street

FOR THE CITY:

Donna Waller, City Treasurer

MOTION by Palermo, SECOND by Pahls that RESOLUTION # 964 be postponed and the public hearing be continued to the November 20, 2018 City Council meeting

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

16. RES. 965 – Manager’s Application – How We Doing, LLC, dba “The Omaha Lounge”, 1505 Farnam Street, requests permission to appoint Jeffrey D. Luehrs manager of their pending Class “I” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

PROPOSERS:

Jeff Luehrs, 1505 Farnam Street

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

MOTION by Harding, SECOND by Gray that RESOLUTION # 965 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

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 20 were held on October 16, 2018.

(Required notices of the public hearings were published in the Daily Record on October 12, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 17 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – ORDINANCES

17. 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](#). **(REMOVED FROM CONSENT)**
18. 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](#).
19. 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](#).

20. 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.

**MOTION by Melton, SECOND by Harding that the following items be approved:
Item # 18 ORDINANCE # 41622; Item # 19 SPECIAL ORDINANCE # 10238; and,
Item # 20 ORDINANCE # 41623**

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

17. 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](#).

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

FOR THE CITY:

Austin Rowser, Public Works Department

Bob Stubbe, Public Works Director

MOTION by Melton, SECOND by Harding that ORDINANCE # 41621 be approved

ROLL CALL:

Yeas: Harding, Melton, Pahls, Mr. President

Nays: Palermo

Absent: Festersen, Jerram

MOTION APPROVED 4-1

Council President Gray announced that the public hearings on Agenda Items 21 through 24 were today. He asked that anyone who wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

- 21. RES. 966 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Co. to provide professional services on OPW 51461 BR-5026(11) CN 22325, being the 26th & Q Street Bridge Replacement Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$1,970,872.95, from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure – [see attached](#).
- 22. RES. 967 – Res. that, as recommended by the Mayor, the bid in the total amount of \$68,700.00 from Terry Hughes Tree Service to furnish all labor, materials and equipment necessary to complete the removal of ash trees, located at 102 North, Omaha, Nebraska, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 13356, 2014 Parks and Recreation Fund and Organization No. 117317, Parks and Culture Bond, Project I.D. No. 2017P518.) – [see attached](#).
- 23. RES. 968 – Res. that, as recommended by the Mayor, the bid in the total amount of \$30,120.00 from Terry Hughes Tree Service to furnish all labor, materials and equipment necessary to complete the removal of ash trees, located at 301 North, Omaha, Nebraska, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 13356, 2014 Parks and Recreation Fund and Organization No. 117317, Parks and Culture Bond, Project I.D. No. 2017P518.) – [see attached](#).
- 24. RES. 969 – Res. that, the reappointment by Mayor Jean Stothert of Jay Lund as a member of the Metropolitan Transit Authority Board of Directors to serve a five-year term, which will commence on February 28, 2019, and expire on February 27, 2024, be and hereby is confirmed and approved – [see attached](#).

Council President Gray opened the Public Hearing on Items 21 through 24.

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

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

Item # 21 RESOLUTION # 966; Item # 22 RESOLUTION # 967;
Item # 23 RESOLUTION # 968; and, Item # 24 RESOLUTION # 969

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

ORDINANCE ON FINAL READING

25. 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 five million (\$5 million) 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 five (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](#).

(COUNCILMEMBER JERRAM IS REQUESTING THAT THIS ITEM BE LAID OVER TO THE OCTOBER 30, 2018 CITY COUNCIL MEETING)

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

MOTION by Pahls, SECOND by Melton that ORDINANCE # 41624 be laid over to the October 30, 2018 City Council Meeting

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

RESOLUTIONS

26. RES. 970 – Res. that, the City of Omaha Law Department is hereby authorized to conclude the pending litigation entitled *Reverend S. Williams v. City of Omaha*, Case No. CI 16-1509, by entry of settlement, including the exchange for the dismissal of all claims, by the payment of the full amount of \$135,000.00 to be paid from the Judgment Fund No. 12111, Organization No. 121101 and Account No. 46216 – [see attached](#).
(PUBLIC HEARING AND VOTE TODAY)

Council President Gray opened the Public Hearing on Item 26.

The following person(s) appeared and spoke:

FOR THE CITY:

Alan Thelen, Deputy City Attorney

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 970 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

27. RES. 971 – Res. that, the City of Omaha Law Department is hereby authorized to conclude the pending litigation entitled *Richard W. Potts v. City of Omaha*, Case No. CI 17-6005, by entry of settlement, including, in exchange for the dismissal of all claims, the payment of the full amount of \$64,000.00 to be paid from the Judgment Fund No. 12111, Organization No. 121101 and Account No. 46216 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 27.

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 971 be approved

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

ORDINANCES ON SECOND READING

28. ORD. 41627 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, and Urban Chiral, LLC, to implement the Urban Chiral Condominiums Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 714 South 15th Street, which proposes the rehabilitation of an 11,485 square foot two story brick building constructed in 1910, into a commercial unit on the first floor and two residential units above, with three parking spaces, including two striped on street spaces in front of the building; the agreement authorizes the use of up to \$348,436.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 28.

The following person(s) appeared and spoke:

FOR THE CITY:

Bridget Hadley, Planning Department

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

29. ORD. 41628 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha, and BarnWest, LLC, to implement the Drummond Motor Company and Firestone Tire Buildings Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 2570 and 2566 Farnam Street, which proposes the rehabilitation of the Drummond Motor Company Building into 20 market-rate apartment units, approximately 2,575 square feet of commercial space along Farnam Street, approximately 11,250 square feet of underground/basement commercial space, and an indoor parking garage, in addition to the rehabilitation of the Firestone Tire Building into approximately 20,000 square feet of commercial retail and office space; the agreement authorizes the use of up to \$1,080,688.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 29.

The following person(s) appeared and spoke:

PROPOSERS:

Mike Peter, Clarity Development, 3814 Farnam Street

FOR THE CITY:

Bridget Hadley, Planning Department

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

30. ORD. 41629 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha, and Dahlman Rows, LLC., to implement the Dahlman Rows Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 1903 South 7th Street, which proposes construction of 36 for sale market rate row house units; the agreement authorizes the use of up to \$1,800,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 30.

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.

31. ORD. 41630 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha, and Triangular Holdings, LLC., to implement the Grace University Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 1311 South 9th Street, which proposes the adaptive reuse of the former Grace University campus for 167 market rate apartments, with 113 existing off-street parking spaces and additional 54 on-street parking stalls to be constructed, for a total of 167 parking spaces; the agreement authorizes the use of up to \$2,786,095.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 31.

The following person(s) appeared and spoke:

PROPOSERS:
Scott Semrad, 1750 South 85th Avenue

FOR THE CITY:
Bridget Hadley, Planning Department

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

32. ORD. 41631 – An ordinance approving an Amendment to the Uptown District Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Uptown Properties, LLC, which was approved by Ordinance No. 40805 on June 28, 2016; the amendment proposes the acquisition of additional parcels to construct 18 new row houses to be added to Project Phase I as Phase IB and a TIF loan allocation for Phase IB of \$779,978.00, with an estimated total project cost of \$4,766,315.00 for Phase IB; the amendment also increases the original TIF loan from \$4,305,000.00 to \$5,084,978.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 32.

The following person(s) appeared and spoke:

FOR THE CITY:
Bridget Hadley, Planning Department

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

33. ORD. 41632 – An ordinance to approve a five-year Purchase Agreement with Axon Enterprise, Inc., in the total amount of \$371,325.00, approving the purchase of sixty-five (65) new Tasers, holsters, and companion equipment, including unlimited battery and cartridge replacement during the five years for all certified officers, under the Taser 60 Unlimited Plan, involving payment from the City of Omaha 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. (Payment to be made from General Fund 11111, Organization 113171 Training Academy, Account 46617 Safety Equipment.) – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 33.

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

34. ORD. 41633 – An ordinance to accept the bid from Great Plains Realty Auction Company, involving payment from the City of Omaha 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 for auctioneering services for the Omaha Police Department Impound Facility extended over a period of five (5) years in accordance with the bid specifications – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 34.

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

35. ORD. 41634 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the FY 2017 Assistance to Firefighters Grant (AFG) Program – Operations and Safety, Award #EMW-2017-FO-06933, in the amount of \$821,864.00, with a match of \$82,186.00 provided by the Omaha Fire Department from Fund 12168, Organization 114582, for a total program budget in the amount of \$904,050.00, during the project period of September 5, 2018 to September 4, 2019; to provide funding for automated stretcher and lift systems to fully automate Omaha Fire Department's ambulances as detailed in the grant application; to authorize payment from such grant funding and involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter – (First Reading October 16, 2018; Second Reading and Public Hearing October 23, 2018; Third Reading October 30, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 35.

The following person(s) appeared and spoke:

FOR THE CITY:

Bill Bernard, Omaha Fire Department

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

NON-ACTION ITEMS

(Items 36 through 64 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.)

AMERICAN INTERSTATE PLAZA REPLAT 2

36. RES. 917 – Res. that, the Preliminary Plat entitled American Interstate Plaza Replat 2, located southwest of 160th and Evans Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Sweetbriar II LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 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](#).
37. RES. 918 – Res. that, the Final Plat transmitted herewith entitled American Interstate Plaza Replat 2, a minor plat inside the city limits, located southwest of 160th and Evans Streets, is hereby approved, and concurrently a portion of the existing plat entitled American Interstate Plaza Replat 1, and described on said replat, is hereby vacated. The applicant is Sweetbriar II LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 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](#).
38. RES. 930 – Res. that, the Amendment to Subdivision Agreement between the City of Omaha and Sweetbriar II, LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as American Interstate Plaza Replat 2 (Lots 1-2 and Outlot A) and is located southwest of 160th and Evans Streets – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 36)**

SWEAZY ACRES

39. ORD. 41625 – An ordinance to rezone the property located southeast of Blair High Road and Pawnee Road from AG-Agricultural District to DR-Development Reserve District – (First Reading October 16, 2018; **Second Reading October 23, 2018**; Third Reading, Public Hearing and Vote October 30, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
40. RES. 919 – Res. that, the Preliminary Plat entitled Sweazy Acres, located southeast of Blair High Road and Pawnee Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Donald and Donella Sweazy – Outside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 39 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
41. RES. 920 – Res. that, the Final Plat entitled Sweazy Acres, located southeast of Blair High Road and Pawnee Road, is hereby approved and accepted. The applicant is Donald and Donella Sweazy – Outside City Limits – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 39 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
42. RES. 931 – Res. that, the Subdivision Agreement between the City of Omaha and Donald and Donella Sweazy, husband and wife, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Sweazy Acres (Lot 1) and is located southeast of Blair High Road and Pawnee Road – [see attached](#). **(LAID OVER TO THE OCTOBER 30, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 39)**

HEARTLAND CHURCH SUBDIVISION

43. ORD. 41640 – An ordinance to rezone property located at 5046 Terrace Drive from DR-Development Reserve District and R6-Low-Density Multiple-Family Residential District to R5-Urban Family Residential District – **(First Reading October 23, 2018; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
44. RES. 953 – Res. that, the Preliminary Plat entitled Heartland Church Subdivision, a minor plat inside the city limits, located at 5046 Terrace Drive, and made a part of Exhibit “A”, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Heartland Network – Inside City Limits – [see attached](#). **(LAID OVER TO THE NOVEMBER 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 43 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
45. RES. 954 – Res. that, the Final Plat entitled Heartland Church Subdivision, located at 5046 Terrace Drive, is hereby approved and accepted. The applicant is Heartland Church Network – Inside City Limits – [see attached](#). **(LAID OVER TO THE NOVEMBER 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 43 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

VILLA ROWS ON 15TH

46. ORD. 41641 – An ordinance to rezone property located at 3107 and 3119 South 15th Street from R5(35)-Urban Family Residential District and CC-Community Commercial District to R7-Medium Density Multiple Family Residential District – (**First Reading October 23, 2018**; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
47. RES. 955 – Res. that, the Preliminary Plat entitled Villa Rows on 15th, a minor plat inside the city limits, located at 3107 and 3119 South 15th Street, along with the condition, and made a part of Exhibit “A”, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Holy Name Housing Corporation – Inside City Limits – [see attached](#). (**LAI D O V E R T O T H E N O V E M B E R 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS**)
- A. Planning Board and Planning Department recommend approval – [see attached](#).
48. RES. 956 – Res. that, the Final Plat transmitted herewith entitled Villa Rows on 15th, a minor plat inside the city limits, located at 3107 and 3119 South 15th Street, is hereby approved, and concurrently a portion of the existing plats entitled Oklahoma Addition and 13th Street Commercial Addition, and described on said replat, are hereby vacated. The applicant is Holy Name Housing Corporation – Inside City Limits – [see attached](#). (**LAI D O V E R T O T H E N O V E M B E R 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS**)
- A. Planning Board and Planning Department recommend approval – [see attached](#).

TOWER PLAZA REPLAT FOURTEEN

49. ORD. 41642 – An ordinance to rezone property located at 8012 West Dodge Road and 8031 Davenport Street from R7-Medium-Density Multiple-Family Residential District and GC-General Commercial District to CC-Community Commercial District – (**First Reading October 23, 2018**; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval of a request to rezone to CC but denial of a request to rezone to GC – [see attached](#).
50. ORD. 41643 – An ordinance to amend the boundaries of the ACI-2(65)-Area of Civic Importance Overlay District, to incorporate into that district the property located at 8012 West Dodge Road and 8031 Davenport Street – (**First Reading October 23, 2018**; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

51. RES. 957 – Res. that, the Preliminary Plat entitled Tower Plaza Replat Fourteen, a minor plat inside the city limits, located at 8012 West Dodge Road and 8031 Davenport Street, made a part of Exhibit “A”, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Todd Schneidewind – Inside City Limits – [see attached](#). **(LAID OVER TO THE NOVEMBER 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 49 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. RES. 958 – Res. that, the Final Plat transmitted herewith entitled Tower Plaza Replat Fourteen, a minor plat inside the city limits, located at 8012 West Dodge Road and 8031 Davenport Street, is hereby approved, and concurrently a portion of the existing plats entitled Tower Plaza and Tower Plaza Replat 5, and described on said replat, are hereby vacated. The applicant is Todd Schneidewind – Inside City Limits – [see attached](#). **(LAID OVER TO THE NOVEMBER 6, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 49 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

PLANNING ITEMS ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

53. ORD. 41637 – An ordinance to approve an Amendment to the Future Land Use Element of the Master Plan for the City of Omaha, to change the future land use map from Office /Commercial to Industrial for properties generally located at 13090 and 14001 L Street – **(First Reading October 23, 2018; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
54. ORD. 41638 – An ordinance to rezone the property located at 14001 L Street from CC-Community Commercial District to GI-General Industrial District (property is located within a FF-Flood Fringe Overlay District and FW-Floodway Overlay District) – **(First Reading October 23, 2018; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
55. ORD. 41639 – An ordinance to rezone the property located southeast of 10th and Pierce Streets from GC-General Commercial District and R7-Medium-Density Multiple-Family Residential District to R7-Medium Density Multiple-Family Residential District (property is located within an NCE-Neighborhood Conservation/Enhancement District) – **(First Reading October 23, 2018; Second Reading October 30, 2018; Third Reading, Public Hearing and Vote November 6, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTIONS

56. RES. 949 – Res. that, The Builder's District at NoDo Redevelopment Project Plan, for the redevelopment plan area generally bounded by Cuming Street on the north, 14th Street on the east, Cass and Burt Streets generally on the south and 22nd Street on the west, including right-of-way and the right-of-way of adjacent public streets, which proposes the construction of a corporate campus for Kiewit Corporation's worldwide headquarters and additional prospective development projects within the redevelopment plan area, recommends the City's participation through redevelopment bond funds and public improvements, as required, 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 30, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
57. RES. 932 – Res. that, the Habitat Kountze Park 5 Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located between Sahler and Evans Streets and between North 18th and 24th Streets, which proposes the construction of 22 new single family homes and rehabilitation of two existing homes, for ownership, and authorizes the City's participation through the allocation of TIF in an amount up to \$405,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, building rehabilitation construction, 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 NOVEMBER 6, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
58. RES. 952 – Res. that, the sale of the surplus property of the west 20 feet of the north 46 feet, Lot 24, Block 4, Vassar Place Addition (portion of 5604 Northwest Radial Highway); to Wesley Waltermire for the sum of \$300.00, is hereby approved; that, upon payment of the appraised price, the Mayor shall be authorized to execute and deliver a deed of such property to Wesley Waltermire – [see attached](#). **(LAID OVER TO THE NOVEMBER 6, 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](#).

ORDINANCES ON FIRST READING

59. ORD. 41644 – An ordinance to amend Section 53-8 of the Omaha Municipal Code; to revise easement language for Metropolitan Utilities District installation of gas mains; to repeal Sections 53-8 as heretofore existing – **(First Reading October 23, 2018; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

60. ORD. 41635 – An ordinance to amend the official records, logs, and plats of the City of Omaha in accordance with Chapter 27 and 34 of the Omaha Municipal Code to provide for the following changes in street names: a) Coventry Drive changes to R Street, from 207th Street East to the east line of Lot 79, Coventry Addition b) Coventry Drive changes to 205th Street, from George B. Lake Pkwy. North to the north line of Lot 97, Coventry Addition – (**First Reading October 23, 2018**; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018) – [see attached](#).
61. ORD. 41636 – An ordinance to amend the official records, logs, and plats of the City of Omaha in accordance with Chapter 27 and 34 of the Omaha Municipal Code to provide for the following changes in street names: 210th Street changes to Kestral Parkway, from Ames Avenue, northwest to the west most corner of Lot 159, Arbor Ridge 2 Addition – (**First Reading October 23, 2018**; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018) – [see attached](#).
62. ORD. 41645 – An ordinance to approve an agreement between the City of Omaha and the Douglas County Board of Commissioners, Douglas County Administrative Office in the amount of \$109,442.00; 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 Misdemeanor Prosecutor and funding for one (1) full-time Liaison in the Douglas County Attorney’s Office Domestic Violence Prosecution Unit 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 October 23, 2018**; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018) – [see attached](#).
63. ORD. 41646 – An ordinance providing for the execution of a Lease Agreement with the City of Blair and the Blair Airport Authority, providing for a helicopter hangar facility to be located at the Blair Airport in Washington County, to provide for execution of this Lease for a ten-year period in accord with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to approve payments from appropriations of more than one fiscal year – (**First Reading October 23, 2018**; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018) – [see attached](#).
64. ORD. 41648 – An ordinance to amend Chapter 40, Division 2, Heating and Power Plant Inspector, of the Omaha Municipal Code, to revise and update the title, qualifications, and duties – (**First Reading October 23, 2018**; Second Reading and Public Hearing October 30, 2018; Third Reading November 6, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

Absent: Festersen, Jerram

MOTION APPROVED 5-0

MEETING ADJOURNED AT: 2:54 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 October 23, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler