



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, DECEMBER 11, 2018

@ 2:00 PM

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

OMAHA CITY COUNCILMEMBERS

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

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

CALL TO ORDER

Deputy City Clerk Kimberly Pulliam took the Roll Call: Present were Councilmembers Pahls, Palermo, Festersen, Harding, Jerram, Melton, Mr. President (Gray) – **CCID # 1124.**

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

Councilmember Aimee Melton of District No. 7 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

Deputy City Clerk Kimberly Pulliam certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on December 7, 2018, notice of the Pre-Council and Regular City Council Meetings, December 11, 2018 – **CCID # 1125.**

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

PRESENTATIONS AND PROCLAMATIONS

- A. Proclamation read for Big Brother Big Sisters of the Midlands, which was presented to Nicole Turgeon, Elizabeth Hansen, and Brad Kirshenbaum, who appeared and spoke.
- B. Proclamation read for Deb Sander's retirement, which was presented to Deb Sander, who appeared and spoke.

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

THE RIDGES REPLAT 15

Deputy City Clerk Kimberly Pulliam 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 November 27, 2018.)

- 6. ORD. 41677 – An ordinance to rezone property located south of Shadow Ridge Drive and east of 186th Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density) – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

7. ORD. 41678 – An ordinance to rezone property located south of Shadow Ridge Drive and east of 186th Street from DR-Development Reserve District to DR-Development Reserve District – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Communications in opposition – [see attached](#).
 - C. Documentation from Larry Jobeun received during the meeting – [see attached](#).
 - D. Documentation from Bob Campbell received during the meeting – [see attached](#).

8. RES. 1043 – Res. that, the Preliminary Plat entitled The Ridges Replat 15, located south of Shadow Ridge Drive and east of 186th Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Justin Shanahan – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

9. RES. 1044 – Res. that, the Final Plat entitled The Ridges Replat 15, located south of Shadow Ridge Drive and east of 186th Street, is hereby approved and accepted. The applicant is Justin Shanahan – Inside 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 Items 6 through 9.

The following person(s) appeared and spoke:

PROPOSERS:

Larry Jobeun, Attorney for the applicant, 11440 West Center Road
Justin Shanahan, 19109 Marinda Circle

OPPOSERS:

Bob Campbell, 1801 South 186th Street

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

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

Item # 6 ORDINANCE # 41677; Item # 7 ORDINANCE # 41678;
Item # 8 RESOLUTION # 1403; and, Item # 9 RESOLUTION # 1044

ROLL CALL:

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

Nays: None

Pass: Melton

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

MOTION APPROVED 6-0-1

WEST CENTER VILLAGE

Deputy City Clerk Kimberly Pulliam stated that Items 10 through 13 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 November 27, 2018.)

10. ORD. 41679 – An ordinance to rezone property located southeast of 204th Street and West Center Road from AG-Agricultural District to MU-Mixed Use District – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
11. RES. 1045 – Res. that, the Final Plat entitled West Center Village (formerly West Center Commons), located southeast of 204th Street and West Center Road, is hereby approved and accepted. The applicant is Woodsonia-204 Center, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
 - B. Communication in opposition – [see attached](#).
 - C. Documentation received from Tom Monaghan during the meeting – [see attached](#).
12. RES. 1046 – Res. that, the Subdivision Agreement among the City of Omaha, Woodsonia-204 Center, LLC, The West Center Village Owners Association, and Sanitary and Improvement District (S.&I.D.) 596 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as West Center Village (Lots 1-8 and Outlots A-B) and is located southeast of 204th Street and West Center Road – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
13. ORD. 41680 – An ordinance to approve a Mixed Use District Development Agreement for property located southeast of 204th Street and West Center Road between the City of Omaha and Woodsonia-204 Center, LLC, providing site development standards – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 10 through 13.

The following person(s) appeared and spoke:

PROPONENTS:

Larry Jobeun, Attorney for the applicant, 11440 West Center Road
Jeff Elliott, 17007 Marcy Street

OPPONENTS:

Tom Monaghan, Attorney, 1403 Farnam Street
Michael Haffke, The Rock Place, 3405 South 204th Street, Elkhorn, NE

FOR THE CITY:

Dave Fanslau, Planning Director

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

MOTION by Jerram, SECOND by Palermo that the following items be postponed to the January 8, 2019 City Council meeting:

Item # 10 ORDINANCE # 41679; Item # 11 RESOLUTION # 1045;
Item # 12 RESOLUTION # 1046; and, Item # 13 ORDINANCE # 41680

ROLL CALL:

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

Nays: Harding, Melton

MOTION APPROVED 5-2

BRIGGS PLACE

Deputy City Clerk Kimberly Pulliam stated that Items 14 through 17 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 November 27, 2018.)

14. ORD. 41682 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R8-High-Density Multiple-Family Residential District (property is also located within an ACI-1(PL) Overlay District) located northwest of 44th and Douglas Streets, to approve the Development Plan – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
15. RES. 1047 – Res. that, the Preliminary Plat entitled Briggs Place Replat 8, located northwest of 44th and Douglas Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is 44 Douglas Housing LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
16. RES. 1048 – Res. that, the Final Plat entitled Briggs Place Replat 8, located northwest of 44th and Douglas Streets, is hereby approved and accepted. The applicant is 44 Douglas Housing LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

17. RES. 1049 – Res. that, the Subdivision Agreement between the City of Omaha and 44 Douglas Housing LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Briggs Place (Lot 1) and is located northwest of 44th and Douglas Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Tom McLeay, 3814 Farnam Street

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

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

Item # 14 ORDINANCE # 41682; Item # 15 RESOLUTION # 1047

Item # 16 RESOLUTION # 1048; and, Item # 17 RESOLUTION # 1049

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PEACEFUL OAKS

Deputy City Clerk Kimberly Pulliam stated that Items 18 through 22 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 November 27, 2018.)

18. ORD. 41684 – An ordinance to rezone property located north of North Crest Drive and west of North Post Road from DR-Development Reserve District to R1-Single-Family Residential District (Large lot) (property is located within an ED-Environmental Resources Overlay District) – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

19. RES. 1052 – Res. that, the Preliminary Plat entitled Peaceful Oaks, a minor plat outside the city limits, located north of North Crest Drive and west of North Post Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Sean Negus – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

20. RES. 1053 – Res. that, the Final Plat entitled Peaceful Oaks, located north of North Crest Drive and west of North Post Road, is hereby approved and accepted. The applicant is Sean Negus – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
21. RES. 1054 – Res. that, the Special Use Permit application submitted by Sean Negus, for a Special Use Permit to allow development in the North Hills Environmental Resources Overlay District located north of North Crest Drive and west of North Post Road, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the referenced application, and all applicable local or state statutes, ordinances or regulations are complied with. The proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
22. RES. 1055 – Res. that, the Subdivision Agreement between the City of Omaha and Daryll and Theresa Beckenhauer, husband and wife, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Peaceful Oaks (Lot 1) and is located north of North Crest Drive and west of North Post Road – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 18 through 22.

The following person(s) appeared and spoke:

PROPONENTS:

Sean Negus, Sean Negus Construction, 6100 North 16th Street

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

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

Item # 18 ORDINANCE # 41684; Item # 19 RESOLUTION # 1052;
Item # 20 RESOLUTION # 1053; Item # 21 RESOLUTION # 1054; and,
Item # 22 RESOLUTION # 1055

ROLL CALL:

Yeas: Pahls, Palermo, Festersen, Harding, Jerram, Melton, 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 November 27, 2018.)

Deputy City Clerk Kimberly Pulliam stated that Items 23 and 24 relate to the same project and would be considered together.

23. ORD. 41672 – An ordinance to rezone the property located at 3214 L Street from R4(35)-Single-Family Residential District (High Density) to CC-Community Commercial District – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

24. ORD. 41673 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 3214 L Street – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 23 and 24.

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

MOTION by Palermo, SECOND by Harding that the following items be postponed to the January 8, 2019 City Council meeting:

Item # 23 ORDINANCE # 41672; and, Item # 24 ORDINANCE # 41673

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

25. ORD. 41674 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6010 North 49th Street – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 25.

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

MOTION by Melton, SECOND by Harding that ORDINANCE # 41674 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

26. ORD. 41675 – An ordinance to rezone property located at 3723 South 16th Street from R4(35)-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density) – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 26.

The following person(s) appeared and spoke:

PROPONENTS:

Maria Hernandez, 3723 South 16th Street

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

MOTION by Palermo, SECOND by Festersen that ORDINANCE # 41675 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

27. ORD. 41676 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5646 North 90th Street – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 27.

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

MOTION by Festersen, SECOND by Melton that ORDINANCE # 41676 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

28. ORD. 41681 – An ordinance to rezone the property located east of 216th Street and Greenbrier Drive from AG-Agricultural District to R2-Single-Family Residential District (Low-Density) – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 28.

The following person(s) appeared and spoke:

PROPOSERS:

Jeff Elliott, 17007 Marcy Street

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41681 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

29. ORD. 41683 – An ordinance to rezone the property located southeast and southwest of 22nd Street and Willis Avenue from R4-Single-Family Residential District (High Density) and GC-General Commercial District to R4-Single-Family Residential District (High Density) – (First Reading November 20, 2018; Second Reading December 4, 2018; Third Reading, Public Hearing and Vote December 11, 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 29.

The following person(s) appeared and spoke:

PROPOSERS:

Terry Morrison, Ehrhart Griffin & Associates, 3552 Farnam Street

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41683 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

30. RES. 1126 – Class “C” Liquor License Application – Mount Kenya Services, L.L.C., dba “Pheasant Bar & Grill”, 13909 “S” Plaza. (This is a new application for an old location). Present licensee is Kanger Chef Services, LLC dba “Pheasant Bar and Grill”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 30.

The following person(s) appeared and spoke:

PROPOSERS:

Lloyd Marangu, 13909 S Plaza

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 1126 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

31. RES. 1127 – Addition Application – LLMSJ, Inc., dba “White House Bar & Grill”, 7768 Cass Street requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 12’ x 27’ to the south. Notice was posted on the property on 11/28/18; Notification was sent to property owners within 500 feet on 11/29/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 31.

The following person(s) appeared and spoke:

PROPOSERS:

Lisa Ballue, 7768 Cass Street

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

MOTION by Festersen, SECOND by Jerram that RESOLUTION # 1127 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 32 through 42 were held on December 4, 2018.

(Required notices of the public hearings were published in the Daily Record on November 30, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 32 AND 35 WERE REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – ORDINANCES

32. ORD. 41665 – An ordinance to designate the Automobile Sales Building & Army Corps Laboratory (ASB) located at 420 South 18th Street as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#). **(REMOVED FROM CONSENT)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

33. ORD. 41666 – An ordinance to approve an Inter-local Agreement between the City of Bennington and the City of Omaha regarding an adjustment to the extraterritorial jurisdiction lines and the associated Master Plan amendments, generally located north of Military Road, between 138th Street and 180th Street; providing for the continuity of platting and zoning regulations; providing for the transition of zoning and subdivision jurisdictional limits; utilizing the City's Planning Department and Permits and Inspections Bureau – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

34. ORD. 41671 – 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: 169th Street changes to 170th Avenue, from Crown Pointe Avenue, Northwest to the North line of Lot 28, Pier 15 Addition – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).

35. ORD. 41686 – An ordinance to continue the ongoing maintenance of portions of Abbott Drive by Lanoha Nurseries, in accordance with the original intentions of the Peter Kiewit Foundation in their donation for this project, dated May 2000. The City entered into an amended Grant Agreement with the Kiewit Foundation, which made a grant of approximately \$325,000.00 to the City for the maintenance of plantings along portions of Abbott Drive, contingent upon the City utilizing Lanoha Nurseries for the maintenance of these areas. Subsequently, the funds of the Foundation's original grant have been exhausted in providing such maintenance. Therefore, the purpose of this Ordinance is to approve the Agreement to keep the original intent of the Foundation's grant to have Lanoha Nurseries continue to maintain plantings along portions of Abbott Drive while being reviewed, approved and funded by the City going forward. This Agreement specifies the terms and conditions for such maintenance services between the City and Lanoha Nurseries for portions of Abbott Drive through 2027 – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#). **(REMOVED FROM CONSENT)**
36. ORD. 41667 – An ordinance to accept the quote from Body Basics, Inc., involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to enter into a three-year price agreement for the maintenance and repair of exercise equipment at Omaha Police Department facilities – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
37. ORD. 41668 – An ordinance to amend Section 10-242 of the Omaha Municipal Code to provide for the payment of subsistence expenses when a person engaged in City business travels by airplane and is absent for a significant portion of a day; to increase the amount that a City official or employee may receive for in lieu of mileage from \$50.00 to \$75.00 per month – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
38. ORD. 41669 – An ordinance to approve the acceptance of and authorize the disbursement from the FY 2018 State Homeland Security Grant (SHSG) Award #EMW-2018-SS-00037-S01, and budget in the amount of \$843,058.00 from the Nebraska Emergency Management Agency (NEMA), during the award period of September 1, 2018 through August 31, 2021, to provide first responder and emergency management agencies in Douglas, Sarpy, and Washington Counties with enhanced capabilities to prevent, protect against, mitigate, respond to, and recover from manmade threats and natural disasters; 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 November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
39. ORD. 41670 – An ordinance providing for approval of a twenty-year Lease Agreement between the City of Omaha and METRO, the Transit Authority of the City, for the placement, installation, use, and maintenance of Bus Rapid Transit (“BRT”) stations on city-owned property; lease payments shall be made to the City in conformance with O.M.C Section 3-97 – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).

40. ORD. 41685 – An ordinance to approve and authorize the execution of an Amendment to Agreement ("Amendment") between the City of Omaha, and the Omaha Zoological Society, amending an Agreement dated the 8th day of September, 1964, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide for the payment to the Omaha Zoological Society for the calendar years, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030 (the "Amendment Term") for services rendered to the City of Omaha for the improvement and operation of the Henry Doorly Zoo (the "Zoo") – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
41. ORD. 41688 – An ordinance to approve an amendment to the CDBG Program deferred payment loan agreement between the City of Omaha and Livestock Exchange Building Limited Liability Company – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).
42. ORD. 41647 – An ordinance approving a Redevelopment Agreement by and between the City of Omaha and Noddle Development Company, LLC, and its successors or assigns, for the redevelopment of various properties within The Builder's District at NoDo 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 – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).

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

- | | |
|-------------------------------------|------------------------------------------|
| Item # 33 ORDINANCE # 41666; | Item # 34 ORDINANCE # 41671; |
| Item # 36 ORDINANCE # 41667; | Item # 37 ORDINANCE # 41668; |
| Item # 38 ORDINANCE # 41669; | Item # 39 ORDINANCE # 41670; |
| Item # 40 ORDINANCE # 41685; | Item # 41 ORDINANCE # 41688; and, |
| Item # 42 ORDINANCE # 41647 | |

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

32. ORD. 41665 – An ordinance to designate the Automobile Sales Building & Army Corps Laboratory (ASB) located at 420 South 18th Street as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).

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

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

Bob Perrin, 1101 South 36th Street
 Clare Duda, Douglas County Commissioner, 13205 North River Drive

MOTION by Harding, SECOND by Gray that ORDINANCE # 41665 be postponed to the January 29, 2019 City Council meeting

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

35. ORD. 41686 – An ordinance to continue the ongoing maintenance of portions of Abbott Drive by Lanoha Nurseries, in accordance with the original intentions of the Peter Kiewit Foundation in their donation for this project, dated May 2000. The City entered into an amended Grant Agreement with the Kiewit Foundation, which made a grant of approximately \$325,000.00 to the City for the maintenance of plantings along portions of Abbott Drive, contingent upon the City utilizing Lanoha Nurseries for the maintenance of these areas. Subsequently, the funds of the Foundation’s original grant have been exhausted in providing such maintenance. Therefore, the purpose of this Ordinance is to approve the Agreement to keep the original intent of the Foundation’s grant to have Lanoha Nurseries continue to maintain plantings along portions of Abbott Drive while being reviewed, approved and funded by the City going forward. This Agreement specifies the terms and conditions for such maintenance services between the City and Lanoha Nurseries for portions of Abbott Drive through 2027 – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#).

MOTION by Melton, SECOND by Harding that ORDINANCE # 41686 be postponed to the January 8, 2019 City Council meeting

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 43 through 56 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

43. RES. 1128 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Clark Equipment Company dba Bobcat Company & Doosan Infracore Construction Equipment Americas in the amount of \$70,170.00 for the purchase of one Bobcat 5600 to be utilized by the Parking Division. (The Finance Department is authorized to pay the cost of this purchase from the Parking Revenue Fund 21116, Parking Administration Organization 116241, year 2018 funding.) – [see attached](#).

44. RES. 1129 – Res. that, as recommended by the Mayor, the contract with Midwest DCM, Inc. in the amount of \$69,960.00 for OPW 53480 being the Papillion Creek Water Resource Recovery Facility Monument and Wayfinding Signage, is hereby approved. (The Finance Department is authorized to pay the cost of \$69,960.00 from the Sewer Revenue Fund 21121, Papio Creek Waste Water Treatment Plant Organization 116611, year 2018 expenditure.) – [see attached](#).
45. RES. 1130 – Res. that, as recommended by the Mayor, Change Order No. 1 with Omaha Neon Sign Company, Inc., in the amount of \$62,155.00 for additional work on OPW 53227, being the Parking Garage Signage Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$62,155.00, which is to be paid from the Parking Revenue Fund 21116, System Wide Parking Improvements Organization 116239, year 2018 expenditure.) – [see attached](#).
46. RES. 1131 – Res. that, as recommended by the Mayor, Amendment No. 3 to the Professional Services Agreement with HDR, Inc. in the amount of \$1,787,700.00 for Phase 2 engineering services on OPW 52534, being the recertification of the Omaha Levee Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$1,787,700.00 for these services to be paid from 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217.) – [see attached](#).
47. RES. 1132 – Res. that, the City of Omaha seek a buyer to purchase the properties located at part of Lot 322, Skyline Ranches III and adjacent to 721 South 210th Circle for an amount no less than \$7,900.00 in order to defease the existing bonds applicable to the property; and that upon payment of the purchase price, the Mayor be and hereby is authorized to execute and deliver a deed of the property to the purchaser – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
48. RES. 1133 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Sid Dillon Ford, Inc. in the amount of \$28,523.00 for the purchase of one (1) ¾ Ton Extended Cab 4x4 Pickup to be utilized by the Planning Department’s Handy Man Program. (The Finance Department is authorized to pay the cost of this purchase from the Community Development Block Grant Fund 12186, CDBG Grant Organization 128072, year 2018 funding.) – [see attached](#).
49. RES. 1134 – Res. that, as recommended by the Mayor, the purchase of furniture in the total amount of \$119,592.68 for the completion of a remodel, is hereby approved. (The Finance Department is authorized to pay a total of \$119,592.68 from the following: General Fund No. 11111, Organization No. 109011, \$69,535.71; TIF Fund No. 21216, Organization No. 109111, \$3,128.56; EPA Fund No. 12136, Organization No. 128104, \$9,385.68; and CDBG Fund No. 12186, Organization No. 128072, \$37,542.73.) – [see attached](#).

50. RES. 1137 – Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and GESU Housing, Inc. (GESU), to provide \$1,050,000.00 (\$50,000.00 in Program Delivery for the City) in HOME Program funds to GESU for the new construction of ten (10) single-family houses to be located at 4253, 3732, 3726, 3740, 3736 and 3744 Corby Street; 4128 Ohio Street, 4143 Grant Street and 3910 and 3808 Miami Street in the Clifton Hills South Neighborhood New Single-Family Housing Infill Program Target Area, and the subsequent purchase of the HOME and private funded houses by a qualified low- and moderate-income family whose gross annual household income is at or below 80% of the Median Income by Family Size (MFI), is hereby approved. (HOME funds in the amount of \$1,050,000.00 (\$50,000.00 in Program Delivery for the City) shall be paid from the FY 2018 Single-Family New Infill Housing Fund No. 12179, Award No. 100599, Project No. 5716, Organization No. 128071.) – [see attached](#).
51. RES. 1138 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for Sanitary and Improvement District (S.I.D.) 444 – Bridlewood, in the amount of \$63,404.10, to make improvements to the existing Neighborhood Park, located on the west side of the West Papio Creek in the Bridlewood Subdivision, including administrative costs – [see attached](#).
52. RES. 1139 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for Sanitary and Improvement District (S.I.D.) 535 – Hanover Falls, in the amount of \$206,246.10, to make improvements to the existing Neighborhood Park, located at 9053 North HWS Cleveland Blvd, including administrative costs – [see attached](#).
53. RES. 1140 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for Sanitary and Improvement District (S.I.D.) 535 – Hanover Falls, in the amount of \$192,402.00, to make Boulevard improvements to HWS Cleveland Boulevard, located at 9053 North HWS Cleveland Blvd, including administrative costs – [see attached](#).
54. RES. 1141 – Res. that, as recommended by the Mayor, the extension to the Agreement with Douglas County Community Mental Health Center, in the total amount not to exceed \$22,500.00, to provide a protective custody program and facility for intoxicated individuals, is hereby approved. (The Finance Department is authorized to pay the Funds in the monthly amount of \$7,500.00, with the total amount not to exceed \$22,500.00, to Douglas County Community Mental Health Center. Funds will be allocated in the amount of \$16,250.00 from 2018 Keno Fund 12118, Org 126017 and \$6,250.00 from 2018 General Fund 11111, Org 111111, Chief Administrative Functions, Account 42239, Professional Fees – Other.) – [see attached](#).
55. RES. 1142 – Res. that, the Policy for investment of City of Omaha funds shall be and hereby is approved and adopted and this Policy shall control investment decisions until such time as it is revoked or suspended. Any previous version of an Investment Policy is hereby revoked and superseded – [see attached](#).
56. RES. 1143 – Res. that, as recommended by the Mayor, the payment to the Omaha Sports Commission in the amount of \$250,000.00, to support the Olympic Swim Trials that Omaha will host in 2020, is hereby approved. (Paid from 2018 General Fund 11111, Organization 119014, Account 42239.) – [see attached](#).

Council President Gray opened the Public Hearing on Items 43 through 56.

The following person(s) appeared and spoke:

PROPONENTS:

Item # 56 – Josh Todd, Omaha Sports Commission, 1004 Farnam Street

FOR THE CITY:

Item # 56 – Steve Curtiss, Finance Director

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

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

Item # 43 RESOLUTION # 1128;	Item # 44 RESOLUTION # 1129;
Item # 45 RESOLUTION # 1130;	Item # 46 RESOLUTION # 1131;
Item # 47 RESOLUTION # 1132;	Item # 48 RESOLUTION # 1133;
Item # 49 RESOLUTION # 1134;	Item # 50 RESOLUTION # 1137;
Item # 51 RESOLUTION # 1138;	Item # 52 RESOLUTION # 1139;
Item # 53 RESOLUTION # 1140;	Item # 54 RESOLUTION # 1141;
Item # 55 RESOLUTION # 1142; and,	Item # 56 RESOLUTION # 1143

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON FINAL READING

57. SPECIAL ORD. 10239 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District (SID) 6879, in the City of Omaha, to cover the cost of constructing and improving Leavenworth Street, from 93rd Street to 94th Street, in Portland cement concrete – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#). **(VOTE TODAY)**

MOTION by Pahls, SECOND by Melton that SPECIAL ORDINANCE # 10239 be approved

ROLL CALL:

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

Nays: Palermo

MOTION APPROVED 6-1

58. ORD. 41687 – An ordinance to approve a Restated Memorandum of Agreement between the Professional Firefighters Association of Omaha, Local 385 and the City of Omaha concerning Health Care Trust Establishment for a period of January 1, 2019 to December 31, 2023; to provide that any Ordinance of the City of Omaha, and any rules and regulations promulgated therein, which are in contract with the provisions of the Restated Memorandum shall not be applicable to those employees in the identified bargaining unit – (First Reading November 20, 2018; Second Reading and Public Hearing December 4, 2018; Third Reading December 11, 2018) – [see attached](#). **(VOTE TODAY)**

MOTION by Melton, SECOND by Harding that ORDINANCE # 41687 be approved

ROLL CALL:

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

Nays: None

Pass: Festersen

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

MOTION APPROVED 6-0-1

ORDINANCES ON SECOND READING

59. ORD. 41689 – An ordinance (1) to approve the acceptance of and authorize disbursement over more than one fiscal year from the Bureau of Justice Assistance, FY 2018 National Sexual Assault Kit Initiative Grant, Award #2018-AK-BX-0030 in the amount of \$1,901,640.00, during the project period of October 1, 2018 to September 30, 2021; to build capacity to comprehensively address untested Sexual Assault Kits in Omaha Police Department Custody; 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 December 4, 2018; Second Reading and Public Hearing December 11, 2018; Third Reading December 18, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

Council President Gray opened the Public Hearing on Item 59.

The following person(s) appeared and spoke:

PROPONENTS:

Elizabeth Power, Women’s Center for Advancement, 3801 Harney Street

FOR THE CITY:

Lt. Tracy Scherer, Omaha Police Department

Jim Dowding, City Council Chief of Staff

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

60. ORD. 41690 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), FY 2018 COPS STOP School Violence Prevention Program (SVPP), Award #2018-SV-WX-0045, in the amount of \$403,718.00, a match in the amount of \$134,573.00 provided by the Sherwood Foundation, and total program amount of \$538,291.00 during the project period of October 1, 2018 to September 30, 2020; to provide funding for items authorized in the COPS Financial Clearance Memorandum, including one (1) non-sworn Omaha Police Department hire, equipment and technology, travel and training, and contracts and consultants; 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 December 4, 2018; Second Reading and Public Hearing December 11, 2018; Third Reading December 18, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 60.

The following person(s) appeared and spoke:

OPPONENTS:

Larry Storer, 5015 Lafayette Avenue

FOR THE CITY:

Patricia Mendick, Omaha Police Department

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

COUNCIL PRESIDENT GRAY LEFT THE LEGISLATIVE CHAMBERS AT 4:42 P.M.

NON-ACTION ITEMS

(Items 61 through 66 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 DECEMBER 25, 2018 AND JANUARY 1, 2018 DUE TO THE CHRISTMAS AND NEW YEAR'S DAY HOLIDAYS)

RESOLUTIONS

61. RES. 1118 – Res. that, the Ainsworth and Beverly Apartments Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 2230 and 2236 Jones Street, proposes a complete renovation of two historic buildings resulting in a total of 33 one-bedroom, market-rate apartment units, and authorizes the City’s participation through the allocation of TIF in an amount up to \$285,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, environmental and geotechnical studies, building rehabilitation, architectural and engineering fees, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE JANUARY 8, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
62. RES. 1135 – Res. that, the Little Italy Apartments on Pierce Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 925 Pierce Street, proposes the construction of a five-level apartment building with 83 units and rooftop patio space, an underground parking garage with 59 stalls, 22 onsite parking stalls and 16 parking spaces in the public right-of-way, and authorizes the City’s participation through the allocation of TIF in an amount up to \$2,300,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, environmental and geotechnical studies, special geopier foundations, architectural and engineering fees, alley improvements, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE JANUARY 8, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
63. RES. 1136 – Res. that, the Ames Innovation Center Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 4606 North 56th Street, proposes the renovation of a 44,000 square foot building into a high tech, data-driven work environment for commercial and office use, and authorizes the City’s participation through the allocation of TIF in an amount up to \$486,146.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, building rehabilitation, architectural and engineering services, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE JANUARY 8, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

ORDINANCES ON FIRST READING

64. ORD. 41691 – An ordinance (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of \$83,829.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2017-DJ-BX-0315, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; 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 December 11, 2018**; Second Reading and Public Hearing December 18, 2018; Third Reading January 8, 2019) – [see attached](#).
65. ORD. 41693 – An ordinance to approve a corporate partnership agreement between the City of Omaha and ASAE: The Center for Association Leadership for promoting the City of Omaha for the period of April 1, 2019 through March 31, 2022; to promote the City of Omaha as a premier destination for conventions and meetings to a targeted national audience in an amount not to exceed \$146,000.00 per year – (**First Reading December 11, 2018**; Second Reading and Public Hearing December 18, 2018; Third Reading January 8, 2019) – [see attached](#).
66. ORD. 41692 – An ordinance approving an agreement by and between the City of Omaha and Millwork District I, LLC, to complete the installation of Indiana Street between 11th and 13th Streets and to limit the City’s expense allocation for the project to \$400,000.00 – (**First Reading December 11, 2018**; Second Reading and Public Hearing December 18, 2018; Third Reading January 8, 2019) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

MEETING ADJOURNED AT: 4:45 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 December 11, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

DEPUTY CITY CLERK:

s/Kimberly Pulliam

Kimberly Pulliam