



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, JANUARY 29, 2019

@ 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, January 29, 2019 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Jerram, Pahls, Palermo, Festersen, Mr. President (Gray); Absent for Roll Call were Councilmembers Melton, Harding – **CCID # 2019-66**.

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

Councilmember Vinny Palermo of District No. 4 provided the Invocation.

COUNCILMEMBERS MELTON AND HARDING ENTERED THE LEGISLATIVE CHAMBERS AT 2:01 P.M.

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 January 25, 2019, notice of the Pre-Council and Regular City Council Meetings, January 29, 2019 – **CCID # 2019-67**.

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

The 2019 Social Justice High School of the Year Award was presented to Omaha Central High School by Dr. Franklin Thompson.

- A. Documentation submitted by Dr. Thompson during the meeting – [see attached](#).

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

LAKEVIEW 168

- 6. RES. 2019-69 – Res. that, the Preliminary Plat entitled Lakeview 168, along with a waiver of Section 53-9(9) Sidewalks for the west side of HWS Cleveland Boulevard only, located southwest of 168th and Ida Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Loren Johnson, Celebrity Homes Omaha – Outside City Limits – [see attached](#).

- A. Planning Board and Planning Department recommend approval with a waiver of Section 53-9(9) Sidewalks – [see attached](#).

Council President Gray opened the Public Hearing on Item 6.

The following person(s) appeared and spoke:

PROPOSERS:

Mark Johnson, Attorney for the applicant, 11440 West Center Road

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

MOTION by Jerram, SECOND by Harding that RESOLUTION # 2019-69 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

WOOD VALLEY WEST 2

City Clerk Elizabeth Butler stated that Items 7 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 January 15, 2019.)

7. ORD. 41703 – An ordinance to rezone property located north of Military Road and west of 147th Street from AG-Agricultural District to R4-Single Family Residential District (High Density) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
8. RES. 2019-11 – Res. that, the Final Plat entitled Wood Valley West 2, located north of Military Road and west of 147th Street, is hereby approved and accepted. The applicant is Loren Johnson, Celebrity Homes – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. RES. 2019-12 – Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., Wood Valley West 2 Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 554 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Wood Valley West 2 (Lots 1-96 and Outlots A-D) and is located north of Military Road and west of 147th Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 7 through 9.

The following person(s) appeared and spoke:

PROPOSERS:

Mark Johnson, Attorney for the applicant, 11440 West Center Road

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

**MOTION by Melton, SECOND by Harding that the following items be approved:
Item # 7 ORDINANCE # 41703; Item # 8 RESOLUTION # 2019-11; and,
Item # 9 RESOLUTION # 2019-12**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

BACKWOODS PARADISE

City Clerk Elizabeth Butler stated that Items 10 through 12 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 January 15, 2019.)

10. RES. 2019-13 – Res. that, the Preliminary Plat entitled Backwoods Paradise, a minor plat inside the city limits, located at 9140 Mormon Bridge Road, 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 Joseph and Jamie Johnson – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval of the Preliminary Plat but denial of a waiver of Section 53-9(9) Sidewalks – [see attached](#).
 - B. Communication in opposition – [see attached](#).
11. RES. 2019-14 – Res. that, the Final Plat entitled Backwoods Paradise, located at 9140 Mormon Bridge Road, is hereby approved and accepted. The applicant is Joseph and Jamie Johnson – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
12. RES. 2019-15 – Res. that, the Subdivision Agreement between the City of Omaha and Joseph P. Johnson and Jamie L. Johnson, husband and wife, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Backwoods Paradise (Lots 1-2) and is located at 9140 Mormon Bridge Road – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 10 through 12.

The following person(s) appeared and spoke:

PROPONENTS:

Joe Dethlefs, Thompson, Dreessen & Dorner, Inc, 10836 Old Mill Road

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

**MOTION by Harding, SECOND by Jerram that the following items be approved:
Item # 10 RESOLUTION # 2019-13; Item # 11 RESOLUTION # 2019-14; and,
Item # 12 RESOLUTION # 2019-15**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

SOMERSET 2

City Clerk Elizabeth Butler stated that Items 13 through 18 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 January 15, 2019.)

13. ORD. 41704 – An ordinance to rezone property located southeast of Wenninghoff Road and State Street from DR-Development Reserve District to R4-Single-Family Residential District (High-Density) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
14. ORD. 41705 – An ordinance to rezone property located southeast of Wenninghoff Road and State Street from AG-Agricultural District to R4-Single-Family Residential District (High density) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
15. RES. 2019-16 – Res. that, the Final Plat entitled Somerset 2 (Lots 1-100, (formerly Somerset (Lots 530-628)), located southeast of Wenninghoff Road and State Street, is hereby approved and accepted. The applicant is Loren Johnson, Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
16. RES. 2019-17 – Res. that, the Final Plat entitled Somerset 2 (Lots 101-206, (formerly Somerset (Lots 629-730)), located southeast of Wenninghoff Road and State Street, is hereby approved and accepted. The applicant is Loren Johnson, Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

17. RES. 2019-18 – Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., Somerset 2 Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 592 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Somerset 2 (Lots 1-100) and is located southeast of Wenninghoff Road and State Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

18. RES. 2019-19 – Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., Somerset 2 Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 592 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Somerset 2 (Lots 101-206) and is located southeast of Wenninghoff Road and State Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 13 through 18.

The following person(s) appeared and spoke:

PROPOSERS:

Mark Johnson, Attorney for the applicant, 11440 West Center Road

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

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

Item # 13 ORDINANCE # 41704; Item # 14 ORDINANCE # 41705;
Item # 15 RESOLUTION # 2019-16; Item # 16 RESOLUTION # 2019-17;
Item # 17 RESOLUTION # 2019-18; and, Item # 18 RESOLUTION # 2019-19

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PACIFIC RESERVE

City Clerk Elizabeth Butler stated that Items 19 through 23 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 January 15, 2019.)

19. ORD. 41706 – An ordinance to rezone property located at 20601 Pacific Street from AG-Agricultural District to DR-Development Reserve District – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

20. ORD. 41707 – An ordinance to rezone property located at 20601 Pacific Street from AG-Agricultural District to R5-Urban Family Residential District – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
21. RES. 2019-20 – Res. that, the Special Use Permit application submitted by Pacific Reserve, LLC Chris Erickson, for a Special Use Permit to allow Daycare service (general) in a R5-Urban Family Residential District (pending), located at 20601 Pacific Street (Lot 5, Pacific Reserve), 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, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That 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. 2019-21 – Res. that, the Final Plat entitled Pacific Reserve, located at 20601 Pacific Street, is hereby approved and accepted. The applicant is Pacific Reserve, LLC, Chris Erickson – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
23. RES. 2019-22 – Res. that, the Subdivision Agreement among the City of Omaha, Pacific Reserve, LLC, and the Pacific Reserve Homeowners Association, Inc., as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Pacific Reserve (Lots 1-5 and Outlots A-F) and is located at 20601 Pacific Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 19 through 23.

The following person(s) appeared and spoke:

PROPOSERS:

Mark Johnson, 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 # 19 ORDINANCE # 41706; Item # 20 ORDINANCE # 41707;
Item # 21 RESOLUTION # 2019-20; Item # 22 RESOLUTION # 2019-21; and,
Item # 23 RESOLUTION # 2019-22

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notices of the public hearings relating to the following developments were published in the Daily Record on January 15, 2019.)

24. ORD. 41700 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 1938 North 85th Street – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [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 24.

The following person(s) appeared and spoke:

FOR THE CITY:

Dave Fanslau, Planning Director

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

MOTION by Festersen, SECOND by Melton that ORDINANCE # 41700 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that if there were no objections, Item 25 would be considered after Item 28. No objections were raised and the item was moved.

25. ORD. 41701 – An ordinance to rezone property located at 2230 and 2236 Jones Street from DS-Downtown Service District to CBD-Central Business District (property is located within an ACI-1 Overlay District) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

26. ORD. 41702 – An ordinance to rezone property located at 1903 South 13th Street from GI-General Industrial District to NBD-Neighborhood Business District (property is located within an ACI-1 Overlay District) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [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:

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

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

COUNCILMEMBER PALERMO LEFT THE LEGISLATIVE CHAMBERS AT 2:23 P.M.

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41702 be approved

ROLL CALL:

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

Nays: None

Absent: Palermo

MOTION APPROVED 6-0

COUNCILMEMBER PALERMO RETURNED TO THE LEGISLATIVE CHAMBERS AT 2:23 P.M.

SPECIAL USE PERMIT

(Required notice of the public hearing relating to this development was published in the Daily Record on January 15, 2019.)

27. RES. 2019-62 – Res. that, the application submitted by Tim Jacoby on behalf of Children’s Hospital and Medical Center for a permit for a heliport in a CC-Community Commercial District, located at 8501 West Dodge Road, Omaha, Nebraska, pursuant to Omaha Municipal Code section 28-187 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 – [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.

The following person(s) appeared and spoke:

PROPONENTS:

Tim Jacoby, Children’s Hospital, 8200 Dodge Street

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 2019-62 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PROJECT PLAN RESOLUTIONS

28. 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](#). **(VOTE TODAY, POSTPONED FROM THE JANUARY 8, 2019 CITY COUNCIL MEETING)**

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

B. Communication received from David Paladino – [see attached](#).

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

PROPOSERS:

Dave Paladino, 2702 Douglas Street

FOR THE CITY:

Scott Lane, Planning Department

Dave Fanslau, Planning Director

25. ORD. 41701 – An ordinance to rezone property located at 2230 and 2236 Jones Street from DS-Downtown Service District to CBD-Central Business District (property is located within an ACI-1 Overlay District) – (First Reading January 8, 2019; Second Reading January 15, 2019; Third Reading, Public Hearing and Vote January 29, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

MOTION by Jerram, SECOND by Melton that the following items be postponed to the April 2, 2019 City Council meeting:

Item # 28 RESOLUTION # 1118; and, Item # 25 ORDINANCE # 41701

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Palermo

Nays: Festersen, Harding, Mr. President

MOTION APPROVED 4-3

LIQUOR

29. RES. 2019-68 – Class “I” Liquor License Application – The Reception Connection, LLC, dba “The Bel Air Banquet Room”, 12100 West Center Road, Suite 520. (This is a new application for an old location). Change of Stockholder and trade name/DBA from “Reception Connection” – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 29.

The following person(s) appeared and spoke:

PROPOSERS:

Candice Shockley, 12100 West Center Road

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

MOTION by Melton, SECOND by Jerram that RESOLUTION # 2019-68 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 30 through 34 were held on January 15, 2019.

(Required notices of the public hearings were published in the Daily Record on January 11, 2019.)

CONSENT AGENDA – ORDINANCES

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 31 WAS REMOVED FROM THE CONSENT AGENDA

30. ORD. 41708 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Douglas at 44th, LLC, to implement the 44 Douglas Student Housing Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 4412-4418 Douglas Street and 114-120 South 44th Street, which proposes the new construction of 120 studio-style efficiency apartment units, a surface parking lot with 33 spaces, 6 additional on-street parking spaces, and 87 leased parking spaces; the agreement authorizes the use of up to \$2,173,800.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#).
31. ORD. 41709 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha, and 420 South 11th Corp, dba 420 Condominium Regime, dba 420 Condominium Association, Inc., on behalf of the Residential Owners, to implement the 420 Condominium Regime Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 420 South 11th Street, which proposes the reconstruction of twelve (12) residential condominium units and their associated common areas; the agreement authorizes the use of up to \$685,682.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#). **(REMOVED FROM CONSENT)**
32. ORD. 41710 – An ordinance to approve a three-year renewal of annual subscription services with Shotspotter, Inc. per the attached quote in the amount of \$211,890.00 for each year and in the total amount of \$635,670.00 over the three-year period for annual warranty, maintenance, support, and monitoring services for the gunshot location system for the Omaha Police Department for Years 2019, 2020, and 2021; 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 113213 Information Technology, Account #42411 Maintenance Contracts) – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#).
33. ORD. 41711 – An ordinance to accept the bid and approve a lease agreement between Dillon Brothers Harley-Davidson, Inc. and the City of Omaha for sixteen (16) Harley-Davidson motorcycles for use by the Omaha Police Department, over a six year period, with an annual cost per Unit from \$3,180.00 in the first year to \$3,420.00 in the last, plus other costs, all involving appropriations of more than one year in conformity with Section 5.17 and Section 5.16 of the Home Rule Charter – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#).

34. ORD. 41712 – An ordinance to approve a Worker’s Compensation Third Party Administration Service Agreement between the City of Omaha, and CorVel Enterprise Comp., Inc., involving the payment of money from appropriations of more than one (1) year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide workers’ compensation third party coordinated administration, managed care, claims management, case management, and risk management information system services for the City’s self-funded workers’ compensation program for a period of three (3) years from January 1, 2019 to December 31, 2021, with two one (1) year options at the City’s sole discretion; such payments to be from Fund No. 11111 Organization No. 118017 – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#).

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

**Item # 30 ORDINANCE # 41708; Item # 32 ORDINANCE # 41710;
Item # 33 ORDINANCE # 41711; and, Item # 34 ORDINANCE # 41712**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

31. ORD. 41709 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha, and 420 South 11th Corp, dba 420 Condominium Regime, dba 420 Condominium Association, Inc., on behalf of the Residential Owners, to implement the 420 Condominium Regime Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 420 South 11th Street, which proposes the reconstruction of twelve (12) residential condominium units and their associated common areas; the agreement authorizes the use of up to \$685,682.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading January 8, 2019; Second Reading and Public Hearing January 15, 2019; Third Reading January 29, 2019) – [see attached](#).

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

FOR THE CITY:

Jennifer Taylor, Law Department

MOTION by Harding, SECOND by Melton that ORDINANCE # 41709 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 35 through 76 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

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 41 WAS REMOVED FROM THE CONSENT AGENDA

35. RES. 2019-75 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Husker Auto Group LLC in the amount of \$31,248.00 for the purchase of one (1) Half Ton Crew Cab 4x4 Four Door Truck FFV E85 Pickup to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 funding.) – [see attached](#).
36. RES. 2019-76 – 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 \$41,535.00 for the purchase of one (1) 2019 Chassis Cab (One Ton) with Utility Box to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 funding.) – [see attached](#).
37. RES. 2019-77 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda in the total amount of \$28,541.00 for one (1) one ton, 12 passenger van, to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure.) – [see attached](#).
38. RES. 2019-78 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Sid Dillon Chevrolet Buick in the total amount of \$94,770.00 for three (3) 3/4 ton extended cab pickups, to be utilized by the Sewer Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure.) – [see attached](#).
39. RES. 2019-79 – Res. that, as recommended by the Mayor, the contract with DIY Holding Company for OPW 53513 in the amount of \$72,586.00 being the 2019 New Sidewalk Construction and Sidewalk Repair at Various Locations within the Northwest Quadrant of the City of Omaha Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$72,586.00 from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, and the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2019 expenditure.) – [see attached](#).

40. RES. 2019-80 – Res. that, as recommended by the Mayor, the contract with Jacksons Complete Concrete for OPW 53515 in the amount of \$57,777.50 being the 2019 New Sidewalk Construction and Sidewalk Repair at Various Locations within the Southwest Quadrant of the City of Omaha Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$57,777.50 from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, and the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2019 expenditure.) – [see attached](#).
41. RES. 2019-81 – Res. that, as recommended by the Mayor, the awards to B&W Co., Inc., NL&L Concrete, Inc., and Paladin, LLC in the estimated amount of \$450,000.00 for Emergency Pothole Repair Services to be utilized by the Street Maintenance Division, is hereby approved. (The Finance Department is authorized to pay the cost of these services, currently estimated to be \$450,000.00 from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2019 expenditures, according to actual usage at each respective contractor's bid hourly rate.) – [see attached](#). **(REMOVED FROM CONSENT)**
42. RES. 2019-82 – Res. that, as recommended by the Mayor, the Finance Department is authorized to pay DPS Construction, LLC, an additional \$863,050.00 for the transportation of sludge cake from the Missouri River and Papillion Creek Water Resource Recovery Facilities for the 2019 service year according to the contract extension approved by Ordinance 41202 on October 31, 2017. (To be paid from the Sewer Revenue Fund 21121, Missouri River Wastewater Treatment Plant Organization 116612 in the amount of \$431,525.00 and from the Papillion Creek Wastewater Treatment Plant Organization 116611 in the amount of \$431,525.00.) – [see attached](#).
43. RES. 2019-84 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt & Ullevig in the amount of \$88,700.00 to provide professional services on OPW 53540, being the 72nd and Dodge Street Eastbound Right Turn Lane Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$88,700.00, from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
44. RES. 2019-85 – Res. that, as recommended by the Mayor, the Professional Services Agreement with RJN Group, Inc. in the amount of \$99,822.90 to provide professional services on the Focused Electrode Leak Location portion of the Sewers - Pilot Study Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,822.90 from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure.) – [see attached](#).
45. RES. 2019-86 – Res. that, as recommended by the Mayor, the Professional Services Agreement with JEO Consulting Group, Inc. in a fee not to exceed \$238,178.96 to provide professional construction engineering services on STPC-5011(9), OPW 50416, being the 108th Street from Harrison to Q Street Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$238,178.96, to be paid from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117.) – [see attached](#).

46. RES. 2019-87 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with Olsson, Inc. in an amount not to exceed \$73,058.00 for additional public outreach and final design services on OPW 52884, being the Crown Point Improvements - 72nd Street to Blair High Road Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$73,058.00 for these services from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117.) – [see attached](#).
47. RES. 2019-88 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 1 between the City of Omaha and The Schemmer Associates, Inc. with a cost to the City of \$1,671.41 for improvements to 120th Street from Stonegate Drive to Roanoke Boulevard, known as Federal Aid Project MAPA-5009(3), State Control No. 22277, and OPW 50949, is hereby approved. (To be paid from the 2018 Transportation Fund 13185, Transportation Bonds Organization 117117. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha.) – [see attached](#).
48. RES. 2019-89 – Res. that, as recommended by the Mayor, Change Order No. 3 with Oldcastle Materials Midwest Company in an additional amount of \$120,819.73 for additional work on OPW 53498, being the Road Maintenance District, 745-30, Leavenworth Street from 90th Street to 90th Avenue and 91st Circle from Leavenworth Street to Terminus Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$120,819.73 for this change order, of which 50% is to be paid from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, with the remaining 50% to be paid from the 2018 Transportation Fund, Transportation Organization 117117, year 2018 expenditure.) – [see attached](#).
49. RES. 2019-90 – Res. that, as recommended by the Mayor, Change Order No. 5 with Oldcastle Materials Midwest Company in an additional amount of \$75,042.28 for additional work on OPW 53497, being the Road Maintenance District, 745-29, Garden Road from 105th Street to Terminus Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$75,042.28 for this change order, of which 50% is to be paid from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, with the remaining 50% to be paid from the 2018 Transportation Fund, Transportation Organization 117117, year 2018 expenditure.) – [see attached](#).
50. RES. 2019-91 – Res. that, as recommended by the Mayor, Change Order No. 6 with Oldcastle Materials Midwest Company in an additional amount of \$1,583,432.68 for additional work on OPW 53302, being the 2018 Residential Street Resurfacing, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$1,583,432.68 for this change order, to be paid from the City Street Maintenance Fund 12129, Residential Street Rehabilitation Organization 116161, year 2018 expenditure.) – [see attached](#).
51. RES. 2019-120 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and The Stephen Center, in the amount of \$40,000.00 to provide rapid re-housing to homeless individuals and families. (Funds shall be paid from the FY 2018 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028.) – [see attached](#).

52. RES. 2019-94 – Res. that, as recommended by the Mayor, the bid in the total amount of \$41,000.00 from Choppers Lawn Service, to furnish all labor, materials, and equipment necessary to complete the Grounds Maintenance for the El Dorado Common Areas, Three Entrances, Various Right-of-Ways, Street Islands, and El Dorado Park, located in 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. 11111, General Fund and Organization No. 115025, Ground Maintenance Contracts.) – [see attached](#).
53. RES. 2019-95 – Res. that, as recommended by the Mayor, the Resolution in the total amount of \$69,137.25 from Lanoha Nurseries for completed and furnished labor, materials and equipment necessary for the maintenance on Abbott Drive, Omaha, Nebraska during June – December 2018, is hereby approved. (The Finance Department is authorized to pay the total amount of \$69,137.25 from the General Fund No. 11111 and Organization No. 115026, Right-of-Way.) – [see attached](#).
54. RES. 2019-96 – Res. that, as recommended by the Mayor, the bid in the total amount of \$647,000.00 from McCoy Construction, LLC to furnish all labor, materials and equipment necessary for the re-bid Summer 2017 wind/hail damage, located at various locations within Parks and Recreation, 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. 2005P507.) – [see attached](#).
55. RES. 2019-97 – Res. that, as recommended by the Mayor, the purchase of Trap & Skeet Range Clay Targets for 2019, not to exceed \$136,000.00 for the Harry A. Koch Trap & Skeet Range at Seymour Smith Park, located at 6802 Harrison Street, is hereby approved. (The Purchasing Agent is authorized to issue an open purchase order in conformance herewith. Funds in this amount shall be paid from the City Wide Sports Revenue Fund No. 21108 and Organization No. 115366, Trap & Skeet.) – [see attached](#).
56. RES. 2019-98 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing from Ray Martin of Omaha, Inc., in the amount of \$35,000.00 to provide ongoing service, operation and maintenance; which includes the Ice Machine for the Ice Rink at the Motto McLean Ice Arena, located at 5015 South 45th Street, Omaha, NE, for the Parks, Recreation and Public Property Department, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$35,000.00 to Ray Martin of Omaha, Inc. from the General Fund No. 11111, Organization No. 115211, Motto McLean Ice Arena, for the 2018 fiscal year.) – [see attached](#).
57. RES. 2019-99 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #504 for the existing park located at 76th and Wyoming Street, in the amount of \$35,073.60, including administrative costs with the funding source allocated from excess cash from SID #504 and shall not become bonded debt for Douglas County SID #504 – [see attached](#).
 - A. Park and Recreation Advisory Board recommend approval.

58. RES. 2019-100 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #484 to make improvements to the existing park located at 153rd and Mormon Street, in the amount of \$39,511.20, including administrative costs with the funding source allocated from excess cash from SID #484 and shall not become bonded debt for Douglas County SID #484 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
59. RES. 2019-101 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #441 to make improvements to the existing trails, located at 151st Avenue and Ida Street, in the amount of \$255,791.05, including administrative costs with the funding source allocated from excess cash from SID #441 and shall not become bonded debt for Douglas County SID #441 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
60. RES. 2019-104 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #503 to extend South HWS Cleveland Boulevard, in the amount of \$1,865,141.34, including administrative costs with the funding source, allocated from excess cash from S.I.D. #503 - (Silverleaf/West Dodge Station), a Papio-Missouri River Natural Resources District Trails Assistance Grant and reimbursements from the Trail and Boulevard Fund (when funds are available) – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
61. RES. 2019-105 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #593 to make improvements to George B. Lake Parkway, in the amount of \$166,624.00, including administrative costs with the funding source allocated from SID #593 for an amount of \$115,888.00, and funding from the “Trails and Boulevard Fund” shall be \$50,736.00, with a total of \$166,624.00 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
62. RES. 2019-106 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #567 to make improvements to the existing trail around Flanagan Park, in the amount of \$65,940.00, including administrative costs with the funding source allocated from Construction Fund for Douglas County SID #567 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
63. RES. 2019-107 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID #582 to make improvements to Purple Martin Parkway, in the amount of \$218,506.00, including administrative costs with the funding source allocated from SID #582 for an amount of \$149,145.00, and funding from the “Trails and Boulevard Fund” shall be \$69,361.00, with a total of \$218,506.00 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.

64. RES. 2019-102 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project to make parkway improvements, southeast of the intersection of 204th Street and Q Street, in the amount of \$1,113,121.00, including administrative costs with the funding source allocated from the successfully passed bond associated with Gretna Public Schools 6th Elementary School that was approved on November 6, 2018 – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
65. RES. 2019-103 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for Elkhorn Public Schools Ida Pointe North to make improvements to Purple Martin Parkway, in the amount of \$250,263.00, including administrative costs with the funding source, Elkhorn Public Schools – [see attached](#).
- A. Park and Recreation Advisory Board recommend approval.
66. RES. 2019-108 – Res. that, as recommended by the Mayor, between 6:00 p.m. on Saturday, February 16, 2019 and 8:00 a.m. on Sunday, February 17, 2019, Adams Park Community Center, 3230 John A Creighton Blvd., Omaha, Nebraska, shall be open to accommodate the Boy Scout Lock In and overnight security – [see attached](#).
67. RES. 2019-109 – Res. that, as recommended by the Mayor, the payment in the amount of \$40,500.00 for the annual software license renewal for SAFE Cloud Based storage for the Tracker evidence tracking hardware and software package for the Omaha Police Department Evidence/Property Unit, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the cost of the annual software licensing from the Omaha Police Department Year 2019, General Fund 11111, Organization 113213 Information Technology, Project 0123, Account 42266 IT Contracts.) – [see attached](#).
68. RES. 2019-110 – Res. that, as recommended by the Mayor, the bid in the total amount of \$46,400.00 from Air Cleaning Technologies, Inc. to purchase and install two (2) Plymovent Systems, to be utilized by the Omaha Fire Department at Fire Stations 77 and 78, is hereby accepted. (The cost of this acquisition may be expended from the 2018 Omaha Fire Department Fiscal Year Budget, Fund 11111, Organization 114516, Account 47012.) – [see attached](#).
69. RES. 2019-111 – Res. that, as recommended by the Mayor, the award from the Omaha Police Foundation in the amount of 49,740,00 for one (1) workstation and to hire one (1) full-time Missing Person Analyst to coordinate and analyze data related to missing juveniles, during the period of January 1, 2019 to December 31, 2019, is hereby approved. (The Finance Department of the City of Omaha is authorized to disburse funds from the Omaha Police Foundation award.) – [see attached](#).
70. RES. 2019-112 – Res. that, the appointment by Mayor Jean Stothert of Erik K. Johnson, the Senior Vice President of Programming for iHeartMedia, to be a member of the Dundee Business Improvement District Area Board to serve a five-year term commencing upon January 28, 2019 and expiring on January 27, 2024, is hereby confirmed and approved – [see attached](#).

71. RES. 2019-113 – Res. that, the appointment by Mayor Jean Stothert of Becky R. App, the co-founder of eCreamery Ice Cream & Gelato, to be a member of the Dundee Business Improvement District Area Board to finish out Mr. Gobel’s term running through January 28, 2021 is hereby confirmed by the City Council – [see attached](#).
72. RES. 2019-114 – Res. that, the reappointment by Mayor Jean Stothert of Karin Campbell as the museum curator member of the Public Art Commission to serve a three-year term commencing January 25, 2019, and expiring January 24, 2022, is hereby confirmed and approved – [see attached](#).
73. RES. 2019-115 – Res. that, the reappointment by Mayor Jean Stothert of Kevin Toxword to serve a three-year term as the commercial non-union shop member of the Air Conditioning and Air Distribution Board, commencing January 15, 2019 and expiring January 14, 2022, be and hereby is confirmed and approved – [see attached](#).
74. RES. 2019-116 – Res. that, the reappointment by Mayor Jean Stothert of Nicholas Limpach to serve a three-year term as a mechanical engineer member of the Air Conditioning and Air Distribution Board, commencing November 18, 2019 and expiring November 17, 2022, be and hereby is confirmed and approved – [see attached](#).
75. RES. 2019-117 – Res. that, the reappointment by Mayor Jean Stothert of Scott Falcone to serve a three-year term as an AC contractor member of the Air Conditioning and Air Distribution Board, commencing November 29, 2019 and expiring November 28, 2022, be and hereby is confirmed and approved – [see attached](#).
76. RES. 2019-118 – Res. that, the reappointment by Mayor Jean Stothert of Matthew Schafer as the professional planner member of the Urban Design Review Board, to serve a three-year term commencing July 29, 2019 and expiring July 28, 2022, be and hereby is confirmed and approved – [see attached](#).

Council President Gray opened the Public Hearing on Items 35 through 76.

The following person(s) appeared and spoke:

FOR THE CITY:

Items # 57-65 – Dennis Bryers, Parks Department

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

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

Item # 35 RESOLUTION # 2019-75;	Item # 36 RESOLUTION # 2019-76;
Item # 37 RESOLUTION # 2019-77;	Item # 38 RESOLUTION # 2019-78;
Item # 39 RESOLUTION # 2019-79;	Item # 40 RESOLUTION # 2019-80;
Item # 42 RESOLUTION # 2019-82;	Item # 43 RESOLUTION # 2019-84;
Item # 44 RESOLUTION # 2019-85;	Item # 45 RESOLUTION # 2019-86;
Item # 46 RESOLUTION # 2019-87;	Item # 47 RESOLUTION # 2019-88;
Item # 48 RESOLUTION # 2019-89;	Item # 49 RESOLUTION # 2019-90;
Item # 50 RESOLUTION # 2019-91;	Item # 51 RESOLUTION # 2019-120;
Item # 52 RESOLUTION # 2019-94;	Item # 53 RESOLUTION # 2019-95;
Item # 54 RESOLUTION # 2019-96;	Item # 55 RESOLUTION # 2019-97;
Item # 56 RESOLUTION # 2019-98;	Item # 57 RESOLUTION # 2019-99;
Item # 58 RESOLUTION # 2019-100;	Item # 59 RESOLUTION # 2019-101;
Item # 60 RESOLUTION # 2019-104;	Item # 61 RESOLUTION # 2019-105;
Item # 62 RESOLUTION # 2019-106;	Item # 63 RESOLUTION # 2019-107;
Item # 64 RESOLUTION # 2019-102;	Item # 65 RESOLUTION # 2019-103;
Item # 66 RESOLUTION # 2019-108;	Item # 67 RESOLUTION # 2019-109;
Item # 68 RESOLUTION # 2019-110;	Item # 69 RESOLUTION # 2019-111;
Item # 70 RESOLUTION # 2019-112;	Item # 71 RESOLUTION # 2019-113;
Item # 72 RESOLUTION # 2019-114;	Item # 73 RESOLUTION # 2019-115;
Item # 74 RESOLUTION # 2019-116;	Item # 75 RESOLUTION # 2019-117; and,
Item # 76 RESOLUTION # 2019-118	

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

COUNCILMEMBER JERRAM LEFT THE LEGISLATIVE CHAMBERS AT 3:34 P.M.

COUNCILMEMBER JERRAM RETURNED TO THE LEGISLATIVE CHAMBERS AT 3:36 P.M.

41. RES. 2019-81 – Res. that, as recommended by the Mayor, the awards to B&W Co., Inc., NL&L Concrete, Inc., and Paladin, LLC in the estimated amount of \$450,000.00 for Emergency Pothole Repair Services to be utilized by the Street Maintenance Division, is hereby approved. (The Finance Department is authorized to pay the cost of these services, currently estimated to be \$450,000.00 from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2019 expenditures, according to actual usage at each respective contractor’s bid hourly rate.) – [see attached](#). **(REMOVED FROM CONSENT)**

A. Communication received from Tony Burkhalter, President, Nebraska Public Employees, Local 251 – [see attached](#).

B. Communication from Bernard in den Bosch, Deputy City Attorney – [see attached](#).

Council President Gray opened the Public Hearing on Item 41.

The following person(s) appeared and spoke:

OPPONENTS:

Tony Burkhalter, Nebraska Public Employees Local 251, 6910 Pacific Street
Kelcy Johnson, Nebraska Public Employees Local 251, 6910 Pacific Street

FOR THE CITY:

Austin Rowser, Public Works Department
Bernard in den Bosch, Law Department
Bob Stubbe, Public Works Director

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 2019-81 be approved

ROLL CALL:

Yeas: Melton, Festersen, Harding
Nays: Jerram, Pahls, Palermo, Mr. President
MOTION FAILED 3-4

ORDINANCE ON FINAL READING

77. 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 January 29, 2019) – [see attached](#). **(VOTE TODAY, POSTPONED FROM THE DECEMBER 11, 2018 CITY COUNCIL MEETING)**

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

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41665 be approved

ROLL CALL:

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

RESOLUTION

78. RES. 2019-83 – Res. that, the Agreement between the City of Omaha and Alegent Health Bergan Mercy Health, doing business as CHI Health Bergan Mercy (“CHI Health”), as recommended by the Mayor, in the amount of \$1,600,000.00 providing for a contribution by CHI Health for public improvements to 78th Street between Mercy Road and Shirley Street, is hereby approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 78.

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 2019-83 be approved

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Palermo, Festersen, Harding, 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

79. ORD. 41713 – An ordinance (1) to approve an agreement between the City of Omaha and the Douglas County Board of Commissioners, Douglas County Administrative Office in the amount of \$182,918.00; 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 law enforcement equipment, prosecutor and corrections programs, and technology improvements and training; 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 January 15, 2019; Second Reading and Public Hearing January 29, 2019; Third Reading February 5, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 79.

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

80. ORD. 41718 – An ordinance to approve a contract services agreement addendum to Ordinance #41416 previously approved by the City Council on February 13, 2018, between the Omaha Convention and Visitor's Bureau, and Talley Management Group, Inc. for promoting the City of Omaha for the period of January 1, 2019 through December 31, 2019, with the option to extend for an additional two (2) years; to promote the City of Omaha as a premier destination for conventions and meetings to a targeted national audience in the Chicago market in an amount not to exceed \$15,000.00 for the one-year period; to authorize the payment specified therein – (First Reading January 15, 2019; Second Reading and Public Hearing January 29, 2019; Third Reading February 5, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 80.

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

81. ORD. 41719 – An ordinance to approve the Omaha Tri-Park Complex Development and Management Agreement between the City of Omaha, Metropolitan Entertainment & Convention Authority, and the Downtown Riverfront Trust – (First Reading January 15, 2019; Second Reading and Public Hearing January 29, 2019; Third Reading February 5, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 81.

The following person(s) appeared and spoke:

PROPOSERS:

Ken Stinson, 3555 Farnam Street
Mogens Bay, 1 Valmont Plaza
Roger Dixon, 455 North 10th Street

OPPOSERS:

Barbara Sudds, 2810 Grebe Street

FOR THE CITY:

Steve Curtiss, Finance Director
Brook Bench, Parks Director

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

NON-ACTION ITEMS

(Items 82 through 105 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.)

HIGHLAND HILLS

82. ORD. 41726 – An ordinance to rezone property located northeast of 168th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – **(First Reading January 29, 2019;** Second Reading February 5, 2019; Third Reading, Public Hearing and Vote February 12, 2019) – [see attached](#).
83. ORD. 41727 – An ordinance to rezone property located Northeast of 168th and Ida Streets from AG-Agricultural District to DR-Development Reserve District – **(First Reading January 29, 2019;** Second Reading February 5, 2019; Third Reading, Public Hearing and Vote February 12, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
84. RES. 2019-70 – Res. that, the Final Plat entitled Highland Hills (Lots 382-492, Outlots G-I), located northeast of 168th and Ida Streets, is hereby approved and accepted. The applicant is CR Investments, Inc – Outside City Limits – [see attached](#). **(LAID OVER TO THE FEBRUARY 12, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 82 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

85. RES. 2019-71 – Res. that, the Subdivision Agreement among the City of Omaha, CR Investments, Inc., Highland Hills Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 563 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Highland Hills (Lots 382-492 and Outlots G-I) and is located northeast of 168th and Ida Streets – [see attached](#). **(LAID OVER TO THE FEBRUARY 12, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 82)**

STERLING RIDGE REPLAT 5

86. RES. 2019-72 – Res. that, the Preliminary Plat entitled Sterling Ridge Replat 5, a minor plat inside the city limits, located southeast of 132nd and Pacific 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 IV, LLC/Sweetbriar II, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE FEBRUARY 12, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

87. RES. 2019-73 – Res. that, the Final Plat transmitted herewith entitled Sterling Ridge Replat 5, a minor plat inside the city limits, located southeast of 132nd and Pacific Streets, is hereby approved, and concurrently portions of the existing plat entitled Sterling Ridge, and described on said replat, is hereby vacated. The applicant is Sweetbriar IV, LLC/Sweetbriar II, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE FEBRUARY 12, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 86 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

88. RES. 2019-74 – Res. that, the Amendment to Subdivision Agreement among the City of Omaha, Sweetbriar II, LLC, Sweetbriar IV, LLC, and Sterling Ridge Master Owners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Sterling Ridge Replat 5 (Lots 1-2) and is located southeast of 132nd and Pacific Streets – [see attached](#). **(LAID OVER TO THE FEBRUARY 12, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 86)**

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

89. ORD. 41714 – An ordinance to rezone property located at 1935 South 13th Street from GI-General Industrial District to NBD-Neighborhood Business District (property is located within an ACI-1 Overlay District) – (First Reading January 15, 2019; **Second Reading January 29, 2019**; Third Reading, Public Hearing and Vote February 5, 2019) – [see attached](#).

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

90. ORD. 41715 – An ordinance to rezone the properties located at 5003 Dodge Street and 106 South 50th Street from R3-Medium Density Multiple Family Residential District and GC-General Commercial District to GC-General Commercial District – (First Reading January 15, 2019; **Second Reading January 29, 2019**; Third Reading, Public Hearing and Vote February 5, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend denial – [see attached](#).
91. ORD. 41716 – An ordinance to amend the boundaries of the ACI-2 Area of Civic Importance Overlay District, to incorporate into that district the properties located at 5003 Dodge Street and 106 South 50th Street – (First Reading January 15, 2019; **Second Reading January 29, 2019**; Third Reading, Public Hearing and Vote February 5, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend denial – [see attached](#).
92. ORD. 41717 – An ordinance to approve an Amendment to the Future Land Use Element of the City’s Master Plan from Low density residential to Office/commercial for the property located at 106 South 50th Street, and to change the boundary of the Dodge Street and Saddle Creek Road Mixed Use Area – (First Reading January 15, 2019; **Second Reading January 29, 2019**; Third Reading, Public Hearing and Vote February 5, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend denial – [see attached](#).

TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PROJECT PLAN RESOLUTIONS

93. RES. 2019-92 – Res. that, the Ashton Building Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 1218 Nicholas Street, proposes the rehabilitation of a 187,000 square foot, four-story historic building into an office building with amenities and ground floor retail, and authorizes the City’s participation through the allocation of TIF in an amount up to \$6,350,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, environmental and geotechnical studies, building rehabilitation, site work, 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 FEBRUARY 26, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

94. RES. 2019-93 – Res. that, the Logan Building Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 1802 Dodge Street, proposes rehabilitation of a seven-story historic building into a 90-room boutique hotel with amenities, four to six residential penthouse units, 4,800 square feet of commercial/office space, a “speakeasy” bar, 25 on-site surface parking spaces, six parking spaces on the north lot and approximately 70 leased parking spaces in the City facility at 19th Street and Capitol Avenue, and authorizes the City’s participation through the allocation of TIF in an amount up to \$2,776,500.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, building rehabilitation, site work, architectural and engineering fees, and public improvements as required, with the applicant contributing \$54,590.00 of the TIF loan proceeds to the Downtown Public Improvement Fund, 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 FEBRUARY 26, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

ORDINANCES ON FIRST READING

95. ORD. 41728 – An ordinance authorizing the issuance of a purchase order to All Pro Towing, LLC for vehicle and equipment towing services to be utilized by Fleet Management for various City of Omaha operations effective for two years from date of passage of this ordinance; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account – **(First Reading January 29, 2019; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).**
96. ORD. 41729 – An ordinance approving the bid from Solenis, LLC for the City of Omaha: Sludge Dewatering Polymer purchase opened through Douglas County Purchasing on October 17, 2018, with an annual estimated cost of \$384,000.00 for a three (3) year term; involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account – **(First Reading January 29, 2019; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).**
97. ORD. 41724 – An ordinance approving the contract with Hawkins Construction Co. in the amount of \$89,611,631.40 for OPW 52049, being the Saddle Creek Retention Basin Project (CSO), located at 2520 South 64th Avenue, to approve appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended – **(First Reading January 29, 2019; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).**

98. ORD. 41720 – An ordinance approving an Interlocal Agreement between the City of Omaha and Papio-Missouri River Natural Resource District (PMRNRD), with a cost share amount not to exceed \$780,000.00, involving the receipt of money involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Omaha is to participate in the PMRNRD Urban Drainageway Program, in which the City will provide improvements to a portion of Thomas Creek, designated by the City as OPW 53129. (The Finance Department is authorized to receive a cost share from PMRNRD not to exceed \$780,000.00 according to the disbursement schedule contained within the Agreement. The first installment shall be paid in the NRD's 2019 fiscal year and shall not exceed \$80,000.00, the second installment shall be paid in the NRD's 2020 fiscal year and shall not exceed \$350,000.00, and the third installment shall be paid in the NRD's 2021 fiscal year and shall not exceed \$350,000.00.) – **First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
99. ORD. 41725 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the Exposed Sewer Channel Crossings Rehabilitation Design located at the NW corner of Blondo Street and Interstate 680 project identified as OPW 53360. Capital Improvement Program Number 1982E509.; providing that the City negotiate with the property owners for land acquisition, permanent easements and temporary construction easements, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – **First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
100. ORD. 41721 – An ordinance declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant and improved properties located in the King Science Redevelopment Plan Area, an area generally defined by Pratt Street on the south, Sahler Street on the North, Florence Boulevard on the east and 24th Street on the west, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as sites for implementing the King Science Redevelopment Plan by the construction low-density multi-family development; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed. (Project costs will be paid from FY 2017 Community Development Block Grant, Fund 12186, Organization No. 12961, Award 100503, Project 5424, and Task 10.1666) – **First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
101. SPECIAL ORD. 10242 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2019-03 – **First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
102. SPECIAL ORD. 10243 – An ordinance levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2019-04 – **First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).

103. SPECIAL ORD. 10244 – An ordinance levying a special tax assessment for the removal and/or trimming of trees, bushes, shrubs, hedges and any other vegetation in accordance with Sections 37-1 through 37-95 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2019-05 – (**First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
104. ORD. 41722 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Education and Community Outreach Coordinator with a salary range of 15.3 MC (\$55,531 to \$68,522); to repeal Section 23 - 177 as heretofore existing – (**First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).
- A. Personnel Board recommends approval.
105. ORD. 41723 – An ordinance to approve and execute an Agreement 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, by and between the City of Omaha Municipal Corporation and DeMarche and Associates, Inc. in the amount of \$43,333.00 annually, to provide for an investment manager search and additional advisory services for the City of Omaha’s Investment Management Committee for a period of three years. (The Finance Director is authorized to make payments to DeMarche and Associates, Inc. in the annual amount of \$43,333.00 for payments made quarterly, in accordance with the Agreement; with such funds being paid from General Fund No. 11111 Organization 119014.) – (**First Reading January 29, 2019**; Second Reading and Public Hearing February 5, 2019; Third Reading February 12, 2019) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 4:32 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 January 29, 2019.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler