



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, FEBRUARY 5, 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, February 5, 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 Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President (Gray) – **CCID # 2019-121.**

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

Council President Ben Gray of District No. 2 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on February 1, 2019, notice of the Pre-Council and Regular City Council Meetings, February 5, 2019 – **CCID # 2019-122.**

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

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING 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 22, 2019.)

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

Council President Gray opened the Public Hearing on Item 6.

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

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41714 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 7 through 9 relate to the same project and would be considered together.

7. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend denial – [see attached](#).
 - B. Communications in opposition – [see attached](#).
 - C. Documentation received from Ryann Glenn, Attorney for the Applicant – [see attached](#).

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

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

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

The following person(s) appeared and spoke:

PROPONENTS:

Ryann Glenn, Attorney for the applicant, 13330 California Street

OPPONENTS:

Peter Manhart, Dundee-Memorial Park Neighborhood Association, 312 South 57th Street

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

MOTION by Festersen, SECOND by Melton that the following items be postponed to the February 26, 2019 City Council meeting and that the public hearing be continued:

**Item # 7 ORDINANCE # 41715; Item # 8 ORDINANCE # 41716; and,
Item # 9 ORDINANCE # 41717**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 10 through 12 were held on January 29, 2019.

(Required notices of the public hearings were published in the Daily Record on January 25, 2019.)

CONSENT AGENDA – ORDINANCES

10. 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](#).
11. 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](#).
12. 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](#).

**MOTION by Melton, SECOND by Harding that the following items be approved:
Item # 10 ORDINANCE # 41713; Item #11 ORDINANCE # 41718; and,
Item # 12 ORDINANCE # 41719**

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 13 through 31 were today. He asked that anyone who wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 24 WAS REMOVED FROM THE CONSENT AGENDA

13. RES. 2019-126 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Ralston Bigway Burger, located at 5413 S. 72nd Street, Suite 101, Omaha, Nebraska – [see attached](#).
14. RES. 2019-127 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Pheasant Bar & Grill, located at 13909 S Plaza, Omaha, Nebraska – [see attached](#).
15. RES. 2019-128 – Res. that, as recommended by the Mayor, the Public Works Department will obtain Cityworks Update and software maintenance services in the amount of \$119,000.00 from Azteca Systems, Inc. per Quote # Q-05681-1 and that the bidding procedures be waived in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique and non-competitive items. (The cost of \$119,000.00, will be paid from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, with reimbursements to this organization from the various Public Works Department Divisions’ budgets and other Departments as outlined in the schedule.) – [see attached](#).
16. RES. 2019-129 – Res. that, as recommended by the Mayor, the contract with Jackson’s Complete Concrete for OPW 53512 in the amount of \$57,015.00 being the 2019 New Sidewalk Construction and Sidewalk Repair at Various Locations within the Northeast Quadrant of the City of Omaha, is hereby approved. (The Finance Department is authorized to pay the cost of \$57,015.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2019 expenditure.) – [see attached](#).

17. RES. 2019-130 – Res. that, as recommended by the Mayor, the contract with DIY Holding Company for OPW 53514 in the amount of \$68,556.00 being the 2019 New Sidewalk Construction and Sidewalk Repair at Various Locations within the Southeast Quadrant of the City of Omaha Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$68,556.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2019 expenditure.) – [see attached](#).
18. RES. 2019-131 – Res. that, as recommended by the Mayor, the contract with Eriksen Construction Company, Inc. for OPW 53530 in the amount of \$73,400.00 being the MRWRRF - Redirecting Grit Overflow to the Municipal Headworks Front-End Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$73,400.00 from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913, year 2019 expenditure.) – [see attached](#).
19. RES. 2019-132 – Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Transportation for Project NH-64-7(123), State Control No. 22649, being the W. Maple Road, Military – Cuming, Omaha Project, comprised of pavement, safety and drainage improvements along Nebraska Highway N-64 (West Maple Road) and L28K (Northwest Radial Highway), from 63rd Street to Cumming Street, at no cost to the City, is hereby approved. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha – [see attached](#).
20. RES. 2019-133 – Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Services Agreement with Carollo Engineers, Inc. in the amount of \$969,354.00 to provide engineering services for the final design and bid phase of OPW 53417 being the Cole Creek 202 Sewer Separation Project, is hereby approved. (The Finance Department is authorized to pay an additional \$969,354.00 for these services, to be paid from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2019 expenditure. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
21. RES. 2019-134 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 3 with HDR Engineering, Inc. with the City's local share of \$2,301.00 for additional engineering services on HSIP-5003(12), State Control No. 22629, and OPW 52496, being intersection improvements at 132nd Street and West Center Road, as stewarded by the Nebraska Department of Transportation, is hereby approved. (To be paid from the 2018 Transportation Bond 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](#).
22. RES. 2019-137 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$26,887.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Teresa L. Holmes located at 2108 Wirt Street, Omaha, NE 68110, is hereby approved. The contract is to be awarded to Lamb's Remodeling. (Funds shall be paid as follows: \$26,887.00 from CDBG Exterior Rehab 2016 SF Housing Rehabilitation Program, Fund No. 12186, Org. No. 128072.) – [see attached](#).

23. RES. 2019-138 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$27,825.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Mistala Hall located at 3923 North 25th Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to Davis Contracting LLC. (Funds shall be paid as follows: \$27,825.00 from CDBG Exterior Rehab 2016 SF Housing Rehabilitation Program, Fund No. 12186, Org. No. 128072.) – [see attached](#).
24. RES. 2019-139 – Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and GESU Housing, Inc. (GESU), Dale F. Barr, Jr., Executive Director, 5008 1/2-B Dodge Street, Omaha, Nebraska 68132, to provide \$720,000.00 (comprised of \$220,000.00 in HOME Program funds and \$500,000.00 in NAHTF funds) to GESU for the new construction of five (5) single-family houses to be located at 3818 Corby Street, 4339 and 4350 Lake Street, and 3916 and 4319 Miami Street in the Clifton Hills South Neighborhood New Single-Family Housing Infill Program Target Area, and the subsequent purchase of the HOME/NAHTF 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 \$220,000.00 shall be paid from the FY 2017 Single-Family New Infill Housing Fund No. 12179, Award No. 100504, Project No. 5425, Organization No. 128071, FY2016 Single-Family New Infill Housing Fund No. 12179, Award No. 100416, Project No. 5146, Organization No. 128071. NAHTF funds in the amount of \$500,000.00 (\$91,000.00 in project delivery and general administration) and the FY 2017 NAHTF Funds shall be paid from the 17-TFHP-27042 Single-Family New Construction Fund No. 12141, Organization No. 128101 and \$431,000.00 in private funds.) – [see attached](#). **(REMOVED FROM CONSENT)**
25. RES. 2019-140 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Together, 812 South 24th Street, Omaha, Nebraska 68108, in the amount of \$57,000.00 for the purpose of providing homelessness rapid re-housing services to near-homeless persons and families through the Together Rapid Re-housing program over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2018 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028.) – [see attached](#).
26. RES. 2019-141 – Res. that, as recommended by the Mayor, the bid in the total amount of \$69,817.00 from Rife Construction Inc. for the restoration of the Levi Carter Park Caretaker Residence, located at 809 Carter Lake Shore Drive, Omaha, Nebraska, is hereby accepted. (The Finance Department is authorized to pay the Funds in the amount of \$69,817.00 from the 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond, Project I.D. No. 2005P507.) – [see attached](#).
27. RES. 2019-119 – Res. that, as recommended by the Mayor, the attached Interlocal Cooperation Agreement between the City of Omaha and Omaha Public Schools (Douglas County School District 0001), allowing for the joint negotiating and purchasing of databases, is hereby approved – [see attached](#).

28. RES. 2019-142 – Res. that, as recommended by the Mayor, the Omaha Convention and Visitors Bureau's appropriation in the amount of \$115,000.00 for the use of the Destination Marketing Corporation is hereby approved. (The Finance Director is authorized the transfer of \$115,000.00 for Fiscal Year 2019, from Fund No. 21109 - Omaha Convention and Visitors Bureau, Organization No. 115911 - OCVB - Admin to Fund No. 21107 - Destination Marketing Corporation, Organization No. 115999 - Destination Marketing Corporation.) – [see attached](#).
29. RES. 2019-143 – Res. that, the reappointment by Mayor Jean Stothert of Eric L. Butler as a member of the Airport Authority Board to serve a five-year term commencing March 13, 2019 and expiring March 12, 2024, be and hereby is confirmed and approved – [see attached](#).
30. RES. 2019-144 – Res. that, the reappointment by Mayor Stothert of Keegan Korf as a member of the Library Board to serve a term commencing July 1, 2019 and expiring June 30, 2022, be and hereby is confirmed and approved – [see attached](#).
31. RES. 2019-145 – Res. that, the reappointment by Mayor Jean Stothert of Robert Woodling to serve a three-year term as a member of the Board of Directors of the Omaha Municipal Land Bank with experience in large-scale residential or commercial property rental and as a resident of City Council District 6, said term to commence on January 29, 2019 and to expire on January 28, 2022, is hereby confirmed – [see attached](#).

Council President Gray opened the Public Hearing on Items 13 through 31.

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

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

Item # 13 RESOLUTION # 2019-126;	Item # 14 RESOLUTION # 2019-127;
Item # 15 RESOLUTION # 2019-128;	Item # 16 RESOLUTION # 2019-129;
Item # 17 RESOLUTION # 2019-130;	Item # 18 RESOLUTION # 2019-131;
Item # 19 RESOLUTION # 2019-132;	Item # 20 RESOLUTION # 2019-133;
Item # 21 RESOLUTION # 2019-134;	Item # 22 RESOLUTION # 2019-137;
Item # 23 RESOLUTION # 2019-138;	Item # 25 RESOLUTION # 2019-140;
Item # 26 RESOLUTION # 2019-141;	Item # 27 RESOLUTION # 2019-119;
Item # 28 RESOLUTION # 2019-142;	Item # 29 RESOLUTION # 2019-143;
Item # 30 RESOLUTION # 2019-144; and,	Item # 31 RESOLUTION # 2019-145

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

24. RES. 2019-139 – Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and GESU Housing, Inc. (GESU), Dale F. Barr, Jr., Executive Director, 5008 1/2-B Dodge Street, Omaha, Nebraska 68132, to provide \$720,000.00 (comprised of \$220,000.00 in HOME Program funds and \$500,000.00 in NAHTF funds) to GESU for the new construction of five (5) single-family houses to be located at 3818 Corby Street, 4339 and 4350 Lake Street, and 3916 and 4319 Miami Street in the Clifton Hills South Neighborhood New Single-Family Housing Infill Program Target Area, and the subsequent purchase of the HOME/NAHTF 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 \$220,000.00 shall be paid from the FY 2017 Single-Family New Infill Housing Fund No. 12179, Award No. 100504, Project No. 5425, Organization No. 128071, FY2016 Single-Family New Infill Housing Fund No. 12179, Award No. 100416, Project No. 5146, Organization No. 128071. NAHTF funds in the amount of \$500,000.00 (\$91,000.00 in project delivery and general administration) and the FY 2017 NAHTF Funds shall be paid from the 17-TFHP-27042 Single-Family New Construction Fund No. 12141, Organization No. 128101 and \$431,000.00 in private funds.) – [see attached](#).

MOTION by Jerram, SECOND by Gray that RESOLUTION # 2019-139 be withdrawn from the agenda

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

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

Council President Gray opened the Public Hearing on Item 32.

The following person(s) appeared and spoke:

PROPONENTS:

Nick Meeker, All Pro Towing, 1021 South 17th Street, Council Bluffs, IA

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

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

Council President Gray opened the Public Hearing on Item 33.

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

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

- A. Documentation received from Public Works Department – [see attached](#).

Council President Gray opened the Public Hearing on Item 34.

The following person(s) appeared and spoke:

PROPOSERS:

Tom Heinemann, Jacobs Engineering, 210 South 16th Street

FOR THE CITY:

Jim Theiler, Public Works Department

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

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

Council President Gray opened the Public Hearing on Item 35.

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

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

Council President Gray opened the Public Hearing on Item 36.

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

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

Council President Gray opened the Public Hearing on Item 37.

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

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

Council President Gray opened the Public Hearing on Item 38.

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

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

Council President Gray opened the Public Hearing on Item 39.

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

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

Council President Gray opened the Public Hearing on Item 40.

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

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

- A. Personnel Board recommends approval.

Council President Gray opened the Public Hearing on Item 41.

The following person(s) appeared and spoke:

FOR THE CITY:

Jim Begley, Human Relations Department

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

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

Council President Gray opened the Public Hearing on Item 42.

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

RECONSIDERATION

43. Motion by Councilmember Pahls to reconsider Resolution No. 2019-81, being a resolution that, as recommended by the Mayor, the awards to B&W Co., Inc., NL&L Concrete, Inc., 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.) **(ROLL CALL VOTE WILL OCCUR ON FEBRUARY 12, 2019)**

MOTION by Pahls, SECOND by Melton to reconsider RESOLUTION # 2019-81

NON-ACTION ITEMS

(Items 44 through 63 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 FEBRUARY 19, 2019)

HIGHLAND HILLS

44. 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](#).
45. 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](#).
46. 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 44 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
47. 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 44)**

STERLING RIDGE REPLAT 5

48. 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](#).
49. 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 48 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
50. 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 48)**

OMAHA VIEW REPLAT FOUR

51. ORD. 41731 – An ordinance to rezone property located southeast of 34th Avenue and Miami Street from R5(35)-Urban Family Residential District and R7-Medium Density Multiple Family Residential District to R5-Urban Family Residential District – **(First Reading February 5, 2019; Second Reading February 12, 2019; Third Reading, Public Hearing and Vote February 26, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

52. ORD. 41732 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R5-Urban Family Residential District located southeast of 34th Avenue and Miami Street, and to approve the Development Plan – **(First Reading February 5, 2019; Second Reading February 12, 2019; Third Reading, Public Hearing and Vote February 26, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
53. RES. 2019-124 – Res. that, the Preliminary Plat entitled Omaha View Replat Four, a minor plat inside the city limits, located southeast of 34th Avenue and Miami Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Mike Gawley – Inside City Limits – [see attached](#). **(LAID OVER TO THE FEBRUARY 26, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 51 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
54. RES. 2019-125 – Res. that, the Final Plat transmitted herewith entitled Omaha View Replat Four, located southeast of 34th Avenue and Miami Street, is hereby approved, and concurrently portions of the existing plat entitled Omaha View, and described on said replat, is hereby vacated. The applicant is Mike Gawley – Inside City Limits – [see attached](#). **(LAID OVER TO THE FEBRUARY 26, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 51 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

TAX INCREMENT FINANCING (TIF) REDEVELOPMENT PROJECT PLAN RESOLUTIONS

55. 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)**

56. 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)**
57. RES. 2019-135 – Res. that, the River Crossing Phase 1a Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at the southeast corner of 10th and Farnam Streets proposes the construction of a five-story, mixed-use building consisting of 375 market-rate apartments, approximately 42,000 square feet of ground floor retail and offices, and the option to request the designation of an enhanced employment area for the use of a General Business Occupation Tax (“GBOT”) for this phase, some, or all of various future phases, and authorizes the City’s participation through the allocation of TIF in an amount up to \$11,000,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, site preparation, architectural and engineering fees, and public improvements as required, with the applicant contributing \$100,000.00 of the TIF loan proceeds to the Downtown Public Improvement Fund and nearly \$230,000.00 of the TIF loan proceeds for various other public improvements surrounding the project, 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)**
58. RES. 2019-136 – Res. that, the Victory Apartments II Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 819 Dorcas Street, proposes the rehabilitation of an existing former Grace University building into 60 studio and one-bedroom apartment units, which will provide permanent supportive housing for veterans, and authorizes the City’s participation through the allocation of TIF in an amount up to \$347,016.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to rehabilitation costs, architecture 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)**

SPECIAL USE PERMIT

59. RES. 2019-123 – Res. that, the Special Use Permit application submitted by Nakia Vasser-Brye for a Special Use Permit to allow Large group living in a R7-Medium Density Multiple Family Residential District, located at 4548 Bedford Avenue, 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. 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](#). **(LAID OVER TO THE FEBRUARY 26, 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](#).

STREET IMPROVEMENT DISTRICT ORDINANCE ON FIRST READING

60. ORD. 41733 – An ordinance to create Street Improvement District No. 2019-01, in the City of Omaha, for the purpose of improving Emmet Street, from North 83rd Street to its terminus, by grading, curbing, addressing storm sewerage and paving in portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – **(First Reading February 5, 2019; Second Reading February 12, 2019; Third Reading, Public Hearing and Vote February 26, 2019)** – [see attached](#).

ORDINANCES ON FIRST READING

61. ORD. 41734 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Habitat for Humanity of Omaha, Inc., 1701 North 24th Street, Omaha, NE 68110, to convey the properties described in the agreement, located at 2807 Spaulding Street; 3712, 3714, 3811, 3821 and 3922 North 19th Street; 1823 Pratt Street; 2857 Manderson Street; 2528 Sprague Street; 5813 North 29th Street; and 2522 Maple Street, in consideration of the sum of \$1.00; there are no expenses associated with the transfer of the properties to Habitat for Humanity of Omaha, Inc – **(First Reading February 5, 2019; Second Reading and Public Hearing February 12, 2019; Third Reading February 26, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

62. ORD. 41735 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Courtyard on Park, LLC, to implement the Courtyard on Park Townhomes Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 1007 Park Avenue, which proposes the new construction of twelve owner-occupied townhome residential units, with a two-stall garage included in each unit; the agreement authorizes the use of up to \$584,778.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading February 5, 2019**; Second Reading and Public Hearing February 12, 2019; Third Reading February 26, 2019) – [see attached](#).
63. ORD. 41736 – An ordinance to approve a partnership agreement between the Omaha Convention and Visitors Bureau, and Association Forum for promoting the City of Omaha for the period of January 1, 2019 through December 31, 2019, with an option to extend an additional one (1) year; to promote the City of Omaha as a premier destination for conventions and meetings in an amount not to exceed \$47,895.00 for 2019; \$47,895.00 for 2020; total of \$95,790.00; to authorize the payments specified therein – (**First Reading February 5, 2019**; Second Reading and Public Hearing February 12, 2019; Third Reading February 26, 2019) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 2:33 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 February 5, 2019.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler