



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, MARCH 19, 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, March 19, 2019 at 2:00 P.M. 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, Palermo, Festersen, Harding, Mr. President (Gray); Absent for Roll Call were Councilmembers Jerram and Pahls – **CCID # 2019-263**.

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

Council President Ben Gray of District No. 2 provided opening remarks.

COUNCILMEMBERS JERRAM AND PAHLS ENTERED THE LEGISLATIVE CHAMBERS AT 2:02 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 March 15, 2019, notice of the Pre-Council and Regular City Council Meetings, March 19, 2019 – **CCID # 2019-264**.

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

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

STONE ARCH CREEK

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

(Required notice of the public hearing relating to this development was published in the Daily Record on March 5, 2019.)

6. RES. 2019-226 – Res. that, the Preliminary Plat entitled Stone Arch Creek, located at 13909 North 64th Plaza, with request for waivers to Section 53-8-4(d), Lot frontage; Section 53-9(3), Street surfacing; and Section 53-9(9), Sidewalks, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Sean Negus – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board recommends approval, with waivers to Section 53-8-4(d) Lot Frontage, Section 53-9(3) Street Surfacing, and Section 53-9(9) Sidewalks – [see attached](#).

- B. Planning Department recommends approval, with a waiver of Section 53-9(9) Sidewalks but DENIAL of waivers to Section 53-8-4(d) Lot Frontage and Section 53-9(3) Street Surfacing – [see attached](#).
7. RES. 2019-227 – Res. that, the Final Plat entitled Stone Arch Creek, located at 13909 North 64th Plaza, is hereby approved and accepted. The applicant is Sean Negus – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
8. RES. 2019-228 – Res. that, the Special Use Permit application submitted by Sean Negus, for a Special Use Permit to allow development in the ED-North Hills Environmental Overlay District located at 13909 North 64th Plaza, 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 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

Council President Gray opened the Public Hearing on Items 6 through 8.

The following person(s) appeared and spoke:

PROPONENTS:

Sean Negus, 6100 North 16th Street

FOR THE CITY:

Paul Kratz, City Attorney

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

MOTION by Melton, SECOND by Jerram that RESOLUTION 2019-226 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Melton, SECOND by Festersen that RESOLUTION 2019-227 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Melton, SECOND by Gray that RESOLUTION 2019-228 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

RESOLUTION

(Required notice of the public hearing relating to this development was published in the Daily Record and the Omaha World-Herald on February 28th and March 7th, 2019.)

9. RES. 2019-207 – Res. that, the Millwork Commons Redevelopment Project Plan, for the redevelopment plan area generally bounded by Seward Street on the north, 11th Street on the east, Nicholas and IZard Streets on the south and the mid-block point between 13th and 14th Streets on the west, including public right-of-way and the right-of-way of adjacent public streets, which proposes the redevelopment of several buildings within the redevelopment plan area for office, retail, multi-family and mixed-use purposes, undertaken in several phases, recommends the City’s participation through redevelopment bond funds and public improvements, as required, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

FOR THE CITY:

Troy Anderson, Mayor’s Office

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

MOTION by Harding, SECOND by Melton that RESOLUTION 2019-207 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

10. RES. 2019-271 – Class “CK” Liquor License Application – Old Market Ventures, LLC, dba “Jams American Grill – Legacy”, 17070 Wright Plaza. (This is a new application for a new location). Notice was posted on the property on 03-08-19; Notification was sent to property owners within 500 feet on 03-08-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

PROPOSERS:

Greg Cutchall, 14307 Cuming Street

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

MOTION by Jerram, SECOND by Gray that RESOLUTION 2019-271 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

11. RES. 2019-272 – Class “CK” Liquor License Application – Old Market Ventures, LLC, dba “Jams American Grill – Old Market”, 1101 Harney Street. (This is a new application for an old location). Change of Trade Name/DBA. The applicant has also submitted an email to remove the 2nd level from the application. Notice was posted on the property on 03-08-19; Notification was sent to property owners within 500 feet on 03-08-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 11.

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

MOTION by Jerram, SECOND by Gray that RESOLUTION 2019-272 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

12. RES. 2019-273 – Class “C” Liquor License Application - SONE Associates, LLC, dba “Holiday Inn Omaha Southwest”, 3650 South 72nd Street. (This is a new application for an old location). Present licensee is 72nd Street Hospitality, LLC, dba “Holiday Inn Omaha Southwest”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 12.

PROPOSERS:

Sean Kelley, Attorney for the applicant, 2804 South 37th Avenue

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

MOTION by Harding, SECOND by Jerram that RESOLUTION 2019-273 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

13. RES. 2019-274 – Class “I” Liquor License Application – Flavas, LLC, dba “Flavas”, 6052 Maple Street. (This is a new application for a new location). Notice was posted on the property on 03-08-19; Notification was sent to property owners within 500 feet on 03-08-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 13.

PROPOSERS:

Taleya Broadway, 4564 Meredith Avenue

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

MOTION by Festersen, SECOND by Harding that RESOLUTION 2019-274 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

14. RES. 2019-275 – Class “I” Liquor License Application – Hank & Co, LLC, dba “Fizzy’s Fountain & Liquors”, 1408 South 13th Street. (This is a new application for a new location). Notice was posted on the property on 03-08-19; Notification was sent to property owners within 500 feet on 03-08-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 14.

PROPOSERS:

Sean Kelley, Attorney for the applicant, 2804 South 37th Avenue

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION 2019-275 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

- 15. RES. 2019-276 – Class “D” Liquor License Application – Bohemio, LLC, dba “Tobacco Road Discounts”, 1414 South Saddle Creek Road. (This is a new application for an old location). Present licensee is SSB Brothers, LLC, dba “Tobacco Road Discounts”, who has a Class “D” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 15.

PROPOSERS:
Michael Polk, Attorney for the applicant, 2712 South 87th Avenue

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

MOTION by Jerram, SECOND by Gray that RESOLUTION 2019-276 be approved

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

- 16. RES. 2019-277 – Addition Application – FS Brewing, Inc., dba “Scriptown Brewing Company”, 3922-3924 Farnam Street, requests permission for an addition to the present Class “C” Liquor License location of an area approx. 32’ x 37’ known as 3920 Farnam Street. Notice was posted on the property on 03-08-19; Notification was sent to property owners within 500 feet on 03/08/19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 16.

PROPOSERS:
John Fahrer, 3922 Farnam Street

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

MOTION by Jerram, SECOND by Gray that RESOLUTION 2019-277 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 hearing on Agenda Item 17 was held on March 12, 2019.

(Required notice of the public hearing was published in the Daily Record on March 8, 2019.)

CONSENT AGENDA – ORDINANCE

17. ORD. 41764 – An ordinance to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Deputy Director – Police Technical and Reporting Services with a salary range of 37 AEC (\$132,591 - \$157,088); to repeal Section 23-177 as heretofore existing – (First Reading March 5, 2019; Second Reading and Public Hearing March 12, 2019; Third Reading March 19, 2019) – [see attached](#).

A. Personnel Board recommends approval.

MOTION by Melton, SECOND by Harding that ORDINANCE # 41764 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 18 through 38 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

18. RES. 2019-278 – Manager Application – Apollon, dba “The Apollon”, 1801 Vinton Street, requests permission to appoint Carol A. Danigole manager of their present Class “I” Liquor License location – [see attached](#).

19. RES. 2019-279 – Manager Application – White Oak Station, LLC, dba “White Oak Station #81”, 720 North 108th Court, requests permission to appoint Mark C. McChesney manager of their present Class “D” Liquor License location – [see attached](#).

20. RES. 2019-280 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Wicks Sterling Trucks, Inc. in the amount of \$1,135,285.00 for the purchase of five (5) 60,000 GVW Plow Truck Chassis, Dump Box and Spreaders to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2019 funding.) – [see attached](#).

21. RES. 2019-281 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Elliott Sanitation Equipment Company in the amount of \$58,360.45 for the purchase of one (1) Self-Propelled Easement Jetting Machine 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 2019 funding.) – [see attached](#).
22. RES. 2019-282 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford in the amount of \$38,446.00 for the purchase of one (1) 3/4 Ton Extended Cab Diesel 4 Door 4x4 Truck 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, Interceptor Maintenance Organization 116717, year 2019 funding.) – [see attached](#).
23. RES. 2019-283 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Sid Dillion Ford, Inc. in the total amount of \$60,598.00 for the purchase of two (2) one ton, extended cab, F350 pickup trucks to be utilized by the Construction Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Construction Survey & Inspect Organization 116121, year 2019 expenditure.) – [see attached](#).
24. RES. 2019-284 – Res. that, as recommended by the Mayor, the contract with Bayshore Contractors, LLC in the amount of \$1,054,661.25 for OPW 53556 being the 2019 School Area Curb Ramp Construction, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$1,054,661.25 from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, year 2019 expenditure.) – [see attached](#).
25. RES. 2019-285 – Res. that, as recommended by the Mayor, the contract with L.G. Roloff Construction Co., Inc. in the amount of \$1,279,364.85 for OPW 53417 being the Cole Creek CSO 202 Phase I - Combined Sewer Separation Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$1,279,364.85 from the Sewer Revenue Improvements Fund 21124, Sewer Separation Organization 116912, year 2019 expenditure.) – [see attached](#).
26. RES. 2019-286 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Company in the amount of \$99,615.06 to provide professional services on OPW 53591 being the 2020 Federal Aid Major Street Resurfacing, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,615.06 from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159, year 2019 expenditure.) – [see attached](#).
27. RES. 2019-287 – Res. that, as recommended by the Mayor, the Finance Department is authorized to pay the costs for the purchase of paint for pavement markings and crosswalks to Vogel Paint and Wax Company, Incorporated, in the amount of \$219,329.00, which will be paid from the Street and Highway Allocation Fund 12131, Pavement Marking Organization 116184 – [see attached](#).

28. RES. 2019-288 – Res. that, as recommended by the Mayor, the City of Omaha is consenting to the assignment of the Professional Services Agreement with AGA Consulting, Inc. for OPW 53404, being the Park One and Park Four Awnings Project as herein described and authorized by Section X., Subsection H. of said Professional Services Agreement to Kimley-Horn and Associates, Inc.; and that, no additional cost has been incurred by the City of Omaha as a result of this Amendment to the agreement – [see attached](#).
29. RES. 2019-290 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$30,200.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Emma Burnley located at 6505 N 36th Street, Omaha, NE 68112, is hereby approved. The contract is to be awarded to Red Rhino Contractors, LLC. (Funds shall be paid as follows: \$30,200.00 from CDBG Exterior Rehab 2017 SF Housing Rehabilitation Program, Fund No. 12186, Org. No. 128072.) – [see attached](#).
30. RES. 2019-291 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$27,600.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Therese M. Johnson located at 5648 Grant Street, Omaha, NE 68104, is hereby approved. The contract is to be awarded to Red Rhino Contractors, LLC. (Funds shall be paid as follows: \$27,600.00 from CDBG Exterior Rehab 2018 SF Housing Rehabilitation Program, Fund No. 12186, Org. No. 128072.) – [see attached](#).
31. RES. 2019-292 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Heartland Family Service, 2101 South 42nd Street, Omaha, Nebraska 68105, in the amount of \$21,935.47 for the purpose of providing supportive housing for chronically homeless individuals with disabilities over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2016 CDBG Grant, Fund No. 12186, Organization No. 128072 and the City of Omaha FY 2017 CDBG Grant, Fund No. 12186, Organization No. 128072.) – [see attached](#).
32. RES. 2019-293 – Res. that, as recommended by the Mayor, the bid in the total amount of \$52,049.00 from Helena Chemical Company to furnish all labor, materials and equipment necessary for the Grass Seed (Parks, Turf and Isaacson Baseball) bid, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and the Finance Department is authorized to pay the Funds in the total amount of \$52,049.00 to Helena Chemical Company, from the General Fund No. 11111, Organization Nos. 115025 – Grounds Maintenance Contracts (\$33,575.00), and 115543 – Sports Turf Maintenance (\$18,474.00).) – [see attached](#).
33. RES. 2019-294 – Res. that, as recommended by the Mayor, the purchase based upon the pricing from River City Recycling, in the amount of \$45,000.00 to provide tire recycling and dumpster services at Park Maintenance, located at 1523 South 24th Street, Omaha, NE, for the Parks, Recreation and Public Department, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$45,000.00 to River City Recycling from the General Fund No. 11111, Organization No. 115027, Code Enforcement, for the 2019 fiscal year.) – [see attached](#).

34. RES. 2019-295 – Res. that, as recommended by the Mayor, between 10:00 p.m. on Saturday, April 13, 2019 and 6:00 a.m. on Sunday, April 14, 2019, Common Ground Community Center, 1701 Veterans Drive, Elkhorn, Nebraska, shall be open to accommodate the Olympus Club Overnight Event and overnight security – [see attached](#).
35. RES. 2019-296 – Res. that, as recommended by the Omaha Parks, Recreation and Public Property Department, approval of the project, in the amount of \$231,222.25, to make improvements to Outlot M, a future neighborhood park, in Sanitary and Improvement District 559 – Indian Pointe, including administrative costs with the funding source, the General Fund of Douglas County S.I.D. #559 (Indian Pointe) – [see attached](#).
 - A. Park and Recreation Advisory board recommends approval.
36. RES. 2019-297 – Res. that, as recommended by the Mayor, the purchases based upon the bids of Sunset Law Enforcement, Kiesler Police Supply, and On Target Ammunition for certain types of ammunition for the Omaha Police Department, are hereby accepted and the same are hereby approved. (The Finance Department of the City of Omaha is authorized to pay the cost of these purchases in the amount of \$156,214.20 from Fiscal Year 2019, General Fund 11111, Organization 113171 Training Academy, Account 43916 Ammunition. The Finance Department is authorized to pay the cost from this account.) – [see attached](#).
37. RES. 2019-298 – Res. that, SilverStone Group, Inc. shall perform a comprehensive compensation study described in the Compensation Proposal and the City will provide payment for such work in an amount up to \$211,300.00. (The cost of this Agreement is to be paid from the fiscal year 2019 General Fund 11111, General Expense 119014, Professional Fees 42239.) – [see attached](#).
38. RES. 2019-299 – Res. that, approving the acceptance of the Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant Program Award in the amount of \$86,965.00 from the Nebraska Crime Commission requiring \$11,754.00 in matching funds by the Omaha Police Department, subgrantee award number 18-DA-0301, for the project period of January 1, 2019 through December 31, 2019. The 2018 Edward Byrne Memorial Justice Assistance Grant will provide funding for the Omaha Police Department Operation Probation Check, Phase III, to reduce juvenile gang related crime and recidivism of juveniles on probation. (The Finance Department of the City of Omaha is authorized to disburse funds from the Edward Byrne Memorial Justice Assistance Grant Program Award.) – [see attached](#).

Council President Gray opened the Public Hearing on Items 18 through 38.

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

MOTION by Harding, SECOND by Melton that the following items be approved:
Item # 18 RESOLUTION # 2019-278; Item # 19 RESOLUTION # 2019-279;
Item # 20 RESOLUTION # 2019-280; Item # 21 RESOLUTION # 2019-281;
Item # 22 RESOLUTION # 2019-282; Item # 23 RESOLUTION # 2019-283;
Item # 24 RESOLUTION # 2019-284; Item # 25 RESOLUTION # 2019-285;
Item # 26 RESOLUTION # 2019-286; Item # 27 RESOLUTION # 2019-287;
Item # 28 RESOLUTION # 2019-288; Item # 29 RESOLUTION # 2019-290;
Item # 30 RESOLUTION # 2019-291; Item # 31 RESOLUTION # 2019-292;
Item # 32 RESOLUTION # 2019-293; Item # 33 RESOLUTION # 2019-294;
Item # 34 RESOLUTION # 2019-295; Item # 35 RESOLUTION # 2019-296;
Item # 36 RESOLUTION # 2019-297; Item # 37 RESOLUTION # 2019-298; and,
Item # 38 RESOLUTION # 2019-299

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Palermo, Festersen, Harding, Mr. President
Nays: None

MOTION APPROVED 7-0

ORDINANCES ON FINAL READING

COUNCILMEMBER PALERMO LEFT THE LEGISLATIVE CHAMBERS AT 2:17 P.M.

39. ORD. 41761 – An ordinance approving the Sixteenth Supplemental Agreement among the City of Omaha, the County of Douglas and the Omaha-Douglas Public Building Commission to provide for the issuance of up to the stated principal amount of \$6,250,000.00 of new bonds, in one or more series, to pay costs for acquiring a site consisting of improved real estate known as the MUD site between 17th Street, 18th Street, Harney Street, and Howard Street for future projects consisting of, but not limited to, acquiring, constructing, demolishing, reconstructing, improving, renovating and equipping office facilities, courtroom facilities, and other justice facilities as an addition to the Civic Center and as an addition to the Hall of Justice and to determine the division of responsibility for payment of the new bonds – (First Reading February 26, 2019; Second Reading and Public Hearing March 5, 2019; Third Reading March 19, 2019) – [see attached](#). **(POSTPONED FROM THE MARCH 12, 2019 CITY COUNCIL MEETING, VOTE TODAY)**

MOTION by Melton, SECOND by Gray that ORDINANCE # 41761 be approved

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Festersen, Harding, Mr. President
Nays: None
Absent: Palermo

MOTION APPROVED 6-0

40. ORD. 41765 – An ordinance requested by Councilmembers Ben Gray and Chris Jerram to adopt a new Article II of Chapter 48 of the Omaha Municipal Code, entitled “Rental Dwelling Registration and Inspection”; to provide for the required registration of all residential rental dwellings as defined herein; to provide for a program of inspections of all residential rental dwellings – (First Reading March 5, 2019; Second Reading and Public Hearing March 12, 2019; Third Reading March 19, 2019) – [see attached](#). **(VOTE TODAY)**
41. ORD. 41766 – An ordinance requested by Councilmember Brinker Harding to adopt a new Article II of Chapter 48 of the Omaha Municipal Code, entitled “Rental Property Registration and Inspection”; to provide for the required registration of all residential rental properties; to provide for a program of inspections of residential rental properties with recent history of code violations – (First Reading March 5, 2019; Second Reading and Public Hearing March 12, 2019; Third Reading March 19, 2019) – [see attached](#). **(VOTE TODAY)**
42. ORD. 41767 – An ordinance requested by Mayor Jean Stothert to adopt a new Article II of Chapter 48 of the Omaha Municipal Code, entitled “Rental Property Registration and Inspection”; to provide for the required registration of all residential rental properties; to provide for a program of inspections of all residential rental properties in phases – (First Reading March 5, 2019; Second Reading and Public Hearing March 12, 2019; Third Reading March 19, 2019) – [see attached](#). **(VOTE TODAY)**

THE FOLLOWING ARE COMMUNICATIONS RECEIVED FOR ITEMS 40-42

- A. Communications received in support – [see attached](#).
- B. Communications received in opposition – [see attached](#).

REQUEST FROM COUNCILMEMBERS TO POSTPONE ITEMS 40-42 TO THE APRIL 2, 2019 CITY COUNCIL MEETING.

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

**Item # 40 ORDINANCE # 41765; Item # 41 ORDINANCE # 41766; and,
Item # 42 ORDINANCE # 41767**

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 2:20 P.M.

ORDINANCES ON SECOND READING

43. ORD. 41770 – An ordinance approving an amendment to a grant award contract with the Nebraska Department of Natural Resources for the Combined Sewer Overflow (CSO) Program, 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 authorize the increase of grant funds received in the amount of \$1,030,952.00, as outlined in the amendment; to provide for reimbursements to a specific account – (First Reading March 12, 2019; Second Reading and Public Hearing March 19, 2019; Third Reading April 2, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 43.

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

44. ORD. 41771 – An ordinance to accept the bid from Choppers Lawn Services in the amount of \$40,000.00 for grounds maintenance at the Papillion Creek Wastewater Treatment Plant for a period of one year, with sole option by the City to extend the price agreement for up to four additional one-year periods; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended; to authorize the Purchasing Agent to issue a purchase order – (First Reading March 12, 2019; Second Reading and Public Hearing March 19, 2019; Third Reading April 2, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 44.

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

45. ORD. 41772 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Cole Creek 204, Phase 3, project identified as OPW 53206; 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 March 12, 2019; Second Reading and Public Hearing March 19, 2019; Third Reading April 2, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 45.

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

46. ORD. 41773 – An ordinance to approve an Investment Advisory Services and Fee Agreement, involving the payment of funds 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, between the City of Omaha and Advanced Capital Group, Inc. to provide services related to the City of Omaha’s 457 plan for such period as is mutually beneficial to both parties; to authorize the Finance Director to make payments to Advanced Capital Group, Inc. in the annual amount of \$42,500.00 in accordance with such Agreement from General Fund No. 11111, Org. No. 119014, Professional Fees 42239 if such fees are not paid as part of agreements by the City of Omaha’s 457 Plan participants – (First Reading March 12, 2019; Second Reading and Public Hearing March 19, 2019; Third Reading April 2, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 46.

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

NON-ACTION ITEMS

(Items 47 through 67 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 MARCH 26, 2019)

COURTYARD ON PARK

47. ORD. 41774 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R7-Medium-Density Multiple-Family Residential District located at 1007 Park Avenue, to approve the Development Plan – (**First Reading March 19, 2019**; Second Reading April 2, 2019; Third Reading, Public Hearing and Vote April 9, 2019) – [see attached](#).

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

48. RES. 2019-265 – Res. that, the Final Plat transmitted herewith entitled Courtyard on Park, located at 1007 Park Avenue, is hereby approved, and concurrently a portion of the existing plat entitled Rees Place, and described on said replat, is hereby vacated. The applicant is Courtyard on Park, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE APRIL 9, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 47 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

49. RES. 2019-266 – Res. that, the Subdivision Agreement among the City of Omaha, Courtyard on Park, LLC, and the Courtyard on Park Owners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Courtyard on Park (Lots 1-12 and Outlots A-B) and is located at 1007 Park Avenue – [see attached](#). **(LAID OVER TO THE APRIL 9, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 47)**

WOODBROOK

50. ORD. 41775 – An ordinance to rezone property located southwest of 180th Street and Purple Martin Parkway from AG-Agricultural District to R4-Single-Family Residential District (High Density) – **(First Reading March 19, 2019; Second Reading April 2, 2019; Third Reading, Public Hearing and Vote April 9, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

51. RES. 2019-267 – Res. that, the Final Plat entitled Woodbrook (Lots 1-102 and Outlots A-C) (formerly Sagewood Pointe (Lots 149-260 and Outlots E-G), a subdivision outside the city limits, located southwest of 180th Street and Purple Martin Parkway, is hereby approved and accepted. The applicant is Loren Johnson, Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(LAID OVER TO THE APRIL 9, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

HARRISON 210

52. ORD. 41776 – An ordinance to rezone property located northwest of Spence Drive and Harrison Street from AG-Agricultural District and DR-Development Reserve to R4-Single-Family Residential District (High Density) – **(First Reading March 19, 2019; Second Reading April 2, 2019; Third Reading, Public Hearing and Vote April 9, 2019)** – [see attached](#).

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

53. RES. 2019-269 – Res. that, the Final Plat entitled Harrison 210, a subdivision outside the city limits, located northwest of Spence Drive and Harrison Street, is hereby approved and accepted. The applicant is Loren Johnson, Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(LAID OVER TO THE APRIL 9, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 53 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

54. RES. 2019-270 – Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., Harrison 210 Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 593 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Harrison 210 (Lots 1-258 and Outlots A-I) and is located northwest of Spence Drive and Harrison Street – [see attached](#). **(LAID OVER TO THE APRIL 9, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 53)**

RESOLUTION

55. RES. 2019-289 – Res. that, the Midtown Hotel at 71st and Hascall Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 3301 South 72nd Street, proposes new construction of a four-story structure for a hotel with 135 guest rooms and amenities, and construction of a small commercial building on the west end of the property, and authorizes the City's participation through the allocation of TIF in an amount up to \$3,038,797.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, site work, foundation removals, 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 APRIL 9, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

MULTIPLE IMPROVEMENT DISTRICTS ON SECOND READING

56. ORD. 41768 – An ordinance to create Multiple Improvement District No. 2019-02, in the City of Omaha, for the purpose of improving two areas along South 30th Street, near Dewey Avenue, by installing storm and sanitary sewerage, addressing sidewalks and paving roadway areas; 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 March 12, 2019; **Second Reading March 19, 2019**; Third Reading, Public Hearing and Vote April 2, 2019) – [see attached](#).
57. ORD. 41769 – An ordinance to create Multiple Improvement District No. 2019-03, in the City of Omaha, for the purpose of improving three areas along Park Avenue and South 31st Street, between Marcy Street and Woolworth Avenue, by installing storm and sanitary sewerage, addressing sidewalks and paving roadway areas; 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 March 12, 2019; **Second Reading March 19, 2019**; Third Reading, Public Hearing and Vote April 2, 2019) – [see attached](#).

ORDINANCES ON FIRST READING

58. ORD. 41777 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Elkhorn WWTF Decommissioning and Interceptor Sewer Extension project identified as OPW 52982; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements, providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
59. ORD. 41778 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Design Development, LLC, to implement the Forty9Place Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 209 South 49th Street, which proposes the new construction of a row house development containing nine residential units, each with a two-stall garage, in a three-story structure; the agreement authorizes the use of up to \$883,105.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
60. ORD. 41783 – 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 Carver Financial Innovation Center, LLC, 2414 Lake Street, Omaha, NE 68110, to convey the property described in the agreement, located at 2414-2416 Lake Street and 2410 Lake Street and is part of the North Omaha Community Development Plan and the North Omaha Village Revitalization Plan also located within the associated development and is made pursuant to the Nebraska Community Development Law and conforms to all rules and regulations for the Community Development Block Grant program, in consideration of the sum of \$115,000.00 which will be deposited into the Community Development Block Grant, Fund 12186, Organization No. 128072, costs incurred not to exceed \$500.00 will be paid from Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 5424, Task 10.1666, Award 10053 – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
61. SPECIAL ORD. 10245 – 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. 2019-06 – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
62. SPECIAL ORD. 10246 – An ordinance levying a special tax assessment for the removal of litter in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No. 2019-07 – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).

63. ORD. 41779 – An ordinance (1) to approve a professional services agreement between the City of Omaha and Patrick Rowland in the amount of \$27,000.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 Violent Gang and Gun Crime Reduction Grant Program (Project Safe Neighborhoods) (PSN), Award #2018-GP-BX-0012, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for one (1) PSN Director of Operations; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
64. ORD. 41780 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Grant Accountant with a salary range of 14.2 MC (\$54,016 to \$65,922); to repeal Section 23 - 177 as heretofore existing – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
- A. Personnel Board recommends approval.
65. ORD. 41781 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Quality Assurance Supervisor with a salary range of 22.1 MC (\$74,142 to \$90,491); to repeal Section 23 - 177 as heretofore existing – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).
- A. Personnel Board recommends approval.
66. ORD. 41782 – An ordinance to approve exercising both one-year options in an Agreement between the City of Omaha, and AOT Public Safety Corporation. The Agreement was for a five-year term and was approved on November 4, 2014 by Ordinance No. 40172; and AOT Public Safety Corporation provided billing and collection services for intrusion/fire alarm registrations, false alarm billings, and monitoring company fines and fee billings. (The Finance Director is authorized to make payments in conformance with the Agreement from General Fund 11111, Organization 119014, Account 42239.) – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).

67. ORD. 41784 – An ordinance authorizing and approving a Lease Purchase Agreement between the City of Omaha Public Facilities Corporation and the City of Omaha, Nebraska to provide funds: (1) for the lease-purchase of and the financing of police radio communication equipment, a fire station alerting system, a vehicle for the mayor’s office and a library radio frequency identification system, and (2) to refund on a current refunding basis all of the outstanding amounts of the Corporation’s (a) Lease Revenue Bonds (Omaha Library Project) Series 2007A, (b) Lease Revenue Bonds (Omaha Library and Equipment Project) Series 2008A, and (c) Lease Revenue Bonds (Omaha Technology and Forestry Equipment Project) Series 2011; authorizing and approving separate Site Lease Agreements between the Corporation and the City for the leasing of the respective project sites by the City to the Corporation, authorizing and approving a Bill of Sale by the City to the Corporation for the sale of certain equipment and a vehicle to the Corporation, approving an Indenture of Trust between the Corporation and First National Bank of Omaha, as Trustee and Paying Agent, approving the terms and conditions of the Corporation’s approximately \$9,425,000.00 aggregate principal amount Lease Revenue Bonds and Lease Revenue Refunding Bonds, to be issued in two or more separate series as set forth in the Indenture and the issuance and delivery thereof; delegating authority to the City’s Finance Director to determine the final price, interest rates, principal amount and redemption provisions for the Bonds; authorizing and directing the Corporation to redeem the Refunded Bonds; and satisfying applicable federal income tax law requirements – (**First Reading March 19, 2019**; Second Reading and Public Hearing April 2, 2019; Third Reading April 9, 2019) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 2:22 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 March 19, 2019.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler