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# **JOURNAL RECORD**

## **CITY OF OMAHA CITY COUNCIL MEETING**

**TUESDAY, APRIL 30, 2019**

**@ 2:00 PM**

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

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### 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, April 30, 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 Harding, Jerram, Melton, Pahls, Palermo, Festersen, Mr. President (Gray) – **CCID # 2019-422.**

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

Councilmember Pete Festersen of District No. 1 provided opening remarks.

### **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 April 26, 2019, notice of the Pre-Council and Regular City Council Meetings, April 30, 2019 – **CCID # 2019-423.**

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

### **PRESENTATIONS AND PROCLAMATIONS**

The Omaha Convention and Visitors Bureau Update was presented by Keith Backsen, OCVB Executive Director.

### **PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

City Clerk Elizabeth Butler stated that Items 6 through 13 relate to the same project and would be considered together.

*(Required notice of the public hearing relating to this development was published in the Daily Record on April 16, 2019.)*

### **33 MASON NORTH REPLAT 1**

6. ORD. 41795 – An ordinance to approve a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District located northwest of 33rd and Mason Streets, to approve the Development Plan – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 2019) – [see attached](#).  
**(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  - B. Communications in opposition – [see attached](#).

7. RES. 2019-362 – Res. that, the Preliminary Plat entitled 33 Mason North Replat 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth, located northwest of 33rd and Mason Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Uptown Properties, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
8. RES. 2019-363 – Res. that, the Final Plat entitled 33 Mason North Replat 1, located northwest of 33rd and Mason Streets, is hereby approved and accepted. The applicant is Uptown Properties, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. RES. 2019-364 – Res. that, the Subdivision Agreement among the City of Omaha, Uptown Properties, LLC, and the Uptown Homeowners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as 33 Mason North Replat 1 (Lots 1-12 and Outlots A-C) and is located northwest of 33rd and Mason Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

### **33 MASON SOUTH REPLAT 1**

10. ORD. 41796 – An ordinance to approve a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District located southwest of 33rd and Mason Streets, to approve the Development Plan – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  - B. Communications in opposition – [see attached](#).
11. RES. 2019-365 – Res. that, the Preliminary Plat entitled 33 Mason South Replat 1, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a), Lot depth, located southwest of 33rd and Mason Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Uptown Properties, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
12. RES. 2019-366 – Res. that, the Final Plat entitled 33 Mason South Replat 1, located southwest of 33rd and Mason Streets, is hereby approved and accepted. The applicant is Uptown Properties, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

13. RES. 2019-367 – Res. that, the Subdivision Agreement among the City of Omaha, Uptown Properties, LLC, and the Uptown Homeowners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as 33 Mason South Replat 1 (Lots 1-18 and Outlots A-C) and is located southwest of 33rd and Mason Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 6 through 13.

The following person(s) appeared and spoke:

**PROPOSERS:**

Steven Held, 3502 Leavenworth Street

**OPPOSERS:**

Melissa Carlberg, 1003 Turner Boulevard

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

**MOTION by Jerram, SECOND by Harding that the following items be postponed to the May 21, 2019 City Council meeting:**

**Item # 6 ORDINANCE # 41795;                      Item # 7 RESOLUTION # 2019-362;  
Item # 8 RESOLUTION # 2019-363;            Item # 9 RESOLUTION # 2019-364;  
Item # 10 ORDINANCE # 41796;              Item # 11 RESOLUTION # 2019-365;  
Item # 12 RESOLUTION # 2019-366; and, Item # 13 RESOLUTION # 2019-367**

**ROLL CALL:**

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

**Nays:                      None**

**MOTION APPROVED 7-0**

**ANTLER VIEW**

City Clerk Elizabeth Butler stated that Items 14 and 15 relate to the same project and would be considered together.

*(Required notice of the public hearing relating to this development was published in the Daily Record on April 16, 2019.)*

14. ORD. 41797 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Antler View, located southeast of 192nd Street and West Maple Road, to change the current language of the agreement that requires buildings that are constructed to meet the 10 percent office requirement have a single primary entrance and a central lobby, and use the proposed “office condominiums” on Lots 15-16 to meet the office requirement for MU areas, between the City of Omaha and 192 Maple LLC, providing site development standards – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

- 15. ORD. 41798 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Antler View, located southeast of 192nd Street and West Maple Road, to allow a Custom Manufacturing use on Lot 14, between the City of Omaha and 192 Maple LLC, providing site development standards – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 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 Items 14 and 15.

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

**MOTION by Melton, SECOND by Harding that the following items be approved:  
Item # 14 ORDINANCE # 41797; and, Item # 15 ORDINANCE # 41798**

**ROLL CALL:**

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

**MOTION APPROVED 7-0**

**WOODBROOK WEST**

City Clerk Elizabeth Butler stated that Items 16 through 18 relate to the same project and would be considered together.

*(Required notice of the public hearing relating to this development was published in the Daily Record on April 16, 2019.)*

- 16. ORD. 41799 – An ordinance to rezone property located northwest of 180th and Fort Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
- 17. RES. 2019-368 – Res. that, the Final Plat entitled Woodbrook West (Lots 1-32 and Outlot A) (formerly Sagewood Ridge), a subdivision outside the city limits, located northwest of 180th and Fort Streets, is hereby approved and accepted. The applicant is Loren Johnson – Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
- 18. RES. 2019-369 – Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., Woodbrook West Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 582 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Woodbrook West (Lots 1-32 and Outlot A) and is located northwest of 180th and Fort Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 16 through 18.

The following person(s) appeared and spoke:

**PROPONENTS:**

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

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

**MOTION by Melton, SECOND by Harding that the following items be approved:  
Item # 16 ORDINANCE # 41799; Item # 17 RESOLUTION # 2019-368; and,  
Item # 18 RESOLUTION # 2019-369**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

**WATERFORD CROSSING REPLAT 27**

City Clerk Elizabeth Butler stated that Items 19 through 21 relate to the same project and would be considered together.

*(Required notice of the public hearing relating to this development was published in the Daily Record on April 16, 2019.)*

19. ORD. 41800 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Waterford Crossing Replat 27, Lots 1-4 and Outlots A-B, located northeast of 156th and Ida Streets, to incorporate into the table for the Mixed Use District Development Agreement the approved building permit and development of Lots 27 and 28, Waterford Crossing, between the City of Omaha and Dragon Storage, LLC, providing site development standards – (First Reading April 16, 2019; Second Reading April 23, 2019; Third Reading, Public Hearing and Vote April 30, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
  - B. Communications in opposition – [see attached](#).
  
20. RES. 2019-370 – Res. that, the Final Plat transmitted herewith entitled Waterford Crossing Replat 27, a subdivision outside the city limits, located northeast of 156th and Ida Streets, is hereby approved, and concurrently a portion of the existing plat entitled Waterford Crossing, and described on said replat, is hereby vacated. The applicant is Dragon Storage, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

21. RES. 2019-371 – Res. that, the Subdivision Agreement among the City of Omaha, Dragon Storage, LLC, the Waterford Crossing Landowners Association, and Sanitary and Improvement District (S.&I.D.) 441 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Waterford Crossing Replat 27 (Lots 1-4 and Outlots A-B), and is located northeast of 156th and Ida Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 19 through 21.

The following person(s) appeared and spoke:

**PROPOSERS:**

Brent Beller, Attorney for the Applicant, 11440 West Center Road  
Randy Kuszak, Lamp Rynearson, 14710 West Dodge Road

**OPPOSERS:**

Mark Vondrasek, 211 South 37th Street

**FOR THE CITY:**

Dave Fanslau, Planning Director  
Paul Kratz, City Attorney

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

**MOTION by Melton, SECOND by Harding that the following items be approved:  
Item # 19 ORDINANCE # 41800; Item # 20 RESOLUTION # 2019-370; and,  
Item # 21 RESOLUTION # 2019-371**

**ROLL CALL:**

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

**Nays: Jerram, Pahls**

**MOTION APPROVED 5-2**

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**LIQUOR**

22. RES. 2019-431 – Class “I/B” Liquor License Application – The Sports Hall, LLC, dba “The Sports Hall”, 3852 Farnam Street, Suite 103. (This is a new application for an old location). Currently licensed to Dante Black, LLC, dba “Dante Pizzeria Napolentana”, who has a Class “CK” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 22.

The following person(s) appeared and spoke:

**PROPOSERS:**

Julia Plucker, Attorney for the applicant, 2804 South 87th Avenue  
Richard Rensch, 2011 South 105th Street

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

**MOTION by Jerram, SECOND by Festersen that RESOLUTION # 2019-431 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

23. RES. 2019-432 – Change of Location Application – Gonzalez, Ismara, dba “Isla Del Mar Restaurant”, 3034 South 20th Street, requests permission for a Change of Location of their present Class “C” Liquor License to be located at 5101 South 36th Street. Notice was posted on the property on 04-17-19; Notification was sent to property owners within 500 feet on 04-19-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 23.

The following person(s) appeared and spoke:

**PROPONENTS:**

Ismara Gonzalez, 2433 South 19th Street

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

**MOTION by Palermo, SECOND by Festersen that RESOLUTION # 2019-432 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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**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 24 through 28 were held on April 23, 2019.

*(Required notices of the public hearings were published in the Daily Record on April 19, 2019.)*



## CONSENT AGENDA – ORDINANCES

24. ORD. 41802 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Rollin Terryberry of Cass County Nebraska, 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 the terms and conditions under which Rollin Terryberry will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#).
25. ORD. 41803 – An ordinance approving an Agreement between the City of Omaha, Nebraska and RSW Farms, Inc. of Cass County Nebraska, 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 the terms and conditions under which RSW Farms, Inc. will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#).
26. ORD. 41804 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Dam’s Farms, Inc. of Washington and Dodge Counties in Nebraska, 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 the terms and conditions under which Dam’s Farms, Inc. will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.40 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#).
27. ORD. 41805 – An ordinance in accordance with Section 5.10 of the Home Rule Charter of the City of Omaha, 1956, as amended, to transfer \$1,142,639.00 in unencumbered appropriations in the 2018 Budget of the City of Omaha from the Wage Adjustment account to the City departments; and to fix the effective date hereof to be immediately upon passage in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, 1956, as amended – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#).

28. ORD. 41806 – An ordinance (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of \$91,486.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2018-DJ-BX-0171, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#).

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

**Item # 24 ORDINANCE # 41802;                      Item # 25 ORDINANCE # 41803;**  
**Item # 26 ORDINANCE # 41804;                      Item # 27 ORDINANCE # 41805; and,**  
**Item # 28 ORDINANCE # 41806**

**ROLL CALL:**

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

**Nays:                      None**

**MOTION APPROVED 7-0**

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Council President Gray announced that the public hearings on Agenda Items 29 through 49 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.

*COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 30, 46, AND 49 WERE REMOVED FROM THE CONSENT AGENDA*

**CONSENT AGENDA – RESOLUTIONS**

29. RES. 2019-434 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Star Poly Bag, Inc. in the total amount of \$20,900.00 for the purchase of fifty-thousand (50,000) "OMA GRO" Polyethylene Bags to be utilized by the Environmental Quality Control Division; and that such purchase is hereby approved. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Compost Operations Organization 116331, year 2019 funding.) – [see attached](#).
30. RES. 2019-435 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford in the total amount of \$26,666.00 for the purchase of one (1) one ton cargo van with options to be utilized by the Facilities Management Division; and that such purchase is hereby approved. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Contract Administration Organization 116261, year 2019 funding.) – [see attached](#). **(REMOVED FROM CONSENT)**

31. RES. 2019-436 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Mersino Dewatering, Inc. in the total amount of \$45,541.00 for the purchase of one (1) Pull Behind Diesel Trash Pump 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](#).
32. RES. 2019-437 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Gene Steffy Auto Group, Inc. in the total amount of \$25,696.00 for the purchase of one (1) ½ Ton Extended Cab 4x4 pickup truck to be utilized by the Environmental Quality Control Division. (The Finance Department is authorized to pay the cost of this purchase from the Storm Water Fee Revenue Fund 12128, Storm Water Management Organization 116312, year 2019 funding.) – [see attached](#).
33. RES. 2019-438 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Waste Management of Nebraska, Inc. in the amount of \$59,340.00 for the purchase of ninety-two (92) Rear-loading Compactor Truckloads (plus one operator) for Collection Services for the 2019 Spring and Fall Clean-up Programs to be utilized by the Solid Waste Program. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Solid Waste – Collect & Disposal Organization 116321, year 2019 funding.) – [see attached](#).
34. RES. 2019-439 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to the United States Postal Service in the amount of \$27,289.91 for the purchase of a bulk mail permit for the mailing of the Wasteline Newsletter to be utilized by the Environmental Quality Control Division. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Solid Waste – Collect & Disposal Organization 116321, year 2019 funding.) – [see attached](#).
35. RES. 2019-440 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to DLT Solutions, LLC in the amount of \$28,925.72 for the purchase of twenty-five (25) Auto Computer-Aided Drafting and Architecture Engineering & Construction Licenses to be utilized by the Public Works Department Design Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Engineering Organization 116132, year 2019 funding.) – [see attached](#).
36. RES. 2019-441 – Res. that, as recommended by the Mayor, the contract with Old Castle Materials Midwest Company in the amount of \$5,828,466.85 for OPW 53557, being the 2019 Major Street Resurfacing, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$5,828,466.85 from the City Street Maintenance Fund 12129, Residential Street Rehab Organization 116161, year 2019 expenditure.) – [see attached](#).

37. RES. 2019-442 – Res. that, as recommended by the Mayor, the contract with Old Castle Materials Midwest Company in the amount of \$3,827,492.20 for OPW 53559, being the 2019 Residential Street Resurfacing, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$3,827,492.20 from the City Street Maintenance Fund 12129, Residential Street Rehab Organization 116161, year 2019 expenditure.) – [see attached](#).
38. RES. 2019-443 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Kirkham, Michael & Associates, Inc. in the amount of \$118,574.96 to provide professional services on OPW 53560 being the 2019 Concrete Panel Repair, Various Locations Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$118,574.96, from the City Street Maintenance Fund 12129, Residential Street Rehab Organization 116161, year 2019 funding.) – [see attached](#).
39. RES. 2019-444 – Res. that, as recommended by the Mayor, Change Order No. 1 with Swain Construction, Inc. in the amount of \$879,204.67 for additional work on OPW 53546, being the 2019 Emergency Utility Cuts-Major Roadways project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$879,204.67 for this change order, to be paid from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2019 expenditure.) – [see attached](#).
40. RES. 2019-445 – Res. that, the Purchasing Agent be authorized to issue a purchase order to Blade Masters Grounds Maintenance, Inc. in the amount of \$273,000.00 for lot clearing, tree removal and grading for Long School Phase I – [see attached](#).
41. RES. 2019-446 – Res. that, the application of 17th Street LLC, for a lease of City property adjacent to 1624 Cuming Street, for purposes of a new patio, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
42. RES. 2019-447 – Res. that, the application of Lanoha 135 Millard, LLC, for a lease of City property adjacent to 5005 South 135th Street, for purposes of a new patio, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
43. RES. 2019-448 – Res. that, the application of Bohosbest, LLC, for a lease of City property adjacent to 1407 South 13th Street, for purposes of a structural stoop, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).

44. RES. 2019-449 – Res. that, the application of Tkneas, LLC, for a lease of City property adjacent to 1406-1410 South 13th Street, for the purposes of roof overhangs, a structural stoop, risers and steps, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
45. RES. 2019-450 – Res. that, as recommended by the Mayor, the bid in the total amount of \$30,002.93 from Ad-Wear & Specialty of Texas, Inc. to provide T-Shirts for the City of Omaha Parks and Recreation Programs throughout the 2019 fiscal year, located at various Community Centers, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and that the Finance Department is authorized to pay the Funds in the amount of \$30,002.93 to Ad- Wear & Specialty of Texas, Inc., from the General Fund No. 11111, and Organization Nos. 115025 – Ground Maintenance Contracts (\$647.16), 115111 – Community Center Administration (\$3,979.22), 115112 – Adams Community Center (\$374.94), 115113 – Benson Community Center (\$1,087.20), 115114 – Camelot Community Center (\$156.56), 115117 – Florence Community Center (\$183.35), 115119 – Mockingbird Community Center (\$396.49), 115121 – Montclair Community Center (\$233.84), 115123 – Sorensen Community Center (\$317.00), 115125 – Common Ground Center (\$5372.40), 115335 – Pool Administration (\$5,545.22), 115352 – Day Camp Summer (\$10,861.99), and City Wide Sports Revenue Fund No. 21108, and Organization No. 115366 – Trap & Skeet (\$846.86).) – [see attached](#).
46. RES. 2019-451 – Res. that, as recommended by the Mayor, the payment to CHI Health in the amount of \$36,878.40 for the purchase of (936) Ciprofloxacin 500mg tab to be used by the Omaha Metropolitan Health Care Coalition (OMHCC) and its partner agencies is hereby approved. (The Finance Department of the City of Omaha is authorized to pay CHI Health in the amount of \$36,878.40 for the purchase of (936) Ciprofloxacin 500mg tab 500, budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2015 State Homeland Security Grant Program, Award #EMW-2016-SS-00084-S01, Fund 12151, Organization 130762.) – [see attached](#).  
**(REMOVED FROM CONSENT)**
47. RES. 2019-452 – Res. that, the City’s final offer for calendar year December 17, 2017 through December 15, 2018 for the wages, employee benefits, and overall compensation practices for members of Civilian Management, Professional & Technical Employee Council is hereby approved – [see attached](#).
48. RES. 2019-453 – Res. that, the City of Omaha hereby creates the North 24th Street Business Improvement Area Board which shall consist of five or more members made up of property owners, residents, business operators or users of space within the North 24th Street Business Improvement Area Board area who will be appointed by the Mayor and confirmed by the City Council. The North 24th Street Business Improvement Area Board area shall include property owners, residents, business operators or users of space along and between Ames Avenue to the north, 25th Avenue to the west, Cuming Street to the south, and 23rd Street to 20th Street to the east as shown on the map – [see attached](#).

49. RES. 2019-421 – Res. that, the City Council has reviewed the Operating Agreement for the Implementation of a Dockless Shared Scooter Operation and the form, terms and provisions of the this Operating Agreement are hereby approved. The Mayor, City Clerk and the Finance Director (or any officer or official of the City authorized to act in the capacity of the Mayor, City Clerk or Finance Director) are hereby authorized and directed punctually to execute such instruments, certificates and documents as may be necessary and appropriate and to do all acts and things required by the terms, covenants, provisions and agreements of the transactions contemplated by the Operating Agreement for the Implementation of a Dockless Shared Scooter Operation – **ATTACHMENT AVAILABLE SOON. (POSTPONED FROM THE APRIL 23, 2019 CITY COUNCIL MEETING) (REMOVED FROM CONSENT)**

Council President Gray opened the Public Hearing on Items 29, 31 through 45, 47, and 48.

The following person(s) appeared and spoke:

**PROPOSERS:**

- Item # 48 – Lavonia Goodwin, 3116 North 40th Street
- Item # 48 – Preston Love Jr., 6021 Villa de Sante Drive
- Item # 48 – Luis Jimenez, 518 North 40th Street
- Item # 48 – Ralph Kleinsmith, Lozier, 6336 Pershing Drive
- Item # 48 – Mike Maroney, Omaha Economic Development Corporation, 2221 North 24th Street

**OPPOSERS:**

- Item # 48 – Larry Storer, 5015 Lafayette Avenue

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

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

- |                                       |                                  |
|---------------------------------------|----------------------------------|
| Item # 29 RESOLUTION # 2019-434;      | Item # 31 RESOLUTION # 2019-436; |
| Item # 32 RESOLUTION # 2019-437;      | Item # 33 RESOLUTION # 2019-438; |
| Item # 34 RESOLUTION # 2019-439;      | Item # 35 RESOLUTION # 2019-440; |
| Item # 36 RESOLUTION # 2019-441;      | Item # 37 RESOLUTION # 2019-442; |
| Item # 38 RESOLUTION # 2019-443;      | Item # 39 RESOLUTION # 2019-444; |
| Item # 40 RESOLUTION # 2019-445;      | Item # 41 RESOLUTION # 2019-446; |
| Item # 42 RESOLUTION # 2019-447;      | Item # 43 RESOLUTION # 2019-448; |
| Item # 44 RESOLUTION # 2019-449;      | Item # 45 RESOLUTION # 2019-450; |
| Item # 47 RESOLUTION # 2019-452; and, | Item # 48 RESOLUTION # 2019-453  |

**ROLL CALL:**

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

**Nays:** None

**MOTION APPROVED 7-0**

30. RES. 2019-435 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford in the total amount of \$26,666.00 for the purchase of one (1) one ton cargo van with options to be utilized by the Facilities Management Division; and that such purchase is hereby approved. (The Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Contract Administration Organization 116261, year 2019 funding.) – [see attached](#).

Council President Gray opened the Public Hearing on Item 30.

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

**MOTION by Jerram, SECOND by Melton that RESOLUTION # 2019-435 be approved contingent upon receipt of a CC-1 form within 30 days**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

46. RES. 2019-451 – Res. that, as recommended by the Mayor, the payment to CHI Health in the amount of \$36,878.40 for the purchase of (936) Ciprofloxacin 500mg tab to be used by the Omaha Metropolitan Health Care Coalition (OMHCC) and its partner agencies is hereby approved. (The Finance Department of the City of Omaha is authorized to pay CHI Health in the amount of \$36,878.40 for the purchase of (936) Ciprofloxacin 500mg tab 500, budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2015 State Homeland Security Grant Program, Award #EMW-2016-SS-00084-S01, Fund 12151, Organization 130762.)

Council President Gray opened the Public Hearing on Item 46.

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

**MOTION by Jerram, SECOND by Gray that RESOLUTION # 2019-451 be approved**

**ROLL CALL:**

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

**Nays: None**

**Pass: Festersen**

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

**MOTION APPROVED 6-0-1**

49. RES. 2019-421 – Res. that, the City Council has reviewed the Operating Agreement for the Implementation of a Dockless Shared Scooter Operation and the form, terms and provisions of the this Operating Agreement are hereby approved. The Mayor, City Clerk and the Finance Director (or any officer or official of the City authorized to act in the capacity of the Mayor, City Clerk or Finance Director) are hereby authorized and directed punctually to execute such instruments, certificates and documents as may be necessary and appropriate and to do all acts and things required by the terms, covenants, provisions and agreements of the transactions contemplated by the Operating Agreement for the Implementation of a Dockless Shared Scooter Operation – **ATTACHMENT AVAILABLE SOON. (POSTPONED FROM THE APRIL 23, 2019 CITY COUNCIL MEETING)**

Council President Gray opened the Public Hearing on Item 49.

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

**MOTION by Festersen, SECOND by Jerram that RESOLUTION # 2019-421 be withdrawn**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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**ORDINANCES ON FINAL READING**

50. ORD. 41801 – An ordinance awarding a contract to Fomento de Construcciones y Contratas, S. A. (FCC) for OPW 53407, being the Omaha Solid Waste Collections Contract 2021-2030, with an estimated annual cost of \$22,691,046.00 and subject to an annual CIP increase of a maximum of 4% per year, for a ten-year term with up to two (2) five-year renewals; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#). **(VOTE TODAY)**
- A. Communications in opposition – [see attached](#).
  - B. Request from Mayor Stothert to postpone this item to the May 21, 2019 City Council meeting – [see attached](#).

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

FOR THE CITY:

Jim Theiler, Public Works Department

Paul Kratz, City Attorney

**MOTION by Melton, SECOND by Festersen that ORDINANCE # 41801 be postponed to the June 4, 2019 City Council meeting**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

51. ORD. 41807 – An ordinance to amend Omaha Municipal Code Chapter 18, by creating a new article to prohibit the use and distribution of single use plastic carryout bags at certain retail business establishments; to provide findings of legislative intent, definitions, regulations, and exceptions; to reserve future sections of the Omaha Municipal Code – (First Reading April 16, 2019; Second Reading and Public Hearing April 23, 2019; Third Reading April 30, 2019) – [see attached](#). **(VOTE TODAY)**
- A. Amendment of the Whole requested by the Law Department – [see attached](#).
  - B. Amendment of the Whole requested by Councilmember Festersen – [see attached](#).
  - C. Communications in support – [see attached](#).
  - D. Communications in opposition – [see attached](#).



**MOTION by Festersen, SECOND by Jerram that ORDINANCE # 41807 be postponed to the May 21, 2019 City Council meeting and that the public hearing be reopened**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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**ORDINANCES ON SECOND READING**

52. ORD. 41809 – An ordinance to amend Ordinance No. 41725, passed February 12, 2019 declaring the necessity of appropriating and acquiring certain 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; to allow the City to acquire additional property needed for the project as shown on the Exhibit “A” plat drawings – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 52.

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

53. ORD. 41810 – An ordinance approving an Amendment to the Redevelopment Agreement between the City of Omaha and 1234 South 10th, LLC, which was approved by City of Omaha Council Ordinance No. 40547 on November 3, 2015, to increase the original redevelopment plan area to include certain parcels located northeast of 11th and Briggs Streets and southeast of 12th and Briggs Streets for the construction of six new, for-sale row houses located, and have these parcels be a part of the Rows on South Hill Tax Increment Financing (TIF) Redevelopment Project Plan and Agreement, as amended, authorizing an additional TIF loan allocation of \$652,506.00, plus accrued interest, thereby increasing the original TIF loan from \$1,500,000.00 to \$2,152,506.00, plus accrued interest, and revising the estimated total project cost to \$14,506,027.00; and, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project, all other terms and conditions contained in the Redevelopment Agreement not amended hereby, shall remain in full force and effect – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 53.

The following person(s) appeared and spoke:

**PROPOSERS:**

Tom McLeay, 3814 Farnam Street

**OPPOSERS:**

Mark Vondrasek, 211 South 37th Street

Luis Jimenez, 518 North 40th Street

FOR THE CITY:  
Bridget Hadley, Planning Department

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

City Clerk Elizabeth Butler stated that there would be one public hearing for Items 54 through 56.

54. SPECIAL ORD. 10248 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Benson Business Improvement District No. 6875 and the City of Omaha to cover the costs and expenses of the Benson Business Improvement District No. 6875 created by Ordinance No. 38876 on November 23, 2010 and amended by Ordinance No. 39207 on December 20, 2011 which remain unpaid for 2015 – Group No. 6875-15 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
55. SPECIAL ORD. 10249 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Benson Business Improvement District No. 6875 and the City of Omaha to cover the costs and expenses of the Benson Business Improvement District No. 6875 created by Ordinance No. 38876 on November 23, 2010 and amended by Ordinance No. 39207 on December 20, 2011 which remain unpaid for 2016 – Group No. 6875-16 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
56. SPECIAL ORD. 10250 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Benson Business Improvement District No. 6875 and the City of Omaha to cover the costs and expenses of the Benson Business Improvement District No. 6875 created by Ordinance No. 38876 on November 23, 2010 and amended by Ordinance No. 39207 on December 20, 2011 which remain unpaid for 2017 – Group No. 6875-17 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Items 54 through 56.

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

City Clerk Elizabeth Butler stated that there would be one public hearing for Items 57 and 58.

57. SPECIAL ORD. 10251 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Blackstone Business Improvement District No. 6877 and the City of Omaha to cover the costs and expenses of the Blackstone Business Improvement No. 6877 created by Ordinance No. 39864 on December 10, 2013, amended by Ordinance No. 40480 on August 25, 2015, reauthorized by Ordinance No. 41350 on December 12, 2017 and amended by Ordinance No. 41624 approved on October 30, 2018 which remain unpaid for 2016 – Group No. 6877-16 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

58. SPECIAL ORD. 10252 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Blackstone Business Improvement District No. 6877 and the City of Omaha to cover the costs and expenses of the Blackstone Business Improvement No. 6877 created by Ordinance No. 39864 on December 10, 2013, amended by Ordinance No. 40480 on August 25, 2015, reauthorized by Ordinance No. 41350 on December 12, 2017 and amended by Ordinance No. 41624 approved on October 30, 2018 which remain unpaid for 2017 – Group No. 6877-17 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Items 57 and 58.

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

City Clerk Elizabeth Butler stated that there would be one public hearing for Items 59 through 61.

59. SPECIAL ORD. 10253 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Dundee Business Improvement District No. 6876 and the City of Omaha to cover the costs and expenses of the Dundee Business Improvement District No. 6876 created by Ordinance No. 39268 approved March 13, 2012 which remain unpaid for 2015 – Group No. 6876-15 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
60. SPECIAL ORD. 10254 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Dundee Business Improvement District No. 6876 and the City of Omaha to cover the costs and expenses of the Dundee Business Improvement District No. 6876 created by Ordinance No. 39268 approved March 13, 2012 which remain unpaid for 2016 – Group No. 6876-16 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
61. SPECIAL ORD. 10255 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Dundee Business Improvement District No. 6876 and the City of Omaha to cover the costs and expenses of the Dundee Business Improvement District No. 6876 created by Ordinance No. 39268 approved March 13, 2012 which remain unpaid for 2017 – Group No. 6876-17 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Items 59 through 61.

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

62. SPECIAL ORD. 10256 – An ordinance levying a special tax and assessment on those lots and pieces of real estate within the Elkhorn Business Improvement District No. 6878 and the City of Omaha to cover the costs and expenses of the Elkhorn Business Improvement District No. 6878 created by Ordinance No. 40993 on December 13, 2016 – Group No. 6878-17 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 62.

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

63. ORD. 41811 – An ordinance (1) to approve an agreement between the City of Omaha and the Women’s Center for Advancement in the amount of \$271,130.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 National Sexual Assault Kit Initiative (SAKI) Grant, Award #2018-AK-BX-0030, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for one (1) full-time bilingual advocate, partial funding of one (1) full-time crisis counselor, partial funding for one (1) full-time advocacy/self-sufficiency manager, at the Women’s Center for Advancement and training as part of the Sexual Assault Kit Initiative (SAKI) Project; 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 April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 63.

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

64. ORD. 41812 – An ordinance to approve the Tenth Amendment to Redevelopment Agreement between the City of Omaha and The Durham Museum, formerly known as Western Heritage Society, Inc. and also formerly known as Durham Western Heritage Museum, which extends the Redevelopment Agreement approved in January, 1995, for an additional period of three years for 2019, 2020, and 2021; for the term of the Amendment, the City agrees to provide the interest, dividends, and other income derived from the excess funds, not to exceed the amount of \$100,000.00, generated by the partial sale of the Byron Reed Collection to The Durham Museum for maintenance of the remaining part of the Byron Reed Collection. (The Finance Department will pay such funds from Fund 15112, Org. 126038) – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 64.

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

65. ORD. 41813 – An ordinance pursuant to Home Rule Charter Section 5.17 involving the payment of moneys from appropriations of more than one fiscal year, to enter into an Interlocal Cooperation Agreement between the City of Omaha and the City of Valley, controlling the distribution of keno lottery proceeds; to provide that the City of Valley will receive 8.75% of the gross proceeds, the City of Omaha will receive 2% of the gross proceeds for state taxes and 1% of the gross proceeds to defray City administrative costs, and the remaining proceeds shall be retained by the City of Omaha; and to approve the Agreement from the date of execution through May 14, 2021 – (First Reading April 23, 2019; Second Reading and Public Hearing April 30, 2019; Third Reading May 7, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 65.

The following person(s) appeared and spoke:

PROPOSERS:

Nate Thelen, Big Red Keno, 11248 John Galt Boulevard

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

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### **2018 TAX INCREMENT FINANCING (TIF) ANNUAL REPORT**

66. RES. 2019-433 – Res. that, the 2018 Tax Increment Financing (TIF) Annual Report for the City of Omaha, as recommended by the City Planning Department, is hereby accepted – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 66.

The following person(s) appeared and spoke:

FOR THE CITY:

Bridget Hadley, Planning Department

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

**MOTION by Melton, SECOND by Jerram that RESOLUTION # 2019-433 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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### **NON-ACTION ITEMS**

(Items 67 through 100 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.)

### EVERGREEN ACRES

67. ORD. 41808 – An ordinance to rezone property located southwest of 132nd Street and Bennington Road from AG-Agricultural District to DR-Development Reserve District – (First Reading April 23, 2019; **Second Reading April 30, 2019**; Third Reading, Public Hearing and Vote May 7, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
68. RES. 2019-392 – Res. that, the Preliminary Plat entitled Evergreen Acres, a subdivision outside the city limits, located southwest of 132nd Street and Bennington Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Scott Iverson – Outside City Limits – [see attached](#). **(LAID OVER TO THE MAY 7, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 67 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
69. RES. 2019-393 – Res. that, the Final Plat entitled Evergreen Acres, a subdivision outside the city limits, with a waiver to Section 53-8-4(d) Lot frontage, located southwest of 132nd Street and Bennington Road, is hereby approved and accepted. The applicant is Scott Iverson – Outside City Limits – [see attached](#). **(LAID OVER TO THE MAY 7, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 67 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
70. RES. 2019-394 – Res. that, the Subdivision Agreement between the City of Omaha and Michelle Anne Iverson and Scott Iverson, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Evergreen Acres (Lot 1 and Outlot A) and is located southwest of 132nd Street and Bennington Road – [see attached](#). **(LAID OVER TO THE MAY 7, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 67)**

### IDA POINTE NORTH

71. ORD. 41814 – An ordinance to rezone property located southwest of 180th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (**First Reading April 30, 2019**; Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
72. RES. 2019-424 – Res. that, the Final Plat entitled Ida Pointe North, a subdivision outside the city limits, located southwest of 180th and Ida Streets, is hereby approved and accepted. The applicant is Ryan Lindquist, Elkhorn Public Schools – Outside City Limits – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 71 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
73. RES. 2019-425 – Res. that, the Subdivision Agreement between the City of Omaha and Douglas County School District 28-0010, aka Elkhorn Public Schools, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Ida Pointe North (Lots 1-4 and Outlot A) and is located southwest of 180th and Ida Streets – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 71)**

### **ARBOR WOODS**

74. ORD. 41815 – An ordinance to rezone property located at 9300 Arbor Street from DR-Development Reserve District to DR-Development Reserve District – **(First Reading April 30, 2019;** Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019) – [see attached](#).
75. ORD. 41816 – An ordinance to rezone property located at 9300 Arbor Street from DR-Development Reserve District to R4-Single Family Residential District (High Density) – **(First Reading April 30, 2019;** Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019) – [see attached](#).
76. ORD. 41817 – An ordinance to rezone property located at 9300 Arbor Street from DR-Development Reserve District to R6-Low Density Multiple Family Residential District – **(First Reading April 30, 2019;** Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019) – [see attached](#).

- A. Planning Board and Planning Department recommend approval – [see attached](#).
77. ORD. 41818 – An ordinance to approve a PUD-Planned Unit Development Overlay District in a R6-Low-Density Multiple-Family Residential District, located 9300 Arbor Street, to approve the Development Plan – **(First Reading April 30, 2019;** Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019) – [see attached](#).

- A. Planning Board and Planning Department recommend approval – [see attached](#).
78. RES. 2019-426 – Res. that, the Final Plat entitled Arbor Woods, a subdivision inside the city limits, located at 9300 Arbor Street, is hereby approved and accepted. The applicant is NP Dodge Building Company – Inside City Limits – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 74 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
79. RES. 2019-427 – Res. that, the Subdivision Agreement between the City of Omaha and NP Dodge II, LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Arbor Woods (Lots 1-38 and Outlots A-D) and is located at 9300 Arbor Street – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 74)**

## HOLLAND HILLTOP ADDITION

80. ORD. 41819 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R6-Low-Density Multiple-Family Residential District located at 209 South 49th Avenue, to approve the Development Plan – **(First Reading April 30, 2019; Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
81. ORD. 41820 – An ordinance to repeal the PUD-Planned Unit Development Overlay District for property located at 209 South 49th Street – **(First Reading April 30, 2019; Second Reading May 7, 2019; Third Reading, Public Hearing and Vote May 14, 2019)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
82. RES. 2019-428 – Res. that, the Preliminary Plat entitled Holland Hilltop Addition, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) Lot depth, located at 209 South 49th Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Tim Holland – Inside City Limits – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 80 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
83. RES. 2019-429 – Res. that, the Final Plat transmitted herewith entitled Holland Hilltop Addition, a minor plat inside the city limits, located at 209 South 49th Street, is hereby approved, and concurrently portions of the existing plat entitled Sunset Addition, and described on said replat, is hereby vacated. The applicant is Tim Holland – Inside City Limits – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 80 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
84. RES. 2019-430 – Res. that, the Subdivision Agreement between the City of Omaha and Design Development, LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Holland Hilltop Addition (Lots 1-9 and Outlot A) and is located at 209 South 49th Street – [see attached](#). **(LAID OVER TO THE MAY 14, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 80)**



## ORDINANCES ON FIRST READING

85. ORD. 41821 – An ordinance approving a contract with Nifty Clean, LLC for the Janitorial Services (Traffic Maintenance) project, with an annual estimated cost of \$8,978.00, for a term effective May 1, 2019 through April 30, 2022, with the option of two (2) one-year extensions 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 April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
86. ORD. 41822 – An ordinance approving the contract with Fisher Building Services, Inc. in the amount of \$864,529.75 for OPW 53518 being the 2019 Parking Facility Repair Project, located at the various Parking Garage Facilities within the City of Omaha, to approve appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to approve payments from a specific account in the amount of \$864,529.75 – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
87. ORD. 41823 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Robert Wilkins & Sons, Inc. of Washington County Nebraska, 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 the terms and conditions under which Robert Wilkins & Sons, Inc. will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.59 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
88. ORD. 41824 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Patrick Gress of Otoe County Nebraska, 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 the terms and conditions under which Patrick Gress will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).

89. ORD. 41825 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Noerrlinger Farms, Inc. of Cass County Nebraska, 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 the terms and conditions under which Noerrlinger Farms, Inc. will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – **(First Reading April 30, 2019;** Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
90. ORD. 41826 – An ordinance approving an Agreement between the City of Omaha, Nebraska and James Ingwerson of Cass County Nebraska, 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 the terms and conditions under which James Ingwerson will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – **(First Reading April 30, 2019;** Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
91. ORD. 41827 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Cody Knapp of Cass and Otoe Counties in Nebraska, 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 the terms and conditions under which Cody Knapp will receive and land apply stabilized sewage sludge according to applicable standards, laws and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2022 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – **(First Reading April 30, 2019;** Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
92. ORD. 41828 – An ordinance to amend Ordinance No. 40992, which created Street Improvement District No. 6878, for the purpose of improving North 89th Circle, from Burt Street north to end of the cul-de-sac, to amend such District to become Road Maintenance District No. 2019-04; to change the type of improvement from a permanent street improvement including grading, curbing and paving in Portland cement concrete to an asphalt overlay; to authorize the Public Works Department to complete the associated improvement project, as amended – **(First Reading April 30, 2019;** Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
- A. Communication in opposition – [see attached](#).
- B. Communication in support – [see attached](#).

93. SPECIAL ORD. 10257 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-29, in the City of Omaha, to cover the cost of constructing and improving Garden Road, from South 105th Street south to its terminus north of West Center Road, by asphalt overlay – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
94. SPECIAL ORD. 10258 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-30, in the City of Omaha, to cover the cost of constructing and improving Leavenworth Street from South 90th Street to South 91st Circle and 91st Circle south of Leavenworth Street, by asphalt overlay – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
95. SPECIAL ORD. 10259 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Road Maintenance District (RMD) 745-31, in the City of Omaha, to cover the cost of constructing and improving South 91st Avenue, from Shirley Street north to Hickory Street, by asphalt overlay – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
96. SPECIAL ORD. 10260 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of clearing snow and ice from sidewalks – Group No. 2018-01 – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
97. ORD. 41829 – An ordinance to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Threat Assessment and Crisis Intervention (TACIT) Project Coordinator with a salary range of 18.1 MC (\$64,307 to \$77,541; to repeal Section 23-177 as heretofore existing – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
- A. Personnel Board recommends approval.
98. ORD. 41830 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Mental Health Coordinator with a salary range of 23.1 MC (\$76,807 to \$93,972); to repeal Section 23 - 177 as heretofore existing – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).
- A. Personnel Board recommends approval.
99. ORD. 41831 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Sexual Assault Kit Initiative (SAKI) Site Coordinator with a salary range of 13.1 MC (\$51,322 to \$62,364); to repeal Section 23 - 177 as heretofore existing – (**First Reading April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).

- A. Personnel Board recommends approval.
100. ORD. 41832 – An ordinance (1) to approve an agreement between the City of Omaha and HTI Labs in the amount of \$62,888.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 National Sexual Assault Kit Initiative (SAKI) Grant, Award #2018-AK-BX-0030, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for applied data analysis to inform working group decision-making as part of the Sexual Assault Kit Initiative (SAKI) Project, 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 April 30, 2019**; Second Reading and Public Hearing May 7, 2019; Third Reading May 14, 2019) – [see attached](#).

**EXECUTIVE SESSION**

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

**ADJOURNMENT**

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

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

**MEETING ADJOURNED AT: 4:01 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 April 30, 2019.

WITNESS:

s/Talia Smith

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Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

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Elizabeth Butler