



**CITY OF OMAHA
31ST REGULAR CITY COUNCIL MEETING
OCTOBER 17, 2017**

THE CITY COUNCIL met in Regular Session on Tuesday, October 17, 2017 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

1. City Clerk Elizabeth Butler took the Roll Call

 CCID # 1155 - Present: Pahl, Palermo, Festersen, Harding, Jerram, Melton, Mr. President
2. Council President Gray led those present in the Pledge of Allegiance
3. Council President Ben Gray of District No. 2 provided the Invocation

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

4. City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha on October 13, 2017, notice of the Pre-Council and Regular City Council Meetings, October 17, 2017 – **CCID # 1156**.

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

5. None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

City Clerk Elizabeth Butler stated that Items 6 through 10 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 6 through 10.

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPONENTS: Larry Jobeun, 11440 West Center Road, Attorney for the applicant

OPPONENTS:

FOR THE CITY:

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

Anchor Pointe Villas

6. ORD. 41274 – An ordinance to rezone property located southwest of 173rd and Potter Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density). The applicant is Boyer Young Development Co. – (First Reading September 26, 2017; Second Reading October 3, 2017; Third Reading, Public Hearing and Vote October 17, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on October 17, 2017, was published in the Daily Record on September 26, 2017. Ordinance as approved published in the Daily Record on October 25, 2017.

Motion by Harding that **ORDINANCE # 41274** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

7. ORD. 41275 – An ordinance to rezone property located southwest of 173rd and Potter Streets from AG-Agricultural District to DR-Development Reserve District. The applicant is Boyer Young Development Co. – (First Reading September 26, 2017; Second Reading October 3, 2017; Third Reading, Public Hearing and Vote October 17, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on October 17, 2017, was published in the Daily Record on September 26, 2017. Ordinance as approved published in the Daily Record on October 25, 2017.

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

Motion by Harding that **ORDINANCE # 41275** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

8. Res. that, the revised Preliminary Plat entitled Anchor Pointe Villas, located southwest of 173rd and Potter Streets, along with the attached conditions, is hereby accepted; and, the preparation of the Final Plat of this subdivision is hereby authorized. The applicant is Boyer Young Development Co. – Outside City Limits – CCID 1113 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Motion by Harding that **RESOLUTION # 1113** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

9. Res. that, the Final Plat entitled Anchor Pointe Villas, located southwest of 173rd and Potter Streets, is hereby approved and accepted. The applicant is Boyer Young Development Co. – Outside City Limits - CCID 1114 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Motion by Harding that **RESOLUTION # 1114** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

10. Res. that, the Subdivision Agreement among the City of Omaha, Boyer Young Development Company, a Nebraska corporation, The Anchor Pointe Home Owners Association, and Sanitary and Improvement District (S.&I.D.) 567 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, Interceptor Sewer Fee, Watershed Management Fee, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Anchor Pointe Villas (Lots 1-40 and Outlots A-D) and is located southwest of 173rd and Potter Streets – CCID 1106 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Motion by Harding that **RESOLUTION # 1106** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 11 through 13 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 11 through 13.

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Mark Westergard, E&A Consulting Group, Inc., 10909 Mill Valley Road

OPPOSERS:
FOR THE CITY:

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

Northern Hills Estates Two Replat 2

11. Res. that, the Special Use Permit application submitted by Keith Edquist for a Major Amendment to the existing Special Use Permit to allow development in the North Hills Environmental Overlay District, located at 12323 North 69th Street, Omaha, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefore, provided the conditions set out in Exhibit "A" of the above referenced application and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Major Amendment to the existing Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – CCID 1110 – [see attached](#). (**PUBLIC HEARING AND VOTE TODAY**)

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

Motion by Festersen that **RESOLUTION # 1110** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

12. Res. that, the Final Plat transmitted herewith entitled Northern Hills Estates Two Replat 2, located at 12323 North 69th Street, is hereby approved, and concurrently a portion of the existing plat entitled Northern Hills Estates Two Replat 1, and described on said replat, is hereby vacated. The applicant is Keith Edquist – Outside City Limits - CCID 1111 – [see attached](#). (**PUBLIC HEARING AND VOTE TODAY**)

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

Motion by Festersen that **RESOLUTION # 1111** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

13. Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Keith B. Edquist, and the Northern Hills Estates Homeowners Association, as recommended by the Mayor, providing for changes to the original tree mitigation plan, is hereby approved. The Subdivision is to be known as Northern Hills Estates Two Replat 2 (Lots 1-2) and is located at 12323 North 69th Street – CCID 1109 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Motion by Festersen that **RESOLUTION # 1109** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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

Council President Ben Gray opened the Public Hearing on Items 14 through 15.

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Nate Buss, Olsson Associates, 601 P Street, Lincoln, NE

OPPOSERS:

FOR THE CITY:

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

Eckerman Place

14. ORD. 41272 – An ordinance to rezone property located at 5051 Center Street from GC-General Commercial District to CC-Community Commercial District. The applicant is Olsson Associates – (First Reading September 26, 2017; Second Reading October 3, 2017; Third Reading, Public Hearing and Vote October 17, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on October 17, 2017, was published in the Daily Record on September 26, 2017. Ordinance as approved published in the Daily Record on October 25, 2017.

Motion by Jerram that **ORDINANCE # 41272** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

15. ORD. 41273 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5051 Center Street; and, to provide for an effective date. The applicant is Olsson Associates – (First Reading September 26, 2017; Second Reading October 3, 2017; Third Reading, Public Hearing and Vote October 17, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on October 17, 2017, was published in the Daily Record on September 26, 2017. Ordinance as approved published in the Daily Record on October 25, 2017.

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

Motion by Jerram that **ORDINANCE # 41273** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

SPECIAL USE PERMIT – MAJOR AMENDMENT

Broadcast Tower

16. Res. that, the Special Use Permit application submitted by T-Mobile Central, LLC for a Major Amendment to a Special Use Permit to allow a Broadcast tower in a LC-Limited Commercial District, with a waiver of Section 55-348 Height to allow a 112 foot tall tower, located at 15220 Military Road, Omaha, 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 above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – CCID 1119 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Nate Miller, SSC, 9900 West 109th Street #300, Overland Park, KS

OPPOSERS:

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1119** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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LIQUOR

17. Class “C” Liquor License Application – Paul J. Lalley, dba “The Touch of Class Lounge”, 11220 Fort Street, Suite 101. (This is a new application for an old location.) Currently licensed to Bauer, Patricia S., dba “Touch of Class Lounge”, 11220 Fort Street, Suite 101, who has a Class “C” Liquor License – CCID 1157 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Paul Lalley, 3329 South 90th Avenue

OPPOSERS:

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1157** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

18. Class “C” Liquor License Application – 72nd Street Hospitality, LLC, dba “DoubleTree Omaha Southwest”, 3650 South 72nd Street. (This is a new application for a new location.) Notice was posted on the property on 10/04/17; Notification was sent to property owners within 500 feet on 10/06/17 – CCID 1158 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communication from Michael W. Wilwerding, Chief Building Inspector, regarding required permit for outdoor area – [see attached](#).

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

Motion by Jerram that **RESOLUTION # 1158** be approved contingent upon their compliance with the City of Omaha Planning Department and proper permits obtained

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

19. Class “I” Liquor License Application – DDFR, Inc., dba “Twisted Post”, 14901 Industrial Road. (This is a new application for an old location.) Present licensee is Dirk13, Inc., dba “Twisted Post Bar and Grill”, who has a Class “C” Liquor License – CCID 1159 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Lisa Parker, Twisted Post, 14901 Industrial Road

OPPOSERS:

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1159** be approved

Seconded by Gray

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

20. Class "D" Liquor License Application – Inam & Sons, LLC, dba "Tobacco Outlet", 4747 South 96th Street. (This is a new application for an old location.) Present licensee is SYSP, LLC, dba "Tobacco Hut", who has a Class "D" Liquor License – CCID 1160 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Imam Shah, Tobacco Outlet, 4747 South 96th Street

OPPOSERS:

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1160** be approved

Seconded by Gray

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

21. Class "D" Liquor License Application – Pitstop, Inc., dba "Pitstop", 4015 South 42nd Street. (This is a new application for an old location) UPGRADE. Presently holds a Class "B" License. Notice was posted on the property on 10/04/17; Notification was sent to property owners within 500 feet on 10/06/17 – CCID 1161 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Peggy Parys, Pitstop, 4015 South 42nd Street

OPPOSERS:

FOR THE CITY:

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

Motion by Palermo that **RESOLUTION # 1161** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

22. AYUB Enterprise, Inc., & 7th Heaven, Inc., dba "Midtown Gas & Grocery", requests permission to appoint Farhan A. Siddiqui manager of the following present Class "D" Liquor License locations: 1222 South 24th Street; 2302 South 13th Street; and present Class "B" License at 1349 Park Avenue – CCID 1162 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following persons appeared and spoke:

PROPOSERS: Farhan A. Siddiqui, Midtown Gas & Grocery, 2302 South 13th Street

OPPOSERS:
FOR THE CITY:

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

CCID # 1162 - Motion by Jerram that the request be approved

Seconded by Gray

ROLL CALL:

Yeas: Pahls, Palermo, Festersen, Harding, Jerram, Melton, 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 23 through 26 were held on October 3, 2017. (Notice of public hearings was published in the Daily Record on September 29, 2017; Ordinances as approved will be published in the Daily Record on October 25, 2017.)

CONSENT AGENDA – ORDINANCES

Motion by Jerram that the CONSENT AGENDA – ORDINANCES be approved:

Item # 23 **ORDINANCE # 41269**; Item # 24 **ORDINANCE # 41270**;

Item # 25 **ORDINANCE # 41271**; and, Item # 26 **ORDINANCE # 41276**;

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

23. ORD. 41269 – An ordinance to amend Section 23 – 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Evidence Technician with a hourly pay range of \$19.07 to \$23.33; to repeal Section 23 – 177 as heretofore existing; and, to provide the effective date hereof – (First Reading September 26, 2017; Second Reading and Public Hearing October 3, 2017; Third Reading October 17, 2017) – [see attached](#).

24. ORD. 41270 – An ordinance to amend Section 23 – 177 of the Omaha Municipal Code concerning employment classification by adding the employment classification entitled Evidence Technical Supervisor with a salary range of 11.1 MC (\$47,903.96-\$58,123.00); to repeal Section 23 – 177 as heretofore existing; and, to provide the effective date hereof – (First Reading September 26, 2017; Second Reading and Public Hearing October 3, 2017; Third Reading October 17, 2017) – [see attached](#).
25. ORD. 41271 – 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 attached Real Estate Purchase Agreement with Mensah Investments, LLC, 4201 North 21st Street, Omaha, NE 68110, to convey the property located at 2825 North 28th Avenue, in consideration of the sum of \$700.00; there are no expenses associated with the transfer of the property to Mensah Investments, LLC; and, to provide the effective date hereof – (First Reading September 26, 2017; Second Reading and Public Hearing October 3, 2017; Third Reading October 17, 2017) – [see attached](#).
26. ORD. 41276 – An ordinance approving an Agreement for fire protection and emergency medical services with the Elkhorn Suburban Fire Protection District No. 2; providing that the Agreement will remain in effect for a period of ten (10) years commencing on January 1, 2018 in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; and, providing the effective date hereof – (First Reading September 26, 2017; Second Reading and Public Hearing October 3, 2017; Third Reading October 17, 2017) – [see attached](#).

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Council President Gray announced that the public hearings on Agenda Items 27 through 49 are today. He asked that anyone wishing to address the City Council regarding these items to please come to the microphone, indicate the Agenda Item Number being addressed, and to state your name, address, who you are representing, and if you are speaking as a proponent or opponent.)

CONSENT AGENDA – RESOLUTIONS

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 43 WAS REMOVED FROM THE CONSENT AGENDA.

PUBLIC HEARING – The following person(s) appeared and spoke:

- PROPOSERS: Luis Jimenez, 3126 Chicago Street – Item 49
 Michael O’Hara, 6010 South 146th Street, for the Sierra Club – Item 43
- OPPOSERS:
- FOR THE CITY: Bob Stubbe, Public Works Director – Item 43

Motion by Jerram that the CONSENT AGENDA – RESOLUTIONS be approved:

- | | |
|-------------------------------------|-------------------------------------|
| Item # 27 RESOLUTION # 1168; | Item # 28 RESOLUTION # 1167; |
| Item # 29 RESOLUTION # 1166; | Item # 30 RESOLUTION # 1163; |
| Item # 31 RESOLUTION # 1170; | Item # 32 RESOLUTION # 1181; |
| Item # 33 RESOLUTION # 1171; | Item # 34 RESOLUTION # 1182; |
| Item # 35 RESOLUTION # 1183; | Item # 36 RESOLUTION # 1184; |
| Item # 37 RESOLUTION # 1185; | Item # 38 RESOLUTION # 1186; |

Item # 39 **RESOLUTION # 1187**;
Item # 41 **RESOLUTION # 1189**;
Item # 44 **RESOLUTION # 1192**;
Item # 46 **RESOLUTION # 1194**;
Item # 48 **RESOLUTION # 1169**; and,

Item # 40 **RESOLUTION # 1188**;
Item # 42 **RESOLUTION # 1190**;
Item # 45 **RESOLUTION # 1193**;
Item # 47 **RESOLUTION # 1164**;
Item # 49 **RESOLUTION # 1165**;

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

27. Res. that, the application of 406 S. 12th St., LLC for a lease of City property adjacent to 406 South 12th Street, Omaha, Nebraska for purposes of a stairs/landing and outdoor seating area, 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 – CCID 1168 – [see attached](#).
28. Res. that, the application of 16th and Harney, LLC c/o Seldin Company for a lease of City property adjacent to 325 South 16th Street (adjacent to Harney Street), Omaha, Nebraska for purposes of an outdoor fenced deck seating area, 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 – CCID 1167 – [see attached](#).
29. Res. that, the application of University of Nebraska Board of Regents for a lease of City property adjacent to 620 South 38th Avenue (adjacent to Jones Street), Omaha, Nebraska for purposes of constructing a building addition, 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 – CCID 1166 – [see attached](#).
30. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$22,389.00 for the Lead-Based Paint Hazard Control work to the property owned by Carrothers C. Hardin, located at 4103 North 22nd Street, Omaha, NE 68110, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$22,389.00 from Lead 2015 NELHD0278-15, Fund No. 12136, Org. No. 128104 – CCID 1163 – [see attached](#).
31. Res. that, as recommended by the Mayor, the Loan Investor Agreement, to provide funding in the amount of \$28,998.00 for the Lead-Based Paint Hazard Control work to the property owned by Mohamed S. Benalaya, by Irma Villezcas, Attorney-In-Fact, located at 2752 South 10 Street Units 1-7, Omaha, NE, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$28,998.00 from Lead 2015 NELHD0278-15, Fund No. 12136, Org. No. 128104 – CCID 1170 – [see attached](#).

32. Res. that, as recommended by the Mayor, the attached bids with Leeway Trucking, Inc., New Era Excavation Co., Pink Grading, Inc., and Melvin Sudbeck Homes, to furnish wheel loaders and snow hauling equipment services within the City of Omaha for the 2017-2018 winter season, are hereby accepted; and that, the Finance Department is authorized to pay the cost from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2017 expenditures – CCID 1181 – [see attached](#).
33. Res. that, as recommended by the Mayor, the contract with 14C, LLC dba 4C Construction, for the Locust Glen - Phase III Project for the construction of two new houses in the Locust Glen Neighborhood, 19th and Corby Streets, in the amount of \$384,000.00, is hereby approved, and the Finance Department is authorized to pay the cost of the Locust Glen - Phase III Project from the 2016 Nebraska Affordable Housing Trust Fund No. 12141, Organization No. 128101, and 2016 HOME Investment Partnerships Program, Fund No. 12179, Organization No. 128071 – CCID 1171 – [see attached](#).
34. Res. that, Councilmembers Chris Jerram, Aimee Melton, and Vinny Palermo shall assess damages, if any, to owners and parties affected by the vacation of the north/south alley between 17th and 18th Street south of “M” Street abutted by Lot 2, Block 6, McGavock & O’Keefes Subdivision, and Lot 2, Block 0, Hrabik 3rd Addition Subdivision. Said committee shall give reasonable notice to the owners and parties interested in the property affected by such vacation – CCID 1182 – [see attached](#).
35. Res. that, as recommended by the Mayor, the Purchasing agent is authorized to issue Purchase Orders to McCain, Inc. for traffic signal cabinets to be utilized by the Traffic Engineering Division; and that, the Finance Department is authorized to pay for these traffic signal cabinets in the amount of \$2,268,744.25 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2017 expenditures. Future reimbursements for a portion of these traffic signal cabinets are authorized into the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117 – CCID 1183 – [see attached](#).
36. Res. that, as recommended by the Mayor, Change Order No. 1 with Valley Corporation for additional work on OPW 52828, being the Oakbrook Channel Stabilization Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$153,413.38 for this change order from the 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217, year 2017 expenditures – CCID 1184 – [see attached](#).
37. Res. that, as recommended by the Mayor, the contract with Omaha Electric Service for OPW 53086, being the City of Omaha Traffic Maintenance Facility Standby Generator Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$136,500.00, of which \$116,500.00 will be paid from the Street And Highway Allocation Fund 12131, Capital (Traffic) Organization 116189, and \$20,000.00 will be paid from 2014 Public Facilities Fund 13246, Capital Organization 116262, year 2017 expenditures – CCID 1185 – [see attached](#).

38. Res. that, as recommended by the Mayor, Change Order No. 2 for OPW 52648, being the Missouri River Wastewater Treatment Plant Improvements – Schedule B2 Project, with Hawkins Construction Company for additional work, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$196,780.62 for this change order from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be used to finance this project – CCID 1186 – [see attached](#).
39. Res. that, as recommended by the Mayor, the contract with DPS, LLC for OPW 53237 being the 2017-2018 Sidewalk Snow/Ice Removal at Various Locations, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$64,125.00 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, 2017 expenditures – CCID 1187 – [see attached](#).
40. Res. that, as recommended by the Mayor, the contract with Valley Corporation for OPW 53043, being the Bulkhead Structure for Levee Penetrating Storm Sewer, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$413,004.43 from the Sewer Revenue Improvements Fund 21124, Sewer Separation Organization 116912, 2017 expenditures – CCID 1188 – [see attached](#).
41. Res. that, as recommended by the Mayor, the relocation agreement with MUD for the relocation of two gas mains within the 168th Street right-of-way at Dora Hamann Parkway and Burdette Street in the project area of OPW 52893, being the 168th Street – West Dodge Road to West Maple Road Project, is hereby approved; and that, the Finance Department is authorized to pay the Metropolitan Utilities District \$37,000.00 for these relocations from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2017 expenditures – CCID 1189 – [see attached](#).
42. Res. that, as recommended by the Mayor, the Purchase Order and facilities waiver with the Omaha Public Power District for electrical upgrades to the Burt IZard Lift Station as a part of OPW 52472, being the Burt IZard Lift Station Improvements Project, is hereby approved; and that, the purchasing agent be authorized to issue a PO to OPPD in an amount not to exceed \$288,347.00 which will be paid from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2017 expenditures; Sewer Revenue Bonds will be issued to finance this project – CCID 1190 – [see attached](#).
- REMOVED FROM CONSENT AGENDA**
43. Res. that, as recommended by the Mayor, the Professional Services Agreement with SCS Engineers to provide engineering services for the Solid Waste Collection Contract Assistance Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$99,515.00, which will be paid from the General Fund 11111, Solid Waste - Collect & Disposal Organization 116321, year 2017 expenditures – CCID 1191 – [see attached](#).

Motion by Festersen that **RESOLUTION # 1191** be approved

Seconded by Jerram

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

44. Res. that, as recommended by the Mayor, the Professional Services Agreement with Stantec Consulting Services, Inc. to provide engineering services for OPW 51313, being the Wastewater Cost Allocation and Rate Study Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$74,480.00, which will be paid from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2017 expenditures. Sewer Revenue Bonds will be issued to finance this project – CCID 1192 – [see attached](#).
45. Res. that, as recommended by the Mayor, the Professional Services Agreement with Emnet, LLC to provide engineering services for OPW 53265, being the Real Time Decision Support System (RT-DSS) Optimization Study Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$99,722.50, which will be paid as a part of the 2018-2023 Capital Improvements Program Environment Project #2007E503 from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918. Sewer Revenue Bonds will be issued to finance this project – CCID 1193 – [see attached](#).
46. Res. that, as recommended by the Mayor, Amendment No. 2 to the Engineering Services Agreement with Carollo Engineers, Inc. for the utility coordination professional services on the Riverview Lift Station Replacement Project, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$263,029.00 for these services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918. Sewer Revenue Bonds will be issued to finance this project, for fiscal year 2017 – CCID 1194 – [see attached](#).
47. Res. that, as recommended by the Mayor, the invoice of WorkForce Software, Inc. in the total amount of \$97,985.00, to secure maintenance for the EmpCenter Time and Attendance system for a period from October 25, 2017 to October 24, 2018, is hereby accepted, and the purchasing agent is authorized to issue a purchase order therefor. The Finance Department is authorized to pay the cost from Budget Year 2017, General Fund 11111, General Expense 119014 – CCID 1164 – [see attached](#).
48. Res. that, as recommended by the Mayor, the Professional Services Agreement with Alley Poyner Macchietto, Incorporated for a Nebraska Historic Buildings Survey (NeHBS) intensive level survey to document and evaluate historic resources associated with the historic streetcar routes, is hereby approved; and that, the Finance Department is authorized to pay \$33,100.00 for these professional services from the Historic Preservation Fund 12171, Organization 130728 – CCID 1169 – [see attached](#).
49. Res. that, as recommended by the Mayor, the Omaha Convention and Visitors Bureau's appropriation in the amount of \$310,656.00 for the use of the Destination Marketing Corporation for commitments from August 13, 2017 to November 14, 2023, is hereby approved; and that, the Finance Director is authorized to transfer \$310,656.00 for Fiscal Year 2017, from Fund No. 21109 – Omaha Convention and Visitors Bureau, Organization No. 115911 – OCVB – Admin, to Fund No. 21107 – Destination Marketing Corporation, Organization No. 115999 – Destination Marketing Corporation – CCID 1165 – [see attached](#).
 - A. Documentation submitted by Luis Jimenez – [see attached](#).

* * * * *

RESOLUTION

- 50. Res. that, the City Council hereby urges Congress to act swiftly to adopt the legislation necessary to protect America’s Dreamers – CCID 1196 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Communications in support – [see attached](#).
 - B. Communications in opposition – [see attached](#).

PUBLIC HEARING – The following person(s) appeared and spoke:

- PROPONENTS:** Jonathan Renteria, 11915 Wakeley Plaza
Dr. Eileen Burke-Sullivan, Vice Provost for Mission, Creighton University, 2500 California Plaza
David Weber, Professor of Law, Creighton University, 2500 California Plaza
Armando Becerril, 8075 Redick Avenue
James Sackett, 18412 Emile Circle, Elkhorn, NE
Jean Reiner, 5646 South 140th Avenue, for OTOC
Stanford Mommaerts-Brown, 1308 North 40th Street
Alejandra Escobar, 1414 Bancroft Street, for YNA
Amore Habbab-Mills, 106 Olde Hickory Road, Bellevue, NE
Samantha Chavez, 6216 South 140th Avenue
Janet Bonet, 4502 South 14th Street
Dena Draskovich, 16228 Rolling Ridge Road
- OPPONENTS:** Susan Gumm, 9718 South 176th Avenue, for NTPFF
Jim McGinnis, 4860 South 53rd Street
Larry Storer, 5015 Lafayette Avenue
Don Schleiger, 200 Keeline Avenue, Council Bluffs, IA

FOR THE CITY:

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

Motion by Palermo that **RESOLUTION # 1196** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

Pass: Harding, Melton

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Nays: None

Pass: Harding, Melton

(Councilmembers Harding and Melton passed twice because it is not the place of the City Council to consider federal issues.)

MOTION APPROVED 5-0-2 Pass

ORDINANCES ON SECOND READING

51. ORD. 41284 – An ordinance supplemental to Ordinance No. 35840, as supplemented by Ordinance No. 38029 and as supplemented by Ordinance 39227, authorizing and providing for an issue of special obligation refunding bonds in the aggregate principal amount of not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) to be termed for identification purposes “Special Obligation Refunding Bonds (Riverfront Redevelopment Project), Series 2017D” of the City of Omaha, Nebraska (the “City”) for the purpose of paying all or part of the cost of refunding certain bonded indebtedness of the City; prescribing the form and detail of said refunding bonds; ratifying and confirming the creation of a community development agency; providing for the annual certification of the amount of City funds encumbered for use in the same calendar year in connection with a sewer separation project; pledging certain cigarette tax revenues, tax allocation revenues, sewer revenues, land revenues and sales tax revenues to the payment of the principal of, premium, if any, and interest on said refunding bonds as the same fall due and to carry out all other covenants of this Supplemental Ordinance; limiting the obligation to pay said refunding bonds solely to said pledged revenues; authorizing the sale of said refunding bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said refunding bonds; appointing an Escrow Agent and a Paying Agent and Registrar; approving the selection of an underwriter and an escrow verification agent; directing that said refunding bonds shall initially be issued and registered in book-entry form; providing for continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said refunding bonds; and, providing for the effective date thereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

52. ORD. 41285 – An ordinance authorizing and providing for an issue of special tax revenue redevelopment refunding bonds, an issue of special tax revenue redevelopment crossover refunding bonds, and an issue of taxable special tax revenue redevelopment bonds in the aggregate principal amount of not to exceed Fourteen Million Dollars (\$14,000,000) to be termed for identification purposes “Special Tax Revenue Redevelopment Refunding Bonds, Series 2017A,” “Special Tax Revenue Redevelopment Crossover Refunding Bonds, Series 2017B” and “Special Tax Revenue Redevelopment Bonds, Taxable Series 2017C,” respectively; prescribing the form and detail of said bonds; ratifying and confirming the creation of a community development agency; providing for the annual certification of the amount of community redevelopment tax to be levied for each succeeding fiscal year; pledging the special tax revenues to the payment of the principal of and interest on said bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the payment of said bonds solely to said special tax revenues; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City of Omaha; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, a Paying Agent and Registrar; approving the selection of an underwriter and an escrow verification agent; directing that said bonds shall initially be issued and registered in book-entry form; providing for

continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said bonds; and, providing for the effective date thereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

53. ORD. 41277 – An ordinance to approve an agreement between the City of Omaha and Brenda L. Daley and Associates in the amount of \$36,504.00; to authorize funding for such agreement from the City of Omaha’s FY 2016 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods): Category 3, Grant Award #2016-GP-BX-0008, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to provide funding for the position of the Project Safe Neighborhoods (PSN) Director of Operations; involving appropriations of more than one (1) year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

54. ORD. 41278 – An ordinance to approve the acceptance of the City of Omaha and Douglas County joint application to the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Application #2017-H2311-NE-DJ, in the amount of \$380,836.00 for law enforcement programs, prevention and education programs, prosecution and court programs, mental health programs, and planning, evaluation and technology improvement programs during the period of October 1, 2016 to September 30, 2020; to provide the Council an opportunity for review and public comment for such application; upon award of such grant, 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; and, to provide for the effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

55. ORD. 41279 – An ordinance to accept the bid from LE Upfitter to enter into a two-year price agreement for ballistic vest systems with the option for two one-year extensions at the sole discretion of the City of Omaha, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide firm price commitments on ballistic vests for the first two years, which are to be provided to the Omaha Police Department on an as needed basis, with unit prices specifically determined by the bid, but the exact costs are indeterminate depending on the number of purchases made, and anticipated to be approximately \$497,745.00 for 900 vests over the four-year period; and,

to provide for the effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

56. ORD. 41280 – An ordinance approving an Agreement between the City of Omaha and Brian Sparks 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 Brian Sparks 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, 2017 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; and, to provide an effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

57. ORD. 41281 – An ordinance approving an Agreement between the City of Omaha and Douglas K. Nielsen 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 Douglas K. Nielsen 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, 2017 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; and, to provide an effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

58. ORD. 41282 – An ordinance to amend certain portions of Special Ordinance No. 10217, levying assessments for the improvement of a local roadway, by removing the assessment on the property located at 2626 South 97th Avenue in the total amount of \$2,528.55 plus accrued interest; and, to provide the effective date – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

59. ORD. 41283 – An ordinance to amend Omaha Municipal Code Chapter 36, Article III, Division 6, by creating a new section prohibiting pedestrian use of certain medians within the public right-of-way; to provide findings of legislative intent, definitions, enforcement procedures, and affirmative defenses; and, to provide an effective date hereof – (First Reading October 3, 2017; Second Reading and Public Hearing October 17, 2017; Third Reading October 24, 2017) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Anthony Cato Jr., 2596 Crown Point Avenue
George Huffaker, 5026 South 23rd Street
Janet Bonet, 4502 South 14th Street

OPPOSERS: James Medlock, 628 North 40th Street
Brian Gonzaba, 320 North 40th Street
Paul Michalak, 6517 South 115th Street
Luis Jimenez, 3126 Chicago Street
Jacob Wichert, 4509 Seward Street

FOR THE CITY: Ryan Wiesen, Assistant City Attorney
Deputy Chief Libby Davis, Omaha Police Department
Bob Stubbe, Public Works Director

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

* * * * *

NON-ACTION ITEMS

City Clerk Elizabeth Butler announced that Items 60 through 93 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.

Arbor View

60. ORD. 41294 – An ordinance to rezone property located southwest of 208th Avenue and Fort Street from AG-Agricultural District to DR-Development Reserve District - (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).

61. ORD. 41295 – An ordinance to rezone property located southwest of 208th Avenue and Fort Street from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).

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

62. Res. that, the Final Plat entitled Arbor View (Lots 236-381, Outlots E-H), located southwest of 208th Avenue and Fort Street, is hereby approved and accepted. The applicant is Charleston Homes, LLC – Outside City Limits – CCID 1172 – [see attached](#). **(LAID OVER TO OCTOBER 31, 2017 TO COINCIDE WITH ITEM 60)**

- A. Planning Board and Planning Department recommend approval – [see attached](#).
63. Res. that, the Subdivision Agreement among the City of Omaha, Charleston Homes, LLC, The Arbor View Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 561 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, Interceptor Sewer Fee, Watershed Management Fee, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Arbor View (Lots 236-381 and Outlots E-H) and is located southwest of 208th Avenue and Fort Street – CCID 1179 – [see attached](#). **(LAID OVER TO OCTOBER 31, 2017 TO COINCIDE WITH ITEM 60)**

Spruce 180

64. ORD. 41301 – An ordinance to rezone property located west of 180th Street and north of Corby Street from AG-Agricultural District to R4-Single Family Residential District (High Density) – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
65. Res. that, the Final Plat entitled Spruce 180 (Lots 1-148 and Outlots A-G), located west of 180th Street and north of Corby Street, is hereby approved and accepted. The applicant is Falcone Land Co. – Outside City Limits – CCID 1175 – [see attached](#). **(LAID OVER TO OCTOBER 31, 2017 TO COINCIDE WITH ITEM 64)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
66. Res. that, the Subdivision Agreement among the City of Omaha, Spruce 180, LLC, a Nebraska corporation, The Spruce 180 Owners Association, and Sanitary and Improvement District (S.&I.D.) 579 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, Interceptor Sewer Fee, Watershed Management Fee, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Spruce 180 (Lots 1-148 and Outlots A-G) and is located west of 180th Street and north of Corby Street) – CCID 1180 – [see attached](#). **(LAID OVER TO OCTOBER 31, 2017 TO COINCIDE WITH ITEM 64)**

Kings “L” Street

67. ORD. 41298 – An ordinance to rezone property located south of 66th Circle and “L” Street from DR-Development Reserve District and GC-General Commercial District to DR-Development Reserve District – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
68. ORD. 41299 – An ordinance to rezone property located south of 66th Circle and “L” Street from DR-Development Reserve District and GC-General Commercial District to CC-Community Commercial District – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).

- A. Planning Board and Planning Department recommend approval – [see attached](#).
69. ORD. 41300 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located south of 66th Circle and “L” Street – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
70. Res. that, the Final Plat entitled Kings “L” Street Addition, located south of 66th Circle and “L” Street is hereby approved, and concurrently a portion of the existing plat entitled Kings “L” Street Addition, is hereby vacated. The applicant is Russ Larson – Inside City Limits – CCID 1174 – [see attached](#). **(LAID OVER TWO WEEKS TO OCTOBER 31, 2017 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
71. Res. that, the Subdivision Agreement between the City of Omaha and Russ Larsen, an individual, as recommended by the Mayor, providing for the public improvements, Watershed Management Fee, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The subdivision is to be known as Kings “L” Street Addition Replat 1 (Lots 1-2 and Outlot A) and is located south of 66th Circle and “L” Street – CCID 1178 – [see attached](#). **(LAID OVER TO OCTOBER 31, 2017 TO COINCIDE WITH ITEM 67)**
72. Res. that, the Special Use Permit application submitted by Russ Larson to allow Convenience storage in a CC-Community Commercial District (property is also located within a FF-Flood Fringe Overlay District), located south of 66th Circle and “L” Street, Omaha, Nebraska, is hereby approved – CCID 1176 – [see attached](#). **(LAID OVER TWO WEEKS TO OCTOBER 31, 2017 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
73. Res. that, the Special Use Permit application submitted by Russ Larson, to allow Automotive sales in a CC-Community Commercial District (property is also located within a FF-Flood Fringe Overlay District), located south of 66th Circle and “L” Street, Omaha, Nebraska, is hereby approved – CCID 1177 – [see attached](#). **(LAID OVER TWO WEEKS TO OCTOBER 31, 2017 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

SPECIAL USE PERMITS

Broadcast Tower

74. Res. that, the Special Use Permit application submitted by T-Mobile to allow a Broadcast Tower with a waiver of Section 55-146, Height (62 feet) in a R2 District (property is also located within a MCC Overlay District), located at 7400 Military Avenue, is hereby

approved – CCID 1173 – [see attached](#). **(LAID OVER TWO WEEKS TO OCTOBER 31, 2017 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

Custom Manufacturing

75. Res. that, the Special Use Permit application submitted by Prodenco to allow Custom manufacturing in a CC-Community Commercial District, located 1407 North 203rd Street, Omaha, Nebraska, is hereby approved – CCID 1195 – [see attached](#). **(LAID OVER TWO WEEKS TO OCTOBER 31, 2017 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

RESOLUTIONS

76. Res. that, the Bijoux Residences Tax Increment Financing (TIF) Redevelopment Project Plan, for a redevelopment site located at 563 South 18th Street, which proposes a complete rehabilitation of the 3-story mixed-use structure, recommending the City's participation through the allocation of TIF in an amount up to \$250,000.00 to offset TIF eligible expenses for acquisition, rehabilitation costs, architectural and engineering fees, surveying and environmental work and public improvements as required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – CCID 1123 – [see attached](#). **(LAID OVER FROM THE OCTOBER 3, 2017 CITY COUNCIL MEETING TO THE OCTOBER 24, 2017 MEETING)**

77. Res. that, the attached The Center Aloft and Baxter Arena Redevelopment Project Plan, for redevelopment sites located at 6201 and 6221 Center Street, and 2425 South 67th Street, are comprised of two separate projects: project one is the issuance of redevelopment bonds to pay the City's obligation for public infrastructure improvements installed when the Baxter Arena was constructed; and project two is a Tax Increment Financing (TIF) Redevelopment Project, which proposes to redevelop the sites located at 6201 and 6221 Center Street into a five-story Aloft Hotel consisting of 110 rooms, conference and meeting spaces and 120 parking spaces, recommending the City's participation in the redevelopment of the Aloft Hotel project site through the allocation of TIF in an amount up to \$2,125,000.00 to offset TIF eligible expenses for acquisition, demolition, architectural and engineering fees, environmental, geotech and public improvements as required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – CCID 1135 – [see attached](#). **(LAID OVER FROM THE OCTOBER 3, 2017 CITY COUNCIL MEETING TO THE OCTOBER 24, 2017 MEETING)**

PLANNING ORDINANCES ON FIRST READING

78. ORD. 41297 – An ordinance to rezone the property located at 2545 Abbott Plaza from HI-Heavy Industrial District to CC-Community Commercial District (property is also located within an existing ACI-4(PL) Overlay District) – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
79. ORD. 41293 – An ordinance to rezone the properties located at 4114 Corby Street, 4304 Miami Street, 4306 Lake Street, 4219 Corby Street and 4013 Corby Street from R4(35)-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density) – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
80. ORD. 41296 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 12801 L Street – (First Reading October 17, 2017; **Second Reading October 24, 2017**; Third Reading, Public Hearing and Vote October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

ORDINANCES ON FIRST READING

81. ORD. 41302 - An ordinance to extend a contract by two years, to be effective from January 1, 2018 through December 31, 2019, with DPS Construction, LLC for the Transportation of Sludge Cake Project from the Missouri River and Papillion Creek Wastewater Treatment Plants in the amount of \$863,050.00; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; and, to provide for payments from specific accounts - (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
82. ORD. 41303 - An ordinance authorizing the issuance of a purchase order to Interstate PowerSystems for a price agreement for predictive/preventative maintenance services and inspection, maintenance and repair of plant engines and related equipment at the Missouri River Wastewater Treatment Plant and Papillion Creek Wastewater Treatment Plant in the amount of \$538,900.00. The price agreement will be effective for an initial period of 12 months and renewable for four separate one year periods; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; and, to provide for payments from a specific account – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).

83. ORD. 41304 - An ordinance vacating a portion of the 132nd Street right-of-way abutting a parcel commonly known as 333 South 132nd Street, legally described as that part of the 132nd Street Right of Way in the SW 1/4 of the NW 1/4 of Section 19, T15N, R12E of the 6th PM – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
84. ORD. 41286 – 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 a Real Estate Purchase Agreement with Ronald Gruhn, 4721 North 17th Street, Omaha, NE 68110, to convey the property located at 4717 North 17th Street, in consideration of the sum of \$836.91; there are no expenses associated with the transfer of the property to Ronald Gruhn – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
85. ORD. 41287 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the FY 2016 Assistance to Firefighters (AFG) Grant Program – Fire Prevention and Safety, Award #EMW-2016-FP-00807, in the amount of \$189,620.00, a match of \$9,480.00 provided by the Omaha Fire Department from Fund 12168, Organization 130625, and total program budget in the amount of \$199,100.00, during the project period of August 11, 2017 to August 10, 2019; to provide funding for one (1) full-time Community Fire Safety Education Specialist position focused on North Omaha, smoke and carbon monoxide (CO) tamper-resistant detectors, and promotional materials for the Omaha Fire Department’s Public Education Division as detailed in the attached grant application; to authorize payment from such grant funding and involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
86. ORD. 41288 – An ordinance to accept the bid of Sandry Fire Supply, LLC to provide various fire hoses for the Omaha Fire Department in the total amount of \$34,537.50; the term of the agreement is for a term of 36-months – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
87. ORD. 41289 – An ordinance to amend Section 23-232 of the Omaha Municipal Code, Referral of eligible, to modify the process for promotional appointments in the sworn police and fire service to make clear that applicants can be disqualified for promotions for Police and Fire Chief but not for other sworn positions – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017**; Third Reading October 31, 2017) – [see attached](#).
88. ORD. 41290 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 3817 Dewey LLC, to implement the West Farnam Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 3817 Dewey Avenue, which proposes a comprehensive rehabilitation of a historic 1912 apartment building located in the Blackstone neighborhood near the University of Nebraska Medical Center; the agreement authorizes the use of up to \$340,000.00 in excess ad valorem taxes (TIF) – (First

Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;**
Third Reading October 31, 2017) – [see attached](#).

89. ORD. 41291 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Sorensen Heights, LLC, to implement the Sorensen Heights Senior Housing Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 6657 North 56th Street, which proposes a multi-family senior housing development consisting of 75 two bedroom units, of which 67 will be for tenants at or below 60 percent AMI (Area Median Income) and 8 units will be market rate rentals; the agreement authorizes the use of up to \$500,000.00 in excess ad valorem taxes (TIF) – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;** Third Reading October 31, 2017) – [see attached](#).
90. ORD. 41292 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Lawnfield, LLC to implement The Centerline Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 7001 Oak Street, which proposes the new construction of a 158 unit market rate apartment complex, comprised of two connected five story buildings; the agreement authorizes the use of up to \$2,941,000.00 in excess ad valorem taxes (TIF) – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;** Third Reading October 31, 2017) – [see attached](#).
91. SPECIAL ORD. 10220 – A special ordinance levying a special assessment for fines and civil penalties in accordance with Chapter 48, Article I, Division 15, the City of Omaha Vacant and Abandoned Property Ordinance of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2017-01 – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;** Third Reading October 31, 2017) – [see attached](#).
92. ORD. 41310 – An ordinance to approve the execution of a Master Fiber IRU Conveyance and Conduit Sharing Agreement between the City of Omaha and ExteNet Systems Inc. ("ExteNet"), providing for ExteNet's usage of City right-of-way and conduit for optical fiber communication lines, and for the City's use of such communication lines – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;** Third Reading October 31, 2017) – [see attached](#).
93. ORD. 41311 – An ordinance to approve the execution of a Master Agreement for attachments in public right of way, between the City of Omaha and ExteNet Systems Inc. ("ExteNet"), providing for ExteNet's desire to construct, install, operate, modify, replace and maintain a Microcell network consisting of an attachment upon street light poles within certain public rights of way with the corporate boundaries of the City – (First Reading October 17, 2017; **Second Reading and Public Hearing October 24, 2017;** Third Reading October 31, 2017) – [see attached](#).

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EXECUTIVE SESSION

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

ADJOURNMENT

Motion by Jerram that the meeting be adjourned

Seconded by Harding

ROLL CALL:

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

Nays: None

Motion Passed 7-0

MEETING ADJOURNED AT: 4:47 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 October 17, 2017.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown

s/Elizabeth Butler
Elizabeth Butler

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 20TH DAY OF OCTOBER, 2017.