



**CITY OF OMAHA
34TH REGULAR CITY COUNCIL MEETING
NOVEMBER 7, 2017**

THE CITY COUNCIL met in Regular Session on Tuesday, November 7, 2017 at 2:30 P.M. (immediately following the Board of Equalization meeting) 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 # 1243 - Present: Harding, Melton, Pahls, Palermo, Festersen, Mr. President

Absent: Jerram

2. Council President Ben Gray led those present in the Pledge of Allegiance
3. Councilmember Pahls of District No. 5 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 November 3, 2017, notice of the Pre-Council and Regular City Council Meetings, November 7, 2017 – **CCID # 1244.**

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

COUNCILMEMBER JERRAM ENTERED THE LEGISLATIVE CHAMBERS

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:

PROPOSERS: Larry Jobeun, 11440 West Center Road, Attorney for the applicant
Luis Jimenez, 3126 Chicago Street

OPPOSERS: Christian Williams, 2425 South 144th Street, Attorney for SID #424
FOR THE CITY:

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

Motion by Harding that the following items be approved:

Item # 6 **ORDINANCE # 41317**; Item # 7 **ORDINANCE # 41318**;
Item # 8 **ORDINANCE # 41319**; Item # 9 **RESOLUTION # 1209**; and,
Item # 10 **RESOLUTION # 1210**;

Seconded by Gray

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Vantage

6. ORD. 41317 – An ordinance to rezone property located southeast of 156th and Ida Streets from AG-Agricultural District to DR-Development Reserve District – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

7. ORD. 41318 – An ordinance to rezone property located southeast of 156th and Ida Streets from AG-Agricultural District to R6-Low-Density Multiple-Family Residential District – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

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

8. ORD. 41319 – An ordinance to approve a PUD-Planned Unit Development Overlay District in a R6-Low-Density Multiple-Family Residential District, located southeast of 156th and Ida Streets, and to approve the Development Plan – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. Res. that, the Final Plat entitled Vantage (Lot 1 and Outlots A-C), located southeast of 156th and Ida Streets, is hereby approved and accepted. The applicant is Burlington Capital – Outside City Limits – CCID 1209 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
10. Res. that, the Subdivision Agreement between the City of Omaha and Vantage at Stone Creek, LLC, a Delaware corporation. The Subdivision is to be known as Vantage (Lot 1 and Outlots A-C) and is located southeast of 156th and Ida Streets – CCID 1210 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

City Clerk Elizabeth Butler stated that Items 11 through 12 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 11 through 12.

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

PROPOSERS: Lanny Israel, 4014 South 13th Street, owner

OPPOSERS:

FOR THE CITY:

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

Motion by Palermo that the following items be approved:

Item # 11 **ORDINANCE # 41305**; and, Item # 12 **ORDINANCE # 41306**;

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

11. ORD. 41305 – An ordinance to rezone the property located at 4014 and 4016 South 13th Street from GC-General Commercial District and CC-Community Commercial District to R7-Medium Density Multiple-Family Residential District – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

12. ORD. 41306 – An ordinance to amend the boundaries of the MCC-Major Commercial Overlay District, to incorporate into that district the property located at 4014 and 4016 South 13th Street – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

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

City Clerk Elizabeth Butler stated that Items 13 through 14 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 13 through 14.

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

PROPOSERS: Lawrence Butler, 4803 Northwest Radial Highway, owner

OPPOSERS:

FOR THE CITY:

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

Motion by Festersen that the following items be approved:

Item # 13 **ORDINANCE # 41307**; and, Item # 14 **ORDINANCE # 41308**;

Seconded by Gray

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

13. ORD. 41307 – An ordinance to rezone the property located at 4803 Northwest Radial Highway from GC-General Commercial District to CC-Community Commercial District – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

14. ORD. 41308 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 4803 Northwest Radial Highway – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

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

15. ORD. 41309 – An ordinance to rezone the property located at 928 South 72nd Street from GI-General Industrial District to CC-Community Commercial District (property is also located within the FF-Flood Fringe Overlay District and the ACI-2(65) Overlay District) – (First Reading October 24, 2017; Second Reading October 31, 2017; Third Reading, Public Hearing and Vote November 7, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Notice of the public hearing on November 7, 2017 was published in the Daily Record on October 24, 2017. Ordinance as approved on November 7, 2017 published in the Daily Record on November 15, 2017.

A. Planning Board and Planning Department recommend approval – [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 **ORDINANCE # 41309** be approved

Seconded by Gray

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

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LIQUOR

16. Class “C” Liquor License Application – SOS Bowling, LLC, dba “Sempecks Bowling & Entertainment”, 3375 Oak View Drive. (This is a new application for an old location.) Present Licensee is The V-Omaha, LLC, dba “Alley V”, who has a Class “C” Liquor License – CCID 1246 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

PROPOSERS: Don Pistillo, Pistillo Law, 11620 Arbor Street, Suite #200, Attorney
Steven Sempeck, Alley V, 3375 Oak View Drive, owner

OPPOSERS:

FOR THE CITY:

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

Motion by Harding that **RESOLUTION # 1246** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

17. Class “C” Liquor License Application – Steak and Vine, Inc., dba “Steak & Grapes”, 16920 Wright Plaza #118. (This is a new application for an old location.) Present licensee is NEBFYNEDYNE 15, Inc., dba “Louie’s Wine Dive”, who has a Class “C” Liquor License – CCID 1247 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

PROPOSERS: Mark Kitson, 12568 Yates Street, for Steak & Grapes

OPPOSERS:

FOR THE CITY:

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

Motion by Harding that **RESOLUTION # 1247** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

18. Class “I” Liquor License Application – Grandmother’s, Inc., dba “Don & Millie’s”, 16130 Evans Street. (This is a new application for a new location.) Notice was posted on the property on 10/26/17; Notification was sent to property owners within 500 feet on 10/27/17 – CCID 1248 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

PROPOSERS: Dean Rasmussen, Grandmother’s Inc., 16130 Evans Street

OPPOSERS:

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1248** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

19. Class “I” Liquor License Application – Kindair at the Benson Theatre, dba “Benson Theatre”, 6058 Maple Street. (This is a new application for a new location.) Notice was posted on the property on 10/26/17; Notification was sent to property owners within 500 feet on 10/27/17 – CCID 1249 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

PROPOSERS: Amy Hansen-Ryan, 8844 North 83rd Street, for Benson Theatre

OPPOSERS:

FOR THE CITY:

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

Motion by Festersen that **RESOLUTION # 1249** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

- 20. Class “D” Liquor License Application – MS Petroleum, LLC, dba “NP Mart”, 5608 Ames Avenue. (This is a new application for an old location.) Present Licensee is YS Corporation, dba “Big Bear Sinclair”, who has a Class “D” Liquor License – CCID 1250 – [see attached](#). (**PUBLIC HEARING AND VOTE TODAY**)

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

PROPOSERS: Arshad Nazir, 16962 Polk Street, for NP Mart

OPPOSERS: Reverend Portia Cavitt, Clair Memorial United Methodist Church, 5544 Ames Avenue

FOR THE CITY:

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

Motion by Melton that **RESOLUTION # 1250** be approved

Seconded by Harding

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

- 21. Class “K” Liquor License Application – Robert J. Rutar, Jr., LLC, dba “Jerry’s Bar”, 6301 Military Avenue. (This is a new application for an old location.) Presently holds a Class “C” Liquor License – CCID 1251 – [see attached](#). (**PUBLIC HEARING AND VOTE TODAY**)

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

PROPOSERS: Robert John Rutar Jr., 5623 Whitmore Street, for Jerry’s Bar

OPPOSERS:

FOR THE CITY:

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

Motion by Festersen that **RESOLUTION # 1251** be approved

Seconded by Harding

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 22 through 25 were held on October 31, 2017. (Notice of the public hearings was published in the Daily Record on October 27, 2017; Ordinances as approved will be published in the Daily Record on November 15, 2017.)

CONSENT AGENDA – ORDINANCES

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 22 WAS REMOVED FROM THE CONSENT AGENDA.

Motion by Melton that the CONSENT AGENDA – ORDINANCES be approved:
Item # 23 **ORDINANCE # 41316**; Item # 24 **ORDINANCE # 41314**; and,
Item # 25 **ORDINANCE # 41312**;

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

REMOVED FROM CONSENT AGENDA

22. ORD. 41315 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Duane Dowd and Nicholas 16 Group, LLC, to implement The Hub Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 1605 Nicholas Street, which proposes the renovation of an existing 14,335 square foot building, along with parking and site improvements on a parcel of approximately .80 acres to include a parking lot with 47 stalls, lighting and perimeter fencing; the agreement authorizes the use of up to \$300,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 24, 2017; Second Reading and Public Hearing October 31, 2017; Third Reading November 7, 2017) – [see attached](#).

Motion by Melton that **ORDINANCE # 41315** be approved

Seconded by Festersen

ROLL CALL:

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

Nays: None

Pass: Harding

(Councilmember Harding passed twice due to potential conflict of interest.)

MOTION APPROVED 6-0-1

23. ORD. 41316 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and CDGS 3618, LLC, to implement the Blackstone Corner Apartments and Shops Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at the northwest corner of 36th

and Farnam Streets, which proposes to convert the entire site into a six story, 136,000 square foot mixed-use structure with 50 subgrade parking stalls and on-street parking stalls; the agreement authorizes the use of up to \$2,800,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading October 24, 2017; Second Reading and Public Hearing October 31, 2017; Third Reading November 7, 2017) – [see attached](#).

- 24. ORD. 41314 – 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 Seventy-Five North Revitalization Corporation, 4383 Nicholas Street, Suite 306, Omaha, NE 68131, to convey the properties located at 2901 North 30th Street and 2890 Maple Street in consideration of \$1.00; there are no expenses associated with the transfer of the property to Seventy-Five North Revitalization Corporation – (First Reading October 24, 2017; Second Reading and Public Hearing October 31, 2017; Third Reading November 7, 2017) – [see attached](#).
- 25. ORD. 41312 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Workers Compensation and Safety Manager with a salary range of 22 AEC (\$75,236.72-\$90,054.64); to repeal Section 23 – 177 – (First Reading October 24, 2017; Second Reading and Public Hearing October 31, 2017; Third Reading November 7, 2017) – [see attached](#).

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Council President Gray announced that the public hearings on Agenda Items 26 through 40 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

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

PROPOSERS: Luis Jimenez, 3126 Chicago Street (Item #33)

OPPOSERS:

FOR THE CITY:

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

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

- Item # 26 **RESOLUTION # 1234;**
- Item # 27 **RESOLUTION # 1235;**
- Item # 28 **RESOLUTION # 1253;**
- Item # 29 **RESOLUTION # 1254;**
- Item # 30 **RESOLUTION # 1255;**
- Item # 31 **RESOLUTION # 1256;**
- Item # 32 **RESOLUTION # 1263;**
- Item # 33 **RESOLUTION # 1264;**
- Item # 34 **RESOLUTION # 1265;**
- Item # 35 **RESOLUTION # 1258;**
- Item # 36 **RESOLUTION # 1259;**
- Item # 37 **RESOLUTION # 1257;**
- Item # 38 **RESOLUTION # 1262;**
- Item # 39 **RESOLUTION # 1260; and,**
- Item # 40 **RESOLUTION # 1261;**

Seconded by Festersen

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

26. Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Sadler Electric, Inc., for Project MAPA-28(125), State Control No. 22728A, and OPW 53181, being the Signal Infrastructure Phase A3 Project, in the amount of \$2,762,370.50, with the City's local share of \$552,474.10 being paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2017 expenditures, in accordance with the approved program agreement with NDOT – CCID 1234 – [see attached](#).
27. Res. that, as recommended by the Mayor, the City Council concurs with the bid award to Sadler Electric, Inc., for Project MAPA-28(124), State Control No. 22727A, and OPW 53180, being the Signal Infrastructure Phase A2 Project, in the amount of \$2,089,773.40, with the City's local share of \$417,954.68 being paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2017 expenditures, in accordance with the approved program agreement with NDOT – CCID 1235 – [see attached](#).
28. Res. that, as recommended by the Mayor, the Public Works Department will obtain services for the implementation of a linear referencing system based on the Roads and Highways software from ESRI per Proposal Number P17-20399 and Quotation Number 20513834 and that the bidding procedures be waived in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique and non-competitive items; and that, the Purchasing Agent is authorized to issue a purchase order to ESRI in the amount of \$84,598.00 to be paid from the Street and Highway Allocation Fund 12131 – CCID 1253 – [see attached](#).
29. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Real Look, LLC for the purchase of painting services to be utilized by the Parking Division in the amount of \$47,425.00; and that, the Finance Department is authorized to pay the cost of this purchase from the Parking Revenue Fund 21116, Interstate Parking Organization 116241, year 2017 expenditures – CCID 1254 – [see attached](#).
30. Res. that, as recommended by the Mayor, the contract with Valley Corporation for OPW 52917 being the Backlog Manhole Repair and Rehabilitation Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$311,191.28 from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2017 expenditures – CCID 1255 – [see attached](#).
31. Res. that, as recommended by the Mayor, Change Order No. 6 with Roloff Construction, Inc. for additional work on OPW 52184, being the Gilmore Avenue Sewer Separation Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$84,956.98, for this change order, 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 1256 – [see attached](#).

32. Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Company to provide engineering services for OPW 53289, being the CSO projects requiring post construction and 404 permit monitoring Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$95,000.00, 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 1263 – [see attached](#).
33. Res. that, as recommended by the Mayor, Change Order No. 1 with Hawkins Construction Company for additional work on OPW 52658, being the Lake James to Fontenelle Park - Fontenelle Park Lagoon Improvements Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$144,457.32 for this change order, from the 2014 Parks and Recreation Fund 13356, Parks & Cultures Bonds Organization 117317, year 2017 expenditures – CCID 1264 – [see attached](#).
34. Res. that, as recommended by the Mayor, the Supplemental Agreement No. 1 with Alfred Benesch & Company to provide additional final design engineering services for the Blondo Street, 156th – Pepperwood Drive Phase 2 Project, known as Federal Aid Project MAPA-5127(1), State Control No. 22376, and OPW 50677, with a local share to the City of \$2,905.80 to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, is hereby approved – CCID 1265 – [see attached](#).
35. Res. that, the bid award to Anderson Excavating for the demolition of 4339 Lake Street, in the amount of \$20,123.00 is accepted; and that, the Purchasing Agent is authorized to issue a purchase order in the amount of \$20,123.00. The amount of this award shall be paid from Community Development Block Grant, Single Family Infill 2016, Fund No. 12186, Org. No. 128072 – CCID 1258 – [see attached](#).
36. Res. that, the contract change order from Becker Trenching and Water, Inc. for OPW 52901-SSD, Locust Glen Sanitary Sewer Extension Second Re-Bid increasing the contract amount to \$200,427.87 is hereby approved and the Finance Department is authorized to pay the cost of OPW 52901-SSD, Locust Glen Sanitary Sewer Extension Second Re-Bid in the total amount of \$200,427.87. Funds shall be payable from FY 2015 CDBG Target Area Program, Task 1.1507, Project 4793, Award No. 100276, Fund No. 12186, Organization No. 128072 in the amount of \$16,175.25; FY 2015 NSP 3 Program Income Locust Glen Sanitary Sewer Main, Task 1.6, Project 4818, Award No. 100290, Fund No. 12206, Organization No. 129165 in the amount of \$112,096.75; and Locust Glen Subdivision 2017 Task 10.1654, Project 5424, Award No. 100503 in the amount of \$72,155.87 – CCID 1259 – [see attached](#).
37. Res. that, as recommended by the Mayor, the bid in the total amount of \$337,500.00 from Dostals Construction, Inc. to furnish all labor, materials and equipment necessary for the construction of the playground improvements. The work includes, but is not limited to: new playground equipment installation, concrete walkways, safety surfacing, grading, and seeding, located at Standing Bear Lake, 6404 North 132nd Street, Omaha, Nebraska, being the best bid received within bid specifications, 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 total amount of \$337,500.00 from the 2014 Parks and Recreation Fund No. 13356, Organizations No. 117317 Parks and Cultures Bond – CCID 1257 – [see attached](#).

38. Res. that, as recommended by the Mayor, the proposal from Bibliotheca + 3M for Omaha Public Library Radio Frequency Identification System, is hereby approved; and, the Finance Department is authorized to pay up to \$533,000.00 cost thereof from 2017 Capital Improvement Plan Fund 13499, Organization 131593, Project 0835 – CCID 1262 – [see attached](#).
39. Res. that, the reappointment by Mayor Jean Stothert of M. Joan Fogarty, as an interested and qualified person in the field of interior design to the Landmarks Heritage Preservation Commission, to serve a term that will commence on November 6, 2017, and expire three (3) years thereafter on November 5, 2020, is hereby confirmed – CCID 1260 – [see attached](#).
40. Res. that, the reappointment by Mayor Jean Stothert of Kathryn R. Aultz, as an interested and qualified person from an existing historical society, to the Landmarks Heritage Preservation Commission, to serve a term that will commence on November 20, 2017, and expire three (3) years thereafter on November 19, 2020, is hereby confirmed – CCID 1261 – [see attached](#).

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ORDINANCES ON SECOND READING

41. ORD. 41313 – 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 Holy Name Housing Corporation, 4324 Fort Street, Omaha, NE 68111, to convey the property located at 5918 South 50th Street and 3602-3606 Maple Street, in consideration of the sum of \$1.00; there are no expenses associated with the transfer of the property to Holy Name Housing Corporation – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

42. ORD. 41320 – An ordinance approving the agreement between Omaha Public Library and Unique Management Services, Inc. to provide delinquent account collection and materials recovery services for Omaha Public Library for long overdue library materials, involving payments from appropriations of more than one fiscal year in accordance with Section 5.17 of the Home Rule Charter, for a two-year period with options to renew for one additional one year period; to authorize the Finance Department to make payments in an anticipated amount of \$45,000.00 per year to Unique Management Services, Inc. for the cost of such services – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

- 43. ORD. 41322 – An ordinance to accept the bid of Aramark Uniform Services to provide Linen, Towels (Laundered) for the Omaha Fire Department; the term of the agreement is for one year at a weekly cost of \$340.00 and total annual cost of \$17,680.00 with the City of Omaha parties having the option to extend the agreement monthly for an additional 24-month period at no increase in cost – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

- 44. ORD. 41323 – An ordinance to authorize the acceptance of the bid from Waste Connections of 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 the City of Omaha, 1956, as amended; for rubbish container service at various Omaha Police Department facilities in the annual bid amount of \$15,929.68; to provide firm price commitments for the first two years of the agreement and price escalators in the third year of the price agreement only in the event of, and in the amount of, landfill price increases – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

- 45. ORD. 41324 – An ordinance to approve an Agreement between the City of Omaha and Aon Risk Services Central, Inc., to provide broker services to the City of Omaha for one year with an option to extend for additional years for the purposes of procuring insurance for various City properties; the Agreement contemplates an annual fee of \$65,000.00 payable upon execution with a credit made against that amount from retail commissions received by Aon up to the amount of the fee – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

- 46. ORD. 41321 – An ordinance to approve and execute an agreement involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended, by and between the City of Omaha and Ameritas Life Insurance Corp. to provide administrative services for the City’s self-insured dental plan for a period of thirty-six (36) months commencing on January 1, 2018, and ending on December 31, 2020 with two additional one (1) year City options, in accordance with the lowest and best proposal submitted by Ameritas Life Insurance Corp – (First Reading October 31, 2017; Second Reading and Public Hearing November 7, 2017; Third Reading November 21, 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.

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NON-ACTION ITEMS

(Items 47 through 55 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON NOVEMBER 14, 2017 AND NOVEMBER 28, 2017 DUE TO THE VETERANS DAY HOLIDAY AND THANKSGIVING HOLIDAY)

RESOLUTIONS

47. Res. that, the Hinky Dinky #3 Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 4801-4811 NW Radial Highway which proposes a comprehensive rehabilitation of the property into three commercial bays to include an ice cream shop, a dance/performing arts studio and a neighborhood grocery store, recommending the City's participation through the allocation of TIF in an amount up to \$262,000.00 to offset TIF eligible expenses for building rehabilitation, architectural and engineering fees, environmental, 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 1221 – [see attached](#). **(LAID OVER TO THE NOVEMBER 21, 2017 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
48. Res. that, The Atlas (Allas) Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1609 Binney Street and 2922 North 16th Street which proposes to redevelop the properties by rehabilitating the existing buildings by changing the 4-plex apartment into a six unit building with the four 2-bedroom units as LIHTC units for income qualified households. The commercial building will be redeveloped as office space. No off-street parking is available, recommending the City's participation through the allocation of TIF in an amount up to \$78,000.00 to offset TIF eligible expenses for acquisition, rehabilitation of the structures, 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 1222 – [see attached](#). **(LAID OVER TO THE NOVEMBER 21, 2017 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
49. Res. that, the Eagle Heights Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northwest of 23rd and "N" Streets which proposes to construct a new four-story multi-family structure which will contain 44 affordable apartment units ranging from studios to three-bedrooms and on-site parking, recommending the City's participation through the allocation of TIF in an amount up to \$310,000.00 to offset TIF eligible expenses for acquisition, demolition, architectural and engineering fees, water/sewer main improvements, 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 1252 – [see attached](#). **(LAID**

OVER TO THE DECEMBER 5, 2017 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)

SPECIAL USE PERMIT

50. Res. that, the Special Use Permit application submitted by Rainwood Hill Properties, LLC, for a Major Amendment to a Special Use Permit to allow Nonputrescible landfill in an AG-Agricultural District, located southwest of 120th Street and Rainwood Road, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit – CCID 1245 – [see attached](#). **(LAID OVER TO THE NOVEMBER 21, 2017 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

PLANNING ORDINANCE ON FIRST READING WITH PLANNING BOARD ATTACHMENT

51. ORD. 41327 – An ordinance to approve a Major Amendment to the Mixed Use District Development Agreement for West Village Pointe, located southeast of 180th Street and West Dodge Road, between the City of Omaha and The Lerner Company, providing site development standards – (First Reading November 7, 2017; **Second Reading November 21, 2017**; Third Reading, Public Hearing and Vote December 5, 2017) – [see attached](#).
- A. Planning Board and Planning Department recommend denial of a Major Amendment to remove all pedestrian trails and trail connections in Outlot C and D – [see attached](#).
- B. Planning Board and Planning Department recommend approval of a Major Amendment that requires the pedestrian trail through Outlot D from 178th Avenue to Burke Street but eliminates the internal pedestrian trail in Outlot C, for the property located southeast of 180th Street and West Dodge Road – [see attached](#).

ORDINANCES ON FIRST READING

52. ORD. 41325 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “A” Flammable Liquids Storage District, to be known as District No. A-159, at 2910 “F” Street, as requested by Andrew Gangestad of Gangestad Properties, LLC – (First Reading November 7, 2017; **Second Reading and Public Hearing November 21, 2017**; Third Reading December 5, 2017) – [see attached](#).
53. ORD. 41328 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 563, LLC, to implement the Bijoux Residences Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 563 South 18th Street, which proposes to restore and rehabilitate the 3-story mixed-use structure; the agreement authorizes the use of \$246,757.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading November 7, 2017; **Second Reading and Public Hearing November 21, 2017**; Third Reading December 5, 2017) – [see attached](#).

54. ORD. 41329 - An ordinance to accept the bid of Abe's Trash, Inc. to provide seasonal rubbish container service for two (2) cubic yard containers for the Swimming Pools in the Recreation Division, located at Cryer Pool, Deer Ridge Pool, Elkhorn Pool, Gallagher Pool, Hanscom Pool, Hitchcock Pool, Karen Pool, Lee Valley Pool, Miller Water Park, Oak Heights Pool, Roanoke Pool, Spring Lake Pool, and Zorinsky Aquatic Center, Omaha, Nebraska in the amount of \$1,832.00 for the Parks, Recreation, and Public Property Department. The price agreement will be effective for an initial period of 12 months, effective October 1, 2017, and renewable for two separate one year periods – (First Reading November 7, 2017; **Second Reading and Public Hearing November 21, 2017**; Third Reading December 5, 2017) – [see attached](#).
55. ORD. 41326 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the Bureau of Justice Assistance, FY 2017 Criminal and Juvenile Justice and Mental Health Collaboration Program Grant, Award #2017-MO-BX-0052 in the amount of \$75,000.00, during the project period of October 1, 2017 to September 30, 2018; to build the Heartland Crisis Intervention Team's (CIT) capacity to comprehensively respond to people with mental illnesses in the Omaha metro area; 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 November 7, 2017; **Second Reading and Public Hearing November 21, 2017**; Third Reading December 5, 2017) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

Motion by Festersen that the meeting be adjourned

Seconded by Harding

ROLL CALL:

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

Nays: None

Motion Passed 7-0

MEETING ADJOURNED AT: 3:31 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 November 7, 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 9TH DAY OF NOVEMBER, 2017.