



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, FEBRUARY 6, 2018

@ 2:00 PM

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

OMAHA CITY COUNCILMEMBERS

Ben Gray – Council President	District 2
Chris Jerram – Council Vice President	District 3
Pete Festersen	District 1
Vinny Palermo	District 4
Rich Pahls	District 5
Brinker Harding	District 6
Aimee Melton	District 7

THE CITY COUNCIL OF THE CITY OF OMAHA met in open session on Tuesday, February 6, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Melton, Pahls, Palermo, Festersen, Harding, Jerram, Mr. President (Gray) – **CCID # 116.**

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

Councilmember Brinker Harding of District 6 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on February 2, 2018, notice of the Pre-Council and Regular City Council Meetings, February 6, 2018 – **CCID # 117.**

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

Kevin Andersen, Deputy Chief of Staff – Economic Development, Mayor’s Office
Troy Anderson, Deputy Chief of Staff – Development Services, Mayor’s Office

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

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

(Required notices of public hearings relating to this development were published in the Daily Record on January 23, 2018.)

6. ORD. 41404 – An ordinance to rezone property located at southeast of 52nd Street and Ames Avenue from R7-Medium Density Multiple Family Residential District to R7-Medium Density Multiple Family Residential District – (First Reading January 23, 2018; Second Reading January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
7. ORD. 41405 – An ordinance to rezone property located at southeast of 52nd Street and Ames Avenue from R7-Medium Density Multiple Family Residential District to GO-General Office District – (First Reading January 23, 2018; Second Reading January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
8. ORD. 41406 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located southeast of 52nd Street and Ames Avenue – (First Reading January 23, 2018; Second Reading

January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

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

**MOTION by Melton, SECOND BY Harding that the following items be approved:
Item # 6 ORDINANCE # 41404; Item # 7 ORDINANCE # 41405; and,
Item # 8 ORDINANCE # 41406;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 9 through 10 relate to the same project and would be considered together.

(Required notices of public hearings relating to this development were published in the Daily Record on January 23, 2018.)

9. ORD. 41407 – An ordinance to rezone property located at 6152 Military Avenue from GI-General Industrial District to NBD-Neighborhood Business District – (First Reading January 23, 2018; Second Reading January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

10. ORD. 41408 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6152 Military Avenue – (First Reading January 23, 2018; Second Reading January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Items 9 and 10.

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

**MOTION by Festersen, SECOND BY Jerram that the following items be approved:
Item # 9 ORDINANCE # 41407; and, Item # 10 ORDINANCE # 41408;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notices of public hearings relating to this development were published in the Daily Record on January 23, 2018.)

11. ORD. 41409 – An ordinance to rezone the property located at 1314 Pierce Street from GI-General Industrial District to NBD-Neighborhood Business District – (First Reading January 23, 2018; Second Reading January 30, 2018; Third Reading, Public Hearing and Vote February 6, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 11.

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

MOTION by Jerram, SECOND BY Festersen that ORDINANCE # 41409 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

SPECIAL USE PERMITS

(Required notices of public hearings relating to this development were published in the Daily Record on January 23, 2018.)

12. RES. 62 – Res. that, the Special Use Permit for site improvements and use of the overall site as a tribal campus for tribal services, health services, community center, transportation center, sweat lodge, and other incidental uses, for property located at 5701 South 85th Circle; and 5639, 5723, 5805, 5810, and 5820 South 86th Circle, Omaha, Nebraska, is hereby approved and Permits and Inspection Division is directed to issue the necessary permit therefore, provided the conditions set out in Exhibit "A" of the referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. 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 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPONENTS:

Brett Beller, 11440 West Center Road, Attorney for the applicant

Larry Wright Jr., 2602 J Street, Chairman of the Ponca Tribe of Nebraska

OPPONENTS:

Danielle Dring, 8712 West Dodge Road, Suite #400, Attorney for the opponent

Herb Grothe, 13207 Polk Street, owner of adjacent property

FOR THE CITY:

Chief Dan Olsen, Omaha Fire Department

Bernard in den Bosch, Deputy City Attorney

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

MOTION by Palermo, SECOND BY Jerram that RESOLUTION # 62 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notices of public hearings relating to this development were published in the Daily Record on January 23, 2018.)

13. RES. 63 – Res. that, the Special Use Permit to allow body and fender repair services, located southeast of 42nd and Leavenworth Streets, Omaha, Nebraska, is hereby approved and Permits and Inspection Division is directed to issue the necessary permit therefore, provided the conditions set out in Exhibit "A" of the 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 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

Luke Weatherly, Olsson Associates, 2111 South 67th Street

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

MOTION by Jerram, SECOND BY Gray that RESOLUTION # 63 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

14. RES. 118 – Class “C” Liquor License Application – Catch22, Inc., dba “Redeye Tavern & Grill”, 8437 West Center Road. (This is a new application for an old location.) Present licensee is Red Eye, Inc., dba “Red Eye Tavern”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

PROPOSERS:

Todd Mitteis, 9378 Douglas Street

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

MOTION by Harding, SECOND BY Melton that RESOLUTION # 118 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

15. RES. 119 – Class “I” Liquor License Application – Jesse’s, LLC, dba “Jesse’s Place”, 2311 North 24th Street. (This is a new application for an old location.) Present licensee is Kyles, Juanita, dba “Jesse’s Place”, who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

PROPOSERS:

Marcella Bogard, Jesse’s Place, 2311 North 24th Street

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

MOTION by Festersen, SECOND BY Gray that RESOLUTION # 119 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

16. RES. 120 – Class “D” Liquor License Application – RANA Property’s, LLC, dba “N P Mart”, 4229 North 60th Street. (This is a new application for an Old location with an expansion of the building.) Present licensee is All American Properties, LLC, dba “All American Pumps”, 4219 North 66th Street, who has a Class “D” Liquor License. Notice was posted on the property on 01/24/18; Notification was sent to property owners within 500 feet on 01/26/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

PROPOSERS:

Arshad Nazir, 16962 Polk Street, owner of NP Mart

Ann Gordon, 3907 North 67th, employee of Arshad Nazir

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

MOTION by Festersen, SECOND BY Gray that RESOLUTION # 120 be approved:

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

17. RES. 121 – SSB Brothers, LLC, dba “Tobacco Road Discounts”, 1414 S Saddle Creek Road, requests permission to appoint Shrestha Suraj manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 17.

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

MOTION by Jerram, SECOND BY Festersen that RESOLUTION # 121 be laid over one (1) week to February 13, 2018

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 18 through 24 were held on January 30, 2018.

(Required notices of the public hearings were published in the Daily Record on January 26, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 21 AND 22 WERE REMOVED FROM THE CONSENT AGENDA.

CONSENT AGENDA – ORDINANCES

18. ORD. 41400 - An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Rodolfo Quiroz, 2307 North 33rd Avenue, Omaha, NE 68111, to convey the property described in the agreement, located at 2303 North 33rd Avenue and 2310 1/2 North 33rd Avenue, in consideration of the sum of \$900.00; there are no expenses associated with the transfer of the property to Rodolfo Quiroz – (First Reading January

- 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#).
19. ORD. 41401 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Nikol Smith, 3841 Decatur Street, Omaha, NE 68111, to convey the property described in the agreement, located at 3839 Decatur Street, in consideration of the sum of \$500.00; there are no expenses associated with the transfer of the property to Nikol Smith – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#).
 20. ORD. 41402 – An ordinance providing for the transfer of Zorinsky Water Basin #1, near 204th and Center Street, from the Papio-Missouri River Natural Resources District (P-MRNRD), pursuant to an Inter-local Agreement dated December 13, 2012; to authorize the Mayor to execute the Warranty Deed – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#).
 21. SPECIAL ORD. 10225 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-04 – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#). **(REMOVED FROM CONSENT AGENDA)**
 - A. Amendment of the Whole requested by the Parks Department – [see attached](#).
 22. SPECIAL ORD. 10226 – An ordinance levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-05 – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#). **(REMOVED FROM CONSENT AGENDA)**
 - A. Amendment of the Whole requested by the Parks Department – [see attached](#).
 23. SPECIAL ORD. 10227 – An ordinance levying a special tax assessment for the removal and/or trimming of trees, bushes, shrubs, hedges and any other vegetation in accordance with Sections 37-1 through 37-95 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-06 – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#).
 24. ORD. 41403 – An ordinance approving an Interlocal Agreement between the City of Omaha and Douglas County, Nebraska, involving appropriations of more than one year as provided by Section 5.17 of the Home Rule Charter providing for the continuation of the Douglas Omaha Technology Commission, hereinafter referred to as “DOTComm” for a term from January 1, 2018 until December 31, 2027; to provide a method for the City and County to continue to work together and cooperate with one another in an effort to obtain information technology services and support in a secure and cost efficient and effective manner – (First Reading January 23, 2018; Second

Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#).

MOTION by Melton, SECOND by Harding that the CONSENT AGENDA – ORDINANCES be approved

**Item # 18 ORDINANCE # 41400;
Item # 20 ORDINANCE # 41402;
Item # 24 ORDINANCE # 41403;**

**Item # 19 ORDINANCE # 41401;
Item # 23 ORDINANCE # 10227; and,**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

21. SPECIAL ORD. 10225 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-04 – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#). **(REMOVED FROM CONSENT AGENDA)**

A. Amendment of the Whole requested by the Parks Department – [see attached](#).

MOTION by Jerram, Second by Harding that the AMENDMENT OF THE WHOLE for SPECIAL ORDINANCE # 10225 be APPROVED

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

22. SPECIAL ORD. 10226 – An ordinance levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-05 – (First Reading January 23, 2018; Second Reading and Public Hearing January 30, 2018; Third Reading February 6, 2018) – [see attached](#). **(REMOVED FROM CONSENT AGENDA)**

A. Amendment of the Whole requested by the Parks Department – [see attached](#).

MOTION by Jerram, Second by Harding that the AMENDMENT OF THE WHOLE for SPECIAL ORDINANCE # 10226 be APPROVED

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 25 through 40 were today. He asked that anyone that wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and to state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

25. RES. 122 – Res. that, as recommended by the Mayor, the contract with K-2 Construction for OPW 53013 being the Jones Street Sewer Relocation, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$310,763.70 from the Sewer Revenue Improvements Fund 21124, Neighborhood Sewer Renovation Organization 116911, year 2017 expenditure – [see attached](#).
26. RES. 123 – Res. that, as recommended by the Mayor, the contract with M.E. Collins Contracting Company, Inc. for OPW 53031 being the Mill Creek & 48th Street Stream Stabilization Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$201,376.06 from the 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217, year 2018 expenditure – [see attached](#).
27. RES. 124 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Husker Auto Group for the purchase of one (1) One Ton Extended Cab 4x4 Pickup to be utilized by the Environmental Quality Control Division in the amount of \$42,340.00; and that, the Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Interceptor Maintenance Organization 116717, year 2018 expenditure – [see attached](#).
28. RES. 125 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to CNG Fuel for the purchase of compressed natural gas fuel using the Voyager US Bank fuel card to be utilized by the Fleet Management Division in the amount of \$35,000.00; and that, the Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Fuel & Oil Organization 116174, year 2018 expenditure – [see attached](#).
29. RES. 126 – Res. that, as recommended by the Mayor, the Supplemental Agreement No. 1 between the City of Omaha and Alfred Benesch & Company for HSIP-64-7(127), State Control No. 22702, OPW 52937, being the 72nd & Maple Intersection Improvements Project, currently estimated to be \$12,721.17, which will be paid from the 2014 Transportation Bond Fund, 13184, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha – [see attached](#).
30. RES. 127 – Res. that, the First Amendment to the Subdivision Agreement among the City of Omaha, Sean J. Negus, and the Country Club Hills Homeowners Association, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Country Club Hills (Lots 1-15 and Outlots A-B) and is located southwest of 63rd and Girard Streets. – [see attached](#).

31. RES. 128 – Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Spruce 180, LLC, The Spruce 180 Owners Association, and Sanitary and Improvement District (S.&I.D.) 579 of Douglas County, Nebraska, as recommended by the Mayor, 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 – [see attached](#).
32. RES. 132 – Res. that, as recommended by the Mayor, between 6:00 p.m. on Saturday, February 17, 2018 and 8:00 a.m. on Sunday, February 18, 2018, Adams Park Community Center, 3230 John A Creighton Blvd., Omaha, Nebraska, shall be open to accommodate the Boy Scout Lock In and overnight security – [see attached](#).
33. RES. 133 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing of Husker Auto Group in the amount of \$27,960.00 for one (1) 2018 Chevrolet ¾ Ton Extended Cab 4x4 Pickup, having been determined to be the best available current price, is hereby accepted. The Finance Department is authorized to pay the cost of the 2018 Chevrolet ¾ Ton Extended Cab 4x4 Pickup in the amount of \$27,960.00 from the General Fund No. 11111 and Organization No. 115025, Ground Maintenance Contract, for the 2018 fiscal year – [see attached](#).
34. RES. 134 – Res. that as recommended by the Mayor, the purchase based upon the contract pricing of Husker Auto Group in the amount of \$28,861.00 for one (1) 2018 Chevrolet Silverado ½ Ton Crew Cab 4x4 Pickup with trailer brake controller package, which represents Nebraska State Contract bid pricing #14855 OC, having been determined to be the best available current price, is hereby accepted. The Finance Department is authorized to pay the cost of the 2018 Chevrolet Silverado ½ Ton Crew Cab 4x4 Pickup with trailer brake controller package in the amount of \$28,861.00 from the Marinas Fund No. 21111 and Organization No. 115451, N.P. Dodge Marina, for the 2018 fiscal year – [see attached](#).
35. RES. 135 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing of Husker Auto Group in the amount of \$33,438.00 for one (1) 2018 Chevrolet Silverado one Ton Extended Cab 4x4 Pickup, which represents Nebraska State Contract bid pricing #14588 OC, having been determined to be the best available current price, is hereby accepted. The Finance Department is authorized to pay the cost of the 2018 Chevrolet Silverado 1Ton Extended Cab 4x4 Pickup in the amount of \$33,438.00 from the Marinas Fund No. 21111 and Organization No. 115451, N.P. Dodge Marina, for the 2018 fiscal year – [see attached](#).
36. RES. 136 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing from Farmers National Company Lake Management, in the amount of \$27,400.00 for lake and pond management, located at Benson Lagoon, Hanscom Park, Gene Leahy Mall, Milles Landing, Ramble Ridge, and Towl Park, for the Parks, Recreation and Public Department, providing a unique and non-competitive service as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended, is hereby approved. That the Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$27,400.00 to Farmers National Company Lake Management from the General Fund No. 11111, Organization No. 115025, Ground Maintenance Contracts, for the 2018 fiscal year – [see attached](#).

37. RES. 137 – Res. that, as recommended by the Mayor, the purchase based upon the quote from NMC, INC., in the amount of \$25,931.56 for repairs to a CAT D6M Dozer, for the Parks, Recreation and Public Department, providing a unique and non-competitive service as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended, is hereby approved. That the Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$25,931.56 to NMC, INC. from the General Fund No. 11111, Organization No. 115031, Park Facilities Services, for the 2018 fiscal year – [see attached](#).
38. RES. 138 – Res. that, as recommended by the Mayor, in accordance with Section 5.16 of the Omaha Home Rule Charter, the Omaha Public Library is hereby authorized to purchase unique and non-competitive library books, publications, and materials from Midwest Tape in an amount not to exceed \$300,000.00 during the period of January 1, 2018 through December 31, 2018; and, the Finance Department is authorized to pay the \$300,000.00 cost thereof from the Library’s General Fund 11111, Organization 117016, year 2018 expenditures – [see attached](#).
39. RES. 139 – Res. that, as recommended by the Mayor, in accordance with Section 5.16 of the Omaha Home Rule Charter, the Omaha Public Library is hereby authorized to purchase unique and non-competitive library books, publications, and materials from OverDrive, Inc. in an amount not to exceed \$180,000.00 during the period of January 1, 2018 through December 31, 2018; and, the Finance Department is authorized to pay up to the \$180,000.00 cost thereof from the Library’s General Fund 11111, Organization 117016, Year 2018 expenditures – [see attached](#).
40. RES. 140 – Res. that, the nomination and appointment by Mayor Stothert of Gerald Egermier as a member of the Park and Recreation Board, to serve a three-year term commencing on February 13, 2018 and expiring February 12, 2021, replacing Othello Meadows, whose term expired June 23, 2017, be and hereby is confirmed and approved – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items # 25 through 40

The following person(s) appeared and spoke:

PROPONENTS:

Luis Jimenez, 518 North 40th Street – Items #27, #33, #34, #35

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

MOTION by Harding, SECOND by Festersen that the CONSENT AGENDA – RESOLUTIONS be approved

Item # 25 RESOLUTION # 122;
 Item # 27 RESOLUTION # 124;
 Item # 29 RESOLUTION # 126;
 Item # 31 RESOLUTION # 128;
 Item # 33 RESOLUTION # 133;
 Item # 35 RESOLUTION # 135;
 Item # 37 RESOLUTION # 137;
 Item # 39 RESOLUTION # 139; and

Item # 26 RESOLUTION # 123;
 Item # 28 RESOLUTION # 125;
 Item # 30 RESOLUTION # 127;
 Item # 32 RESOLUTION # 132;
 Item # 34 RESOLUTION # 134;
 Item # 36 RESOLUTION # 136;
 Item # 38 RESOLUTION # 138;
 Item # 40 RESOLUTION # 140;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

41. ORD. 41413 – An ordinance approving an amendment to a grant award contract with the Nebraska Department of Natural Resources for the Combined Sewer Overflow (CSO) Program, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to authorize the increase of grant funds received in the amount of \$1,073,908.00, as outlined in the amendment; to provide for reimbursements to a specific account – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [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. 41414 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and Center 60 Hospitality, LLC, a Nebraska limited liability company, to implement The Center Aloft and Baxter Arena Redevelopment Project Plan for the purpose of constructing the 60th & Center Aloft Hotel project, which proposes to redevelop the site into a five-story Aloft Hotel consisting of 110 rooms, conference room and meeting spaces, 120 parking spaces, consisting of pedestrian connections to improvements in the area; the agreement authorizes the use of up to \$2,125,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

The following person(s) appeared and spoke:

FOR THE CITY:

Bridget Hadley, Planning Department

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

43. ORD. 41415 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code by changing the salary for the employment classification known as City Maintenance Foreman III from 15.2 MC (\$55,530 to \$67,871) to 18.2 MC (\$64,307 to \$78,293); to repeal Section 23 - 177 as heretofore existing – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

The following person(s) appeared and spoke:

OPPONENT:

Steve Herber, 7613 North 153rd Circle

FOR THE CITY:

Austin Rowser, Public Works Department
Tim Young, Human Resources Director
Bernard in den Bosch, Deputy City Attorney

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

44. ORD. 41416 – An ordinance to approve a contact services agreement between the Omaha Convention and Visitors Bureau, a department of the City of Omaha, and Talley Management Group, Inc. for promoting the City of Omaha for the period of January 1, 2018 through December 31, 2019, with the option to extend for an additional two (2) years; to promote the City of Omaha as a premier destination for conventions and meetings to a targeted national audience in an amount not to exceed \$60,000.00 for the two-year period; to authorize the payments specified therein – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [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. 41417 – An ordinance approving an Agreement between the Omaha-Council Bluffs Metropolitan Area Planning Agency and the City of Omaha, involving the payment of money from appropriations of more than one (1) year, in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for terms and conditions under which MAPA will conduct a mapping project for the benefit of the City of Omaha and other local governmental entities for a period that shall start upon adoption of the Agreement until June 30, 2023; to authorize the Finance Department to pay the City's cost share of \$51,935.00 dollars with \$31,065.00 dollars being paid in the first six (6) months of 2018, and \$20,870.00 dollars being paid in the first six (6) months of 2019, from various funds of the Public Works Department, Planning Department, and Fire Department – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [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. 41418 – An ordinance approving an Interlocal Agreement between the City of Omaha and Douglas County, Nebraska, involving the payment of money from appropriations of more than one (1) year, in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions, under which Omaha will provide a cost share to utilize the services of the Douglas County GIS Department for the service period of January 1, 2018 through December 31, 2022; to authorize the Finance Department to pay the cost share based on the usage by the various City Departments, including the Public Works Department, Parks Department, Police Department, Fire Department and Planning Department – (First Reading January 30, 2018; Second Reading and Public Hearing February 6, 2018; Third Reading February 13, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

NON-ACTION ITEMS

(Items 47 through 57 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON FEBRUARY 20, 2018 DUE TO THE PRESIDENT'S DAY HOLIDAY)

KOZOL'S PONCA BUSINESS PARK

47. RES. 73 – Res. that, the Final Plat entitled Kozol's Ponca Business Park, located northeast of U.S. Highway 75 and Interstate 680, is hereby approved and accepted. The applicant is Robert Kozol – Inside City Limits – [see attached](#). **(LAID OVER TO FEBRUARY 13, 2018 TO COINCIDE WITH ITEM 49)**

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

48. RES. 78 – Res. that, the Subdivision Agreement between the City of Omaha and Green Shoe Investments, LLC a Nebraska Corporation, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Kozol Ponca Business Park (Lots 1-4) and is northeast of U.S. Highway 75 and Interstate 680 – [see attached](#). **(LAID OVER TO FEBRUARY 13, 2018 TO COINCIDE WITH ITEM 49)**

49. RES. 74 – Res. that, the Special Use Permit application submitted by Robert Kozol for a Special Use Permit to allow Convenience storage in a CC-Community Commercial District, located northeast of U.S. Highway 75 and Interstate 680, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. The proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#). **(LAID OVER TO FEBRUARY 13, 2018 TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

50. ORD. 41410 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Candlewood Hills, to allow for reconfiguration of the plaza area, alternative building placements and a reduction in the western buffer yard from 30 feet to five feet, located northwest of 122nd Street and West Dodge Road, between the City of Omaha and Royce Candlewood, LLC, providing site development standards –

(First Reading January 30, 2018; **Second Reading February 6, 2018**; Third Reading, Public Hearing and Vote February 13, 2018) – [see attached](#).

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

51. ORD. 41411 – An ordinance to rezone property located at 5000 and 5020 L Street from GC-General Commercial District to CC-Community Commercial District – (First Reading January 30, 2018; **Second Reading February 6, 2018**; Third Reading, Public Hearing and Vote February 13, 2018) – [see attached](#).

52. ORD. 41412 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5000 and 5020 L Street – (First Reading January 30, 2018; **Second Reading February 6, 2018**; Third Reading, Public Hearing and Vote February 13, 2018) – [see attached](#).

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

RESOLUTIONS

53. RES. 129 – Res. that, the Scott Tent and Awning Company Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1501 Howard Street which proposes the rehabilitation of a three story brick building into 16 market rate apartment units and 6,742 square feet of first floor commercial space with 16 parking stalls in the basement level and another 12 on-street parking stalls associated with the project, recommending the City’s participation through the allocation of TIF in an amount up to \$572,659.00, plus accrued interest, to offset TIF eligible expenses for acquisition, demolition, site preparation (infrastructure costs per application), architectural and engineering fees, 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 – [see attached](#). **(LAID OVER TO THE FEBRUARY 27, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

54. RES. 130 – Res. that, the Aksarben Early Childhood Development Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment site at 6801 Mercy Road which proposes the new construction of a 3-story, 70,000 square foot office structure, prepared by the Omaha City Planning Department and containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, approved by the City Council on October 20, 2015 by Resolution No. 1261, be and hereby is rescinded – [see attached](#). **(LAID OVER TO THE FEBRUARY 27, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

55. RES. 131 – Res. that, the AVANTI Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment of just over a one acre site at the corner of South 10th and Pierce Streets to include demolition of any remaining structures and the new construction of 19 2 bed/2 bath, for-sale row houses with garages, prepared by the Omaha City Planning Department and containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, approved by the City Council on March 1, 2016 by Resolution No. 175, be and hereby is

rescinded – [see attached](#). **(LAID OVER TO THE FEBRUARY 27, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

SPECIAL USE PERMITS

56. RES. 72 - Res. that, the Special Use Permit application submitted by Brian Spencer, for a Major Amendment to a Special Use Permit (assumed) to allow Large group living in a R6-Low-Density Multiple-Family Residential District and R7-Medium-Density Multiple-Family Residential District (property is also located in a ACI-1 Overlay District), located at 620 South 38th Avenue, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the 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 – [see attached](#). **(LAID OVER TO THE FEBRUARY 13, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**

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

ORDINANCES ON FIRST READING

57. ORD. 41419 – An ordinance to approve a Contract between the City of Omaha, and UNMC Physicians for Medical Direction Services for the Emergency Medical Care Services Program involving the payment of money from appropriations of more than one year in accordance with Sections 5.16 and 5.17 of the Omaha Home Rule Charter of the City of Omaha, 1956, as amended; to provide payment to the UNMC Physicians in the total amount of \$50,000.00 per year for a five-year term commencing on January 1, 2018 through December 31, 2022; funds for this contract will be paid from the Omaha Fire Department Fund 11111, Organization 114582, Professional Fees – **(First Reading February 6, 2018; Second Reading and Public Hearing February 13, 2018; Third Reading February 27, 2018)** – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:44 P.M.

I, ELIZABETH BUTLER, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on February 6, 2018.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown, Senior Administrative Clerk

s/Elizabeth Butler
Elizabeth Butler