



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, MARCH 13, 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, March 13, 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 Harding, Jerram, Melton, Pahls, Palermo, Festersen, Mr. President (Gray) – **CCID # 238**.

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

Councilmember Chris Jerram of District 3 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 March 9, 2018, notice of the Pre-Council and Regular City Council Meetings, March 13, 2018 – **CCID # 239**.

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

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

EDGEWATER 2ND ADDITION

City Clerk Elizabeth Butler stated that Items 6 and 7 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 February 27, 2018.)

6. RES. 240 – Res. that, the Preliminary Plat entitled Edgewater 2nd Addition, located northwest of 226th Plaza Circle and Edgewater Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Matt Dinsdale – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

7. RES. 241 – Res. that, the Final Plat entitled Edgewater 2nd Addition, located northwest of 226th Plaza Circle and Edgewater Road, is hereby approved and accepted. The applicant is Matt Dinsdale – Outside City Limits – [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 and # 7.

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

**MOTION by Harding, SECOND by Festersen that the following items be approved:
Item # 6 RESOLUTION # 240; and, Item # 7 RESOLUTION # 241;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notice of public hearing relating to this development was published in the Daily Record on February 27, 2018.)

8. ORD. 41422 – An ordinance to rezone the property located at 3306 Decatur Street from GC-General Commercial District and R5(35)-Urban Family Residential District to R5-Urban Family Residential District – (First Reading February 27, 2018; Second Reading March 6, 2018; Third Reading, Public Hearing and Vote March 13, 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 # 8.

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

MOTION by Melton, SECOND by Gray that ORDINANCE # 41422 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notice of public hearing relating to this development was published in the Daily Record on February 27, 2018.)

9. ORD. 41423 – An ordinance to rezone the property located at 3001 Leavenworth Street from GI-General Industrial District to NBD-Neighborhood Business District (property is also located within an ACI Overlay District) – (First Reading February 27, 2018; Second Reading March 6, 2018; Third Reading, Public Hearing and Vote March 13, 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 # 9.

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

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41423 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notice of public hearing relating to this development was published in the Daily Record on February 27, 2018.)

10. ORD. 41424 – An ordinance to rezone the property located at 3023-3029 Leavenworth Street from CC-Community Commercial District to NBD-Neighborhood Business District (property is located within an ACI Overlay District) – (First Reading February 27, 2018; Second Reading March 6, 2018; Third Reading, Public Hearing and Vote March 13, 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 # 10.

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

MOTION by Jerram, SECOND by Festersen that ORDINANCE # 41424 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notice of public hearing relating to this development was published in the Daily Record on February 27, 2018.)

11. ORD. 41425 – An ordinance to amend Section 1 (legal description) of Ordinance No. 37616, passed January 30, 2007, rezoning property located northwest of 204th and Harrison Streets from AG-Agricultural District to MU-Mixed Use District – Outside City – (First Reading February 27, 2018; Second Reading March 6, 2018; Third Reading, Public Hearing and Vote March 13, 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 Melton, SECOND by Gray that ORDINANCE # 41425 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

SPECIAL USE PERMIT

(Required notice of public hearing relating to this development was published in the Daily Record on February 27, 2018.)

- 12. RES. 174 – Res. that, the Special Use Permit to allow indoor entertainment, located at 13837 Industrial Road, 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 # 12.

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 174 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR AND KENO

- 13. RES. 242 – Class “C” Liquor License Application – BD, LLC, dba “Big Dog Beverage”, 20310 Wirt Street. (This is a new application for an old location.) Currently licensed to Gregurich, Larry dba “Big Dog Beverage”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPONENTS:

Josh Evert, 5149 North 173rd Circle

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 242 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

14. RES. 243 – Class “C” Liquor License Application – Craft S + B, LLC, dba “Craft Sliders + Beer”, 1213 Harney Street, Suite A. (This is a new application for a new location. Notice was posted on the property on 02/28/18; Notification was sent to property owners within 500 feet on 03/02/18 – [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:
Brady Brock, 1213 Harney Street

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 243 be approved

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

15. RES. 244 – Class “CK” Liquor License Application – Legends Aksarben, LLC, dba “Legends Patio Grill and Bar”, 6920 Pacific Street, Suite 100. (This is a new application for a new location.) Notice was posted on the property on 02/27/18; Notification was sent to property owners within 500 feet on 03/02/18 – [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:
Nick Saldi, 1403 North 181st Street

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 244 be approved

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

16. RES. 245 – Class “D” Liquor License Application – Aldi, Inc. (Kansas), dba “Aldi #42”, 2502 South 133rd Plaza. (This is a new application for a new location.) Notice was posted on the property on 02/27/18; Notification was sent to property owners within 500 feet on 03/02/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

The following person(s) appeared and spoke:

PROPOSERS:

Mike Kelley, 2804 South 87th Avenue, Attorney for the applicant

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

MOTION by Harding, SECOND by Jerram that RESOLUTION # 245 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

17. RES. 246 – Class “D” Liquor License Application – Steve’s Place Convenience Store, LLC, dba “Steve’s Place”, 2202 North 16th Street. (This is a new application for a new location.) Notice was posted on the property on 02/28/18; Notification was sent to property owners within 500 feet on 03/02/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

The following person(s) appeared and spoke:

PROPOSERS:

Leaster Gardner, Steve’s Place, 2202 North 16th Street

Steve Gardner, Steve’s Place, 2202 North 16th Street

OPPONENTS:

Camille Steed, 6551 Sahler Street

Anton Rocz, 1512 Burdette Street

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 246 be approved with the stipulation that there be no sales of single containers less than 32 ounces of beer and 375 milliliters of liquor

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items # 18 through # 21 would be considered together.

18. RES. 220 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted to operate a Big Red satellite keno location at 7024 Maple Street, Dundee’s Place Bar and Grill, in Omaha, Nebraska – [see](#)

[attached](#). (PUBLIC HEARING AND VOTE TODAY – LAID OVER FROM THE FEBRUARY 27, 2018 CITY COUNCIL MEETING)

19. RES. 221 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted to operate a Big Red satellite keno location at 11909 Calhoun Road, Junior’s Forgot Store Bar & Grill, in Omaha, Nebraska – [see attached](#). (PUBLIC HEARING AND VOTE TODAY – LAID OVER FROM THE FEBRUARY 27, 2018 CITY COUNCIL MEETING)
20. RES. 222 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted to operate a Big Red satellite keno location at 8437 W. Center Road, Redeye Tavern & Grill, in Omaha, Nebraska – [see attached](#). (PUBLIC HEARING AND VOTE TODAY – LAID OVER FROM THE FEBRUARY 27, 2018 CITY COUNCIL MEETING)
21. RES. 223 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted to operate a Big Red satellite keno location at 14210 Pierce Plaza, The Rusty Nail, in Omaha, Nebraska – [see attached](#). (PUBLIC HEARING AND VOTE TODAY – LAID OVER FROM THE FEBRUARY 27, 2018 CITY COUNCIL MEETING)

Council President Ben Gray opened the Public Hearing on Items # 18 through # 21.

The following person(s) appeared and spoke:

PROPONENTS:

Katrina M. Coffey, Vice-President of Marketing for Big Red Keno, 11248 John Galt Boulevard
Todd Mitteis, Redeye Tavern, 8437 West Center Road – Item # 20 only

OPPONENTS:

John Gerber, 7080 Binney Street – Item # 18 only

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 223 be approved

ROLL CALL VOTE:

Yeas: Harding, Jerram, Melton, Pahls, Palermo, Festersen, 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 22 through 25 were held on March 6, 2018.

(Required notices of the public hearings were published in the Daily Record on March 6, 2018.)

CONSENT AGENDA – ORDINANCES

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM # 23 WAS REMOVED FROM THE CONSENT AGENDA.

22. ORD. 41426 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 126th and Skypark Storm Replacement Project, identified as City Project No. OPW 53052, providing that the City negotiate with the property owner for a permanent easement, and right of entry; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading February 27, 2018; Second Reading and Public Hearing March 6, 2018; Third Reading March 13, 2018) – [see attached](#).

23. ORD. 41427 – An ordinance to amend Section 23-177 of the Omaha Municipal Code by changing the salary for the employment classification known as Parking Manager from 23.1 MC (\$76,807 to \$93,972) to 29.2 MC (\$96,564 to \$120,509); to repeal Section 23-177 as heretofore existing – (First Reading February 27, 2018; Second Reading and Public Hearing March 6, 2018; Third Reading March 13, 2018) – [see attached](#).
(REMOVED FROM CONSENT AGENDA)
 - A. Personnel Board recommends approval.

24. ORD. 41428 – An ordinance to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Public Works Specialist II with a salary range of 12.2 MC (\$49,655 to \$60,784); to repeal Section 23-177 as heretofore existing – (First Reading February 27, 2018; Second Reading and Public Hearing March 6, 2018; Third Reading March 13, 2018) – [see attached](#).
 - A. Personnel Board recommends approval.

25. ORD. 41429 – An ordinance to approve exercising both one-year options in a contract between the City of Omaha and SilverStone Group, Inc.; the contract was for a three-year term and was approved on August 18, 2015 by Ordinance No. 40449; the cost of the first one-year option being a monthly fee of \$14,650.00; such funds to be paid from General Fund 11111, Organizations 105011-105015 for services related to Human Resource functions, such as open enrollment, compliance and communication assistance, from General Fund 11111, Organizations 118018 (Active), 118014 (Retiree), 118015 (COBRA), Account 41331 for services related to healthcare, and from General Fund 11111, Organization 11817, Account 42135 for services related to worker's compensation and related fields – (First Reading February 27, 2018; Second Reading and Public Hearing March 6, 2018; Third Reading March 13, 2018) – [see attached](#).

MOTION by FESTERSEN, SECOND by MELTON that the CONSENT AGENDA – ORDINANCES be approved
Item # 22 ORDINANCE # 41426; Item # 24 ORDINANCE # 41428; and,
Item # 25 ORDINANCE # 41429;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

23. ORD. 41427 – An ordinance to amend Section 23-177 of the Omaha Municipal Code by changing the salary for the employment classification known as Parking Manager from 23.1 MC (\$76,807 to \$93,972) to 29.2 MC (\$96,564 to \$120,509); to repeal Section 23-177 as heretofore existing – (First Reading February 27, 2018; Second Reading and Public Hearing March 6, 2018; Third Reading March 13, 2018) – [see attached](#).
- A. Personnel Board recommends approval.

MOTION by Jerram, SECOND by Gray that ORDINANCE # 41427 be approved

ROLL CALL:

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

Nays: Melton, Palermo

MOTION APPROVED 5-2

(The public hearings on Agenda Items 26 through 44 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

CONSENT AGENDA – RESOLUTIONS

26. RES. 247 – Res. that, as recommended by the Mayor, the City Council of the City of Omaha hereby requests a relaxation of the Lateral Offset to Obstruction Design Standard established by the Board of Public Roads and Classifications as it pertains to the segment of NW Radial Highway located on State Route N-64 – [see attached](#).
27. RES. 248 – Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha and Sarpy County, Nebraska in the amount of \$5,548,712.79 for public involvement and construction phase services on the reconstruction of Harrison Street between 147th Street and 157th Street, is hereby approved; (The Finance Department is authorized to pay the cost share in the amount of 50% of the cost of said services, which cost share is currently estimated to be \$5,548,712.79, from the 2014 Transportation Bond Fund 13184, Organization 117117) – [see attached](#).

28. RES. 249 – Res. that, Councilmembers Chris Jerram, Aimee Melton, and Vinny Palermo shall assess damages, if any, to owners and parties affected by the vacation of a portion of Louis Drive right-of-way commencing approximately 78 feet east of the east right-of-way line of North 95th Street to the dead end of the Louis Drive right-of-way. Said committee shall give reasonable notice to the owners and parties interested in the property affected by such vacation – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
29. RES. 250 – Res. that, as recommended by the Mayor, the contract with Jackson's Complete Concrete for OPW 53315, in the amount of \$58,605.00, for the 2018 New Sidewalk Construction and Sidewalk Repair within the Southwest Quadrant of the City of Omaha, is hereby approved. (The Finance Department is authorized to pay the cost of \$58,605.00 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, and the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure) – [see attached](#).
30. RES. 251 – Res. that, as recommended by the Mayor, the contract with Jackson's Complete Concrete for OPW 53314, in the amount of \$58,890.00, for the 2018 New Sidewalk Construction & Sidewalk Repair within the Northeast Quadrant of the City of Omaha, is hereby approved. (The Finance Department is authorized to pay the cost of \$58,890.00 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, and the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2018 expenditure) – [see attached](#).
31. RES. 252 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Husker Auto Group in the total amount of \$27,367.00 for one (1) 1/2 ton extended cab 4x4 pickup to be utilized by the Environmental Quality Control Division for environmental inspections on the CSO Program. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Combined Sewer Overflow & Stormwater Program Organization 116714, year 2018 expenditure) – [see attached](#).
32. RES. 253 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Neenah Foundry/Deeter Operations for the purchase of Castings - Manhole Rings and Covers to be utilized by the Sewer Maintenance Division in the amount of \$71,745.00. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511) – [see attached](#).
33. RES. 254 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to 3M Company in the total amount of \$100,000.00 for 3M sign sheeting supplies to be utilized by the Traffic Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Traffic Control Signs Organization 116188, year 2018 expenditure) – [see attached](#).
34. RES. 255 – Res. that, as recommended by the Mayor, the Professional Services Agreement with George Butler Associates, Incorporated, for professional services associated with OPW 53367, being the 2018 Flow Meter Maintenance Project, in the amount not to exceed \$62,915.00 is hereby approved. (The Finance Department is

authorized to pay George Butler Associates, Incorporated a fee not to exceed \$62,915.00 for these professional services from the Sewer Revenue Fund 21121, Sewer Planning Unit Organization 116512, year 2018 expenditure) – [see attached](#).

35. RES. 256 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Together, in the amount of \$30,000.00 for the purpose of providing homelessness rapid re-housing services to near-homeless persons and families through the Together Rapid Re-housing program over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2017 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028) – [see attached](#).
36. RES. 257 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Heartland Family Service, in the amount of \$67,810.00 for the purpose of providing rapid re-housing for homeless persons and families over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2017 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028) – [see attached](#).
37. RES. 258 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and The Stephen Center, in the amount of \$38,400.00 for the purpose of providing shelter to 850 homeless persons and many families at its emergency shelter over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2017 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028) – [see attached](#).
38. RES. 259 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Siena/Francis House, in the amount of \$190,174.00 for the purpose of providing shelter to homeless persons and families at its emergency shelter facilities for approximately 3,500 homeless persons over the course of the one year period of said Agreement, is hereby approved. (Funds shall be paid from the City of Omaha FY 2017 Emergency Solutions Grant, Fund No. 12139, Organization No. 129028) – [see attached](#).
39. RES. 260 – Res. that, as recommended by the Mayor, the bid in the total amount of \$62,906.00 from Point Construction and Management to furnish all labor, materials and equipment necessary for the construction of sun shade improvements is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and that the Finance Department is authorized to pay the Funds in the amount of \$62,906.00 from the 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond) – [see attached](#).
40. RES. 261 – Res. that, as recommended by the Mayor, the purchase based upon the quote of Anderson Ford in the amount of \$40,000.00 each, for the total amount of \$80,000.00 for two (2) 2018 Ford F-450 XLT Dump Trucks, which represents Nebraska State Contract bid pricing #14704-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 two (2) Ford F-450 XLT Dump Trucks in the total amount of \$80,000.00 from the 2014 Parks and Recreation Fund No. 13356 and Organization No. 117317, Parks and Culture Bond, for the 2018 fiscal year) – [see attached](#).

41. RES. 262 – Res. that, as recommended by the Mayor, the purchase based upon the pricing from River City Recycling, in the amount of \$45,000.00 to provide tire recycling and dumpster services at Park Maintenance for the Parks, Recreation and Public Department. This is a unique and non-competitive service as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$45,000.00 to River City Recycling from the General Fund No. 11111, Organization No. 115027, Code Enforcement, for the 2018 fiscal year) – [see attached](#).
42. RES. 263 – Res. that, as recommended by the Mayor, to suspend the curfew at Common Ground Community Center located at 1701 Veterans Drive, from 10:00 p.m. on Saturday, April 28, 2018 to 6:00 a.m. on Sunday, April 29, 2018, for the Elkhorn High School Olympus Club Overnight Event – [see attached](#).
43. RES. 264 – Res. that, as recommended by the Mayor, payment to Elkhorn West Construction, Inc. in the amount of \$38,912.00, for the Omaha Police Department Basement Renovation project for the creation of a room for Digitally Recorded Evidence Access and Management, is hereby accepted. (The Finance Department of the City of Omaha is authorized to pay \$38,912.00 for the OPD Basement Renovation project from General Fund 11111, Organization 113141 Fleet and Facilities, Account 42415 M & R Land, Building, Improvements) – [see attached](#).
44. RES. 265 – Res. that, as requested by the Cable Television Access Corporation (CTAC) and City Council Law Committee approving the exercise of the option contained in Exhibit B, Paragraph 7 of the 2012 City of Omaha Cox Communications Cable Franchise Agreement to request high-definition broadcast of Public, Educational, and Governmental access signals, and to acquire through Cox Communications Omaha, LLC the transmission equipment required for such broadcast – [see attached](#).
 - A. Communication from Cox Communications Omaha, LLC – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items # 26 through # 44.

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

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

Item # 26 RESOLUTION # 247;	Item # 27 RESOLUTION # 248;
Item # 28 RESOLUTION # 249;	Item # 29 RESOLUTION # 250;
Item # 30 RESOLUTION # 251;	Item # 31 RESOLUTION # 252;
Item # 32 RESOLUTION # 253;	Item # 33 RESOLUTION # 254;
Item # 34 RESOLUTION # 255;	Item # 35 RESOLUTION # 256;
Item # 36 RESOLUTION # 257;	Item # 37 RESOLUTION # 258;
Item # 38 RESOLUTION # 259;	Item # 39 RESOLUTION # 260;
Item # 40 RESOLUTION # 261;	Item # 41 RESOLUTION # 262;
Item # 42 RESOLUTION # 263;	Item # 43 RESOLUTION # 264; and,
Item # 44 RESOLUTION # 265;	

ROLL CALL VOTE:

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

MOTION APPROVED 7-0

RESOLUTION

45. RES. 266 – Res. that, the Law Department is authorized to make an offer to allow judgment under specified terms to be taken against the City of Omaha in litigation pending in the United States District Court for the District of Nebraska entitled *Loan T. Nguyen, et al. v. City of Omaha, et al.*, Case No. 8:17-cv-251, in the total collective amount of \$232,000.00, inclusive of all damages, with all claims against individual defendants to be dismissed with prejudice; and, if the offer is accepted and judgment entered, the funds shall be paid from the Judgment Fund, Special Levy Judgment Fund No. 12111, Org. No 121101, and Acct. No. 46113 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item # 45.

The following person(s) appeared and spoke:

FOR THE CITY:

William Acosta-Trejo, Assistant City Attorney

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

MOTION by Melton, SECOND by Festersen that RESOLUTION # 266 be postponed one (1) week to the March 20, 2018 City Council meeting

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

46. ORD. 41433 – An ordinance approving Amendment No. 9 to a professional program management agreement with CH2M Hill Engineers, Inc. for the Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), in the amount not to exceed \$27,749,869.00. (This contract involves 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 Finance Department to pay for the services as outlined in Amendment No. 9; to authorize the reimbursements to be paid from a specific account; and to provide an effective date hereof; and where the City of Omaha requires professional program management with the implementation of the Comprehensive Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) as required by the State of Nebraska Department of Environmental Quality and the U.S. Environmental Protection Agency; and where the Finance Department is authorized to pay the fees for this contract amendment not to exceed \$27,749,869.00 with an end date of the contract no later than 1,095 calendar days after the approval of this ordinance and notice to proceed with the work.) – (First Reading March 6, 2018; Second Reading and Public Hearing March 13, 2018; Third Reading March 20, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

- A. Documentation submitted by Jim Theiler – Public Works Department – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item # 46.

The following person(s) appeared and spoke:

PROPONENTS:

Tom Heineman, 210 South 16th Street, CH2M Hill Engineers

FOR THE CITY:

Jim Theiler, Public Works Department

Franklin Thompson, Human Rights and Relations Director

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

47. ORD. 41434 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Elkhorn WWTF Decommissioning and Interceptor Sewer Extension project identified as City Project No. OPW 52982, providing that the City negotiate with the property owners for land acquisition, permanent easement, and temporary easement, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading March 6, 2018; Second Reading and Public Hearing March 13, 2018; Third Reading March 20, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item # 47.

FOR THE CITY:

Bob Stubbe, Public Works Director

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

48. ORD. 41435 – 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-160, at 5404 Abbott Drive, as requested by Jeffrey Rau of Hertz Realty Corporation – (First Reading March 6, 2018; Second Reading and Public Hearing March 13, 2018; Third Reading March 20, 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 49 through 62 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.)

WEST SIDE REPLAT 7

49. ORD. 41430 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R8-High-Density Multiple-Family District, located northeast of Saddle Creek Road and Pacific Street, to approve the Development Plan – (First Reading March 6, 2018; Second Reading March 13, 2018; **Third Reading, Public Hearing and Vote March 20, 2018**) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
50. ORD. 41431 – An ordinance to rezone the property located northeast of Saddle Creek Road and Pacific Street from R4(35)-Single-Family Residential District (high density), GC-General Commercial District and GI-General Industrial District to R8-High-Density Multiple-Family District – (First Reading March 6, 2018; Second Reading March 13, 2018; **Third Reading, Public Hearing and Vote March 20, 2018**) – [see attached](#).
51. ORD. 41432 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northeast of Saddle Creek Road and Pacific Street – (First Reading March 6, 2018; Second Reading March 13, 2018; **Third Reading, Public Hearing and Vote March 20, 2018**) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
52. RES. 226 – Res. that, the Preliminary Plat entitled West Side Replat 7, located northeast of Saddle Creek Road and Pacific Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Saddlecreek 1011, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO MARCH 20, 2018 TO COINCIDE WITH ITEM 49)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
53. RES. 227 – Res. that, the Final Plat entitled West Side Replat 7, located northeast of Saddle Creek Road and Pacific Street, along with the conditions, is hereby approved and concurrently a portion of the existing plat entitled Everett Place, and described on said replat, is hereby vacated. The applicant is Saddlecreek 1011, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO MARCH 20, 2018 TO COINCIDE WITH ITEM 49)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

54. RES. 189 – Res. that, the Saddlecreek 1011 Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northeast of Saddle Creek Road and Pacific Street which proposes the new construction of two, three-story townhome-style structures consisting of 24 units, one, five-story multi-family structure consisting of 134 units, and approximately 170 parking stalls, recommending the City's participation through the allocation of TIF in an amount up to \$2,628,000.00, 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 MARCH 20, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO COINCIDE WITH ITEM 49)**

STREET IMPROVEMENT DISTRICT ORDINANCES ON FIRST READING

55. ORD. 41436 – An ordinance to create Street Improvement District No. 6886, in the City of Omaha, for the purpose of improving South 85th Street, from Pacific Street north to the end of the cul-de-sac, by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading March 13, 2018; **Second Reading March 20, 2018**; Third Reading, Public Hearing and Vote March 27, 2018) – [see attached](#).
56. ORD. 41437 – An ordinance to create Street Improvement District No. 6887, in the City of Omaha, for the purpose of improving South 86th Street, from Pacific Street to Shamrock Road, by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading March 13, 2018; **Second Reading March 20, 2018**; Third Reading, Public Hearing and Vote March 27, 2018) – [see attached](#).

ORDINANCES ON FIRST READING

57. ORD. 41438 – An ordinance authorizing the issuance of a purchase order to D.P.C. Industries, Inc. in the amount of \$599,250.00 for the purchase of sodium hypochlorite to be utilized at the Water Resource Recovery Facilities to be effective for a period of 12 months and is extendable for two one-year periods with approval of both parties; 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; to provide for payments from a specific account – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).

58. ORD. 41439 – An ordinance authorizing the issuance of a purchase order to Faure Enterprises, Inc. dba Painting and More in the amount of \$103,635.00 for maintenance painting and coating at the Missouri River Water Resource Recovery Facility, Papillion Creek Water Resource Recovery Facility, and Lift Stations to be effective for a period of 12 months from the date of award and is extendable for two one-year periods with approval of both parties; 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; to provide for payments from a specific account – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).
59. SPECIAL ORD. 10228 – An ordinance, levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District 6876, in the City of Omaha, to cover the cost of constructing and improving Poppleton Avenue from 78th Avenue to 80th Street, in Portland cement concrete – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).
60. SPECIAL ORD. 10229 – An ordinance, levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District 6877, in the City of Omaha, to cover the cost of constructing and improving South 78th Avenue, from Woolworth Avenue north to Poppleton Avenue, in Portland cement concrete – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).
61. ORD. 41440 – 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 RLT Premier, LLC to convey the property described in the agreement, located at 1706 North 34th Street, in consideration of the sum of \$500.00; there are no expenses associated with the transfer of the property to RLT Premier, LLC – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).
62. ORD. 41441 – An ordinance that, as recommended by the Mayor, the Omaha Public Library is hereby authorized to approve a bid from Petties Unique Cleaning Solutions to provide janitorial services for various library facilities in the amount of \$154,000.00 annually from April 1, 2018 to March 31, 2020 with two one-year options to extend. (This is in accordance with Section 5.16 of the Omaha Home Rule Charter and in accordance with the low bid submitted meeting specifications. The library locations include: W. Dale Clark Library, Milton R. Abrahams Branch, Benson Branch, Bess Johnson Elkhorn Branch, Florence Branch, Millard Branch, A.V. Sorensen Branch, W. Clarke Swanson Branch, Charles B. Washington Branch, and Willa Cather Branch. The Finance Department is authorized to pay the \$154,000.00 cost thereof from the Library's General Fund 11111, Organization 117014, Object 42274, year 2018 expenditures.) – (First Reading March 13, 2018; **Second Reading and Public Hearing March 20, 2018**; Third Reading March 27, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 3:11 P.M.

I, ELIZABETH BUTLER, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on March 13, 2018.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown, Executive Secretary

s/Elizabeth Butler
Elizabeth Butler