



**CITY OF OMAHA  
CITY COUNCIL AGENDA  
TUESDAY, AUGUST 27, 2019**

**LEGISLATIVE CHAMBERS @ 2:00 P.M.  
1819 Farnam Street, Omaha, NE 68183  
[www.cityofomaha.org](http://www.cityofomaha.org)**

**Agenda and materials are available online at  
<https://cityclerk.cityofomaha.org/city-council/agendas>**

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**CALL TO ORDER**

1. Roll Call
2. Pledge of Allegiance
3. Remarks by Councilmember Aimee Melton of District No. 7

**CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT**

4. City Clerk certifies publication in the Daily Record, the Official Newspaper of the City of Omaha on August 23, 2019, notice of the Pre-Council and Regular City Council Meetings, August 27, 2019.

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. Presentations and Proclamations

WHENEVER ANY PERSON HAS BEEN INVITED TO SPEAK, OR HAS BEEN GRANTED THE OPPORTUNITY OF SPEAKING BEFORE THE COUNCIL DURING A HEARING, EACH PERSON WILL BE REQUESTED TO BE BRIEF, AND TO LIMIT HIS OR HER PRESENTATION TO TEN MINUTES. WHEN MORE THAN ONE PERSON WISHES TO ADDRESS THE COUNCIL ON A GIVEN QUESTION, THE PROPONENTS WILL BE GIVEN THE OPPORTUNITY OF FIRST ADDRESSING THE COUNCIL. THE OPPONENTS OF THE QUESTION WILL BE GIVEN THE OPPORTUNITY TO SPEAK AFTER THE PROPONENTS' PRESENTATION. THE PROPONENTS WILL BE GIVEN A BRIEF PERIOD FOR REBUTTAL OF ANY NEW MATERIAL INTRODUCED DURING THE OPPONENT'S PRESENTATION, AFTER WHICH THE PUBLIC HEARING WILL BE CONCLUDED. IT IS CITY COUNCIL PROCEDURE THAT EACH SIDE RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

## **BUDGET RESOLUTIONS FOR FISCAL YEAR 2020**

*(THE PUBLIC HEARING ON THE BUDGET AND CAPITAL IMPROVEMENT PROGRAM (CIP) WAS HELD ON AUGUST 13, 2019)*

*(MAYOR'S RECOMMENDED [BUDGET](#) FOR 2020 AS PRESENTED ON JULY 23, 2019)*

6. RES. 2019-816 – Res. that, the Recommended 2020 Budget be revised by increasing appropriations in the General Fund in Planning by \$76,505.00 and by decreasing appropriations in Other Budgetary Accounts-Contingency Liability Expense by \$76,505.00 – [see attached](#). **(VOTE TODAY)**
7. RES. 2019-817 – Res. that, the Recommended 2020 Budget be revised by increasing appropriations in the General Fund in Other Budgetary Accounts-Community Service Programs by \$25,000.00 and by decreasing appropriations in Other Budgetary Accounts-Contingency Liability Expense by \$25,000.00 – [see attached](#). **(VOTE TODAY)**
8. RES. 2019-818 – Res. that, the Recommended 2020 Budget be revised by increasing appropriations in the General Fund in Other Budgetary Accounts-Community Service Programs by \$35,000.00 and by decreasing appropriations in Other Budgetary Accounts-Contingency Liability Expense by \$35,000.00 – [see attached](#). **(VOTE TODAY)**
9. RES. 2019-819 – Res. that, the Recommended 2020 Budget be revised by increasing appropriations in the General Fund in Other Budgetary Accounts-Community Service Programs by \$63,000.00 and by decreasing appropriations in Other Budgetary Accounts-Contingency Liability Expense by \$63,000.00 – [see attached](#). **(VOTE TODAY)**
10. RES. 2019-820 – Res. that, to raise revenue estimates and revise the expenditures of the 2020 Budget, including General Fund revenues of \$322,010.00 and appropriations of \$322,010.00, Debt Service Fund revenues of \$258,940.00 and appropriations of \$358,094.00, Redevelopment Fund revenues of \$40,210.00 and appropriations of \$402.00, Judgment Fund revenues of \$9,279.00 and appropriations of \$93.00, Street and Highway Fund revenues of \$78,244.00 and appropriations of \$212,776.00, City Street Maintenance Revenue of \$25,200.00, and Sewer Revenue Fund appropriations of \$553,692.00 because of the areas annexed into the City on July 31, 2019 – [see attached](#). **(VOTE TODAY)**
11. RES. 2019-821 – Res. that, upon affirmative vote by more than 75% of the City Council the budgeted restricted funds for Fiscal Year 2020 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Statute §13-519 – [see attached](#). **(VOTE TODAY, APPROVAL REQUIRES A VOTE OF 6 COUNCILMEMBERS)**
12. RES. 2019-822 – Res. that, the Budget of the City of Omaha for the year 2020 as submitted to the City Council by the Mayor and the Finance Director of the City of Omaha together with revisions evidenced by resolutions and adopted by the City Council at the Council Meeting of August 27, 2019, be and the same is hereby adopted as the Budget of the City of Omaha for the year 2020 – [see attached](#). **(VOTE TODAY)**

## **CAPITAL IMPROVEMENT PROGRAM 2020-2025**

13. RES. 2019-823 – Res. that, the 2020-2025 Capital Improvement Program shall be and the same is hereby approved – [see attached](#). **(VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).  
B. Amendment requested by Councilmember Festersen – [see attached](#).

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

### **SOUTH FARM REPLAT 2**

14. RES. 2019-807 – Res. that, the Preliminary Plat entitled South Farm Replat 2, a minor plat outside the city limits, located southwest of 144th and Pacific Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is South Farm LLC, Jeffrey A. Silver – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **TOWN CENTER WEST**

15. RES. 2019-808 – Res. that, the Preliminary Plat entitled Town Center West, a subdivision outside the city limits, with waivers to Section 53-9(9) Sidewalks along the west side of 210th Street from West Center Road to Gold Circle and Section 53-8(2)(b) Cul-de-sac length, located northwest of 204th Street and West Center Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is 204th Street LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **SPRUCE 180 REPLAT ONE**

16. RES. 2019-809 – Res. that, the Preliminary Plat entitled Spruce 180 Replat One, located southeast of 181st and Spencer Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Falcone Land Co – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **PACIFIC STREET WEST REPLAT FIFTEEN**

17. RES. 2019-810 – Res. that, the Preliminary Plat entitled Pacific Street West Replat Fifteen, a subdivision outside the city limits, located northwest of 203rd and Pierce Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Magnum Development Corporation – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **POPPLETON PARK REPLAT 3**

18. ORD. 41931 – An ordinance to rezone property located northeast of Saddle Creek Road and Davenport Street from R3-Single Family Residential District (Medium Density) and GC-General Commercial District to CC-Community Commercial District – (First Reading August 13, 2019; Second Reading August 20, 2019; Third Reading, Public Hearing and Vote August 27, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
19. ORD. 41932 – An ordinance to rezone property located northeast of Saddle Creek Road and Davenport Street from R3-Single Family Residential District (Medium Density) and GC-General Commercial District to R5-Urban Family Residential District – (First Reading August 13, 2019; Second Reading August 20, 2019; Third Reading, Public Hearing and Vote August 27, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
20. ORD. 41933 – 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 Davenport Street – (First Reading August 13, 2019; Second Reading August 20, 2019; Third Reading, Public Hearing and Vote August 27, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
21. ORD. 41934 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R5-Urban Family Residential District and CC-Community Commercial District located northeast of Saddle Creek Road and Davenport Street, to approve the Development Plan – (First Reading August 13, 2019; Second Reading August 20, 2019; Third Reading, Public Hearing and Vote August 27, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
22. RES. 2019-759 – Res. that, the Preliminary Plat entitled Poppleton Park Replat 3, with a waiver of Section 53-8(4)(a), Lot depth from 100 feet to 80 feet, located northeast of Saddle Creek Road and Davenport Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Omnicorp Saddle Creek LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
23. RES. 2019-760 – Res. that, the Final Plat transmitted herewith entitled Poppleton Park Replat 3, located northeast of Saddle Creek Road and Davenport Street, is hereby approved, and concurrently portions of the existing plat entitled Poppleton Park, and described on said replat, is hereby vacated. The applicant is Omnicorp Saddle Creek LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

## **LIQUOR**

24. RES. 2019-811 – Class “C” Liquor License Application – BV McKay, LLC, dba “Cellar 44”, 2835 South 170th Plaza, Suite 206. (This is a new application for a new location). Notice was posted on the property on 08-14-19; Notification was sent to property owners within 500 feet on 08-16-19 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
    - A. Communication from the Planning Department – [see attached](#).
  25. RES. 2019-812 – Class “I” Liquor License Application – Bailey B Lord Enterprises, LLC, dba “Geno’s Bar & Grill”, 3821 North 167th Court, Suites 160 & 165. (This is a new application for an old location). Present licensee is Pig and Sam Holding, LLC, dba “Geno’s Bar & Grill”, who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  26. RES. 2019-813 – Class “D” Liquor License Application – GB License, LLC, dba “GoPuff”, 115 North 40th Street. (This is a new application for an old location). Present licensee is GoBrand, Inc., dba “GoPuff”, who has a Class “D” Liquor License with Restrictions – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
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## **CONSENT AGENDA**

(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.)

(The public hearings on Agenda Items 27 through 34 were held on August 20, 2019.)

## **CONSENT AGENDA – ORDINANCES**

27. ORD. 41936 – An ordinance approving an Agreement between the City of Omaha, Nebraska and the following parties, to-wit: the City of Bellevue, the Village of Boys Town, the City of Gretna, the City of La Vista, the City of Papillion, the City of Ralston, the County of Sarpy, and, the Papio-Missouri River Natural Resources District, hereinafter being referred to collectively as "the Papillion Creek Watershed Partnership," or "the Partnership" 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, for a five-year term commencing July 1, 2019; to designate a representative of the City of Omaha to the Partnership Executive Committee; to authorize the Finance Department to pay the cost share to the Partnership as called for in such amended agreement, including a contribution of \$184,400.00 from the Storm Water Fee Revenue Fund 12128, Storm Water Management Organization 116312; to amend the Master Plan of the City of Omaha to incorporate plans contained within the Amended Interlocal Agreement – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).

28. ORD. 41935 – An ordinance vacating that portion of alley East of South 51st Street, between Walnut Street and Hickory Street, abutting Lots 9 through 12, Block 28 of West Side Addition, subdivision, as surveyed, platted and recorded in Douglas County – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
29. ORD. 41937 – An ordinance vacating that portion of IZard Street right-of-way from the west right-of-way line of 20th Street to the current east right-of-way line of 21st Street, abutting Lots 5 through 8, Block 194 1/2 and Lots 1 through 4, Block 205 1/2 of City Lots Addition, subdivision, as surveyed, platted and recorded in Douglas County, more specifically outlined and described in Exhibits A and B – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
30. ORD. 41938 – An ordinance vacating that portion of Hunt Street extending east/west through 9201 North 36th Street, abutting Blocks 171 and 174, Florence Addition, subdivision, as surveyed, platted and recorded in Douglas County – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
31. ORD. 41939 – An ordinance to approve a contract between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property each day that school is in session during the regular school year, not to exceed a 7.5 hour school day, from August 15, 2019 and ending at the close of the 2021 - 2022 school year. The reimbursement payment from the Elkhorn Public Schools to the City for Year 2019-2020 will begin at \$81,632.46 and will not exceed \$84,081.40; for Year 2020-2021 will be \$84,081.40; and for Year 2021-2022 will be \$84,081.40 – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).
32. ORD. 41940 – An ordinance to approve an Agreement between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one Associate School Resource Officer and a marked police cruiser, subject to the availability of such cruiser and Elkhorn's needs, to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty (20) hours per week while school is in session during the regular school year, from August 15, 2019 and ending at the close of the 2019 – 2020 school year; reimbursement from the Elkhorn Public Schools to the City will be in the amount of \$35.00 per hour for the officer, not to exceed \$27,451.00 – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).



33. ORD. 41941 – An ordinance (1) to approve a professional services agreement between the City of Omaha and Dave Okada in the amount of \$31,500.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 STOP School Violence Prevention Program, Award #2018-SV-WX-0045, awarded by the U.S. Department of Justice, Office of Community Oriented Policing; to provide funding for one (1) Safety and Threat Assessment Subject Matter Expert and associated training costs; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).
34. ORD. 41943 – An ordinance to amend Sections 23-177, 23-402, 23-403, 23-404, 23-462, 23-483 of the Omaha Municipal Code to reflect changes negotiated between the City of Omaha and the Civilian Management Professional and Technical Employees Council (CMPTEC) for the years 2018, 2019, 2020, and 2021; to provide that any ordinances of the City of Omaha, and any rules and regulations promulgated thereunder, which are in conflict with this ordinance shall not be applicable to those employees in CMPTEC – (First Reading August 13, 2019; Second Reading and Public Hearing August 20, 2019; Third Reading August 27, 2019) – [see attached](#).

**(MOTION NEEDED THAT THE ORDINANCES ON THE CONSENT AGENDA BE APPROVED)**

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(The public hearings on Agenda Items 35 through 57 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**

35. RES. 2019-814 – Manager’s Application – TP Restaurant Omaha, LLC, da “Twin Peaks”, 17330 West Center Road, request permission to appoint Nicholas J. Rovy manager of their present Class “I” Liquor License location – [see attached](#).
36. RES. 2019-815 – Manager’s Application – White Elephant, LLC, dba “Mai Thai II”, 2279 South 67th Street, Suite B, request permission to appoint Su Su manager of their present Class “I” Liquor License location – [see attached](#).
37. RES. 2019-824 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Valk Manufacturing Company in the amount of \$59,690.00 for the purchase of three hundred and fifty (350) 5/8”x8”x10’ through hardened Snow Plow Blade–12 hole and one hundred and fifty (150) 5/8”x8”x11’ through hardened Snow Plow Blade–13 hole to be utilized by the Public Works Department Street Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2019 funding.) – [see attached](#).
38. RES. 2019-825 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Rose Holdings Inc. dba Rose Equipment in the amount of \$81,090.00 for the purchase of one (1) Asphalt Recycler to be utilized by the Public Works Department Street Maintenance Division. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2019 funding.) – [see attached](#).

39. RES. 2019-826 – Res. that, as recommended by the Mayor, the contract with L.G. Roloff Construction Co., Inc. in the amount of \$6,158,732.28 for OPW 52982, being the Elkhorn WWTF Decommissioning & Interceptor Sewer Extension Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$6,158,732.28 from the Sewer Revenue Improvements Bond Fund 21124, Capital Asset Replacement Program Organization 116913, year 2019 expenditure. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
40. RES. 2019-827 – Res. that, as recommended by the Mayor, the Professional Services Agreement with PL Integrated Services, LLC in the amount of \$99,500.00 to provide professional services on the 2019 FEMA Claim Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,500.00, from the Sewer Revenue Fund 21121, Missouri River Wastewater Treatment Plant Organization 116612, year 2019 funding.) – [see attached](#).
41. RES. 2019-828 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. in the amount of \$44,860.00 to provide professional services on the 2019 USACE Regional General Permit 11-02 Assistance Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$44,860.00, from the Sewer Revenue Fund 21121, Missouri River Wastewater Treatment Plant Organization 116612, year 2019 funding.) – [see attached](#).
42. RES. 2019-829 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson, Inc. in the amount of \$99,900.00 to provide professional services for Design Division Staff Augmentation, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,900.00, from the Street and Highway Allocation Fund 12131, Engineering Organization 116132, year 2019 funding.) – [see attached](#).
43. RES. 2019-830 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with Veenstra & Kimm, Inc. in the amount of \$307,609.00 for final design and bid phase services on OPW 53320, being the Papillion Creek North (PCN) 210 Sewer Separation Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$307,609.00 to be paid from the Sewer Revenue Improvements Bond Fund 21124, CSO Control Implementation Organization 116918, year 2019 funding; Sewer) – [see attached](#).
44. RES. 2019-831 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with PL Integrated Services in the amount of \$33,280.00 for GIS support services on the GIS Data Gaps Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$33,280.00 for these services to be paid from the Sewer Revenue Fund 21121, Sewer Planning Unit Organization 116512, year 2019 funding.) – [see attached](#).
45. RES. 2019-832 – Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Services Agreement with Carollo Engineering in the amount of \$2,617,459.00 for redesign, rebidding and construction phase services on OPW 52402, being the Riverview Lift Station - MoRiver and Atlas Street Extended to River Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$2,617,459.00 for these services to be paid from the Sewer Revenue Improvements Bond Fund 21124, CSO Control Implementation Organization 116918, year 2019 funding. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).



46. RES. 2019-833 – Res. that, as recommended by the Mayor, Change Order No. 1 with B&K Mechanical Contractors LLC, dba Grunwald Mechanical Contractors & Engineers in the amount of \$44,785.48 for additional work on OPW 53492, being the Papillion Creek Water Resource Recovery Facility – Tubing Replacement in Boilers #1 and #2 Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$44,785.48, for this change order, from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913.) – [see attached](#).
47. RES. 2019-834 – Res. that, as recommended by the Mayor, the Wastewater Collection Systems Design Manual, as a replacement to the current Design Criteria for Sanitary Sewers, is hereby approved and adopted for use in all applicable wastewater collection systems – [see attached](#).
48. RES. 2019-835 – Res. that, the application of Kevin Schaben, for a lease of City property adjacent to 5010 Dodge Street, Omaha, Nebraska for purposes of a new patio, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
49. RES. 2019-836 – Res. that, the application of Matt Kirsch, for a lease of City property adjacent to 1102 Douglas Street, Omaha, Nebraska for purposes of a new accessible ramp and stairs, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
50. RES. 2019-837 – Res. that, the application of Gabe Romero, for a lease of City property adjacent to 6767 Maple Street, Omaha, Nebraska for purposes of a new accessible ramp and landing, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).
51. RES. 2019-839 – Res. that, the Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,500.00 for the rehabilitation work to the property located at 3020 Titus Avenue, Omaha, Nebraska, 68112, owned by Bojan Ninkovic, is hereby approved. (Funds in the amount of \$24,500.00 shall be paid as follows: FY 2017 HOME Rental Rehabilitation Program funds in the amount of \$24,500.00, Organization No. 128071, Fund No. 12179.) – [see attached](#).
52. RES. 2019-840 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID 438 – The Grove, for a new splash pad for The Grove Park, in the amount of \$763,552.00, including construction and administration costs with the funding source being funded with excess cash from the bond fund and would not become bonded debt for Douglas County – [see attached](#).
53. RES. 2019-841 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID 599 – Fountain Ridge West, for improvements to HWS Cleveland Boulevard between South 192nd and South 195th Streets, in the amount of \$251,381.00, including construction and administrative costs with the funding source allocated from SID 599 – [see attached](#).

54. RES. 2019-842 – Res. that, as recommended by the Park and Recreation Advisory Board, approval of the project for SID 404 – Indian Creek Subdivision, for improvements to Indian Creek Park including purchase, installation and maintenance of (61) new trees, in the amount of \$16,527.50, being funded by private funds from the owner and would not become bonded debt for Douglas County – [see attached](#).
55. RES. 2019-843 – Res. that, the nomination and appointment by Mayor Stothert of Lauren Foster as a member of the Park and Recreation Board, to serve a three-year term commencing on September 15, 2019 and expiring September 14, 2022, be and hereby is confirmed and approved – [see attached](#).
56. RES. 2019-844 – Res. that, the fees for permits and inspections for the repair or restoration of property owned by residents of the City of Omaha or located within the City’s extraterritorial jurisdiction that suffered damage caused by the flooding that occurred in March, April or May of 2019 are hereby and shall be waived, provided such work is complete by January 31, 2020 – [see attached](#).
57. RES. 2019-845 – Res. that, the City of Omaha Finance Department has authorized to reimburse Dave Grauman an amount up to \$5,500.00 for the actual cost of transporting himself and his family and their personal property as is provided by Omaha Municipal Code Section 10-242(e) and the Finance Department is authorized to make such payments from General Fund 11111, 105011, 42118 – [see attached](#).

**(MOTION NEEDED THAT THE RESOLUTIONS ON THE CONSENT AGENDA BE APPROVED)**

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### **ORDINANCES ON FINAL READING**

58. ORD. 41925 – An ordinance awarding a contract to Fomento de Construcciones y Contratas, S. A. (FCC) for OPW 53407, being the Omaha Solid Waste Collections Contract 2021-2030, with an estimated annual cost of \$22,691,046.00 and subject to an annual CIP increase of a maximum of 4% per year, for a ten-year term with up to two (2) five-year renewals; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account – (First Reading July 23, 2019; Second Reading and Public Hearing August 13, 2019; Third Reading August 27, 2019) – [see attached](#).  
**(VOTE TODAY)**
  - A. Communication from Mayor Jean Stothert – [see attached](#).
  - B. Communication from Public Works Director Bob Stubbe – [see attached](#).
  - C. Amendment of the Whole – [see attached](#). (FCC three-cart system – updated August 22, 2019)
  - D. Amendment of the Whole – [see attached](#). (WCS two-cart system)
  - E. Amendment of the Whole – [see attached](#). (WCS three-cart system – updated August 22, 2019)
  - F. Communications in support – [see attached](#).
  - G. Communications in opposition – [see attached](#).

59. ORD. 41924 – An ordinance to amend Section 33-46 to change the number of permanent inhabitants needed in a single unit to exceed the established solid waste limit from eight to five – (First Reading July 23, 2019; Second Reading and Public Hearing July 30, 2019; Third Reading August 27, 2019) – [see attached](#). **(VOTE TODAY)**
60. ORD. 41942 – An ordinance awarding a contract to Fomento de Construcciones y Contratas, S.A. (FCC) for OPW 53641, being the Yardwaste Collection Spring and Fall contract, with an estimated annual cost of \$1,494,000.00 and subject to an annual CIP increase of a maximum of 4% per year, for a five-year term with up to one (1) additional five-year renewal period; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account – (First Reading August 13, 2019; Second Reading August 20, 2019; Third Reading, Public Hearing and Vote August 27, 2019) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Communication received from West Central Sanitation – [see attached](#).
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### **ORDINANCES ON SECOND READING**

61. ORD. 41952 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Midtown Crossing at Turner Park, located east of 33rd and Farnam Streets, to allow temporary signage to exceed 32 square feet and allow a three year permit, between the City of Omaha and Susan Bishop, providing site development standards – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
62. ORD. 41953 – An ordinance to approve an Amendment to the Urban Design Element of the Omaha Master Plan to include Transit Oriented Development – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
63. ORD. 41954 – An ordinance to approve an Amendment to the Land Use Element of the Omaha Master Plan to include Transit Oriented Development – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
64. ORD. 41955 – An ordinance to approve an Amendment to the Transportation Element of the Omaha Master Plan to include Transit Oriented Development – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

65. ORD. 41956 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code by changing the title of the employment classification known as Right of Way Agent I to Real Estate Specialist I without changing the range code of 04135 (\$24.64 to \$30.42); to change the title of the employment classification known as Right of Way Agent II to Real Estate Specialist II without changing the salary range for the classification of 15.2MC (\$55,531 to \$67,871); to repeal Section 23 - 177 as heretofore existing – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Personnel Board recommends approval.
66. ORD. 41957 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Real Estate Specialist III with a salary range of 18.1 MC (\$64,307 to \$77,541); to repeal Section 23 - 177 as heretofore existing – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Personnel Board recommends approval.
67. ORD. 41958 – An ordinance to approve an Agreement between CHI Nebraska d/b/a CHI Health, a Nebraska nonprofit corporation and the City of Omaha, a municipal corporation; to provide for an Employee Assistance Program (EAP) for a period of three years from June 1, 2019 through May 31, 2022 at a cost of \$8.06 per employee per year; the Agreement provides for two one-year options. (Such funds to be paid from Fund 11111, Organization 105011, Account No. 42239.) – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
68. ORD. 41959 – An ordinance (1) to approve an agreement between the City of Omaha and the Women’s Center for Advancement in the amount of \$45,382.62; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 STOP Violence Against Women (VAWA) Grant, Award #18-VW-0708 and FY 2016 STOP VAWA Grant, Award #16-VW-0717, awarded by the Nebraska Crime Commission; to provide partial funding for one (1) full-time Client Attorney and one (1) full-time Victim Advocate, Supplies, and Indirect Costs as part of the Douglas County Community Response Team; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
69. ORD. 41960 – An ordinance (1) to approve an amendment to an agreement between the City of Omaha and the City of Portland, Oregon in the amount of \$9,838.00; and (2) to authorize funding for such agreement from the City of Omaha’s FY 2018 National Sexual Assault Kit Initiative (SAKI) Grant, Award #2018-AK-BX-0030, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to allow for funding for site visits to implement the City of Portland’s Sexual Assault Management System (SAMS) as part of the Sexual Assault Kit Initiative (SAKI) Project, and training; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**

70. ORD. 41961 – An ordinance to provide for approving an Interlocal Agreement between the City of Omaha and the City of Bennington, Nebraska, for more than one year, for the City Prosecutor’s Office to provide certain prosecutorial services for Bennington – (First Reading August 20, 2019; Second Reading and Public Hearing August 27, 2019; Third Reading September 10, 2019) – [see attached](#). **(PUBLIC HEARING TODAY)**
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## **NON-ACTION ITEMS**

(Items 71 through 86 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 SEPTEMBER 3, 2019)

## **VISTANCIA**

71. ORD. 41949 – An ordinance to rezone property located northwest of 204th and Fort Streets from AG-Agricultural District to R5-Urban Family Residential District – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
72. ORD. 41950 – An ordinance to rezone property located northwest of 204th and Fort Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
73. ORD. 41951 – An ordinance to rezone property located northwest of 204th and Fort Streets from AG-Agricultural District to DR-Development Reserve District – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
74. RES. 2019-781 – Res. that, the Final Plat entitled Vistancia, a subdivision outside the city limits, located northwest of 204th and Fort Streets, is hereby approved and accepted. The applicant is 20535 Fort LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE SEPTEMBER 10, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 71)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
75. RES. 2019-782 – Res. that, the Subdivision Agreement among the City of Omaha, 20535 Fort, LLC, Hildy Construction, Inc., Whisper Rock Holdings, LLC, The Vistancia Owners Association, and Sanitary and Improvement District (S.&I.D.) 598 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Vistancia (Lots 1-300 and Outlots A-I) and is located northwest of 204th and Fort Streets – [see attached](#). **(LAID OVER TO THE SEPTEMBER 10, 2019 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 71)**



## SOUTH HILL ADDITION

76. RES. 2019-806 – Res. that, the Preliminary Plat entitled South Hill Addition, a minor plat inside the city limits, with a waiver of Section 53-8(4)(a) Lot depth, located at 1301 South 12th Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Clarity Development Company – Inside City Limits – [see attached](#). **(LAID OVER TO THE SEPTEMBER 10, 2019 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND TO ADVERTISE FOR PUBLIC HEARING)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## PLANNING ITEMS ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

77. ORD. 41944 – An ordinance to rezone property located at 10810 Harney Street from GO-General Office District to CC-Community Commercial District – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
78. ORD. 41945 – An ordinance to amend the boundaries of the ACI-3-Area of Civic Importance Overlay District, to incorporate into that district the property located at 10810 Harney Street – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
79. ORD. 41947 – An ordinance to rezone the property located at 9006 Ohio Street from R7-Medium-Density Multiple-Family Residential District to CC-Community Commercial District – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
80. ORD. 41948 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 9006 Ohio Street – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
81. ORD. 41946 – An ordinance to rezone property located at 1901 Howard Street from DS-Downtown Service District to CBD-Central Business District (property is located in an ACI-1 Overlay District) – (First Reading August 20, 2019; **Second Reading August 27, 2019**; Third Reading, Public Hearing and Vote September 10, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).



## **RESOLUTION**

82. RES. 2019-838 – Res. that, the 6121 Maple Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 6121 Maple Street, which proposes rehabilitation of an existing 5,000 square foot building for a multi-purpose meeting and event space, with addition of a second level for restaurant and bar use and patio seating, and authorizes the City's participation through the allocation of TIF in an amount up to \$241,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, building rehabilitation construction (hard costs), architectural and engineering costs, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 17, 2019 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

## **ORDINANCES ON FIRST READING**

83. ORD. 41962 – An ordinance vacating the portion the east/west alley between North Saddle Creek Road and North 44th Street, 80 feet +/- from the western right-of-way line of North 44th Street, abutting Lot 1, the easterly 30 feet of Lot 2, the easterly 30 feet of Lot 19, and Lot 20, Block 24, Poppleton Park Addition; providing for the reversion or transfer of the same – **(First Reading August 27, 2019;** Second Reading and Public Hearing September 10, 2019; Third Reading September 17, 2019) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
84. ORD. 41963 – An ordinance to amend Omaha Municipal Code Sec. 49-824, to update the specifications for manholes; to repeal Sec. 49-824 as heretofore existing – **(First Reading August 27, 2019;** Second Reading and Public Hearing September 10, 2019; Third Reading September 17, 2019) – [see attached](#).
85. ORD. 41964 – An ordinance to approve a Memorandum of Understanding between the City of Omaha, the Omaha Police Managers Association, and the Omaha Police Officers Association; the Memorandum of Understanding establishes a Fitness and Wellness Program for sworn staff in the Omaha Police Department with the hope of increasing fitness and overall health; to allow for the creation of wellness time off which may be earned depending on the participant's fitness level – **(First Reading August 27, 2019;** Second Reading and Public Hearing September 10, 2019; Third Reading September 17, 2019) – [see attached](#).
86. ORD. 41965 – An ordinance to approve an Agreement between the City of Omaha, the City of Papillion, and the City of Bellevue to allow the City of Papillion and the City of Bellevue to utilize the fire station alerting infrastructure installed by the City of Omaha Fire Department; such Agreement is for a term of ten years with each City paying \$6,000 per year for the term of the Agreement – **(First Reading August 27, 2019;** Second Reading and Public Hearing September 10, 2019; Third Reading September 17, 2019) – [see attached](#).

## **EXECUTIVE SESSION**

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

## **ADJOURNMENT**

**This Agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite LC-1, Omaha, NE, during normal business hours.**

**All requests for sign language interpreters (signers) will require a minimum of 48 hours advance notice. Alternative formats require a minimum of 72 hours advance notice. Please contact Sherri Brown at (402) 444-5554 if arrangements need to be made.**