



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, FEBRUARY 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, February 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 Pahls, Palermo, Festersen, Harding, Jerram, Melton, Mr. President (Gray) – **CCID # 141**.

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

Councilmember Aimee Melton of District No. 7 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 9, 2018, notice of the Pre-Council and Regular City Council Meetings, February 13, 2018 – **CCID # 142**.

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

SANCTUARY ACRES

6. RES. 146 – Res. that, the Final Plat entitled Sanctuary Acres, located at 11205 North 60th Street, is hereby approved and accepted. The applicant is TD2 – 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 Item 6.

The following person(s) appeared and spoke:

PROPONENTS:

Joe Detlefs, Thompson, Dreessen & Dorner, 10836 Old Mill Road

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

MOTION by Harding, SECOND by Festersen that RESOLUTION # 146 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 7 through 9 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 30, 2018.)

KOZOL'S PONCA BUSINESS PARK

7. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
8. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
9. 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](#). **(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 7 through 9.

The following person(s) appeared and spoke:

PROPONENTS:

Chris Kozol, 1006 South Saddle Creek Road, owner

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

MOTION by Festersen, SECOND BY Melton that the following items be approved:

Item # 7 RESOLUTION # 73;

Item # 8 RESOLUTION # 78; and,

Item # 9 RESOLUTION # 74;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notices of public hearings relating to this development were published in the Daily Record on January 30, 2018.)

10. 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](#). **(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.

The following person(s) appeared and spoke:

PROPONENTS:

Jim Buser, 10250 Regency Circle #300, Attorney for the applicant

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

MOTION by Melton, SECOND by Harding that ORDINANCE # 41410 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 11 through 12 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 30, 2018.)

11. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

12. 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](#). **(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 11 through 12.

The following person(s) appeared and spoke:

PROPONENTS:

Bo Hansen, O & H Investments, 1851 Madison Avenue, Suite #300, Council Bluffs, IA

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

**MOTION by Palermo, SECOND BY Festersen that the following items be approved:
Item # 11 ORDINANCE # 41411; and, Item # 12 ORDINANCE # 41412;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

SPECIAL USE PERMITS

13. 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](#). **(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:

PROPONENTS:

Dan Dolezal, Ehrhart Griffin, 3552 Farnam Street

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 72 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

14. RES. 143 – Class “C” Liquor License Application – FAMA, LLC, dba “Azul Sports Bar”, 5132 “L” Street. (This is a new application for an old location.) UPGRADE. Currently licensed Maria Bonita Mexican Cuisine, Inc., dba “Maria Bonita Mexican Cuisine”, who has a Class “A” Liquor License. Notice was posted on the property on 01/30/18; Notification was sent to property owners within 500 feet on 02/02/18 – [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:

Michael Polk, 2712 South 87th Avenue, Attorney for the applicant

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

MOTION by Palermo, SECOND by Melton that RESOLUTION # 143 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

15. RES. 144 – Class “C” Liquor License Application with Growler Endorsement – Friends Family, LLC, dba “5168 Brewing”, 3201 Farnam Street, Suite 6107. (This is a new application for an old location.) Present licensee is Second Chance, Inc., dba “Ugly Duck”, who has a Class “C” 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:

Charles Yin, 1223 South 11th Street, owner

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 144 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

16. RES. 145 – Class “I” Liquor License Application - Tanduri Fusion Foods, LLC, dba “Tanduri Fusion”, 2537 South 174th Plaza. (This is a new application for an old location). Present licensee is Flavors Food Ventures, LLC, dba “Tanduri Fusion Indian Restaurant”, who has a Class “I” Liquor License – [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:

Vinod Karusala, 2537 South 174th Plaza, owner

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 145 be approved

ROLL CALL:

Yeas: Pahls, Palermo, Festersen, Harding, Jerram, Melton, 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](#). **(LAID OVER FROM THE 2/6/2018 CITY COUNCIL MEETING, PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Michael Polk, 2712 South 87th Avenue, Attorney for the applicant

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 121 be approved

ROLL CALL:

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

(Required notices of the public hearings were published in the Daily Record on February 2, 2018.)

CONSENT AGENDA – ORDINANCES

18. 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](#).
19. 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](#).
20. 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](#).
21. 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](#).
22. 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](#).

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

**Item # 18 ORDINANCE # 41413;
Item # 20 ORDINANCE # 41416;
Item # 22 ORDINANCE # 41418;**

**Item # 19 ORDINANCE # 41415;
Item # 21 ORDINANCE # 41417; and,**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(The public hearings on Agenda Items 23 through 46 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

23. RES. 147 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates to provide professional services on OPW 53287, being the 13th Street Walkability Study Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$120,000.00, from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure – [see attached](#).
24. RES. 148 – Res. that, as recommended by the Mayor, the Memorandum of Understanding between the City of Omaha and the Metropolitan Entertainment and Convention Authority (MECA) regarding a safety improvement and traffic management project along 10th Street abutting MECA's property, designated as OPW 53178, including a reimbursement of the total project cost, currently projected to be \$259,905.41, from MECA to the City for this purpose, is hereby approved – [see attached](#).
25. RES. 149 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Lincoln Dodge Inc. dba Baxter Chrysler Dodge Jeep Ram of Lincoln for the purchase of one (1) 7 passenger minivan to be utilized by the Environmental Quality Control Division in the amount of \$21,565.00; and that, the Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Solid Waste - Collect & Disposal Organization 116321, year 2018 expenditure – [see attached](#).

26. RES. 150 – Res. that, as recommended by the Mayor, the contract with Bradco Company for OPW 53275 being the Vehicle Maintenance Shop, Truck Bay Re-Roof, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$83,400.00 from the Contingent Liability Fund 11114, Public Safety Organization 132023, year 2018 expenditure – [see attached](#).
27. RES. 151 – Res. that, as recommended by the Mayor, the contract with Ten Men, LLC for OPW 53312 being the Plumbing Shop Re-Roof, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$17,950.00 from the Contingent Liability Fund 11114, Public Safety Organization 132023, year 2018 expenditure – [see attached](#).
28. RES. 152 – 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 \$136,835.00 for five (5) 1/2 ton extended cab 4x4 pickups to be utilized by the Street Maintenance Division; and that, the Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure – [see attached](#).
29. RES. 153 – Res. that, as recommended by the Mayor, the contract with Omaha Electric Service, Inc. for OPW 53178 being the 10th Street & MECA Parking Garage Traffic Signal, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$259,905.41 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure – [see attached](#).
30. RES. 154 – Res. that, as recommended by the Mayor, the contract with Ten Men, LLC for OPW 53277 being the Fire Station #5 Re-Roof, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$32,450.00 from the Contingent Liability Fund 11114, Public Safety Organization 132023, year 2018 expenditure – [see attached](#).
31. RES. 155 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Sid Dillon Ford in the total amount of \$36,751.00 for one (1) 3/4 ton extended cab 4x4 pickup to be utilized by the Street Maintenance Division; and that, the Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure – [see attached](#).
32. RES. 156 – Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with Lamp Rynearson & Associates for final design and bidding phase services on OPW 52721 (CSO), being the Nicholas Street Phase 3 Sewer Separation Project is hereby approved; and that, the Finance Department is authorized to pay an amount not to exceed \$704,229.00 for these services to be paid from Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

33. RES. 157 – Res. that, the City Clerk is hereby authorized and directed to publish the Petition for improvement of Woolworth Avenue from South 80th Street to Ridgewood Avenue, within Street Improvement District No. 6883, to publish notice of the right to protest the said Petition and the said improvement, and to mail the said notice to record owners of taxable property within the said District, all as provided in this Resolution – [see attached](#).
34. RES. 167 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Leo A. Daly Company to provide professional services on OPW 53354, being the Omaha Police Department West Precinct Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$715,500.00, from the 2014 Public Facilities Fund 13246, Police Capital Organization 131592, year 2018 expenditure – [see attached](#).
35. RES. 168 – Res. that, as recommended by the Mayor, the Public Highway At-Grade Crossing Agreement with Union Pacific Railroad Company and the City of Omaha is approved authorizing the City to perform the installation of lighting to the existing North 192nd Street crossing at-grade, across the Union Pacific Railroad track and right-of-way at the railroad's Mile Post 20.61, on its North 192nd Street public crossing (DOT Number 816859H) at a cost of \$1,000.00; and, that the Finance Department is authorized to pay this cost from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure – [see attached](#).
36. RES. 158 – Res. that, as recommended by the Mayor, the purchase of Trap & Skeet Range Clay Targets for 2018, for the Harry A. Koch Trap & Skeet Range at Seymour Smith Park, located at 6802 Harrison Street, Omaha, Nebraska, not to exceed \$120,000.00 is hereby approved and the Purchasing Agent is authorized to issue an open purchase order in conformance herewith. Funds in this amount shall be paid from the City Wide Sports Fund No. 21108 and Origination No. 115336, Trap & Skeet for the 2018 fiscal year – [see attached](#).
37. RES. 159 – Res. that, as recommended by the Mayor, the bid in the total amount of \$24,598.00 from Crouch Recreation to provide and deliver two swimming pool slides as per the Specifications and Technical Documents dated December 20, 2017, located at Cryer Swimming Pool, 11783 Cryer Avenue, and Lee Valley Swimming Pool, 10605 Charles Street, Omaha, Nebraska, being the best bid received within bid specifications, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and that the Finance Department is authorized to pay the Funds in the amount of \$24,598.00 from the 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond – [see attached](#).
38. RES. 160 – Res. that, the appointment by Mayor Jean Stothert of Daniel England Development Manager, Shamrock Development, Inc., 1111 N. 13th Street, Suite 101, to be a member of the Downtown Business Improvement Area Board to serve a term of five (5) years from February 13, 2018 to February 12, 2023 is hereby confirmed – [see attached](#).
39. RES. 162 – Res. that, the reappointment by Mayor Jean Stothert of Thomas Thibodeau as the electrical engineer member of the Building Board of Review, said term to commence on February 20, 2018, and to expire three years thereafter on February 19, 2021, is hereby confirmed – [see attached](#).

40. RES. 163 – Res. that, the reappointment by Mayor Jean Stothert of Michael Naccarato as the structural engineer member of the Building Board of Review, said term to commence on February 20, 2018, and to expire three years thereafter on February 19, 2021, is hereby confirmed – [see attached](#).
41. RES. 164 – Res. that, the reappointment by Mayor Jean Stothert of Ron Feuerbach as the mechanical engineer member of the Building Board of Review, said term to commence on February 20, 2018, and to expire three years thereafter on February 19, 2021, is hereby confirmed – [see attached](#).
42. RES. 165 – Res. that, the reappointment by Mayor Jean Stothert of Cheryl Kiel as the architect member of the Building Board of Review, said term to commence on February 20, 2018, and to expire three years thereafter on February 19, 2021, is hereby confirmed – [see attached](#).
43. RES. 166 – Res. that, the reappointment by Mayor Jean Stothert of Richard Fiscus to serve a three-year term as a residential contractor member of the Air Conditioning and Air Distribution Board, commencing February 20, 2018 and expiring February 19, 2021, be and hereby is confirmed – [see attached](#).
44. RES. 169 – Res. that, the nomination and appointment by Mayor Jean Stothert of James M. Miller as a member of the Board of Engineer Examiners to serve a two-year term, commencing February 20, 2018 and expiring February 19, 2020, be and hereby is confirmed – [see attached](#).
45. RES. 170 – Res. that, the appointment by Mayor Jean Stothert of Kent Therkelsen as the building contractor member of the Building Board of Review, said term to commence on February 20, 2018, and to expire three years thereafter on February 19, 2021, is hereby confirmed – [see attached](#).
46. RES. 161 – Res. that, as recommended by the Mayor, the extension to the Agreement with Douglas County Community Mental Health Center, in the total amount not to exceed \$22,500.00, to provide a protective custody program and facility for intoxicated individuals, is hereby approved. The Finance Department is authorized to pay \$7,500.00 per month, in a total amount not to exceed \$22,500.00, to Douglas County Community Mental Health Center. Funds will be allocated in the amount of \$16,250.00 from 2018 Keno Fund 12118, Org 126017 and \$6,250.00 from 2018 General Fund 11111, Org 111111, Chief Administrative Functions, Account 42239, Professional Fees – Other – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 23 through 46.

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

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

**Item # 23 RESOLUTION # 147;
 Item # 25 RESOLUTION # 149;
 Item # 27 RESOLUTION # 151;
 Item # 29 RESOLUTION # 153;**

**Item # 24 RESOLUTION # 148;
 Item # 26 RESOLUTION # 150;
 Item # 28 RESOLUTION # 152;
 Item # 30 RESOLUTION # 154;**

Item # 31 RESOLUTION # 155;
Item # 33 RESOLUTION # 157;
Item # 35 RESOLUTION # 168;
Item # 37 RESOLUTION # 159;
Item # 39 RESOLUTION # 162;
Item # 41 RESOLUTION # 164;
Item # 43 RESOLUTION # 166;
Item # 45 RESOLUTION # 170; and,

Item # 32 RESOLUTION # 156;
Item # 34 RESOLUTION # 167;
Item # 36 RESOLUTION # 158;
Item # 38 RESOLUTION # 160;
Item # 40 RESOLUTION # 163;
Item # 42 RESOLUTION # 165;
Item # 44 RESOLUTION # 169;
Item # 46 RESOLUTION # 161;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCE ON FINAL READING

47. 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](#). **(VOTE TODAY)**

MOTION by Jerram, SECOND by Harding that ORDINANCE # 41414 be approved

ROLL CALL:

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

Nays: None

Pass: Melton

(Councilmember Melton passed twice due to potential conflict of interest)

MOTION APPROVED 6-0-1 PASS

RESOLUTION

48. RES. 171 – Res. that, 50% of the estimated total costs of improvements for Street Improvement District No. 6883, an amount not to exceed \$94,902.65, shall be paid by the City of Omaha from the 2014 Transportation Fund 13184, Transportation Bonds Organization 117117. The remaining costs of improvements for SID # 6883 be specially assessed upon the properties within SID # 6883 and paid through the Capital Special Assessments Fund 13573, Special Assessments Organization 116168 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communication – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item 48

The following person(s) appeared and spoke:

PROPOSERS:

Thomas Tape, 8023 Woolworth Avenue

Jordan Hoff, 8010 Woolworth Avenue

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 171 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCE ON SECOND READING

49. 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](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 49

The following person(s) appeared and spoke:

FOR THE CITY:

Daniel Olsen, Fire Chief, Omaha Fire Department

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

NON-ACTION ITEMS

(Items 50 through 54 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)

RESOLUTIONS

50. 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)**
51. 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)**
52. 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)**

ORDINANCES ON FIRST READING

53. ORD. 41420 – An ordinance, approving an Agreement between the City of Omaha, Nebraska and Rick Bond of Cass County, Nebraska, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Rick Bond will receive and land apply stabilized sewage sludge, according to applicable standards, laws, and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2018 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading February 13, 2018; **Second Reading and Public Hearing February 27, 2018**; Third Reading March 6, 2018) – [see attached](#).

54. ORD. 41421 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and DPB Partnership, LLC, to implement the Dundee Professional Building Tax Increment Financing (TIF) Redevelopment Project Plan which is located at 119 North 51st Street, and proposes the comprehensive rehabilitation of a four story 14,960 square foot office building constructed in 1967; the agreement authorizes the use of up to \$275,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading February 13, 2018; **Second Reading and Public Hearing February 27, 2018**; Third Reading March 6, 2018) – [see attached](#).

EXECUTIVE SESSION

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 2:20 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 13, 2018.

WITNESS:

CITY CLERK:

Sherri Brown, Senior Administrative Clerk

Elizabeth Butler