

34th REGULAR OMAHA CITY COUNCIL MEETING

OCTOBER 6, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, October 6, 2015 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

ROLL CALL

1. City Clerk calls the roll.

CCID # 1277 – Present: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Garry Gernandt of District No. 4.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on October 2, 2015, notice re: Pre-Council and Regular City Council Meetings, October 6, 2015.

CCID # 1278 – From Chair on File

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

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 RECEIVE TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

ZONING ORDINANCE ON FINAL READING and Planning Board Attachment

5. Ord. to rezone the property located at 8258 Hascall Street from GO-General Office District to CC-Community Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1233 – September 22 and 29 Meetings)
Notice of public hearing on October 6, 2015 published in the Daily Record on September 25, 2015. Ordinance passed on October 6, 2015 published in the Daily Record on October 14, 2015.

Joe Wieland, 8712 West Dodge Road, on behalf of the applicant, appeared and spoke.

CCID # 1233 – Motion by Melton that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

ORDINANCE # 40512 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 8258 Hascall Street from GO to CC – [see attached](#).
(See Doc. # 1233 – September 22 Meeting)

1233 – From Chair on File

RESOLUTION RE: PRELIMINARY PLAT

6. Res. that the preliminary plat entitled THE WOODLANDS REPLAT TWO, located Northwest of 192nd and “Q” Streets, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Larry Jobeun, 11440 West Center Road, on behalf of the applicant

Opponents: Lisa Riecke, 5002 South 193rd Street; also on behalf of Chris and Tira Zech, 4958 South 193rd Street, Bret and Cameron Riecke, 5002 South 193rd Street, and Dionne Mason, 5010 South 193rd Street

Keith Reid, Postmaster, United States Postal Service, 6005 Lockheed Court

For the City: Bob Stubbe, Public Works Director

Todd Pfitzer, Public Works Department

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Thompson, Mr. President

Nays: Pahls, Festersen

Res. # 1289 - ADOPTED 5-2

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of THE WOODLANDS REPLAT TWO, located Northwest of 192nd and "Q" Streets – Outside City – [see attached](#).

1289 – From Chair on File

- (b) Communication from Keith J. Reid, Postmaster, United States Postal Service, Central Plains District, raising concerns with the approval of the preliminary plat entitled The Woodlands Replat Two, located Northwest of 192nd & "Q" Streets – [see attached](#).

1289 – From Chair on File

- (c) Opposition to the Preliminary Plat of The Woodlands Replat Two, located Northwest of 192nd and Q Streets – [see attached](#).

1289 – From Chair on File

LIQUOR AND RESOLUTION RE: KENO

- 7. CLASS "C" – 160 La Mesa Corporation, dba "La Mesa Mexican Restaurant", 15825 West Maple Road, Suite 102. New application, New location. Property posted: 09-24-15; Notification sent: 09-25-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Ari Riekes, Marks Clare & Richards, LLC, 11605 Miracle Hills Drive, on behalf of the applicant, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1280 – ADOPTED 7-0

- 8. CLASS "C" – RICKSTY, LLC, dba "Clancy's Pub", 7120 Pacific Street. New application, Old location. Presently licensed to Seventy-One Twenty-Eight & Pacific, Inc., dba "Clancy's Pub", 7120 Pacific Street, who has a Class "C" and Catering Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1281 – ADOPTED 6-0-1 Pass

9. CATERING - RICKSTY, LLC, dba "Clancy's Pub", 7120 Pacific Street. New application, Old location. Presently licensed to Seventy-One Twenty-Eight & Pacific, Inc., dba "Clancy's Pub", 7120 Pacific Street, who has a Class "C" and Catering Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1282 – ADOPTED 6-0-1 Pass

10. CLASS "I" – Flagship Commons, LLC, dba "Flagship Commons", 10000 California Street, Suite FC01 "Westroads Mall". New application, New location. Property posted: 09-24-15; Notification sent: 09-25-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Sean Kelley, 7134 Pacific Street, on behalf of the applicant

Matt Carper, 5818 North 151st Street

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1283 – ADOPTED 6-0-1 Pass

11. CATERING – One Sixty-Eight, Inc., dba “Clancy’s Pub”, 2905 South 168th Street. New application, New location. Presently holds a Class “C” Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1284 – ADOPTED 6-0-1 Pass

12. AJD, LLC, dba “Stoli’s Lounge”, 715 North 120th Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 10’ x 36’ to the west. Property posted: 09-11-15; Notification sent: 09-25-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Amanda Ransom, 14910 Mormon Street, Bennington, appeared and spoke.

CCID # 1285 – Motion by Melton that the request be approved contingent upon their compliance with the City of Omaha Planning Department and proper permits obtained

Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: AJD, LLC, dba “Stoli’s Lounge”, 715 North 120th Street – [see attached](#).

1285 – From Chair on File

- 13. Blue Sushi, LLC, dba “Red Lounge”, 14450 Eagle Run Drive, Suite 200, requests permission for an addition to their present Class “I” Liquor License location of an area approx. 90’ x 21’ to the west known as Suite 210 and an outdoor area approx. 67’ x 7’ to the south. Property posted: 09-16-15; Notification sent: 09-25-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

CCID # 1286 – Motion by Melton that the request be approved contingent upon their compliance with the City of Omaha Planning Department and proper permits obtained

Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: Blue Sushi, LLC, dba “Red Lounge”, 14450 Eagle Run Drive, Suite 200 – [see attached](#).

1286 – From Chair on File

- 14. Apple Ten Hospitality Management, Inc., dba “Hampton Inn & Suites Omaha Downtown”, 1212 Cuming Street, requests permission to appoint Jason M. Smith manager of their present Class “C” Liquor License location – [see attached](#).

Jason Smith, 3310 South 186th Street, appeared and spoke.

CCID # 1287 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

- (a) Apple Ten Hospitality Management, Inc., dba “Homewood Suites Omaha Downtown”, 1314 Cuming Street, requests permission to appoint Jason M. Smith manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Jason Smith, 3310 South 186th Street, appeared and spoke.

CCID # 1288 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

15. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 1505 Farnam Street, The Omaha Lounge, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Katrina Coffey, Vice President of Marketing, Big Red Keno, 11248 John Galt Boulevard, appeared and spoke.

Motion by Festersem that the Resolution be adopted

Seconded by Jeram

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

Res. # 1198 – ADOPTED 7-0

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. 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 taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 16 through 19 were held on September 29, 2015.)

CONSENT AGENDA – ORDINANCES

AGENDA ITEM NO. 16 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF THE PLANNING DEPARTMENT

16. Ord. vacating the right of way between 11th Street and Mason Street to the north approximately 65 feet, abutting Lot 5, Block 220 and Lot 8, Block 221, in the Original City of Omaha and providing the effective date hereof – [see attached](#).
(See Doc. # 1225 – September 22 and 29 Meetings)

CCID # 1225 – Motion by Jerram that the Ordinance be laid over two weeks to October 20, 2015

Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of the vacation of 11th Street from Mason Street to the north approximately 65 feet – Inside City – [see attached](#).
(See Doc. # 1225 – September 22 and 29 Meetings)

1225 – Over to 10/20/15

17. Ord. vacating the south six (6) inches of the east/west alley south of Farnam Street between 68th Avenue and 69th Street, adjacent to Lot 22, Sunset Terrace, abutting the north property line of 310 South 68th Avenue, in the City of Omaha and providing the effective date hereof – [see attached](#).
(See Doc. # 1226 – September 22 and 29 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 25, 2015. Ordinance passed on October 6, 2015 published in the Daily Record on October 14, 2015.

CCID # 1226 – Motion by Jerram that the Ordinance be passed
Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

ORDINANCE # 40513 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of the vacation of the south six (6) inches of the east/west alley south of Farnam Street between 68th Avenue and 69th Street, adjacent to Lot 22, Sunset Terrace, abutting the north property line of 310 South 68th Avenue – Inside City – [see attached](#).
(See Doc. # 1226 – September 22 and 29 Meetings)

1226 – From Chair on File

18. Ord. to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-190 at 6729 Frances Street, as requested by Pat McNeil for Zone 5, LLC; and to provide the effective date hereof – [see attached](#).
(See Doc. # 1234 – September 22 and 29 Meetings)
Notice of public hearing on September 29, 2015 published in the Daily Record on September 25, 2015. Ordinance passed on October 6, 2015 published in the Daily Record on October 14, 2015.

CCID # 1234 – Motion by Jerram that the Ordinance be passed
Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

ORDINANCE # 40514 - PASSED 7-0

19. Ord. to approve a contract between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, up to three Associate School Resource Officers, one Canine Associate School Resource Officer, and marked police cruisers, subject to the availability of such cruisers and the School District’s needs, to specifically designated locations, 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-eight (28) hours (or less) per week while school is in session during the regular school year, and twenty-eight (28) hours per week while school is in session during the regular school year for the Canine Associate SRO, from August 10, 2015 and ending at the close of the 2015 – 2016 school year. The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$28.50 per hour for each officer; and \$33.50 per hour for the canine officer; and \$5.00 per day for the canine officer when school is not in session (summer break); and to provide for an effective date hereof – [see attached](#).
(See Doc. # 1227 – September 22 and 29 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 25, 2015. Ordinance passed on October 6, 2015 published in the Daily Record on October 14, 2015.

CCID # 1227 – Motion by Jerram that the Ordinance be passed
Seconded by Gray

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

ORDINANCE # 40515 - PASSED 7-0

((MOTION NEEDED THAT THE ORDINANCES ON THE CONSENT AGENDA BE PASSED))

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(The public hearings on Agenda Item Nos. 20 through 29 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

AGENDA ITEM NO. 20 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF COUNCILMEMBER PAHLS

20. Res. that, the City Clerk is hereby authorized and directed to publish the Petition for improvement of South 95th Circle from West Center Road north to the end of the cul-de-sac within Road Maintenance District No. 745-24, 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](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Ben Ginsberg, 2522 South 95th Circle

Opponent: Charles Fintel, 2631 South 95th Circle

For the City: Heather Tippey-Pierce, Public Works Department

Bob Stubbe, Public Works Director

Alan Thelen, Law Department

CCID # 1309 - Motion by Pahls that the Resolution be laid over four weeks to November 3, 2015

Seconded by Melton

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

21. Res. that, as recommended by the Mayor, Change Order No. 1 for Blade Masters Grounds Maintenance, Inc. for additional materials for OPW 52646, to be performed as part of the Lauritzen Gardens Pond Lining project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$66,920.00, for the changes to the contract, from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1290 - ADOPTED 7-0

22. Res. that the attached Declaration of Use, dedicating certain portions of City owned properties, and described on the attached Exhibit "A", for installation of network equipment within buildings for citywide fiber optic backbone network as a part of the City of Omaha Traffic Signal Master plan, be and hereby is approved, and the Mayor is authorized to execute the same and any related documents – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1291 - ADOPTED 7-0

23. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Bobcat of Omaha for the purchase of a rubber tire loader to be utilized by the Street Maintenance Division in the amount of \$66,233.00; and that 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 2015 funding – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1292 - ADOPTED 7-0

24. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Smith Fertilizer and Grain d/b/a SFG Road Maintenance for the purchase of 10,000 gallons of Agricultural-based De-Icing Material and 10,000 gallons of Calcium Chloride Brine to be utilized by the Street Maintenance Division in the amount of \$20,600.00; and that the Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2015 funding – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1293 - ADOPTED 7-0

25. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$40,097.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Orell Cotton and Annie L. Cotton located at 3509 Burdette Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$24,597.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072; \$15,500.00 from NAHTF 13-TFHO-2077 Owner Occupied Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1294 - ADOPTED 7-0

26. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$40,400.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Frances J. Stevens located at 3510 Burdette Street, Omaha, NE 68111, is hereby approved. The contract is to be awarded to R & R Construction. Funds shall be paid as follows: \$15,500.00 from NAHTF 12-TFHP-7058 Housing Rehabilitation (Prospect Village), Fund No. 12141, Org. No. 128101; \$24,900.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1295 - ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the bid/quote of Jones Automotive, Inc. in the amount of \$36,213.26, which represents the cost for emergency equipment and installation for two 2015 Chevrolet Silverado pickup trucks for the Omaha Police Department Bomb Dog Squad, being the only bid received, which is incorporated herein by this reference, is hereby accepted and the same hereby approved, and that the Finance Department of the City of Omaha is authorized to pay the cost of the emergency equipment and installation for two 2015 Chevrolet Silverado pickup trucks for the Omaha Police Department Bomb Dog Squad in the amount of \$36,213.26 from Year 2015, General Fund 11111, Organization 113141 Fleet and Facilities, Account 44234 Cars/Small Trucks/Vans. The Finance Department is authorized to pay the cost from this account – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1279 - ADOPTED 7-0

28. Res. to transfer unencumbered funds in the 2015 Adopted Budget in the amount of \$10,000 from account 42256 (Tradeshow Expense) to account 42121 (Travel and Subsistence) for the Convention & Tourism Department – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1310 - ADOPTED 7-0

29. Res. to transfer unencumbered funds in the 2016 Adopted Budget in the amount of \$10,000 from account 42256 (Tradeshow Expense) to account 42121 (Travel and Subsistence) for the Convention & Tourism Department – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Res. # 1311 - ADOPTED 7-0

((MOTION NEEDED THAT THE RESOLUTIONS ON THE CONSENT AGENDA BE ADOPTED))

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 30 THROUGH 31 SHALL BE HELD ON OCTOBER 20, 2015”

ZONING ORDINANCES ON SECOND READING

- 30. Ord. to rezone property northeast of 60th and Harrison Streets from DR-Development Reserve District to DR-Development Reserve District (portions of which property is located within a flood fringe and flood way overlay district) (See Doc. # 1263 – September 29 Meeting)

CCID # 1263 – ORDINANCE ON SECOND READING – Final reading to be held on October 20, 2015 pursuant to City Council Rule VII H.

- 31. Ord. to rezone property northeast of 60th and Harrison Streets from DR-Development Reserve District to GI-General Industrial District (portions of which property is located within a flood fringe and flood way overlay district). (See Doc. # 1264 – September 29 Meeting)

CCID # 1264 – ORDINANCE ON SECOND READING – Final reading to be held on October 20, 2015 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 THE THIRD READING ON AGENDA ITEM NOS. 32 THROUGH 38 SHALL BE HELD ON OCTOBER 20, 2015”
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

ORDINANCES ON SECOND READING

- 32. Ord. authorizing the issuance of a purchase order to River City Barricade Co. for barricading services to be provided at various locations throughout the city; 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 specific accounts; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY)) (See Doc. # 1269 – September 29 Meeting)

CCID # 1269 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

33. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Resumo, LLC, a Nebraska limited liability company, to implement the Rail and Commerce Bldg Tax Increment Financing (TIF) Redevelopment Project Plan located at 950 South 10th Street which proposes the adaptive reuse and conversion of the historic, former Postal Annex Building into a mix of modern-day commercial office and retail uses, and the addition of a new parking structure for the building tenants; the agreement authorizes the use of up to \$2,454,471.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1270 – September 29 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

CCID # 1270 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

34. Ord. to approve a contract by and between the City of Omaha, a municipal corporation, and Rochester Armored Car Company, Inc., for the collection, transportation, and delivery of City funds, in the amount of \$40,707.14 annually, involving the payment of money from appropriations of more than one year as provided in Section 5.17 of the Home Rule Charter of the City of Omaha 1956, as amended, for a period of three years from November 1, 2015 extendable for two additional one year periods at the same contract price at the option of the City. Funds are to be provided from General Fund No. 11111, Organization 119014; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1271 – September 29 Meeting)

CCID # 1271 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

35. Ord. to approve an agreement between the City of Omaha and Eastern Nebraska Community Action Partnership (ENCAP) in the amount of twenty two thousand eight hundred and seventy five dollars (\$22,875) to enhance the capabilities of Mini-Pros, a youth entrepreneurial t-shirt design initiative and employability skills training program during the period of July 1, 2015 and June 30, 2016; to authorize funding for such agreement from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) FY 2015 Juvenile Services Grant, Award #15-JS-0415; and 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; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1272 – September 29 Meeting)

CCID # 1272 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

36. Ord. to approve an agreement between the City of Omaha and the Hope Center for Kids in the amount of twenty five thousand eight hundred dollars (\$25,800) to provide youth employability training during the period of July 1, 2015 and June 30, 2016; to authorize funding for such agreement from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) FY 2015 Juvenile Services Grant, Award #15-JS-0412; and 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; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1273 – September 29 Meeting)

CCID # 1273 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

37. Ord. to amend Chapter 49 of the Omaha Municipal Code, entitled “Plumbing” in its entirety; to repeal Chapter 49 as heretofore existing; to suspend City Council Rule VII-B requiring that deleted language be shown lined out, for the purposes of this ordinance only; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1274 – September 29 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Pat Leddy, 2621 North 102nd Avenue, Business Manager,
Plumbers Local Union No. 16
Marsha Babcock, Executive Vice President, Mechanical
Contractors Association of Omaha, 7561 Main Street, Suite 408,
Ralston

For the City: Jim Wonder, Planning Department

CCID # 1274 – Public hearing was held today – Final reading set for October 20, 2015 pursuant to City Council Rule VII H.

38. Ord. to amend Chapter 48 of the Omaha Municipal Code, entitled “Property Maintenance Code of the City of Omaha,” to add a new Division 15, entitled “City of Omaha Abandoned and Vacant Property Ordinance”, to provide for the establishment of a registration system, including fees and fines, for abandoned, neglected and vacant properties and institute guidelines for the maintenance of abandoned, neglected and vacant properties; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1276 – September 29 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Susan Kuhlman, 9242 Raven Oaks Drive, Omaha Together One
Community Housing Committee member
Gloria Austerberry, 5036 Pinkney Street, Omaha Together One
Community Housing Action Team Co-Chair
David Weber, 5012 Davenport Street, Associate Dean and Law
Professor, Creighton University
Carl Christian, 2092 Parker Circle
Shaun Ilahi, General Counsel, Habitat for Humanity, 1701 North
24th Street
Al Siebert, 3215 Belvedere Boulevard
Kara Eastman, 4808 Davenport Street, Executive Director, Omaha
Healthy Kids Alliance
Lou Meyers, 4927 Pinkney Street
Sharon Olson, 2710 Martin Avenue
Belinda Hooks, 3321 Grand Avenue
Vicki Parks, 3167 Lincoln Boulevard
Carl Stylus, 2415 Lake Street
Kathy Buchanan, 5616 Erskine Street
Dina Wioka, 801 North 49th Avenue, Attorney
Denise Early, 5003 North 29th Street

Opponents: John Chatelain, Metropolitan Omaha Property Owners Association,
14707 California Street
Doug Kagan, 12320 William Street, Nebraska Taxpayers for
Freedom
Cornelius Williams, 1905 Lothrop Street
Ella Willis, 4123 North 25th Avenue, Neighborhood Action & Fact
Gerald Stilmock, Nebraska Bankers Association, 233 South 13th
Street, Suite 700, Lincoln
Bill Stowell, 15280 Pepperwood Drive

For the City: Jay Davis, Assistant Director, Planning Department
Jack Cheloha, City of Omaha Lobbyist
Battalion Fire Chief Tim McCaw, Omaha Fire Department

CCID # 1276 – Motion by Jerram to lay over the third reading six weeks to
November 17, 2015

Seconded by Melton

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen

Nays: Gernandt, Gray

Motion Carried 5-2

- (a) Communication from the Omaha Area Board of Realtors requesting an amendment to Section 148-155 of the ordinance to amend Chapter 48 of the Omaha Municipal Code entitled “Property Maintenance Code of the City of Omaha” – [see attached](#).

1276 – Over to 11/17/15

- (b) Communication from Omaha Together One Community (OTOC) in support of an ordinance to amend Chapter 48 of the Omaha Municipal Code entitled “Property Maintenance Code of the City of Omaha” – [see attached](#).

1276 – Over to 11/17/15

- (c) Opposition documents re: an ordinance to amend Chapter 48 of the Omaha Municipal Code entitled “Property Maintenance Code of the City of Omaha” – [see attached](#).

1276 - Over to 11/17/15

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 39 THROUGH 49 SHALL BE HELD ON OCTOBER 27, 2015”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

- 39. Ord. to rezone property located Northwest of 17th and Cuming Streets from DS-Downtown Service District to CBD-Central Business District (property is also located within an existing ACI-1 (PL)-Area of Civic Importance Overlay District).

CCID # 1296 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 17th and Cuming Streets from DS to CBD (property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).

1296 – Over to 10/27/15

- 40. Ord. to repeal the PK-Parking Overlay District for property located Southeast of 18th and Clark Streets, and to provide for an effective date – [see attached](#).

CCID # 1297 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the request to repeal the PK-Parking Overlay District, for property located Southeast of 18th and Clark Streets – [see attached](#).

1297 – Over to 10/27/15

- 41. Ord. to rezone the property located at 2218 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District.

CCID # 1298 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2218 Poppleton Avenue from GI to R5 – [see attached](#).

1298 – Over to 10/27/15

- 42. Ord. to rezone property located at 2602 North 24th Street from R5-Urban Family Residential District, R5(35)-Urban Family Residential District and R6-Low-Density Multiple-Family Residential District to R5-Urban Family Residential District.

CCID # 1299 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 2602 North 24th Street from R5, R5(35) and R6 to R5 – [see attached](#).

1299 – Over to 10/27/15

- 43. Ord. to rezone the properties located at 2641 and 2649 “X” Street from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density).

CCID # 1300 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 2641 and 2649 “X” Street from HI to R4 – [see attached](#).

1300 – Over to 10/27/15

44. Ord. to rezone the property located at 3114 Seward Street from R5-Urban Family Residential District to R4-Single-Family Residential District (high density).

CCID # 1301 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 3114 Seward Street from R5 to R4 – [see attached](#).

1301 – Over to 10/27/15

45. Ord. to rezone the property located Northwest of 30th Street and Sorensen Parkway from GI-General Industrial District to R4-Single-Family Residential District.

CCID # 1302 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

46. Ord. to amend the boundaries of the ACI-2(PL) district of the Area of Civic Importance Overlay District, to incorporate into that district the property located Northwest of 30th Street and Sorensen Parkway; and to provide for an effective date – [see attached](#).

CCID # 1303 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 30th Street and Sorensen Parkway from GI to R4 with approval of an ACI-2(PL) Overlay District – [see attached](#).

1303 – Over to 10/27/15

47. Ord. to rezone property located at 711 North Saddle Creek Road from GI-General Industrial District to CC-Community Commercial District.

CCID # 1304 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

48. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 711 North Saddle Creek Road; and to provide for an effective date – [see attached](#).

CCID # 1305 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 711 North Saddle Creek Road from GI to CC and approval of an MCC Overlay District – [see attached](#).

1305 – Over to 10/27/15

- 49. Ord. to rezone property located at 13629 Corby Street from R3-Single-Family Residential District (Medium Density) to R4-Single-Family Residential District (High Density).

CCID # 1306 – Publication to be made and public hearing and third reading to be held on October 27, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 13629 Corby Street from R3 to R4 – [see attached](#).

1306 – Over to 10/27/15

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 THE SECOND READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 50 THROUGH 52 SHALL BE HELD ON OCTOBER 20, 2015”

ORDINANCES ON FIRST READING

- 50. Ord. approving the contract with DPS, LLC for the Transportation of Sludge Cake Project from the Missouri River and Papillion Creek Wastewater Treatment Plants in the amount of \$863,050.00 to be effective from 2016 through 2017 with an option by the City to extend the contract for two additional 2-year periods; 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; and to provide an effective date hereof – [see attached](#).

CCID # 1307 – Publication to be made and public hearing to be held on October 20, 2015 pursuant to City Council Rule VII H.

51. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 2100 Douglas Street, LLC, a Nebraska limited liability company, to implement the H2.0 Tax Increment Financing (TIF) Redevelopment Project Plan located at 2100 Douglas Street which proposes the construction of a new four-story, 114 unit market-rate multi-family structure with apartment amenities; the agreement authorizes the use of up to \$2,650,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#).

CCID # 1308 – Publication to be made and public hearing to be held on October 20, 2015 pursuant to City Council Rule VII H.

52. Ord. to amend Sections 23-177 and 23-178 of Chapter 23 of the Omaha Municipal Code to reflect changes negotiated between the City of Omaha and the Omaha Police Managers Association for the years 2015 through 2018; to provide for an additional progressive step for the incumbent holding the position of Police Chief; 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 Police Management; and to provide the effective date hereof – [see attached](#).

CCID # 1313 – Publication to be made and public hearing to be held on October 20, 2015 pursuant to City Council Rule VII H.

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EXECUTIVE SESSION

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

Motion by Jerram that the meeting be adjourned

Seconded by Gernandt

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

Motion Carried 7-0

ADJOURNED: 5:31 P.M.

I, SANDRA L. MOSES, DEPUTY 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 October 6, 2015.

WITNESS:

DEPUTY CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 8TH DAY OF OCTOBER, 2015.