

38TH REGULAR OMAHA CITY COUNCIL MEETING

NOVEMBER 17, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, November 17, 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 # 1434 – Present: Thompson, Festersen, Gernandt, Melton, Pahls, Mr. President

Absent: Jerram

2. Pledge of Allegiance.
3. Invocation by Councilmember Pete Festersen of District No. 1.

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 November 13, 2015, notice re: Pre-Council and Regular City Council Meetings, November 17, 2015.

CCID # 1435 – 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 RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

COUNCILMEMBER JERRAM ENTERS THE LEGISLATIVE CHAMBERS

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northeast of 60th Street and Sorensen Parkway; and to provide for an effective date – over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))
(See Doc. # 1346 – October 20, October 27, and November 3 Meetings)
Notice of public hearing on November 3, 2015 published in the Daily Record on October 23, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

Bob Stubbe, Director, Public Works Department, appeared and spoke.

CCID # 1346 – Motion by Festersen that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40555 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of an MCC-Major Commercial Corridor Overlay District for the property located northeast of 60th Street and Sorensen Parkway – over from 11/3/15 - [see attached](#).
(See Doc. # 1346 – October 20 and November 3 Meetings)

1346 – From Chair on File

6. Res. that the revised preliminary plat entitled SORENSEN PLACE, located northeast of 60th Street and Sorensen Parkway, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1347 – October 20 and November 3 Meetings)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1347 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Revised Preliminary Plat of SORENSEN PLACE, located northeast of 60th Street and Sorensen Parkway – Inside City - over from 11/3/15 - [see attached](#).
(See Doc. # 1347 – October 20 and November 3 Meetings)

1347 – From Chair on File

7. Res. that the replat transmitted herewith entitled SORENSEN PLACE, located northeast of 60th Street and Sorensen Parkway, is hereby approved, and concurrently a portion of the existing plat entitled Sorensen Plaza, and described on said replat, is hereby vacated – Inside City - over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1348 – October 20 and November 3 Meetings)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1348 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of SORENSEN PLACE, located northeast of 60th Street and Sorensen Parkway – Inside City - over from 11/3/15 - [see attached](#).
(See Doc. # 1348 – October 20 and November 3 Meetings)

1348 – From Chair on File

8. Res. that, the Subdivision Agreement among the City of Omaha, Sixty Sorensen, LLC, a Nebraska limited liability company, and The Sorensen Place Owners Association, as recommended by the Mayor, providing for the Watershed Management fees, is hereby approved. The Subdivision is to be known as Sorensen Place (Lots 1-5 and Outlots A-B) and is located northeast of 60th Street and Sorensen Parkway - over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1349 – October 20 and November 3 Meetings)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1349 – ADOPTED 7-0

9. Res. that the Special Use Permit application submitted by Sixty Sorensen, LLC for a Major Amendment to a Large Project Special Use Permit to allow for a commercial development in a CC-Community Commercial District with an MCC-Major Commercial Corridor Overlay District, for property located Northeast of 60th Street and Sorensen Parkway, 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 above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1350 – October 20 and November 3 Meetings)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1350 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Sixty Sorensen, LLC for a Major Amendment to a Large Project Special Use Permit to allow for a commercial development in a CC-MCC District for property located Northeast of 60th Street and Sorensen Parkway – over from 11/3/15 – [see attached](#).
(See Doc. # 1350 – October 20 and November 3 Meetings)

1350 – From Chair on File

10. Res. that the Special Use Permit application submitted by Sixty Sorensen, LLC for a Major Amendment to a Special Use Permit to allow Convenience storage in a CC-Community Commercial District with an MCC-Major Commercial Corridor Overlay District, for property located Northeast of 60th Street and Sorensen Parkway, 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 above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code - over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1351 – October 20 and November 3 Meetings)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1351 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Sixty Sorensen, LLC for a Major Amendment to a Special Use Permit to allow Convenience storage in a CC-MCC District for property located Northeast of 60th Street and Sorensen Parkway – over from 11/3/15 – [see attached](#).
(See Doc. # 1351 – October 20 and November 3 Meetings)

1351 – From Chair on File

11. Res. that the preliminary plat entitled SOUTH OMAHA REPLAT 23, located west of Dahlman Avenue and south of "A" Street, along with the attached condition, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 11/3/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1320 – October 20 and November 3 Meetings)

CCID # 1320 – Resolution Read

- (a) Amendment of the Whole requested by the Law Department – [see attached](#).

Motion by Gernandt that the Amendment of the Whole be adopted
Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1320 – ADOPTED AS AMENDED 7-0

- (b) Planning Board and Planning Department recommend approval of the Preliminary Plat of SOUTH OMAHA REPLAT 23, but DENIAL of a waiver of Section 53-8(5) of the Omaha Municipal Code for Easements, located west of Dahlman Avenue and south of “A” Street – Inside City – over from 11/3/15 – [see attached](#).
(See Doc. # 1320 – October 20 and November 3 Meetings)

1320 – From Chair on File

RESOLUTIONS RE: PLAT AND SUBDIVISION AGREEMENT

12. Res. that the plat entitled SKY RANCHES, located Southeast of 84th Street and Bennington Road, is hereby approved and accepted – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1446 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of SKY RANCHES, located Southeast of 84th Street and Bennington Road – Outside City – [see attached](#).

1446 – From Chair on File

13. Res. that, the Subdivision Agreement between the City of Omaha and Durand Investments, Ltd., a Nebraska Corporation, as recommended by the Mayor, providing for the waiver of the right to protest the creation of a future sidewalk improvement district, is hereby approved. The Subdivision is to be known as Sky Ranches (Lots 1-3) and is located southeast of 84th Street and Bennington Road – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1447 – ADOPTED 7-0

LIQUOR AND RESOLUTION

14. CLASS "C" – Tumble Inn Tavern, LLC, dba "Tumble Inn Tavern", 1919 Missouri Avenue. New application, New location. Property posted: 11-04-15; Notification sent: 11-06-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Ryan Roberts, Tumble Inn Tavern, 1919 Missouri Avenue, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1437 – ADOPTED 7-0

- (a) Communication opposing the application of Tumble Inn Tavern, LLC, dba "Tumble Inn Tavern", 1919 Missouri Avenue, for a Class "C" Liquor License – [see attached](#).

1437 – From Chair on File

15. CLASS "C" – Variedades Salvadorenas, LLC, dba "Variedades Salvadorenas", 3702 "Q" Street. New application, New location. Property posted: 11-04-15; Notification sent: 11-06-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Teodora Tenorio, 3702 Q Street, appeared and spoke.

Application read

Motion by Gernandt that the City Council Liquor Rules (Rule 7) be suspended

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1438 – ADOPTED 7-0

Motion by Thompson that the City Council Liquor Rules (Rule 7) be reinstated

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

16. CLASS "I" – NETACO, Inc., dba "R Taco", 14919 West Maple Road. New application, New location. Property posted: 11-04-15; Notification sent: 11-06-15 – [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: Steven Slender, 14919 West Maple Road
Ryan Jung, 14919 West Maple Road

Motion by Melton that the Resolution to GRANT be adopted contingent upon their compliance with the City of Omaha Planning Department and proper permits obtained

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1439 – ADOPTED 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: NETACO, Inc., dba "R Taco", 14919 West Maple Road – [see attached](#).

1439 – From Chair on File

- (b) Communication opposing the application of NETACO, Inc. dba "R Taco", 14919 West Maple Road for a Class "I" Liquor License – [see attached](#).

1439 – From Chari on File

17. CIAO Down Capital I, LP, dba "Spezia", 3125 South 72nd Street, requests permission to appoint Brian W. Reilly manager of their present Class "C" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Brian Reilly, 3125 South 72nd Street, appeared and spoke.

CCID # 1440 – Motion by Thompson that the request be approved

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

18. Century-Omaha Hospitality, LLC, dba “Ramada Plaza Omaha”, 3321 South 72nd Street, requests permission to appoint Kenneth R. Gantz manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Kenneth Gantz, 3321 South 72nd Street, appeared and spoke.

CCID # 1441 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

19. Oak Hills Country Club, Inc., 12325 Golfing Green Drive, requests permission to appoint David L. Emerton manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: David Emerton, Oak Hills Country Club, 12325 Golfing Green Drive
Mike Zadalis, General Manager, Oak Hills Country Club, 12325
Golfing Green Drive

CCID # 1442 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

20. Order Sons of Italy, 1238 South 10th Street, requests permission to appoint Anthony P. Velasquez manager of their present Class “C” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Anthony Velasquez, 1238 South 10th Street, appeared and spoke.

CCID # 1443 – Motion by Gernandt that the request be approved

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

21. RGW, Inc., dba “Tobacco Outlet”, 7649 Cass Street, requests permission to appoint William R. Andersen manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

William Andersen, 7649 Cass Street, appeared and spoke.

CCID # 1444 – Motion by Festersen that the request be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

22. Peak Interests, LLC, dba “Pizza Hut”, 13838 “R” Plaza, requests permission to appoint Peter J. Crusinberry manager of their present On Sale Beer License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Peter Crusinberry, 13838 R Plaza, appeared and spoke.

CCID # 1445 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

23. Res. that Andre’s Smoke Shop at 4016 North 24th Street is hereby released from the condition imposed on its retail liquor license preventing it from selling single bottles, cans or airplane shots – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Trent Risper, 4016 North 24th Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1448 – 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. 24 through 32 were held on November 3, 2015.)

CONSENT AGENDA – ORDINANCES

24. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1825 N. 24th Street, and legally described in the attached purchase agreement, for subsequent use as a future Community Development site; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Shirley Tyree, 3306 Decatur Street, Omaha, NE 68111, to acquire the property for the sum of Six Thousand One Hundred and NO/100 Dollars (\$6,100.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 4134, Task 12.1533, Award 100061; and to provide the effective date hereof – [see attached](#).

(See Doc. # 1385 – October 27 and November 3 Meetings)

Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1385 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40556 - PASSED 7-0

25. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1833 N. 24th Street, and legally described in the attached purchase agreement, for subsequent use as a future Community Development site; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Ruby L. Collett, 1340 Scottsdale Road East, West Palm Beach, Florida, 33417, to acquire the property for the sum of Eighteen Thousand and NO/100 Dollars (\$18,000.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 4134, Task 12.1533, Award 100061; and to provide the effective date hereof – [see attached](#).

(See Doc. # 1386 – October 27 and November 3 Meetings)

Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1386 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40557 - PASSED 7-0

26. Ord. to approve the acceptance of and authorize the disbursement from the FY 2015 State Homeland Security Grant (SHSG) Award #EMW-2015-SS-00079-S01, and budget in the amount of six hundred fifty one thousand and thirty nine dollars (\$651,039) from the Nebraska Emergency Management Agency (NEMA), during the project period of September 1, 2015 through August 31, 2018, to provide first responder and emergency response communities in Douglas, Sarpy, and Washington Counties with enhanced capabilities to prevent, protect against, mitigate, respond to, and recover from potential threats of manmade and natural disasters; 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](#).
(See Doc. # 1387 – October 27 and November 3 Meetings)
Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1387 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40558 - PASSED 7-0

27. Ord. to approve the acceptance of and authorize the disbursement from the FY2014 Assistance to Firefighters Grant Program, award #EMW-2014-FV-02611, in the amount of two hundred twenty six thousand four hundred seventy-one dollars (\$226,471); a match of twenty two thousand six hundred forty-seven dollars (\$22,647) provided by the Omaha Fire Department (OFD) from Fund 11111, Organization 114511 (BFY2016 OFD Grant Expense), and total program budget in the amount of two hundred forty nine thousand one hundred eighteen dollars (\$249,118); during the project period of July 1, 2015 to June 30, 2016, to provide funding for one (1) bariatric ambulance for use by the Omaha Fire Department (OFD); 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](#).
(See Doc. # 1388 – October 27 and November 3 Meetings)
Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1388 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40559 - PASSED 7-0

28. Ord. to approve the acceptance of and authorize the disbursement from the FY2014 Assistance to Firefighters Grant Program – Fire Prevention and Safety Grant, Award #EMW-2014-FP-00935, and budget in the amount of one hundred sixty one thousand six hundred and twenty one dollars (\$161,621) with a match of eight thousand eighty one dollars (\$8,081) by the Omaha Fire Department (OFD) from Fund 11111, Organization 114511 (BFY2016 OFD Grant Expense); during the project period of August 28, 2015 to August 27, 2017, to provide funding for one (1) bilingual Fire Safety Education Specialist position with the Omaha Fire Department and promotional items for such fire safety education activities; 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](#).
(See Doc. # 1389 – October 27 and November 3 Meetings)
Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1389 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40560 - PASSED 7-0

29. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), FY 2015 COPS Hiring Program (CHP), Award #2015-UL-WX-0035, in the amount of one hundred twenty five thousand dollars (\$125,000), a match in the amount of one hundred twenty two thousand, six hundred and seven dollars (\$122,607), and total program amount of two hundred forty seven thousand, six hundred and seven dollars (\$247,607) during the project period of September 1, 2015 to August 31, 2018; to provide funding for one (1) new sworn Omaha Police Department officer hire; 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](#).
(See Doc. # 1390 – October 27 and November 3 Meetings)
Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1390 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40561 - PASSED 7-0

30. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, FY 2015 Paul Coverdell Forensic Science Improvement Grant Program, Award #2015-CD-BX-0005, in the amount of one hundred sixty five thousand, nine hundred and eighty one dollars (\$165,981), during the project period of October 1, 2015 to September 30, 2016; to provide funding for Omaha Police Department crime lab technician overtime and training, and crime lab equipment and supplies; 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](#).

(See Doc. # 1391 – October 27 and November 3 Meetings)

Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1391 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40562 - PASSED 7-0

31. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2015 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods): Category 3, Award #2015-GP-BX-0005, in the amount of one hundred forty four thousand, nine hundred and forty six dollars (\$144,946), during the project period of October 1, 2015 to September 30, 2017; to provide funding for one (1) PSN Coordinator of Operations position, one (1) PSN Firearms Clerk position, PSN staff training, Nebraska State Patrol crime lab equipment, firearms testing, program evaluation, and overtime for law enforcement specialized operations; 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](#).

(See Doc. # 1392 – October 27 and November 3 Meetings)

Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1392 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40563 - PASSED 7-0

- 32. Ord. to approve the execution of a Master Agreement between the City of Omaha and Omaha Cellular Telephone Company, d/b/a Verizon Wireless (“Verizon”), providing for Verizon’s usage of street light poles in City right of way for microcell antennas; and to provide the effective date hereof – [see attached](#).

(See Doc. # 1393 – October 27 and November 3 Meetings)

Notice of public hearing on November 3, 2015 published in the Daily Record on October 30, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

CCID # 1393 – Motion by Gernandt that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40564 - PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 33 through 47 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

- 33. Res. that, as recommended by the Mayor, Change Order No. 5 for Swain Construction to administer the necessary modifications to OPW 52643, being Dodge Street – 12th to 84th Street; Military Avenue – 64th to Pratt Street panel repairs, is hereby approved; and that, the Finance Department is authorized to pay an additional \$266,900.50 for these changes from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1449 – ADOPTED 7-0

34. Res. that, as recommended by the Mayor, the contract with 10 Men, LLC for OPW 52851, being the Vehicle Maintenance Facility Roof Replacement Project, in the total amount of \$362,167.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2014 Public Facilities Fund 13246 and Capital Organization 116262, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1450 – ADOPTED 7-0

35. Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Company to provide on-call field investigation and contract administration services for the 2015-2016 Residential Snow Plow Contracts in various areas of the City, is hereby approved; and that, the Finance Department is authorized to pay an estimated fee of \$45,000.00 to be paid from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1451 – ADOPTED 7-0

36. Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates to provide on-call field investigation and contract administration services for the 2015-2016 Residential Snow Plow Contracts in various areas of the City, is hereby approved; and that, the Finance Department is authorized to pay an estimated fee of \$45,000.00 to be paid from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1452 – ADOPTED 7-0

37. Res. that, as recommended by the Mayor, the Professional Services Agreement with The Schemmer Associates, Inc. to provide on-call field investigation and contract administration services for the 2015-2016 Residential Snow Plow Contracts in various areas of the City, is hereby approved; and that, the Finance Department is authorized to pay an estimated fee of \$45,000.00 to be paid from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2015 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1453 – ADOPTED 7-0

38. Res. that, the quote of Anderson Excavating Co. for the demolition of 1120 North 45 Street, in the amount of \$21,350.00 is accepted and award is made to Anderson Excavating Co.; the amount of this award shall be paid from General Funds Demolition 2015; and that, the Purchasing Agent be authorized to issue a purchase order to Anderson Excavating Co. for the demolition of 1120 North 45 Street, in the amount of \$21,350.00 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1454 – ADOPTED 7-0

39. Res. that, the attached Contract between the Omaha-Council Bluffs Metropolitan Area Planning Agency and the City of Omaha, setting forth that the City of Omaha, through its Planning Department, agrees to perform certain transportation planning activities which will include but not limited to the Midtown-Downtown Bus Rapid Transit and Urban Circulator project, North Downtown Pedestrian Bridge, facilitation and development of parking management systems, development review for transportation planning and Complete Streets Omaha is hereby approved, and the Mayor and City Clerk are hereby authorized to execute and attest the attached Contract. In-kind services provided by the Planning Department or funds in the amount of Twenty-Five Thousand Seven Hundred Fourteen and No/100 Dollars (\$25,714.00) shall be paid from the Planning Department, Fund 11111 and Organization 109031 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1455 – ADOPTED 7-0

40. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and Family Housing Advisory Services, Inc., a Nebraska Non-profit Corporation, Teresa C. Hunter, Executive Director, 2401 Lake Street, Omaha, Nebraska 68111, in the amount of \$60,000.00 for funding support for its housing counseling program for the period from January 1, 2015 through December 31, 2015, is hereby approved. Funds shall be paid from the FY 2015 Community Development Block Grant, Housing Development Program, Fund No. 12186, and Organization No. 128072 – [see attached](#).

Motion by Jerrarm that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1456 – ADOPTED 7-0

41. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and Omaha 100, Incorporated, a Nebraska Non-profit Corporation, Teresa C. Hunter, Authorized Representative, 2401 Lake Street, Omaha, Nebraska 68111, in the total amount of \$50,000.00 for operational support for its mortgage lending program for the period from April 1, 2015 through March 31, 2016, is hereby approved. Funds shall be paid from the FY 2015 Community Development Block Grant, Housing Development Program, Fund 12186, and Organization 128072 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1457 – ADOPTED 7-0

42. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$29,700.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Carolyn J. Spencer and Daniel M. Spencer, located at 1410 Jefferson St., Omaha, NE 68107, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$29,700.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1458 – ADOPTED 7-0

43. Res. that, as recommended by the Mayor, the bid in the total amount of \$34,713.00 from BayShore Contractors, LLC to provide all tools, labor, mechanics for labor, equipment, and materials for the restoration of the creek bank and related site work for the Barrington Park Trail, located North 162nd and California Streets, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$34,713.00 shall be paid from the 2010 Parks & Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2015 fiscal year – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 1459 – ADOPTED 7-0

44. Res. that, as recommended by the Mayor, costs in the total amount of \$172,500.00 for park improvements consisting of construction of a 6” thick, 10 foot wide concrete trail to be constructed between the existing trail in Piney Creek and continue south and east through the West Hampton S&ID No. 489, located near 192nd and Blondo Streets, is hereby approved. FURTHER THAT, the costs incurred by S&ID No. 489, West Hampton, to make these improvements will be funded 100% by the General Operating Funds of the S&ID – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 1460 – ADOPTED 7-0

45. Res. that, the Mayor is authorized to sign, and the City Clerk to attest, the attached Contract between the City of Omaha and the Greater Omaha Chamber of Commerce for the Greater Omaha Economic Development Partnership for the year 2016 and to provide payment of one hundred fifty thousand dollars (\$150,000) with funding from General Fund 11111, Organization 126028 – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 1461 – ADOPTED 7-0

- (a) Communication from David G. Brown, President and CEO, Greater Omaha Chamber, re: the Resolution approving the agreement with the Greater Omaha Chamber of Commerce for the Greater Omaha Economic Development Partnership of the year 2016 – [see attached](#).

1461 – From Chair on File

AGENDA ITEM NO. 46 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF COUNCILMEMBER THOMPSON

46. Res. that the appointment by Mayor Jean Stothert of George B. Achola to serve as a Commissioner of the Omaha Housing Authority in accordance with the terms and conditions of the laws of the State of Nebraska and the City of Omaha, for a term commencing immediately upon confirmation by the City Council, and expiring five years thereafter on November 16, 2020, be and hereby is confirmed and approved – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jennifer Taylor, Chair, Omaha Housing Authority
Opponent: Fred Conley, 3354 North 37th Street
For the City: Cassie Paban, Mayor’s Office

Motion by Melton that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1473 – ADOPTED 6-1

47. Res. that the appointment by Mayor Jean Stothert of David C. Levy to serve as a commissioner of the Omaha Housing Authority in accordance with the terms and conditions of the laws of the State of Nebraska and the City of Omaha, to serve the remainder of Mr. Romano’s term commencing upon confirmation by the City Council, and expiring April 18, 2019, be and hereby is confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1474 – ADOPTED 7-0

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

* * * * *

ORDINANCES ON FINAL READING

48. Ord. to amend Omaha Municipal Code Sec. 20-7 regarding aggressive panhandling in the City; to repeal Sec. 20-7 as heretofore existing; and to provide the effective date thereof – over from 9/29/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))
(See Doc. # 1228 – September 22 and September 29 Meetings)
Notice of public hearing on September 29, 2015 published in the Daily Record on October 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Amy A. Miller, Legal Director, ACLU of Nebraska, 941 O Street, Suite 706, Lincoln

For the City: Deputy Chief David Baker, Omaha Police Department

CCID # 1228 – Motion by Jerram that the Ordinance be laid over 3 weeks to December 8, 2015

Seconded by Pahls

ROLL CALL:

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

Nay: Gernandt

Motion Carried 6-1

- (a) Communication from Amy A. Miller, Legal Director, ACLU of Nebraska, re: an Ordinance to amend Section 20-7 of the Omaha Municipal Code regarding aggressive panhandling – over from 9/29/15 – [see attached](#).
(See Doc. # 1228 – September 29 Meeting)

1228 – Over to 12/08/15

- (b) Communication from Amy A. Miller, Legal Director, ACLU of Nebraska, supporting the Ordinance to amend Section 20-7 of the Omaha Municipal Code regarding aggressive panhandling – [see attached](#).

1228 – Over to 12/08/15

49. 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 – over from 10/6/15 – [see attached](#). ((PUBLIC HEARING HELD 10/6/15 – CAN BE PASSED TODAY))

(See Doc. # 1276 –September 29 and October 6 Meetings)

Notice of public hearing on October 6, 2015 published in the Daily Record on October 2, 2015. Ordinance passed on November 17, 2015 published in the Daily Record on November 25, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Jerry Stilmock, Nebraska Bankers Association, 233 South 13th Street, Suite 700, Lincoln
Professor David Weber, 5012 Davenport Street
Ella Willis, 4123 North 25th Avenue
Opponent: John Chatelain, 4528 South 187th Street
For the City: Jennifer Taylor, Law Department
Jay Davis, Assistant Director, Planning Department
Buster Brown, City Clerk

CCID # 1276 – Ordinance Read

- (a) Amendment of the Whole requested by the Planning Department – [see attached](#).

1276 – Amendment of the Whole 'A' read

Motion by Gernandt that the Amendment of the Whole be passed as amended

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40565 - PASSED AS AMENDED 7-0

- (a-1) Amendment 'A-1' requested by the City Clerk to Amendment of the Whole 'A' – see attached.

1276 – Motion by Gernandt that Amendment 'A-1' to the Amendment of the Whole 'A' be approved

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

- (b) 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" – over from 10/6/15 – [see attached](#).
(See Doc. # 1276 – October 6 Meeting)

1276 – From Chair on File

- (c) 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" – over from 10/6/15 – [see attached](#).
(See Doc. # 1276 – October 6 Meeting)

1276 – From Chair on File

- (c) Opposition documents re: an ordinance to amend Chapter 48 of the Omaha Municipal Code entitled "Property Maintenance Code of the City of Omaha" – over from 10/6/15 – [see attached](#).
(See Doc. # 1276 – October 6 Meeting)

1276 – From Chair on File

**"PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NOS. 50 THROUGH 54 SHALL BE LAID OVER
THREE WEEKS FOR PUBLICATION AND PUBLIC HEARING"**

RESOLUTIONS

50. Res. that, the attached Amendments to the Fiscal Year 2015 Omaha-Council Bluffs Consortium Consolidated Submission for Community Planning and Development Programs are hereby approved – [see attached](#).

Notice of public hearing on December 8, 2015 published in the Daily Record and Omaha World Herald on November 19 and November 26, 2015.

CCID # 1462 – Over three weeks to December 8, 2015 for publication and public hearing pursuant to City Council Rule VII F.

51. Res. that, the attached The Fitzgerald Gateway Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1624 Cuming Street with private front courtyards, recommending the City's participation through the allocation of TIF in an amount up to \$212,000.00 to offset TIF eligible expenses such as acquisition, rehabilitation costs, site work, demolition, architectural and engineering fees, and all public improvements as required, but is subject to change as final costs come in, 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](#).

Notice of public hearing on December 8, 2015 published in the Daily Record and Omaha World Herald on November 19 and November 26, 2015.

CCID # 1463 – Over three weeks to December 8, 2015 for publication and public hearing pursuant to City Council Rule VII F.

52. Res. that, the attached Kiewit Education, Innovation and Leadership (EIL) Facility Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located primarily along Mike Fahey Street between 14th and 15th Streets which proposes a two-story, 63,000 square foot education, innovation and leadership facility, recommending the City's participation through the allocation of TIF in an amount up to \$2,340,000.00 to offset TIF eligible expenses such as acquisition, site work, demolition, architectural and engineering fees, and all public improvements as required, but is subject to change as final costs come in, 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](#).

Notice of public hearing on December 8, 2015 published in the Daily Record and Omaha World Herald on November 19 and November 26, 2015.

CCID # 1464 – Over three weeks to December 8, 2015 for publication and public hearing pursuant to City Council Rule VII F.

53. Res. that, the attached The Woolworth Lofts Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1114 Howard Street which proposes the rehabilitation of the upper floors with a mix of 43 one and two bedroom market rate apartment units and 14,800 square feet of office space on the second floor, recommending the City's participation through the allocation of TIF in an amount up to \$1,500,000.00 to offset TIF eligible expenses such as acquisition, rehabilitation costs, site work, architectural and engineering fees, and all public improvements as required, but is subject to change as final costs come in, 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](#).

Notice of public hearing on December 8, 2015 published in the Daily Record and Omaha World Herald on November 19 and November 26, 2015.

CCID # 1466 – Over three weeks to December 8, 2015 for publication and public hearing pursuant to City Council Rule VII F.

54. Res. that, the attached King Science Redevelopment Plan, prepared by the Omaha City Planning Department, be and hereby is approved as a Redevelopment Plan for the redevelopment of the area bounded by Pratt Street on the south, Sahler Street on the north, Florence Boulevard on the east and 24th Street on the west – [see attached](#).

Notice of public hearing on December 8, 2015 published in the Daily Record and Omaha World Herald on November 19 and November 26, 2015.

CCID # 1465 – Over three weeks to December 8, 2015 for publication and public hearing pursuant to City Council Rule VII F.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 55
THROUGH 58 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

55. Ord. to rezone property located south of 63rd Street and West Center Road from MH-Mobile Home Residential District and GC-General Commercial District to MU-Mixed Use District (portion of property is also located within the flood fringe overlay district).
(See Doc. # 1419 – November 3 Meeting)

CCID # 1419 – ORDINANCE ON SECOND READING – Final reading to be held on November 24, 2015 as per City Charter requirements.

56. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Aksarben Village, located south of 63rd Street and West Center Road, between the City of Omaha and 6300 Arbor Street, LLC, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 1421 – November 3 Meeting)

CCID # 1421 – ORDINANCE ON SECOND READING – Final reading to be held on November 24, 2015 as per City Charter requirements.

57. Ord. to rezone property located southwest of 144th Street and West Maple Road from MU-Mixed Use District to DR-Development Reserve District.
(See Doc. # 1422 – November 3 Meeting)

CCID # 1422 – ORDINANCE ON SECOND READING – Final reading to be held on November 24, 2015 as per City Charter requirements.

58. Ord. to rezone property located southwest of 144th Street and West Maple Road from MU-Mixed Use District to MU-Mixed Use District.
(See Doc. # 1423 – November 3 Meeting)

CCID # 1423 – ORDINANCE ON SECOND READING – Final reading to be held on November 24, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING

59. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 29th & Leavenworth traffic signal improvements project, identified as OPW 52866, providing that the City negotiate with the property owners for partial land acquisitions and temporary construction easements; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and that the Finance Department is authorized to pay the cost of partial land acquisitions and temporary construction easements for the 29th & Leavenworth traffic signal improvements project from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117; and providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1427 – November 3 Meeting)

Bob Stubbe, Director, Public Works Department, appeared and spoke.

CCID # 1427 – Public hearing was held today – Final reading set for November 24, 2015 as per City Charter requirements.

- (a) Amendment of the Whole requested by the Public Works Department – see attached.

1427 – Over to 11/24/15

60. Ord. authorizing the Purchasing Agent to issue a purchase order to JCI Industries, Inc. for a 12-month open order price agreement in the amount of \$51,000.00 for electrical maintenance on motors and controls at the wastewater treatment plants and sewage lift stations with two one-year extension options; 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1428 – November 3 Meeting)

CCID # 1428 – Public hearing was held today – Final reading set for November 24, 2015 as per City Charter requirements.

61. Ord. to approve a lease, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended, by and between the City of Omaha, a municipal corporation in Douglas County, Nebraska, and Project Harmony, for the use of premises at 11949 “Q” Street, Omaha, Nebraska by the Omaha Police Department as office space for a term commencing January 1, 2016 and extending through December 31, 2020 in the annual amount of \$50,000.00 to be paid in quarterly installments of \$12,500.00 for Years 2016, 2017, and 2018; and in the annual amount of \$55,000.00 to be paid in quarterly installments of \$13,750.00 for Years 2019 and 2020; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1429 – November 3 Meeting)

CCID # 1429 – Public hearing was held today – Final reading set for November 24, 2015 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 62
THROUGH 67 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

62. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 2552 Spencer Street, 3806 Miami Street, and 5810 North 27th Street, and legally described in the attached purchase agreement, for subsequent use as a future Community Development site; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the attached Agreement between the City of Omaha and Richa and Rajesh Goel, 707 Jefferson Avenue SE, Bondurant, IA 50035, to acquire the property for the sum of One and NO/100 Dollars (\$1.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 4134, Task 12.1533, Award 100061; and to provide the effective date hereof – [see attached](#).

CCID # 1467 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

63. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant and improved properties located in the Prospect Village Redevelopment Plan Area, an area generally defined by Lake Street, 30th Street, Hamilton Street and 36th Street, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as sites for implementing the Prospect Village Redevelopment Plan by use as a community garden; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; project costs will be paid from FY 2014 Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 4134, Task 12.533, Award 100061; and to provide the effective date hereof – [see attached](#).

CCID # 1468 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

64. Ord. approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Agreement with Abide Network, Inc., a Nebraska Non-profit Corporation, 3335 Fowler Avenue, Omaha, NE 68111, to convey the property described in the attached agreement, located at 1715 and 1807 N. 35th Street, in consideration of the sum of One and 00/100 Dollars (\$1.00) for development of a pocket park and community garden; there are no expenses associated with the transfer of the property to Abide; and to provide the effective date hereof – [see attached](#).

CCID # 1469 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

65. 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-191 at 110 North 175th Street, as requested by Tucker Magid for VPMB Two Land Company, LLC; and to provide the effective date hereof – [see attached](#).

CCID # 1470 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

66. 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-192 at 10714 Mockingbird Drive, as requested by Ronald E. Brownlow for Journal Broadcast Group, Inc.; and to provide the effective date hereof – [see attached](#).

CCID # 1471 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

67. Ord. to amend Omaha Municipal Code Sec. 20-163 regarding the non-consensual towing of motor vehicles; to provide that vehicle storage fees shall not be charged for days on which the storage lot is closed; to repeal Sec. 20-163 as heretofore existing; and to provide the effective date thereof – [see attached](#).

CCID # 1472 – Publication to be made and public hearing to be held on November 24, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Gernandt that the meeting be adjourned
Seconded by Melton

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Motion Carried 7-0

ADJOURNED: 3:47 P.M.

I, BUSTER BROWN, 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 November 17, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 19TH DAY OF NOVEMBER, 2015.