

40TH REGULAR OMAHA CITY COUNCIL MEETING

DECEMBER 8, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, December 8, 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 # 1508 – Present: Gernandt, Jerram, Melton, Pahls, Thompson, Festersen, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Chris Jerram of District No. 3.

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 December 4, 2015, notice re: Pre-Council and Regular City Council Meetings, December 8, 2015.

CCID # 1509 – 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.

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

5. Res. that the preliminary plat entitled POWER STATION, a subdivision inside the city limits, with a waiver of Section 53-8(5)(c/d) of the Omaha Municipal Code for Utility easements and Section 53-9 for Sidewalks, located east of 6th and Leavenworth Streets, 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 11/24/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1482 – November 24 Meeting)

Todd Heistand, NuStyle Development, 2223 Dodge Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1482 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of POWER STATION, a subdivision inside the city limits, with a waiver of Section 53-8(5)(c/d) of the Omaha Municipal Code for Utility easements and Section 53-9 for Sidewalks, located east of 6th and Leavenworth Streets – Inside City – over from 11/24/15 – [see attached](#).
(See Doc. # 1482 – November 24 Meeting)

1482 – From Chair on File

6. Res. that the preliminary plat entitled HIGHLANDER 75 NORTH REPLAT 1, located northwest of 30th and Patrick Streets, 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 11/24/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1500 – November 24 Meeting)

Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1500 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of HIGHLANDER 75 NORTH REPLAT 1, a minor plat inside the city limits, located northwest of 30th and Patrick Streets – Inside City – over from 11/24/15 – [see attached](#).
(See Doc. # 1500 – November 24 Meeting)

1500 – From Chair on File

- 7. Res. that the replat transmitted herewith entitled HIGHLANDER 75 NORTH REPLAT 1, located northwest of 30th and Patrick Streets, is hereby approved, and concurrently a portion of the existing plat entitled Highlander 75 North, and described on said replat, is hereby vacated – Inside City – over from 11/24/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1501 – November 24 Meeting)

Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1501 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of HIGHLANDER 75 NORTH REPLAT 1, a minor plat inside the city limits, located northwest of 30th and Patrick Streets – Inside City – over from 11/24/15 – [see attached](#).
(See Doc. # 1501 – November 24 Meeting)

1501 – From Chair on File

- 8. Res. that, the Subdivision Agreement between the City of Omaha and Seventy-Five North Revitalization, Inc., a Nebraska corporation, as recommended by the Mayor, providing for the public improvements, is hereby approved. The Subdivision is to be known as Highlander 75 North Replat 1 (Lot 1) and is located northwest of 30th and Patrick Streets – over from 11/24/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1502 – November 24 Meeting)

Dan Dolezal, Ehrhart Griffin & Associates, 3552 Farnam Street, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1502 – ADOPTED 7-0

9. Res. that the plat entitled ERIKSEN ACRES, located at 10313 North 72nd Street, is hereby approved and accepted – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Charlotte Rasmussen, 10313 North 72nd Street, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1513 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ERIKSEN ACRES, located at 10313 North 72nd Street – Outside City – [see attached](#).

1513 – From Chair on File

10. Res. that, the Subdivision Agreement between the City of Omaha and Charlotte Rasmussen, as recommended by the Mayor, providing for the Parks fees, is hereby approved. The Subdivision is to be known as Eriksen Acres (Lots 1-2 and Outlot A) and is located at 10313 North 72nd Street – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Charlotte Rasmussen, 10313 North 72nd Street, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1514 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 11 THROUGH 12 SHALL BE LAID OVER TWO WEEKS
FOR PUBLICATION AND PUBLIC HEARING”**

11. Res. that the preliminary plat entitled PEPPERWOOD VILLAGE REPLAT 2, located at 520 North 152nd Avenue Circle, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).
Notice of public hearing on December 22, 2015 published in the Daily Record on December 10, 2015.

CCID # 1515 – Over two weeks to December 22, 2015 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of PEPPERWOOD VILLAGE REPLAT 2, located at 520 North 152nd Avenue Circle – Inside City – [see attached](#).

1515 – Over to 12/22/15

12. Res. that the replat transmitted herewith entitled PEPPERWOOD VILLAGE REPLAT 2, located at 520 North 152nd Avenue Circle, is hereby approved, and concurrently a portion of the existing plat entitled Pepperwood Village, and described on said replat, is hereby vacated – Inside City – [see attached](#).
Notice of public hearing on December 22, 2015 published in the Daily Record on December 10, 2015.

CCID # 1516 – Over two weeks to December 22, 2015 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of PEPPERWOOD VILLAGE REPLAT 2, located at 520 North 152nd Avenue Circle – Inside City – [see attached](#).

1516 – Over to 12/22/15

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SPECIAL USE PERMIT – DAY CARE SERVICES (GENERAL)

13. Res. that the Special Use Permit application submitted by Sandra Kosierowski for a Special Use Permit to allow Day Care Services (general) in an R4-Single-Family Residential District (High Density), located at 17118 Patterson Drive, 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 11/24/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1484 – November 24 Meeting)

Motion by Pahls that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1484 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Sandra Kosierowski for a Special Use Permit to allow Day Care Services (general) in an R4 District located at 17118 Patterson Drive – over from 11/24/15 – [see attached](#).
(See Doc. # 1484 – November 24 Meeting)

1484 – From Chair on File

LIQUOR AND RESOLUTION RE: KENO

14. CLASS "C" – Café Z, LLC, dba "Café Z", 2203 South 16th Street. New application, New location. Property posted: 11-19-15; Notification sent: 11-25-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Mike Kelley, 7134 Pacific Street, appeared and spoke.

Motion by Gernandt 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

RESOLUTION # 1510 – ADOPTED 6-0-1 Pass

15. CLASS “I” – Taita, LLC, dba “Ika Ramen and Izakaya”, 6324 Maple Street. New application, New location. Property posted: 11-19-15; Notification sent: 11-25-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Jose Dionicio, 13011 Nebraska Avenue, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted if the church located within 150 feet does not object at a hearing before the Nebraska Liquor Control Commission pursuant to Nebraska Revised Statutes 53-177(2)

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1511 – ADOPTED 7-0

16. CLASS “I” – Tomasa, Inc., dba “Puerto Vallarta Mexican Restaurant”, 4871 “L” Street, Bays A 15-17. New application, New location. Property posted: 11-19-15; Notification sent: 11-25-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Darwin Salas, Vice President, Tomasa, Inc., dba Puerto Vallarta Mexican Restaurant, appeared and spoke.

CCID # 1512 – Application read

Motion by Gernandt that the Resolution to GRANT be adopted as amended

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 1512 – ADOPTED AS AMENDED 7-0

- (a) Communication from Darwin Salas, Vice President of Tomasa, Inc., dba “Puerto Vallarta Mexican Restaurant”, 4871 “L” Street, Bays A 15-17, requesting to amend their application for a Class “I” Liquor License to include the outdoor area approx. 7.5’ x 43.5’ to the east – [see attached](#).

CCID # 1512 – Motion by Gernandt that the amendment be approved

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

17. 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 14457 F Street, St. Bernard Lounge, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1517 – 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. 18 through 23 were held on November 24, 2015.)

CONSENT AGENDA – ORDINANCES

18. 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](#).

(See Doc. # 1467 – November 17 and 24 Meetings)

Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1467 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40573 - PASSED 7-0

19. 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](#).
(See Doc. # 1468 – November 17 and 24 Meetings)
Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1468 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40574 - PASSED 7-0

20. 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](#).
(See Doc. # 1469 – November 17 and 24 Meetings)
Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1469 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40575 - PASSED 7-0

21. 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](#).
(See Doc. # 1470 – November 17 and 24 Meetings)
Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1470 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40576 - PASSED 7-0

22. 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](#).
(See Doc. # 1471 – November 17 and 24 Meetings)
Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1471 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40577 - PASSED 7-0

23. 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](#).
(See Doc. # 1472 – November 17 and 24 Meetings)
Notice of public hearing on November 24, 2015 published in the Daily Record on November 20, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1472 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40578 - PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 24 through 52 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

24. Res. that, as recommended by the Mayor, Change Order No. 2 for Prairie Construction, Inc. to provide and install a 100,000 gallon brine tank and associated piping, valves and accessories added to OPW 52692, to be performed as part of construction of the Northeast Street Maintenance Facility, located at 1818 Jaynes Street, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$384,755.10, for the changes to the contract, from the City Capital Improvement Fund 13112, Pavement Maintenance Organization 116158, year 2015 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1518 – ADOPTED 7-0

25. Res. that, as recommended by the Mayor, Change Order No. 23 for Hawkins Construction Company to change storm water lines, install new lighting fixtures, and reconfigure pump valves added to OPW 51875 (CSO) – Schedule B1, being Missouri River Wastewater Treatment Plant combined sewer overflow improvements, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$200,961.01, for the changes to the contract, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2015 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1519 – ADOPTED 7-0

AGENDA ITEM NO. 26 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF THE CITY CLERK

26. Res. that, as recommended by the Mayor, Amendment No. 6 to the Professional Services Agreement for the implementation of the Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) with CH2M Hill Engineers, Inc. for the provision of continuing support for the implementation of the LTCP, to provide necessary engineering services for the improvements to the Missouri River Wastewater Treatment Plant and to continue design engineering and construction management services on the replacement of the South Interceptor Force Main is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$13,737,559.00 for these professional services from the Sewer Revenue Improvement Fund 21124, CSO Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Tom Heinemann, 210 South 16th Street

For the City: Spencer Danner, Director, Human Rights and Relations Department

Motion by Melton that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1557 – ADOPTED 7-0

- (a) Document submitted by CH2M Hill Engineers, Inc. re: their Economic Inclusion Plan – [see attached](#).

1557 – From Chair on File

27. Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha, the City of La Vista and the Papio-Missouri River Natural Resource District for the repair of a grade control structure on Hell Creek at its confluence with West Papillion Creek, including provision for a cost share of 20%, not to exceed \$225,000.00 to be paid from the 2014 Environment Fund 13124, Environmental Bonds Organization 117217, is hereby approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1520 – ADOPTED 7-0

28. Res. that, as recommended by the Mayor, the Master Agreements with AECOM Technical Services, Inc; Olsson Associates, Inc.; and Felsburg, Holt and Ullevig to provide on-call design engineering services for the System Manager for Omaha Signal System Project, known as Federal Aid Project MAPA-28(115), State Control No. 22587, and OPW 52496, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$251,445.00 to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, is hereby approved; and, that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1521 – ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the Memorandum of Understanding between the City of Omaha, the Papio-Missouri River Natural Resources District, the City of Bellevue and Sarpy County, Nebraska for necessary upgrades to and reconstruction of portions of the Missouri River Levee System, located at the confluence of the Papillion Creek and the Missouri River, is hereby approved; and that the Finance Department is authorized to pay the City's cost share of up to \$3,000,000.00 from the Sewer Revenue Fund 21121 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1522 – ADOPTED 7-0

- (a) Document submitted by the Papio-Missouri River Natural Resources District re: their Economic Inclusion Plan – [see attached](#).

1522 – From Chair on File

30. Res. that, as recommended by the Mayor, the Professional Services Agreement with E & A Consulting Group, Inc., for a topographic survey associated with OPW 52609, being the 192nd Street and West Center Intersection Improvements, is hereby approved; and that, the Finance Department is authorized to pay E & A Consulting Group, Inc., \$32,450.00 for these professional engineering services from the Street and Highway Allocation Fund 12131, Design Engineering Organization 116132 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1523 – ADOPTED 7-0

31. Res. that, as recommended by the Mayor, the Professional Services Agreement with E & A Consulting Group, Inc. for professional design services on OPW 52865, being the Design of Damsite 15A East Interceptor Sewer Extension, is hereby approved; and that the Finance Department is authorized to pay a fee not to exceed \$64,696.00 for these professional services from the Sewer Interceptor Construction Fund 12133, and Interceptor Sewer Construction Organization 116921 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1524 – ADOPTED 7-0

32. Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Services Agreement with Black & Veatch for OPW 52077, being the ML Paxton Boulevard Stormwater Conveyance Sewer Project, located between 30th Street and 41st Street, which will provide final design and bid phase services for water quality improvements in this area known as OPW 52658 - Fontenelle Park Lagoon Improvements and OPW 52659 – Paxton Basin Upstream Sewer Separation, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$2,005,289.00 for these engineering services to be paid from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1525 – ADOPTED 7-0

33. Res. that, as recommended by the Mayor, the Professional Services Agreement with JEO Consulting Group, Inc. for topographic survey services on Project OPW 52879, being Fort Street, 120th to 134th Avenue, including 132nd Street and the Big Papio Creek Flood Plain, is hereby approved; and that the Finance Department is authorized to pay a fee not to exceed \$40,800.00 for these professional services from the Street and Highway Allocation Fund 12131, and Engineering Organization 116132 – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1526 – ADOPTED 7-0

34. Res. that, as recommended by the Mayor, the Professional Services Agreement with Lamp, Rynearson, & Associates, for construction phase services associated with OPW 52890, being the CSO Project for Nicholas Street Phase 2 – 2016 Construction Administration, is hereby approved; and that, the Finance Department is authorized to pay Lamp, Rynearson, & Associates, \$99,500.00 for these professional engineering services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116198; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1527 – ADOPTED 7-0

35. Res. that, as recommended by the Mayor, the Agreement for Professional Services between the City of Omaha Public Works Department and the Omaha-Council Bluffs Metropolitan Area Planning Agency to provide traffic counts and other information for the fiscal year 2016 be accepted and signed – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1528 – ADOPTED 7-0

36. Res. that, as recommended by the Mayor, the Agreement for Wastewater Service between the City of Omaha, Nebraska and the City of Bellevue, Nebraska, which defines the terms and conditions under which the City of Omaha will provide Wastewater Treatment Service to the sewer service area of the City of Bellevue, Nebraska, is hereby approved – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1529 – ADOPTED 7-0

37. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Traffic Control Corporation for the purchase of 500 LED Countdown Crosswalk Traffic Signal Modules to be utilized by the Traffic Maintenance Division in the amount of \$41,875.00; and that the Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Traffic Signals and Computer Systems Organization 116187, 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

RESOLUTION # 1530 – ADOPTED 7-0

38. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Bobcat of Omaha for the upgrade of a DL200 Rubber Tire Loader to a DL 250 Rubber Tire Loader to be utilized by the Street Maintenance Division at a cost of \$35,500.00; 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

RESOLUTION # 1531 – ADOPTED 7-0

39. Res. that, the quote of Anderson Excavating Co. for the demolition of 1263 South 16 Street in the amount of \$27,138.00 is accepted and award is made to Anderson Excavating Co. The amount of this award shall be paid from General Funds Demolition 2015. That, the Purchasing Agent be authorized to issue a purchase order to Anderson Excavating Co. for the demolition of 1263 South 16 Street, in the amount of \$27,138.00 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1532 – ADOPTED 7-0

40. Res. that, as recommended by the Mayor, the Agreement for professional services with Alley Poyner Macchietto, Incorporated for a Nebraska Historic Buildings Survey (NeHBS) reconnaissance level survey to document and evaluate historic resources in the area generally known as North Omaha, is hereby approved; and that, the Finance Department is authorized to pay \$31,973.75 for these professional services from the Historic Preservation Fund 12171, Organization 130728 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1533 – ADOPTED 7-0

41. Res. that, as recommended by the Mayor, the bid in the total amount of \$217,284.00 from LawnSmith & Company, Inc., to furnish all labor, materials, and equipment necessary for the construction of playground equipment and associated site work at Elmwood Park, 802 South 60th Street, 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 \$217,284.00 shall be paid from the 2010 Parks and 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 Festersen

ROLL CALL:

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

RESOLUTION # 1534 – ADOPTED 7-0

42. Res. that, as recommended by the Mayor, the bid in the total amount of \$83,650.00 from SIEREX Design & Construction to provide all tools, labor, mechanics for labor, and materials for the construction of a picnic shelter, saucer swing, and related site work at Crosskey Villages Park, 2222 Papillion Parkway, 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 \$83,650.00 shall be paid from the 2010 Parks and 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 Festersen

ROLL CALL:

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

RESOLUTION # 1535 – ADOPTED 7-0

43. Res. that as recommended by the Mayor, the invoice of WorkForce Software, Inc., in the total amount of \$91,939.00 to secure maintenance for the EmpCenter Time and Attendance System for a period from October 25, 2015 to October 24, 2016, is hereby accepted and the purchasing agent is authorized to issue a purchase order therefor. The Finance Department is authorized to pay the cost from Budget Year 2015, General Fund 11111, General Expense 119014 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1536 – ADOPTED 7-0

44. Res. that, as recommended by the Mayor, the attached invoice with Lynda.Com, for annual subscription of Lynda Library in the amount of \$23,750 is hereby approved; and, the Finance Department is authorized to pay the \$23,750 cost thereof from the Library's General Fund 11111, Organization 117016, Object Code 43416, 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

RESOLUTION # 1564 – ADOPTED 7-0

45. Res. that the reappointment by Mayor Jean Stothert of Ann O'Connor to serve as a member of the Administrative Appeals Board, said term to commence on December 11, 2015 and expire on December 10, 2018, is hereby confirmed – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1537 – ADOPTED 7-0

46. Res. that the appointment by Mayor Jean Stothert of Curtis Witzenburg to serve a three-year term in the interested party position, to the Landmarks Heritage Preservation Commission, to serve a term that will commence on December 11, 2015 and expire on December 10, 2018, be and hereby is hereby confirmed – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1538 – ADOPTED 7-0

47. Res. that the reappointment by Mayor Jean Stothert of Amy Schaap to serve a three year term as the architect representative on the Plumbing Board, said term to commence on December 11, 2015 and expire on December 10, 2018, be and hereby is confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1539 – ADOPTED 7-0

48. Res. that the appointment by Mayor Jean Stothert of Jay Palu to serve as the architect representative of the Property Maintenance Appeals Board, for a one-year term to commence on December 11, 2015 and expire on December 10, 2016, be and hereby is confirmed – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1540 – ADOPTED 7-0

49. Res. that the appointment by Mayor Jean Stothert of Dennis Van Moorlegem as the representative of the residents of the City member of the Building Board of Review, to fill the unexpired term of Jerry Standerford, said term to commence on December 11, 2015 and expire on December 27, 2016, be and hereby is confirmed – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1558 – ADOPTED 7-0

50. Res. that the appointment by Mayor Jean Stothert of Antonio Zarazua to fill the term vacated by Spencer Danner as the member representing City Council District 4 to the Board of Directors of the Omaha Municipal Land Bank, said term to commence on December 11, 2015 and to expire on November 3, 2017, is hereby confirmed – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1559 – ADOPTED 7-0

51. Res. that, the appointment by Mayor Jean Stothert of Rene Orosco as an alternate member of the City of Omaha Personnel Board to serve a five-year term commencing upon December 11, 2015 and expiring on December 10, 2020, be and hereby is confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1560 – ADOPTED 7-0

- 52. Res. that the reappointment by Mayor Jean Stothert of Frank J. Reida to the Stationary Engineers Examiners Board, to serve a two-year term to commence on December 11, 2015 and expire on December 10, 2017, be and hereby is confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1541 – ADOPTED 7-0

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

* * * * *

ORDINANCE ON FINAL READING

- 53. 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 – [see attached](#). ((PUBLIC HEARINGS HELD 9/29/15 AND 11/17/15 – CAN BE PASSED TODAY))
(See Doc. # 1228 – September 22, September 29, and November 17 Meetings)
Notice of public hearing on September 29, 2015 published in the Daily Record on September 25, 2015. Ordinance passed on December 8, 2015 published in the Daily Record on December 16, 2015.

CCID # 1228 – Ordinance read

- (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 11/17/15 – [see attached](#).
(See Doc. # 1228 – September 29 and November 17 Meetings)

1228 – From Chair on File

- (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 – over from 11/17/15 – [see attached](#).
(See Doc. # 1228 – November 17 Meeting)

1228 – From Chair on File

- (c) Amendment of the Whole requested by Councilmember Aimee Melton – [see attached](#).

1228 – Motion by Melton that the Amendment of the whole be passed as amended

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40579 - PASSED AS AMENDED 7-0

- (d) Communication of support of the amended Ordinance 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 – [see attached](#).

1228 – From Chair on File

RESOLUTIONS

54. 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 – over from 11/17/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1462 – November 17 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1462 – ADOPTED 7-0

55. 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 – over from 11/17/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1463 – November 17 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1463 – ADOPTED 7-0

56. 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 – over from 11/17/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1464 – November 17 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jay Noddle, 2285 South 67th Street, on behalf of KN Innovation, LLC

For the City: Bridget Hadley, Planning Department

Motion by Festersen that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1464 – ADOPTED 7-0

57. 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 – over from 11/17/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1466 – November 17 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1466 – ADOPTED 7-0

58. 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 – over from 11/17/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1465 – November 17 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Edwina Sheppard, 3921 North 22nd Street

Dan Brewer, Director of Property Acquisition, Habitat for Humanity
of Omaha

For the City: Jim Anderson, Planning Department

Motion by Thompson that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 1465 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 59 THROUGH 61
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

- 59. Ord. to rezone the properties located at 2214 and 2216 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District.
(See Doc. # 1495 – November 24 Meeting)

CCID # 1495 – ORDINANCE ON SECOND READING – Final reading to be held on December 15, 2015 as per City Charter requirements.

- 60. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for West Dodge Station, to allow for Automotive Sales, located at 885 North HWS Cleveland Boulevard between the City of Omaha and E & G Investments LLC, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 1496 – November 24 Meeting)

CCID # 1496 – ORDINANCE ON SECOND READING – Final reading to be held on December 15, 2015 as per City Charter requirements.

- 61. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Coventry to allow a 130 foot tall Broadcast tower, located Southwest of Coventry Drive and “V” Street between the City of Omaha and CFM Realty, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 1497 – November 24 Meeting)

CCID # 1497 – ORDINANCE ON SECOND READING – Final reading to be held on December 15, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING

62. Ord. to approve a Professional Services Agreement with Taser International, Inc., approving the purchase of 115 Axon Flex body camera systems including their installation, implementation, and support for five years in the amount of \$733,085.21; and to enter into a Master Services Agreement with Taser International, Inc., for Evidence.com for the storage and management of content in the body camera systems for five years; and to enter into an agreement with Taser International, Inc., approving an Assurance plan providing for the upgrade and replacement of cameras and docks; with payment to be made from the Omaha Police Department, Fund 12161 Police Department Grants; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1503 – November 24 Meeting)

Greg Gonzalez, Deputy Chief, Omaha Police Department, 505 South 15th Street, appeared and spoke.

CCID # 1503 – Public hearing was held today – Final reading set for December 15, 2015 as per City Charter requirements.

63. Ord. (1) to approve an agreement between the Domestic Violence Council (DVC) and the Omaha Police Department (OPD) in the amount of eighty one thousand four hundred and ninety four dollars (\$81,494) with a match of twenty seven thousand eight hundred and ninety four dollars (\$27,894) provided by the Omaha Police Department; to provide funding for one (1) Domestic Violence Investigation Squad (DVIS) Sergeant position at the Omaha Police Department (OPD) during the period of July 1, 2015 to June 30, 2016; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1506 – November 24 Meeting)

CCID # 1506 – Public hearing was held today – Final reading set for December 15, 2015 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 64 THROUGH 67
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

64. Ord. to rezone the property located Northwest of 11th and Mason Streets from HI-Heavy Industrial District to CBD-Central Business District (property is also located within an existing ACI-1 (PL)-Area of Civic Importance Overlay District).

CCID # 1542 – Publication to be made and public hearing and third reading to be held on December 22, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located Northwest of 11th and Mason Streets from HI to CBD (property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).

1542 – Over to 12/22/15

- 65. Ord. to rezone the property located at 1624 Cuming Street from DS-Downtown Service District to CBD-Central Business District (property is also located within an existing ACI-1 (PL)-Areas of Civic Importance Overlay District).

CCID # 1543 – Publication to be made and public hearing and third reading to be held on December 22, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1624 Cuming Street from DS to CBD (property is also located within an existing ACI-1(PL)-Areas of Civic Importance Overlay District) – [see attached](#).

1543 – Over to 12/22/15

- 66. Ord. to rezone property located at 6315 Center Street from GO-General Office District to CC-Community Commercial District.

CCID # 1544 – Publication to be made and public hearing and third reading to be held on December 22, 2015 as per City Charter requirements.

- 67. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6315 Center Street; and to provide for an effective date – [see attached](#).

CCID # 1545 – Publication to be made and public hearing and third reading to be held on December 22, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 6315 Center Street from GO to CC with approval of an MCC Overlay District – [see attached](#).

1545 – Over to 12/22/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 68 THROUGH 84
SHALL BE HELD ON THE SECOND READING”**

ORDINANCE ON FIRST READING and Planning Board Attachment

68. Ord. vacating that portion of “B” Street bounded by on the east by the west right of way line of Dahlman Ave. and bounded on the west by the easterly railroad right of way line of the Chicago Central & Pacific Railroad; together with vacation of the north south alley in Block 215, City of South Omaha, now Omaha, Douglas County, NE; between “A” Street and “B” Street and vacated 32nd Ave. and 33rd Street abutted by Lots 4, 5, 6, 7, 8, 9, 10, 11, in Block 215, City of South Omaha, now Omaha, Douglas County, NE; together with vacation of the east-west alley in Block 223, City of South Omaha, now Omaha, Douglas County, NE bounded on the east by the west right of way line of 33rd Street and bounded on the west by the easterly railroad right of way line of the Chicago Central & Pacific Railroad; together with vacation of 33rd Street bounded on the north by the extended north Lot line of Lot 5, Block 214, City of South Omaha, now Omaha, Douglas County, NE, and bounded on the south by the extended north Lot line of Lot 5, Block 223, City of South Omaha, now Omaha, Douglas County, NE, and providing the effective date hereof – [see attached](#).

CCID # 1546 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of portions of “B” Street, 33rd Street, and alleys located west of Dahlman Avenue – Inside City – [see attached](#).

1546 – Over to 12/15/15

ORDINANCES ON FIRST READING

69. Ord. to approve a three-year contract with Spectracom, Inc., dba River City Recycling, for receipt and disposal of rubbish delivered by residents of the City of Omaha, with an estimated annual cost of \$40,000; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#).

CCID # 1547 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

70. Ord. reinstating a lease with Qwest Corporation, a Colorado corporation d/b/a CenturyLink QC for the use of a 90 square foot equipment room in the Omaha Park Seven parking facility, located at 100 North 15th Street, for a term running from June 1, 2015 through May 31, 2025, with up to two extensions of five years each upon mutual agreement; to provide for payments involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#).

CCID # 1548 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

71. Ord. to accept the bid from Alexander Lawn & Landscape, Inc. for grounds maintenance mowing of the right-of-way identified as Area 5, being from 192nd Street west to the City Limits and from Pacific Street north to the City Limits in the amount of \$43,248.72 per year, for a two year period ending November 15, 2017; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date hereof – [see attached](#).

CCID # 1550 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

72. Ord. to accept the bid from NL & L Concrete, Inc., also known as Navarro Lawns for grounds maintenance mowing of right-of-ways identified as Area 2, being from 90th Street east to the Missouri River and Cuming Street south to the City Limits; Area 4, being from 90th Street west to 132nd Street and from Dodge Street south to the City Limits; and Area 6, being from 132nd Street west to 192nd Street and from Dodge Street south to the City Limits in the amount of \$183,252.48 per year, for a two year period ending November 15, 2017; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date hereof – [see attached](#).

CCID # 1563 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

73. Ord. to accept the bid from Superior Green for grounds maintenance mowing of right-of-ways identified as Area 1, being from 90th Street east to the Missouri River and from Cuming Street north to the City Limits and Area 3, being from 90th Street west to 168th Street and from Dodge Street north to the City Limits in the amount of \$90,616.12 per year, for a two year period ending November 15, 2017; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date hereof – [see attached](#).

CCID # 1549 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

74. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 1920 Corby Street, and legally described in the attached purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2014 Action Plan; 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 Eddie L. McCreary, 7828 King Street, Omaha, NE 68122, to acquire the property for the sum of Twenty Thousand and NO/100 Dollars (\$20,000.00) is approved; project costs will be paid from Community Development Block Grant, Fund 12186, Organization No. 128072, Project No. 4501, Task 10.1440, Award 100182; and to provide the effective date hereof – [see attached](#).

CCID # 1551 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

75. Ord. to approve a professional services agreement between the City of Omaha and Clark Creative for the period January 1, 2016 through December 31, 2018; with the option to extend for two (2) 12-month terms; for advertising and marketing services for the Omaha Convention and Visitors Bureau in an amount not to exceed one million eight hundred thousand dollars (\$1,800,000) per year; to authorize the payments specified therein; and to provide an effective date – [see attached](#).

CCID # 1552 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

76. Ord. to approve a professional services agreement between the City of Omaha and Swanson Russell for the period January 1, 2016 through December 31, 2018; with the option to extend for two (2) 12-month terms; for advertising and marketing services for the Omaha Convention and Visitors Bureau in an amount not to exceed two hundred thousand dollars (\$200,000) per year; to authorize the payments specified therein; and to provide an effective date – [see attached](#).

CCID # 1553 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

77. Ord. to approve an agreement between the City of Omaha and Black Men United in the amount of thirty-seven thousand and fifty dollars (\$37,050) for facility improvements at the Kumani Center, which will provide pre-vocational training as detailed in the Black Men United Urban Pre-Vocational Training Program Plan Executive Summary, during the period of December 1, 2015 and March 31, 2016; to authorize funding for such agreement from 2015 Community Development Support, General Fund 11111, Organization 126046, Account 46111; and to authorize payment from such funding and involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 1555 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

78. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the Nebraska Crime Commission, FY 2014 Federal Title II Grant, Award #14-JJ-0019, in the amount of nine thousand and nine hundred dollars (\$9,900), during the project period extending from July 1, 2015 to June 30, 2016; to provide funding for the Omaha Fire Department (OFD) Youth Firesetters Program, focusing on youth fire safety education, arson prevention, and increased information sharing with juvenile justice service providers as detailed in the attached grant application; 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](#).

CCID # 1556 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

79. Ord. to accept the bid of LP Building Services Group in the annual amount of \$289,500.00, involving appropriations of more than one year as provided in 5.17 of the Home Rule Charter, to provide janitorial services at the Omaha Police Department Headquarters facility and satellite precinct stations and facilities for the period beginning February 1, 2016 to January 31, 2020, with two additional one-year options held by the City; to authorize the Finance Department to make payments from a specified account to LP Building Services Group for the cost of janitorial services in accordance with the specifications; and to provide an effective date – [see attached](#).

CCID # 1554 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

80. Ord. to amend portions of Article XII of Chapter 10 of the Omaha Municipal Code concerning Hazardous Material Emergency Response Expense Recovery to expand the definition of Hazardous Material to make it more consistent with the incidences that merit a hazardous materials response; to authorize action to address any hazardous materials incident and to broaden who may be responsible for its cleanup; to add a section making it clear that the City has the discretion as to whether to abate a hazardous materials incident; repealing Sections 10-290 and 10-291 the Omaha Municipal Code as heretofore existing; and providing for the effective date hereof – [see attached](#).

CCID # 1561 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

81. Ord. to amend Chapter 46 entitled Fire Code, by adopting the 2012 Edition of the International Fire Code regulating and governing the safeguarding of life and property from fire and explosion hazards, providing the issuance of permits and the collection of fees and the addition of a technology fee to be collected by the Fire Department for permits or other items, in an amount not to exceed eight percent of the underlying fee up to a maximum of \$100.00 per item; repealing Chapter 46 of the Omaha Municipal Code as heretofore existing; and providing for the effective date hereof – [see attached](#).

CCID # 1562 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

82. Ord. to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled “Convention Services and Housing Manager” with a salary range of 9.1 MC (\$43,019-\$52,183); to repeal Section 23-177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

CCID # 1565 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

83. Ord. approving the contract with Firstar Fiber, Inc. for OPW 52772, known as the Omaha Mixed Recyclables Processing 2016 through 2021 Project, being the sole bid received, based on the bid commodity prices which include commodity per ton of \$10.00, Commodity Floor (Stop Loss) per ton of \$110.00, and Drop-Off Site Pull Charge Bid of \$160.00, with a current estimated cost of \$232,000.00; 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 for an effective date hereof – [see attached](#).

CCID # 1566 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

84. Ord. to approve an agreement between the City of Omaha and the Greater Omaha Chamber of Commerce, for more than one year, in the amount of \$130,000 per year, wherein the Chamber establishes a program known as the REACH Program in which the City and other community partners will cooperate and work to increase Small and Emerging Businesses (SEBs) in Omaha; to expand the capacity and capabilities of SEBs through education, training and technical assistance; to assist SEBs in fostering greater contracting opportunities for SEBs; the Finance Department is authorized to pay the cost from Fund No. 11111, Organization 119014, Account Code 42239; and to provide for the effective date hereof – [see attached](#).

CCID # 1567 – Publication to be made and public hearing to be held on December 15, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

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

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Motion by Gernandt that the meeting be adjourned

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 3:08 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 December 8, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 10TH DAY OF DECEMBER, 2015.