

3RD REGULAR OMAHA CITY COUNCIL MEETING

FEBRUARY 2, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, February 2, 2016 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 # 139 – Present: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

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 January 29, 2016, notice re: Pre-Council and Regular City Council Meetings, February 2, 2016.

CCID # 140 – 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.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. Ord. to rezone property located Southwest of Coventry Drive and “V” Street from DR-Development Reserve District to MU-Mixed Use District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 11 – January 12 and 26 Meetings)
Notice of public hearing on February 2, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

Jay F. Carter, CFM Realty, 1823 Harney Street, appeared and spoke.

CCID # 11 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40620 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southwest of Coventry Drive and “V” Street from DR to MU – [see attached](#).
(See Doc. # 11 – January 12 Meeting)

11 – From Chair on File

6. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Legacy, to allow for a Broadcast tower, located at 17677 Wright Street between the City of Omaha and Fox Den Properties, LLC, providing site development standards – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 45 – January 12 and 26 Meetings)

CCID # 45 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40621 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to a Mixed Use District Development Agreement for Legacy, to allow for a *Broadcast tower*, located at 17677 Wright Street – [see attached](#).
(See Doc. # 45 – January 12 Meeting)

45 – From Chair on File

7. Ord. to rezone property located Northeast of 192nd and Sahler Streets from AG-Agricultural District to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 12 – January 12 and 26 Meetings)
Notice of public hearing on February 2, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

Doug Kellner, TD2, on behalf of the applicant, appeared and spoke.

CCID # 12 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40622 - PASSED 7-0

8. Ord. to rezone property located Northeast of 192nd and Sahler Streets from AG-Agricultural District to R4-Single-Family Residential District (high density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 13 – January 12 and 26 Meetings)
Notice of public hearing on February 2, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

Doug Kellner, TD2, on behalf of the applicant, appeared and spoke.

CCID # 13 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40623 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northeast of 192nd and Sahler Streets from AG to DR and R4 – [see attached](#).
(See Doc. # 13 – January 12 Meeting)

13 – From Chair on File

9. Res. that the plat entitled INDIAN POINTE (Phase II), located Northeast of 192nd and Sahler Streets, is hereby approved and accepted – Outside City – over from 1/12/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 14 – January 12 Meeting)

Doug Kellner, TD2, on behalf of the applicant, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 14 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of INDIAN POINTE (Phase II), located Northeast of 192nd and Sahler Streets – Outside City – over from 1/12/16 – [see attached](#).
(See Doc. # 14 – January 12 Meeting)

14 – From Chair on File

10. Res. that, the Subdivision Agreement among the City of Omaha, FRK Development, LLC, a Nebraska limited liability company, The Indian Pointe Homeowners Association, Inc., a Nebraska limited liability company, and Sanitary and Improvement District (S.&I.D.) 559 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, Interceptor Sewer Fee, Watershed Management Fee, Parks fees, interceptor sewer construction, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The total cost of the interceptor sewer, currently estimated at \$1,961,300, shall be paid from the Interceptor Sewer Construction, Organization 116921, Fund 12133. The Subdivision is to be known as Indian Pointe (Lots 161-266 and Outlots D-K) and is located northeast of 192nd and Sahler Streets – over from 1/12/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 46 – January 12 Meeting)

Doug Kellner, TD2, on behalf of the applicant, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 46 – ADOPTED 7-0

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016, AGENDA ITEM NOS. 11 THROUGH 12 SHALL BE LAID OVER THREE WEEKS TO FEBRUARY 23, 2016 FOR PUBLICATION AND PUBLIC HEARING”

11. Res. that the preliminary plat entitled THE SHOPPES AT LORETO REPLAT ONE, located at 2334 North 90th Street, with a waiver of Section 53-8(4)(d) for lot frontage, 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 February 23, 2016 published in the Daily Record on February 5, 2016.

CCID # 143 – Over three weeks to February 23, 2016 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of THE SHOPPES AT LORETO REPLAT ONE and approval of a waiver of Section 53-8(4)(d) of the Omaha Municipal Code for lot frontage (property is located within an existing MCC-Major Commercial Corridor Overlay District), located at 2334 North 90th Street – Inside City – [see attached](#).

143 – Over to 2/23/16

12. Res. that the replat transmitted herewith entitled THE SHOPPES AT LORETO REPLAT ONE, located at 2334 North 90th Street, is hereby approved, and concurrently a portion of the existing plat entitled The Shoppes at Loreto, and described on said replat, is hereby vacated – Inside City – [see attached](#).
Notice of public hearing on February 23, 2016 published in the Daily Record on February 5, 2016.

CCID # 144 – Over three weeks to February 23, 2016 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of THE SHOPPES AT LORETO REPLAT ONE, a subdivision inside the city limits (property is located within an existing MCC-Major Commercial Corridor Overlay District), located at 2334 North 90th Street – Inside City – [see attached](#).

144 – Over to 2/23/16

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING
BEING HELD FEBRUARY 16, 2016 AGENDA ITEM NOS. 13 THROUGH 14
SHALL BE LAID OVER THREE WEEKS TO FEBRUARY 23, 2016”**

13. Res. that the plat entitled SWAIN INDUSTRIAL PARK, located Southeast of 87th Street and Sorensen Parkway, is hereby approved and accepted – Outside City – [see attached](#).

CCID # 152 – Over three weeks to February 23, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of SWAIN INDUSTRIAL PARK, located Southeast of 87th Street and Sorensen Parkway – Outside City – [see attached](#).

152 – Over to 2/23/16

14. Res. that, the Subdivision Agreement between the City of Omaha and Swain Enterprises, Inc., a Nebraska corporation, as recommended by the Mayor, providing for the Watershed Management fees, is hereby approved. The Subdivision is to be known as Swain Industrial Park (Lots 1-3 and Outlot A) and is located southeast of 87th Street and Sorensen Parkway – [see attached](#).

CCID # 153 – Over three weeks to February 23, 2016 pursuant to City Council Rule VII H.

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LIQUOR

15. CLASS “C” – The Leprechaun League, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street. New application, Old location, Present licensee is MLJ Enterprises, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street, who has a Class “C” and a Catering Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Vicki Heiman, 56 Ginger Cove Road, Valley, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 141 – ADOPTED 7-0

16. CATERING – The Leprechaun League, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street. New application, Old location, Present licensee is MLJ Enterprises, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street, who has a Class “C” and a Catering Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Vicki Heiman, 56 Ginger Cove Road, Valley, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 142 – 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. 17 through 21 were held on January 26, 2016.)

CONSENT AGENDA – ORDINANCES

17. Ord. declaring, pursuant to Neb. Rev. Stat. §14-374 (2007), the necessity of acquiring property by voluntary acquisition for use by the City of Omaha, certain properties eligible for acquisition under federal regulations implementing the Urban Homestead Program for subsequent use as sites for implementing projects consistent with the Consolidated Submission for Community Planning Development Program for 2013 through 2017; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purposes of clearing title only; to provide that project costs will be paid from Urban Homestead Program 2014, Fund No. 12141, Organization No. 128101, Project No. 4946 Award No. 100338; and Urban Homestead Program 2015, Fund No. 12141, Organization No. 128101, Project No. 5091, Award No. 100395; and to provide the effective date hereof – [see attached](#).

(See Doc. # 47 – January 12 and 26 Meetings)

Notice of public hearing on January 26, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

CCID # 47 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40624 - PASSED 7-0

18. 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 Habitat for Humanity of Omaha, Inc., a Nebraska non-profit Corporation, 1701 N. 24th Street, Omaha, NE 68110, to convey property described in the attached agreement, for development of affordable housing, located at 3080 S. 16th Street, being within the South Omaha Neighborhood Redevelopment Strategy area and the Deer Park Neighborhood Redevelopment Plan area, in consideration of the sum of One and 00/100 Dollars (\$1.00); there are no expenditures associated with the conveyance of the property; and to provide the effective date hereof – [see attached](#).
(See Doc. # 48 – January 12 and 26 Meetings)
Notice of public hearing on January 26, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

CCID # 48 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40625 - PASSED 7-0

19. Ord. to grant the attached Communication System Easement to Qwest Corporation d/b/a Centurylink QC, for purposes of allowing them to construct an equipment box and related items in the right-of-way adjacent to the street on the southeast corner of the Omaha Fire Station No. 34 property located at 956 South 48th Street; to authorize the Mayor to execute the attached Communication System Easement; and to provide an effective date thereof – [see attached](#).
(See Doc. # 15 – January 12 and 26 Meetings)
Notice of public hearing on January 26, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

CCID # 15 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40626 - PASSED 7-0

20. Ord. to approve a lease agreement between the City of Omaha and Circo Strategic Investments, LLC for approximately 2,580 square feet of space on the 1st floor in the LeDoiyt Landmark Building located at 1001 Farnam Street for operation of the Omaha Convention and Visitors Bureau's (OCVB) Visitor Information Center; to authorize the payments specified therein; and to provide an effective date – [see attached](#).

(See Doc. # 55 – January 12 and 26 Meetings)

Notice of public hearing on January 26, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

CCID # 55 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40627 - PASSED 7-0

21. Ord. to amend Section 23-177 of the Omaha Municipal Code to implement changes made in the reorganization of the Omaha Convention & Visitors Bureau by changing the title of the employment classifications without changing the salary range for the classifications; to move the Assistant Director-Omaha Convention and Visitors Bureau (OCVB) from the Administrative and Executive Classifications to Civilian Management and change the title of the classification to Vice President – Operations and assign him to the 25.1 MC salary range (\$80,669 - \$99,550); and to change the salary range of the Vice President – Marketing from 22.1 MC (\$72,689 - \$88,716) to 25.1 MC (\$80,669 - \$99,550), and to change the salary range of the Vice President – Sales & Service to 26.2 MC (\$83,342 - \$104,745); to create the following new positions including Accounting Clerk assigning a salary range of 9.1 MC (\$43,879 - \$56,983), Executive Assistant assigning a salary range of 11.1 MC (\$46,965 - \$56,983), Director of Communications assigning a salary range of 12.3 MC (\$48,682 - \$60,171), Director of Research assigning a salary range of 12.3 MC (\$48,682 - \$60,171), Regional Director of Accounts assigning a salary range of 26.2 MC (\$83,342 - \$104,745), Senior Tourism Sales Manager assigning a salary range of 20.1 MC (\$67,177 - \$81,693), Graphics Designer assigning a salary range of 7.1 MC (\$40,389 - \$48,873), and Administrative Receptionist-OCVB assigning a pay range of \$11.15 to \$13.98; repeal Section 23-177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

(See Doc. # 54 – January 12 and 26 Meetings)

Notice of public hearing on January 26, 2016 published in the Daily Record on January 15, 2016. Ordinance passed on February 2, 2016 published in the Daily Record on February 10, 2016.

CCID # 54 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40628 - PASSED 7-0

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

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(The public hearings on Agenda Item Nos. 22 through 27 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

- 22. Res. that, as recommended by the Mayor, the contract with Midwest Excavating Services, in the amount of \$266,108.98 for OPW 52782, being the 177th and Center Storm Sewer Repair and Channel Improvements is hereby approved; and that, the Finance Department is authorized to pay this cost from the 2010 Environment Fund 13123, Environmental Bonds Organization 117217 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 145 – ADOPTED 7-0

- 23. Res. the Administration seek a buyer to purchase the property described as the 20' wide strip of Outlot EE, Eldorado Addition (adjacent to 1918 North 149th Court), for an amount no less than \$2,700.00 in order to defease the existing bonds applicable to the property; and that upon payment of the purchase price, the Mayor be and hereby is authorized to execute and deliver a deed of the property to the purchaser – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 146 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Surplus Declaration and Disposal of City property that is the 20 foot wide strip of outlot EE, Eldorado Edition (adjacent to 1918 North 149th Court) – [see attached](#).

146 – From Chair on File

24. Res. that, as recommended by the Mayor, the attached Agreement between the City of Omaha and 3101 S. 24th Street, LLC, a Nebraska Limited Liability Company (hereinafter referred to as the “LLC”); MHEG Fund 42, LP, a Nebraska Limited Partnership, investor member; Midwest Housing Assistance Corporation, special investor member; and 3101 S. 24th Street Managing Member, LLC, a Nebraska Limited Liability Company, managing members, providing for funding assistance to construct twenty (20) multi-family housing units for tenant households located at 3101 South 24th Street. Twenty (20) are to be rented as their principal place of residence to qualified tenant households with incomes at or below 60% of the Median Income by Family Size (MFI); one (1) of these units will be City HOME funds assisted; and four (4) units will be Nebraska State HOME funds assisted. Funding in the amount of \$125,000.00 shall be payable from the FY 2012 HOME Program Fund No. 12179, Organization No. 128071 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 147 – ADOPTED 7-0

25. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,500.00 for the rehabilitation and lead reduction work to the property located at 6616 Franklin Street, Omaha, NE 68104, owned by Brisco Investments, LLC, a Nebraska limited liability company, 5339 North 60th Street, Omaha, Nebraska 68104, is hereby approved. Funds in the amount of \$24,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 148 – ADOPTED 7-0

26. Res. that, SilverStone Group, Inc. shall perform the additional services described in the attached Pricing and Scope Summary for ACA Management/Reporting for the 2015 tax year, and that the City will provide payment in the amount of twenty-one thousand dollars (\$21,000) from the General Fund 11111, Org. 118014 Account 42239 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 149 – ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the attached invoice with Library Ideas LLC to provide Freegal Music Subscription - Renewal in the amount of \$43,157 is hereby approved; and, the Finance Department is authorized to pay the \$43,157 cost thereof from the Library's General Fund 11111, Organization 117016, Object Code 43416, year 2016 expenditures – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 150 – ADOPTED 7-0

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

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RESOLUTIONS

28. Res. that, the Old Market South CRA located within Census Tract 21.00, Block Groups 1 and 2, and Census Tract 23.00, Block Group 2, consisting of approximately 277.1 acres and generally described as Pierce and Pacific Streets on the north, 10th and 6th Streets on the east, Castelar Street on the south, and 16th Street on the west, is hereby declared to meet the standards of a substandard and blighted area in need of redevelopment in compliance with the requirements of Nebraska Community Development Law and is hereby designated a community redevelopment area – over from 1/12/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 42 – January 12 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 42 – ADOPTED 7-0

- (a) Document submitted by Mary Thompson, President, Dahlman Neighborhood Association, in support of the Old Market South CRA designation – [see attached](#).

42 – From Chair on File

29. Res. that, as recommended by the Mayor, the contract with The Sherwin-Williams Company for Paint (Pavement Marking and Crosswalks) for the City of Omaha, in the amount of \$303,792.50 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Street Highway and Allocation Fund 12131, and Pavement Markings Organization 116184, year 2016 expenditures – over from 1/26/16 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 44 – January 26 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 44 – ADOPTED 7-0

30. Res. that, as recommended by the Mayor, the bid in the total amount of \$3,105,743.00 from DeNovo Constructors, Inc., to furnish all labor, materials, and equipment necessary for the demolition of the Civic Auditorium, 1804 Capital Avenue, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The work includes, but is not limited to, removal of the existing structure, hazardous materials removal, site grading, and seeding. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$3,105,743.00 shall be paid from the City Capital Improvement Fund No. 13112 and Organization No. 115012, Park Planning and Construction, for the 2016 fiscal year – over from 1/26/16 – [see attached](#). ((PUBLIC HEARING HELD 1/26/16 – CAN BE ADOPTED TODAY))
(See Doc. # 75 – January 26 Meeting)

THE FOLLOWING PEOPLE APPEARED AND SPOKE:

Proponents: Todd Weidemann, Woods & Aitken, 10250 Regency Circle,
representing DeNovo Constructors, Inc.

Dustin Huenink, New Horizons, LLC

Opponents: Spencer McGruder, 1524 Cuming Street

Ted Becker, 11225 Davenport Street #100, representing Anderson
Excavating

For the City: Michelle Peters, Deputy City Attorney
Brook Bench, Director, Parks, Recreation, & Public Property
Department
Steve Curtiss, Director, Finance Department
Paul Kratz, City Attorney

Motion by Melton that the Resolution be adopted

Seconded by Pahls

ROLL CALL:

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

Nays: Gernandt, Thompson

RESOLUTION # 75 – ADOPTED 5-2

- (a) Document submitted by Ted Becker, attorney representing Anderson Excavating, re: the bid from DeNovo Constructors, Inc. for the demolition of the Civic Auditorium – over from 1/26/16 – [see attached](#).

75 – From Chair on File

- (b) Document submitted by DeNovo Constructors, Inc. re: the proposed contract for the demolition of the Civic Auditorium, 1804 Capital Avenue, etc. – [see attached](#).

75 – From Chair on File

- (c) Documentation submitted by Ted Becker, attorney representing Anderson Excavating, re: the bid from DeNovo Constructors, Inc. for the demolition of the Civic Auditorium, etc. – see attached.

75 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 31 THROUGH 40
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

- 31. Ord. to rezone property located Southeast of 10th Street and Capitol Avenue from DS-Downtown Service District to CBD-Central Business District (subject property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District.
(See Doc. # 62 – January 26 Meeting)

CCID # 62 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

32. Ord. to rezone property located Southeast of 18th and Clark Streets from R7-Medium-Density Multiple-Family Residential District to R5-Urban Family Residential District.

(See Doc. # 117 – January 26 Meeting)

CCID # 117 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

33. Ord. to rezone the properties located at 2607, 2611 and 2615 “X” Street from HI-Heavy Industrial District to R4-Single-Family Residential District (high density).

(See Doc. # 118 – January 26 Meeting)

CCID # 118 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

34. Ord. to amend the boundaries of an existing ACI-1(PL)-Area of Civic Importance Overlay District to an ACI-2(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property generally located from North 30th Street from Sprague Street to Sorensen Parkway, and Ames Avenue from North 28th Avenue to North 33rd Street; and to provide for an effective date – [see attached](#).

(See Doc. # 119 – January 26 Meeting)

CCID # 119 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

35. Ord. to amend the legal description within Section 1 of Ordinance No. 40460, passed August 25, 2015, for a PUR-Planned Unit Redevelopment Overlay District in a LC-Limited Commercial District and R7-Medium-Density Multiple-Family Residential District (portions of property are within an existing ACI-1(PL) Overlay District) for an area generally located north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway, and to provide the effective date hereof – [see attached](#).

(See Doc. # 120 – January 26 Meeting)

CCID # 120 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

36. Ord. to rezone the properties located at 3852 and 3876 Farnam Street from GC-General Commercial District to NBD-Neighborhood Business District (property is also located within an ACI-1(PL)-Area of Civic Importance Overlay District).

(See Doc. # 63 – January 26 Meeting)

CCID # 63 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

37. Ord. to rezone property located at 4914 South 49th Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density).
(See Doc. # 64 – January 26 Meeting)

CCID # 64 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

38. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 2222 North 84th Street; and to provide for an effective date – [see attached](#).
(See Doc. # 121 – January 26 Meeting)

CCID # 121 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

39. Ord. to rezone the property located at 11550 Pawnee Road from AG-Agricultural District to DR-Development Reserve District (property is also located within an existing ED-Environmental Overlay District).
(See Doc. # 122 – January 26 Meeting)

CCID # 122 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

40. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Tivoli to allow for a new grocery store building and plaza configuration, located at 17510 Gold Plaza between the City of Omaha and SDG Omaha, LLC, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 65 – January 26 Meeting)

CCID # 65 – ORDINANCE ON SECOND READING – Final reading to be held on February 9, 2016 as per City Charter requirements.

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ORDINANCES ON SECOND READING

41. Ord. vacating the north eight feet of Grebe Street from west right-of-way line of 28th Street thence west 142 feet, abutting Lot 8 Block 47, Florence Addition and ½ of the previously vacated alley adjacent, containing approximately 1,136 square feet of the Northwest Quarter of the Northeast Quarter of Section 28-16-13, in the City of Omaha; and providing the effective date hereof – [see attached](#).
((PUBLIC HEARING TODAY))
(See Doc. # 123 – January 26 Meeting)

CCID # 123 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

42. Ord. authorizing the issuance of a purchase order to Alamar Uniform Co. for a 12 month price agreement for the purchase of uniforms for Street Maintenance and Sewer Maintenance Divisions; 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. # 124 – January 26 Meeting)

CCID # 124 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

43. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and JHD, LLC, a Nebraska limited liability company, to implement The Woolworth Lofts Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 1114 Howard Street which proposes the rehabilitation of the exterior of the building; upper floors with a mix of 43 market rate apartment units, consisting of 27 two-bedroom units and 16 one-bedroom units; 14,800 square feet of office space on the second floor; and common areas of the building; the agreement authorizes the use of up to \$1,500,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 125 – January 26 Meeting)

Bridget Hadley, Planning Department, appeared and spoke.

CCID # 125 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

44. Ord. to accept the bid of AL & L, Inc. to furnish all labor, materials and equipment to perform grounds maintenance within the Cole Creek Corridor, from 77th & Cass to 65th & Hartman Streets, in the amount of \$14,265.00 per year beginning January 1, 2016 and ending December 31, 2019, extendible for three (3) additional one year (1) periods at the sole option of the City, for a total amount of \$57,060.00, to authorize payment in accordance therewith; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 66 – January 26 Meeting)

CCID # 66 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

45. Ord. pursuant to Section 40-251 of the Omaha Municipal Code to amend an existing Class “B” Flammable Liquids Storage District, known as District No. B-186 at First Data Resources, 805 Crown Point Avenue as requested by Scott A. Altic; to increase the total capacity to 10,600 gallons of Class 2 liquid at that site; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 126 – January 26 Meeting)

CCID # 126 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

46. 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-193 at 4626 Dahlman Avenue, as requested by Brenton J. Falgione for Greater Omaha Leasing, LLC; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 127 – January 26 Meeting)

CCID # 127 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

47. Ord. to approve a contract between the Omaha Convention & Visitors Bureau and ASAE: The Center for Association Leadership for promoting the City of Omaha for the period of April 1, 2016 through March 31, 2019 in an amount not to exceed \$145,700 per year; to authorize the payments specified therein; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 129 – January 26 Meeting)

CCID # 129 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

48. Special Ord. levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-01 – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 135 – January 26 Meeting)

CCID # 135 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

49. Special Ord. levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-02 – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 136 – January 26 Meeting)

CCID # 136 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

50. Special Ord. levying a special tax assessment for cutting and clearing of weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-03 – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 137 – January 26 Meeting)

CCID # 137 – Public hearing was held today – Final reading set for February 9, 2016 as per City Charter requirements.

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016 THE PUBLIC HEARING AND THIRD READING ON AGENDA ITEM NO. 51 SHALL BE HELD ON FEBRUARY 23, 2016”

ZONING ORDINANCE ON FIRST READING and Planning Board Attachment

51. Ord. to rezone property located Southeast of 87th Street and Sorensen Parkway from DR-Development Reserve District and GI-General Industrial District to GI-General Industrial District (a portion of the property is also located within the flood fringe and floodway overlay districts).

CCID # 151 – Publication to be made and public hearing and third reading to be held on February 23, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 87th Street and Sorensen Parkway from DR and GI to GI (a portion of property is also located within flood fringe and floodway overlay districts) – [see attached](#).

151 – Over to 2/23/16

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“PURSUANT TO CITY COUNCIL RULE VII C THE PUBLIC HEARING ON AGENDA ITEM NO. 52 SHALL BE HELD ON THE SECOND READING”

ORDINANCE ON FIRST READING

52. Ord. approving a Redevelopment Agreement, which includes the purchase of the proposed redevelopment project area by the City, with the Omaha Performing Arts Society, for the redevelopment of the site located at the southwest corner of 11th and Douglas Streets; and providing for an effective date – [see attached](#).

CCID # 134 – Publication to be made and public hearing to be held on February 9, 2016 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Jerram that the meeting be adjourned

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 3:11 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 February 2, 2016.

WITNESS:

s/Jenna L. Garcia

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 4TH DAY OF FEBRUARY, 2016.