

5TH REGULAR OMAHA CITY COUNCIL MEETING

FEBRUARY 23, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, February 23, 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 # 192 – Present: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

2. Pledge of Allegiance.
3. Invocation by Council President Ben Gray of District No. 2.

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 February 19, 2016, notice re: Pre-Council and Regular City Council Meetings, February 23, 2016.

CCID # 193 – 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 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 – over from 2/9/16 – [see attached](#). ((PUBLIC HEARING HELD 2/9/16 – CAN BE PASSED TODAY))
(See Doc. # 65 – January 26, February 2, and February 9 Meetings)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Joe Wieland, 8712 West Dodge Road

Opponent: Tim Sanwick, Hampton Inn Omaha West Lakeside, 17606 Arbor Plaza

For the City: Buster Brown, City Clerk
Dave Fanslau, Planning Department

CCID # 65 – Motion by Thompson that the Ordinance be laid over one week to March 1, 2016

Seconded by Jerram

ROLL CALL:

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

- (a) Planning Board and Planning Department recommend approval of 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 – over from 2/9/16 – [see attached](#).
(See Doc. # 65 – January 26 and February 9 Meetings)

65 – Over to 3/01/16

- (b) Document submitted by Dean Hokanson, President, ILD Lakeside, LLC, opposing 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 – over from 2/9/16 – [see attached](#).
(See Doc. # 65 – February 9 Meeting)

65 – Over to 3/01/16

6. 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). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 151 – February 2 and February 9 Meetings)
Notice of public hearing on February 23, 2016 published in the Daily Record on February 5, 2016. Ordinance passed on February 23, 2016 published in the Daily Record on March 2, 2016.

Scott Loos, 14710 West Dodge Road, on behalf of the applicant, appeared and spoke.

CCID # 151 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40645 - PASSED 7-0

- (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](#).

(See Doc. # 151 – February 2 Meeting)

151 – From Chair on File

7. Res. that the plat entitled SWAIN INDUSTRIAL PARK, located Southeast of 87th Street and Sorensen Parkway, is hereby approved and accepted – Outside City – over from 2/2/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 152 – February 2 Meeting)

Scott Loos, 14710 West Dodge Road, on behalf of the applicant, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 152 – ADOPTED 7-0

- (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 – over from 2/2/16 – [see attached](#).
(See Doc. # 152 – February 2 Meeting)

152 – From Chair on File

8. 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 – over from 2/2/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 153 – February 2 Meeting)

Scott Loos, 14710 West Dodge Road, on behalf of the applicant, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 153 – ADOPTED 7-0

RESOLUTIONS RE: PRELIMINARY PLATS AND PLATS

9. 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 – over from 2/2/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 143 – February 2 Meeting)

Doug Kellner, TD2, 10836 Old Mill Road, on behalf of the applicant, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 143 – ADOPTED 7-0

- (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 – over from 2/2/16 – [see attached](#).
(See Doc. # 143 – February 2 Meeting)

143 – From Chair on File

10. 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 – over from 2/2/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 144 – February 2 Meeting)

Doug Kellner, TD2, 10836 Old Mill Road, on behalf of the applicant, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 144 – ADOPTED 7-0

- (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 – over from 2/2/16 – [see attached](#).
(See Doc. # 144 – February 2 Meeting)

144 – From Chair on File

11. Res. that the preliminary plat entitled BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25th Street intersection, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 2/9/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 160 – February 9 Meeting)

Todd Whitfield, Lamp, Rynearson & Associated, 14710 West Dodge Road, appeared and spoke.

Motion by Gernandt that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
RESOLUTION # 160 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25th Street intersection – Inside City – over from 2/9/16 – [see attached](#).
(See Doc. # 160 – February 9 Meeting)

160 – From Chair on File

- 12. Res. that the replat transmitted herewith entitled BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25th Street intersection, is hereby approved, and concurrently a portion of the existing plat entitled Bemis Campus, and described on said replat, is hereby vacated – Inside City – over from 2/9/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 161 – February 9 Meeting)

Todd Whitfield, Lamp, Rynearson & Associated, 14710 West Dodge Road, appeared and spoke.

Motion by Gernandt that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
RESOLUTION # 161 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25th Street intersection – Inside City – over from 2/9/16 – [see attached](#).
(See Doc. # 161 – February 9 Meeting)

161 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 13 SHALL BE LAID OVER
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

13. Res. that the replat transmitted herewith entitled BOYD’S ADDITION REPLAT 4, located Southeast of 30th Street and Ames Avenue, is hereby approved, and concurrently a portion of the existing plat entitled Boyd’s Addition, and described on said replat, is hereby vacated – Inside City – [see attached](#).
Notice of public hearing on March 8, 2016 published in the Daily Record on February 25, 2016.

CCID # 213 – Over two weeks to March 8, 2016 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 BOYD’S ADDITION REPLAT 4, located Southeast of 30th Street and Ames Avenue – Inside City – [see attached](#).

213 – Over to 3/08/16

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REVOCAION OF SPECIAL USE PERMIT – AUTO SALES

14. Res. that the Special Use Permit to allow Auto sales in a GC-General Commercial District at 5717 North 90th Street, a copy of which is attached hereto as Exhibit “A” and made a part hereof by this reference approved on June 24, 2008, by Resolution #784, is hereby revoked – over from 2/9/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 162 – February 9 Meeting)

Dave Fanslau, Planning Department, appeared and spoke.

Motion by Jerram that the Resolution be adopted
Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 162 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend revocation of Resolution #784, a request of Pawn Plus for a Special Use Permit to allow Automotive Sales in a GC-General Commercial District located at 5717 North 90th Street – over from 2/9/16 – [see attached](#).
(See Doc. # 162 – February 9 Meeting)

162 – From Chair on File

- (b) Documentation submitted by Scott Benson, Planning Department, re: revocation of the Special Use Permit to allow Auto Sales in a GC District at 5717 North 90th Street – [see attached](#).

162 – From Chair on File

LIQUOR

15. CLASS “C” – Big Family, LLC, dba “Hiro 88”, 17664 Welch Plaza. New application, New location. Property posted: 02-8-16; Notification sent: 02-12-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Mike Huffer, Cassem Tierney Adams Gotch, 9290 West Dodge Road
Charles Yin, Big Family, LLC, 1223 South 11th Street

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 194 – ADOPTED 7-0

16. CLASS “C” – Caffeine Delivery, Inc., dba “ROAST”, 1904 South 67th Street. New application, New location. Property posted: 12-8-16; Notification sent: 02-12-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Martha Heaps, 14512 West Center Road, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 195 – ADOPTED 7-0

17. CLASS "C" – Red Herring Concepts, LLC, dba "Leadbelly – Omaha", 3201 Farnam Street, Suite 6101. New application, New location. Property posted: 02-8-16; Notification sent: 02-12-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Mike Martin, Red Herring Concepts, LLC, 301 North 8th Street,
Lincoln
Anthony Young, Red Herring Concepts, LLC, 301 North 8th Street,
Lincoln

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

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 196 – ADOPTED 7-0

18. CATERING – Red Herring Concepts, LLC, dba "Leadbelly – Omaha", 3201 Farnam Street, Suite 6101. New application, New location. Property posted: 02-8-16; Notification sent: 02-12-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Mike Martin, Red Herring Concepts, LLC, 301 North 8th Street,
Lincoln
Anthony Young, Red Herring Concepts, LLC, 301 North 8th Street,
Lincoln

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

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 197 – ADOPTED 7-0

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: Red Herring Concepts, LLC, dba “Leadbelly – Omaha”, 3201 Farnam Street, Suite 6101 – [see attached](#).

197 – From Chair on File

- 19. ON SALE BEER – S & L Swift, LLC, dba “Dickey’s Barbecue Pit”, 1912 South 67th Street. New application, New location. Property posted: 02-8-16; Notification sent: 02-12-16 – [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, on behalf of the applicant, appeared and spoke.

Application read

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

Seconded by Festersen

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

RESOLUTION # 198 – ADOPTED 6-0-1 Pass

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: S & L Swift, LLC, dba “Dickey’s Barbecue Pit”, 1912 South 67th Street – [see attached](#).

198 – From Chair on File

- (b) Communication from Michael Kelley, Attorney representing S & L Swift, LLC, dba “Dickey’s Barbecue Pit”, 1912 South 67th Street for an On Sale Beer License, requesting to amend the application to remove the outdoor area – [see attached](#).

198 – Motion by Gernandt that the Amendment be approved

Seconded by Melton

ROLL CALL:

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

20. ON SALE BEER – S & L Swift, LLC, dba “Dickey’s Barbecue Pit”, 15825 West Maple Road, Suite 107. New application, New location. Property posted: 02-8-16; Notification sent: 02-12-16 – [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, on behalf of the applicant, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

RESOLUTION # 199 – ADOPTED 6-0-1 Pass

21. The Corky Canvas, LLC, dba “The Corky Canvas”, 3157 Farnam Street, Suite 710, requests permission for an addition to their present Class “I” Liquor license location of an area approx. 25’ x 47’ to the north. Property posted: 02-8-16; Notification sent: 02-12-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Melissa Wacker, The Corky Canvas, 3157 Farnam Street, Suite 710, appeared and spoke.

CCID # 200 – Motion by Jerram that the request be approved if the church located within 150 feet does not object at a hearing before the Nebraska Liquor Control Commission pursuant to NRS 53-177(2)

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

CONSENT AGENDA

(The public hearings on Agenda Item Nos. 22 through 51 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, Change Order No. 11 to Roloff Construction Company for the removal of a dam structure and installation of additional piping for OPW 51997, being the Missouri Avenue/Spring Lake Park Sewer Separation Phase 1 Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$165,060.66, for the changes to the contract, the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2016 expenditure; 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: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

RESOLUTION # 217 – ADOPTED 7-0

23. Res. that, as recommended by the Mayor, Change Order No. 4 for L.G. Roloff Construction Company, Inc. to remove and replace existing slide and flap gates, added to OPW 52193, being the 49th and Caldwell Area Sewer Separation Project is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$172,500.00, for the changes to the contract, from the Sewer Revenue Improvements Fund 21124, Sewer Separation Organization 116912 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 218 – ADOPTED 7-0

24. Res. that, as recommended by the Mayor, Change Order No. 4 for Prairie Construction, Inc. to provide and install video surveillance and access control systems, added to OPW 52692, being the construction of the Northeast Joint Use Facility, 1818 Jaynes Street, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$129,816.88 for the changes to the contract, from the City Capital Improvement Fund 13112, Pavement Maintenance Organization 116158 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 219 – ADOPTED 7-0

25. Res. that, as recommended by the Mayor, the contract with Graham Construction, Inc. for OPW 52049-A, being the Phase 1 Saddle Creek Retention Treatment Basin Early Soils Removal Project, in the amount of \$1,960,635.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvements Fund 21124, and CSO Control Implementation Organization 116918, year 2016 expenditure; 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: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

RESOLUTION # 220 – ADOPTED 7-0

26. Res. that, as recommended by the Mayor, the contract with Eletech, Inc. for OPW 52700-C, being the Omaha Park One Elevator Upgrades Project, in the amount of \$331,165.00, is hereby approved; and, that the Finance Department is authorized to pay this cost from the Parking Revenue Fund 21116, and Omaha Park One Organization 116243, year 2016 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 221 – ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the Task Order Agreement with Alfred, Benesch and Company to provide on-call construction engineering services for the 42nd and Q Street Bridge Replacement Project, known as Federal Aid Project MAPA-5057(9), State Control No. 22279, and OPW 50079, 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 \$93,025.34 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: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

RESOLUTION # 201 – ADOPTED 7-0

28. Res. that, as recommended by the Mayor, the Task Order Agreement to the Professional Services Agreement with HDR Engineering, Inc. to provide professional engineering services for Federal Aid Project STPC-5011(9), State Control No. 22237, and OPW 50416, being improvements to 108th Street from Madison Street to Q Street, is hereby approved; and that, the Finance Department is authorized to pay the local share of \$17,280.21 from the 2010 Transportation Fund 13183, Transportation Bonds Organization 117117 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 202 – ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. for design, bid, and construction phase services on OPW 52810, being the Papillion Creek Wastewater Treatment Plant Digester 904 Mixing System Project, is hereby approved; and that the Finance Department is authorized to pay HDR Engineering, Inc. \$76,011.00 for these professional engineering services from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; 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: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

RESOLUTION # 230 – ADOPTED 7-0

30. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project HSIP-5023(18), State Control No. 22695, being the 84th Street ASCT project, comprised of installing an adaptive traffic control system along the 84th Street corridor from West Center Road in Omaha to Lincoln Street in Papillion, as well as the intersection of 83rd & Harrison, Granville Parkway & Brentwood Drive, and 85th Street & Giles Road, with the City's share of the project cost, estimated to be \$523,346.99 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 Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 203 – ADOPTED 7-0

31. Res. that, as recommended by the Mayor, the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc., for professional engineering services associated with the project for professional services to monitor and evaluate constructed storm water treatment devices in Omaha, Nebraska, is hereby approved; and that, the Finance Department is authorized to pay Burns & McDonnell Engineering Company, Inc. \$94,723.00 for these professional engineering services from the Storm Water Management Plan Program Fund 12143, Organization 128026, year 2016 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 222 – ADOPTED 7-0

32. Res. that, as recommended by the Mayor, the Professional Services Agreement with Trekk Design Group, Inc. to conduct preliminary design, surveying and field investigation services for the Omaha Transloading North Building Sewer Separation Project, is hereby approved; and that, the Finance Department is authorized to pay a fee for these services not to exceed \$24,600.00, which is to be paid from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 204 – ADOPTED 7-0

33. Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha and Douglas County, Nebraska for design, construction, and construction engineering services on the improvements to Pacific Street at its intersections with 180th Street and 192nd Street, is hereby approved; and that the Finance Department is authorized to receive the cost share from Douglas County in the amount of \$109,200.00, representing approximately 14% of the currently estimated project cost – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 223 – ADOPTED 7-0

34. Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and Keep Omaha Beautiful (KOB) to promote the Cleanup Omaha Campaign for 2016, is hereby approved, and that the Finance Department is authorized to pay KOB \$40,000 from the General Fund 11111, Solid Waste Collection and Disposal Organization 116321, year 2016 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 205 – ADOPTED 7-0

35. Res. that, as recommended by the Mayor, the Agreement with Keep Omaha Beautiful, Inc. to promote storm water pollution prevention and public education activities for 2016, is hereby approved; further that the Finance Department is authorized to pay to KOB a total of \$40,000 from the Storm Water Fee Revenue Fund 12128, Storm Water Management Organization 116312, year 2016 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 224 – ADOPTED 7-0

36. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda for two (2) 2016 One Ton Full Size Ford Cargo vans to be utilized by the Environmental Quality Control Division in the total amount of \$52,730.00; and that the Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Interceptor Maintenance Organization 116717, year 2016 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 225 – ADOPTED 7-0

37. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda for one (1) 2016 One Ton Full Size Ford Cargo van to be utilized by the Facilities Management Division in the total amount of \$25,170.00; and that the Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Contract Administration Organization 116261, year 2016 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 206 – ADOPTED 7-0

38. Res. that, the attached Agreement, as recommended by the Mayor, between the City of Omaha and the Housing Authority of the City of Omaha (OHA), 1805 Harney Street, Omaha, Nebraska 68102, for Continuum of Care Homeless Assistance Program funding in the amount of \$169,488.00 to be used to implement the Rental Assistance for the Chronically Homeless Program, is hereby approved. Funds in the amount of \$169,488.00 shall be paid from the Continuum of Care Homeless Assistance Program Fund (Funding Year 2014, Fund 12196, Organization 128034, Grant #NE0039L7D011405) and that, the Mayor is authorized to approve all revisions to this Continuum of Care Program Grant Agreement except that revisions involving a change in the subrecipient, a change in the project site, or a change in the category of participants to be served shall require the prior approval of the City Council – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 209 – ADOPTED 7-0

39. Res. that, the attached agreement, as recommended by the Mayor, between the City of Omaha and El Mercado, Inc., 4913 South 25th Street, Suite 12, Omaha, NE 68107, for a one year lease for space at 4909 and 4911 South 25th Street, Omaha, NE 68107, to be utilized as a field office and soil sampling lab for the Soil Remediation Program, is hereby approved. Funds in the amount of \$27,600.00 shall be paid from Fund No. 12136, Organization No. 128104 – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 228 – ADOPTED 7-0

40. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$32,370.00 for the Lead-Based Paint Hazard Control work to the property owned by Mary Kathleen Ensz and Darrel Gene Moreland III located at 1224 South 10th Street, Omaha, NE 68108, is hereby approved. The contract is to be awarded to Rife Construction, Inc. Funds shall be paid as follows: \$32,370.00 from Lead 2015 NELHD0278-15, Fund No. 12136, Org. No. 128104 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 229 – ADOPTED 7-0

41. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and the D2 Center in the amount of thirty thousand dollars (\$30,000) to operate the Youth Academic Navigator (YAN) program from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of thirty thousand dollars (\$30,000) from 2016 Community Services, General Fund 11111, Organization 126057, Account 46111; and in accordance with the contract terms – [see attached](#).

Crystal Cardenas, D2 Center, 1941 South 42nd Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 232 – ADOPTED 7-0

42. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Heartland Workforce Solutions in the amount of four hundred thousand dollars (\$400,000) to implement an evidence-based workforce training system to enhance clients' workforce skills and link skilled labor to potential employers in high demand industry sectors from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of four hundred thousand dollars (\$400,000) from 2016 Community Services, General Fund 11111, Organization 131997, Account 46111; and in accordance with the contract terms – [see attached](#).

Erin Porterfield, 1009 North 50th Avenue, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 208 – ADOPTED 7-0

43. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and the Latino Center of the Midlands in the amount of thirty thousand dollars (\$30,000) to operate the Pathways to Success Truancy Prevention Project at Omaha South High Magnet School from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of thirty thousand dollars (\$30,000) from 2016 Community Services, General Fund 11111, Organization 126057, Account 46111; and in accordance with the contract terms – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Melissa Mayo, Director, Pathways to Success, Latino Center of the Midlands, 4821 South 24th Street

Melvin Ramirez, Student Advocate, South High School

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 233 – ADOPTED 7-0

44. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Nebraskans for Civic Reform on behalf of ONE Omaha in the amount of fifty thousand dollars (\$50,000) to quantify and expand the capacity of Omaha neighborhoods, create a proactive neighborhood advocacy program, and foster neighborhood leadership development from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of fifty thousand dollars (\$50,000) from 2016 Community Services, General Fund 11111, Organization 126054, Account 46111; and in accordance with the contract terms – [see attached](#).

Julie Smith, 7722 Hascall Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 237 – ADOPTED 7-0

45. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Omaha by Design in the amount of fifty thousand dollars (\$50,000) to update the Citizens Academy curriculum and conduct a series of educational workshops from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of fifty thousand dollars (\$50,000) from 2016 Community Services, General Fund 11111, Organization 126037, Account 46111; and in accordance with the contract terms – [see attached](#).

Julie Reilly, Executive Director, Omaha by Design, 6001 Dodge Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 226 – ADOPTED 7-0

46. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and the Urban League of Nebraska in the amount of ninety thousand dollars (\$90,000) to operate a Truancy Reduction Program at Monroe Middle School, Benson High School Magnet, and Omaha North High Magnet School from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of ninety thousand dollars (\$90,000) from 2016 Community Services, General Fund 11111, Organization 126057, Account 46111; and in accordance with the contract terms – [see attached](#).

Thomas Warren, Urban League of Nebraska, 3040 Lake Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 234 – ADOPTED 7-0

47. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and the Women's Center for Advancement in the amount of seventy thousand dollars (\$70,000) to operate the bilingual 24-hour Emergency Crisis Hotline from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of seventy thousand dollars (\$70,000) from 2016 Community Services, General Fund 11111, Organization 126015, Account 46111; and in accordance with the contract terms – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 235 – ADOPTED 7-0

48. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Patrick Cavanaugh, owner of Cavanaugh Law Firm, P.C., L.L.O. at 6035 Binney Street, to be a member of the Benson Business Improvement Area Board to serve a five year term from February 26, 2016 to February 25, 2021, is hereby confirmed by the City Council – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 242 – ADOPTED 7-0

49. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Glenn P. York, owner of Benson Podiatry Associates, P.C. at 6069 Maple Street, to be a member of the Benson Business Improvement Area Board to serve an additional five-year term is hereby confirmed from February 26, 2016 and expiring on February 25, 2021 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 243 – ADOPTED 7-0

50. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Alan Haney, the owner/operator of Underwood Properties, Inc., to be a member of the Dundee Business Improvement District Area Board to serve a five year term running from February 26, 2016 to February 25, 2021 is hereby confirmed by the City Council – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 244 – ADOPTED 7-0

51. Res. that, as recommended by the Mayor, the contract with ORBIS Corporation for the City of Omaha: Recycling Bins Project, in the amount of \$30,950.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the General Fund 11111, and Solid Waste – Collect & Disposal Organization 116321, year 2016 expenditure – [see attached](#).

Motion by Jerram that the Resolution be adopted
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
RESOLUTION # 245 – ADOPTED 7-0

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

* * * * *

ORDINANCE ON FINAL 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](#).
((PUBLIC HEARING HELD 2/9/16 – CAN BE PASSED TODAY))
(See Doc. # 134 –February 2 and February 9 Meetings)

CCID # 134 – Motion by Gernandt that the Ordinance NOT be passed
Seconded by Melton

ROLL CALL:

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

- (a) Communication from Mayor Jean Stothert requesting that the ordinance approving the Omaha Performing Arts Redevelopment Agreement be placed on file – [see attached](#).

#134 – From Chair on File

- (b) Communication opposing the proposed City purchase of the three century old buildings at 11th and Douglas Streets for the Omaha Performing Arts’ use – over from 2/9/16 – [see attached](#).
(See Doc. # 134 – February 9 Meeting)

134 – From Chair on File

- (c) Documentation submitted by Sarah Johnson, 6015 Maple Street, opposing the approval of a Redevelopment Agreement with the Omaha Performing Arts Society, for the redevelopment of the site located at the southwest corner of 11th and Douglas Streets – over from 2/9/16 – [see attached](#).
(See Doc. # 134 – February 9 Meeting)

134 – From Chair on File

- (d) Documentation submitted by Larry Jobeun, 11440 W. Center Road, re: the Omaha Performing Arts Society Redevelopment Plan – [see attached](#).

134 – From Chair on File

RESOLUTIONS

53. Res. that, the attached The Slips in Blackstone Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 124 South 39th Street which proposes to rehabilitate 30 one bedroom apartments at affordable market rents, recommending the City’s participation through the allocation of TIF in an amount up to \$250,000.00 to offset TIF eligible expenses such as acquisition, rehabilitation construction costs, site work, demolition, architectural and engineering fees, surveys, and all public improvements as required and includes a \$10,000.00 allocation of the TIF loan proceeds toward the Midtown Public Improvement Fund, 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 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 106 – January 26 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Matt Dwyer, Greenslate Development, 144 South 39th Street
For the City: Bridget Hadley, Planning Department

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 106 – ADOPTED 7-0

54. Res. that, the attached The Breakers Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 415 Leavenworth Street which proposes to convert the former OPPD power plant into a 217 unit residential community of one, two and three bedroom market-rate apartments and on-site parking, recommending the City's participation through the allocation of TIF in an amount up to \$6,200,000.00 to offset TIF eligible expenses such as demolition, site work and preparation, architectural and engineering fees, surveys, and all public improvements as required and includes \$100,000.00 of the TIF allocation toward the improvement of a section of Leavenworth Street near the project site, 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 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 107 – January 26 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Todd Heistand, NuStyle Development, 2223 Dodge Street
For the City: Bridget Hadley, Planning Department

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 107 – ADOPTED 7-0

55. Res. that the Lottery Operator Agreement between the City of Omaha and EHPV Lottery Services LLC, dba “Big Red Keno,” should be and hereby is renewed for a term of five (5) years commencing May 15, 2016, and ending May 14, 2021, that certain provisions should be and hereby are amended to comply with changes in the Omaha Municipal Code and state statute, as provided in the attached Amendment of the Agreement, and that the Mayor and City Clerk are hereby authorized to execute the attached Amendment of the Agreement with EHPV Lottery Services, LLC – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Bill Harvey, General Counsel, Big Red Keno, 11248 John Galt Boulevard, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 236 – ADOPTED 7-0

56. Res. that the City Law Department be directed to conclude this damage claim submitted with the City of Omaha from Matthew Kouri, Kouri Management, for damages as a result of a sewer collapse and subsequent sewer backup at their commercial property located at 1904 Farnam Street on August 30, 2014 in an amount not to exceed \$83,035.45, and that the City Finance Department shall issue such warrant as necessary with said funds to be paid from Sewer Revenue Fund No. 21121, Sewer Maintenance Organization No. 116511, Account No. 42255 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Gernandt that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 207 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NO. 57 SHALL BE LAID OVER THREE
WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

57. Res. that, the attached HDR Headquarters Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northwest of 11th and Dodge Streets, which proposes a 290,000 square foot office tower that will consist of approximately 14-15 floors of office space, a parking structure and 10,500 square feet of retail space, recommending the City’s participation through the allocation of TIF in an amount up to \$20,911,000.00 to offset eligible expenses such land acquisition, site work, eligible architectural and engineering fees, and all public improvements as required, to include a contribution of 3% of the TIF loan proceeds to support connectivity along 11th Street from Capitol Avenue to the Old Market, but is subject to change as final costs come in, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – [see attached](#).

Notice of public hearing on March 15, 2016 published in the Daily Record and Omaha World Herald on February 25, 2016 and March 3, 2016.

CCID # 210 – Over three weeks to March 15, 2016 for publication and public hearing pursuant to City Council Rule VII F.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 58
THROUGH 63 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

58. Ord. to rezone the property located east of 6th and Leavenworth Streets from DS-Downtown Service District and HI-Heavy Industrial District to CBD – Central Business District.
(See Doc. # 179 – February 9 Meeting)

CCID # 179 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

59. Ord. to rezone the property located east of 6th and Leavenworth Streets from HI-Heavy Industrial District to HI-Heavy Industrial District.
(See Doc. # 180 – February 9 Meeting)

CCID # 180 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

60. Ord. to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located east of 6th and Leavenworth Streets; and to provide for an effective date – [see attached](#).
(See Doc. # 183 – February 9 Meeting)

CCID # 183 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

61. Ord. to rezone the property located at 1214 South 22nd Street from GI-General Industrial District to R5-Urban Family Residential District.
(See Doc. # 184 – February 9 Meeting)

CCID # 184 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

62. Ord. to rezone the property located at 2505 Oak Street from CC-Community Commercial District to GI-General Industrial District (property is also located within an ACI-1(50)-Area of Civic Importance Overlay District).
(See Doc. # 185 – February 9 Meeting)

CCID # 185 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

- 63. Ord. to rezone the property located at 2228 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District.
(See Doc. # 186 – February 9 Meeting)

CCID # 186 – ORDINANCE ON SECOND READING – Final reading to be held March 1, 2016 as per City Charter requirements.

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ORDINANCES ON SECOND READING

- 64. Ord. authorizing the City of Omaha to enter into an Interlocal Cooperation Agreement between the City of Omaha, Douglas County, Sarpy County, City of Bellevue, City of Papillion, City of La Vista, Nebraska State Patrol, and the United States Department of Treasury - Internal Revenue Service, to re-authorize the Omaha/East Central Nebraska Metropolitan Drug Task Force for a term of five (5) years, which Agreement will automatically renew for two additional one-year terms; that the cooperative effort of multiple law enforcement agencies is necessary for the effective enforcement against drug trafficking and related crime; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 187 – February 9 Meeting)

CCID # 187 – Public hearing was held today – Final reading set for March 1, 2016 as per City Charter requirements.

- 65. Ord. to approve a contract services agreement between the Omaha Convention & Visitors Bureau, a department of the City of Omaha and Talley Management Group, Inc. for promoting the City of Omaha for the period of February 1, 2016 through January 31, 2018; to promote the City of Omaha as a premier destination for conventions and meetings to a targeted national audience; to authorize the payments specified therein; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 188 – February 9 Meeting)

CCID # 188 – Public hearing was held today – Final reading set for March 1, 2016 as per City Charter requirements.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 66
THROUGH 70 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

66. Ord. to rezone property located Southeast of 30th Street and Ames Avenue from R5-Urban Family Residential District, CC-Community Commercial District and GI-General Industrial District to CC-Community Commercial District.

CCID # 211 – Publication to be made and public hearing and third reading to be held on March 8, 2016 as per City Charter requirements.

67. Ord. to amend the boundaries of the ACI-2(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located Southeast of 30th Street and Ames Avenue; to repeal the existing ACI-1(PL)-Area of Civic Importance Overlay District; and to provide for an effective date – [see attached](#).

CCID # 212 – Publication to be made and public hearing and third reading to be held on March 8, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 30th Street and Ames Avenue from R5, CC and GI to CC with approval of an ACI-2(PL) Overlay District (portions of property are located within an existing ACI-1(PL) Overlay District) – [see attached](#).

212 – Over to 3/08/16

68. Ord. to rezone property located Southeast of 63rd and Center Streets from GI-General Industrial District to CC-Community Commercial District.

CCID # 214 – Publication to be made and public hearing and third reading to be held on March 8, 2016 as per City Charter requirements.

69. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Southeast of 63rd and Center Streets; and to provide for an effective date – [see attached](#).

CCID # 215 – Publication to be made and public hearing and third reading to be held on March 8, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 63rd and Center Streets from GI to CC and approval of a MCC Overlay District – [see attached](#).

215 – Over to 3/08/16

70. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5414 North 90th Street; and to provide for an effective date – [see attached](#).

CCID # 216 – Publication to be made and public hearing and third reading to be held on March 8, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 5414 North 90th Street – [see attached](#).

216 – Over to 3/08/16

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 71
THROUGH 76 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

71. Ord. approving the three (3) year contract with Darn Dependable Services for the City of Omaha: Janitorial Services (Traffic Maintenance) Project submitted to Douglas County purchasing on January 27, 2016, based on the bid unit prices which include; daily services of \$7,560.00, weekly services of \$260.00, monthly services of \$300.00, quarterly services of \$100.00, semi-annual services of \$40.00, and annual services of \$140.00 with an annual estimated cost of \$8,400.00, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#).

CCID # 227 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

72. Ord. to accept the bid of Miller & Sons Golf Cars in the amount of \$33,419.00 per year for the lease of seventy-two (72) gas powered E-Z-GO TXTG golf cars for the Golf Division of the Parks, Recreation, and Public Property Department; for four (4) years beginning March 1, 2016 through March 31, 2020; to authorize annual payments as specified therein in the amount of \$33,419.00 per year, for a total amount of \$133,676.00; and to provide an effective date – [see attached](#).

CCID # 231 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

73. Ord. declaring the necessity of appropriating/terminating, for use by the City of Omaha, the condition established in Ordinance No. 35299 which did not allow for the outdoor discharge of firearms at the joint Police and Fire Training Facility located north and west of the intersection of Blair High Road and Rainwood Road; providing that the City negotiates with the property owners for the acquisition of the property interest to be utilized for this purpose; providing that as to any specified holder of a property interest that cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and, providing the effective date hereof – [see attached](#).

CCID # 238 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

74. Spec. Ord. levying a special tax assessment for the removal of litter in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-04 – [see attached](#).

CCID # 239 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

75. Spec. 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: 2016-05 – [see attached](#).

CCID # 240 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

76. Spec. Ord. levying a special tax assessment for the removal and/or trimming of trees, bushes, shrubs, hedges and any other vegetation in accordance with Sections 37-1 through 37-95 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-06 – [see attached](#).

CCID # 241 – Publication to be made and public hearing to be held on March 1, 2016 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Gernandt that the meeting be adjourned

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 3:28 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 23, 2016.

WITNESS:

s/Jenna L. Garcia

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 25TH DAY OF FEBRUARY, 2016.