

7TH REGULAR OMAHA CITY COUNCIL MEETING

MARCH 8, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, March 8, 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 #282 – Present: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Rich Pahls of District No. 5.

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 March 4, 2016, notice re: Pre-Council and Regular City Council Meetings, March 8, 2016.

CCID # 283 – 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.

ORDINANCE ON FINAL READING

5. 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](#). ((PUBLIC HEARING HELD 3/1/16 – CAN BE PASSED TODAY))
(See Doc. #238 – February 23 and March 1 Meetings)

CCID #238 – Motion by Melton that the Ordinance be laid over one week to March 15, 2016

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

- (a) Documentation from Captain Adam Kyle re: ING, Clark Vargas, PE – over from 3/1/16 – [see attached](#).
(See Doc. # 238 – March 1 Meeting)

#238 – over to 3/15/16

- (b) Document submitted by the Police Department – [see attached](#).

#238 – over to 3/15/16

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

6. 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. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. #211 – February 23 and March 1 Meetings)
Notice of public hearing on March 8, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #211 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40655 - PASSED 7-0

7. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. #212 – February 23 and March 1 Meetings)

Notice of public hearing on March 8, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #212 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40656 - PASSED 7-0

- (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](#). (See Doc. #212 – February 23 Meeting)

#212 – From Chair on File

8. 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 – over from 2/23/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY)) (See Doc. #213 – February 23 Meeting)

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 213 - ADOPTED 7-0

- (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 – over from 2/23/16 – [see attached](#). (See Doc. #213 – February 23 Meeting)

#213 – From Chair on File

9. Ord. to rezone property located Southeast of 63rd and Center Streets from GI-General Industrial District to CC-Community Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. #214 – February 23 and March 1 Meetings)
Notice of public hearing on March 8, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.
- CCID #214** – Motion by Jerram that the Ordinance be passed
Seconded by Festersen
ROLL CALL:
Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
ORDINANCE # 40657 - PASSED 7-0
10. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. #215 – February 23 and March 1 Meetings)
Notice of public hearing on March 8, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.
- CCID #215** – Motion by Jerram that the Ordinance be passed
Seconded by Festersen
ROLL CALL:
Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
ORDINANCE # 40658 - PASSED 7-0
- (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](#).
(See Doc. #215 – February 23 Meeting)
- #215** – From Chair on File
11. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. #216 – February 23 and March 1 Meetings)
Notice of public hearing on March 8, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #216 – Motion by Melton that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
ORDINANCE # 40659 - PASSED 7-0

- (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](#).
(See Doc. #216 – February 23 Meeting)

#216 – From Chair on File

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

- 12. Res. that the preliminary plat entitled LAKEVIEW POINTE, located Northwest of 168th and Fort Streets, with a request for a waiver of Section 53-8(4)(a) of the Omaha Municipal Code for Lot depth, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jaime Suarez, 4234 S. 174th Avenue, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
RESOLUTION # 292 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of LAKEVIEW POINTE, with a waiver of Section 53-8(4)(a) of the Omaha Municipal Code for Lot depth, located Northwest of 168th and Fort Streets – Outside City – [see attached](#).

#292 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 13 THROUGH 14 SHALL BE LAID OVER
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

13. Res. that the preliminary plat entitled ADAMS PARK REPLAT 1, located South of the 36th Court and Maple Street intersection, with a request for a waiver of Section 53-8(4)(a) regarding Lot depth, attached hereto and made a part hereof as Exhibit “A”, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016.

CCID # 309 – Over two weeks to March 22, 2016 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ADAMS PARK REPLAT 1 with a waiver of Section 53-8(4)(a) of the Omaha Municipal Code regarding Lot depth, located South of the 36th Court and Maple Street intersection – Inside City – [see attached](#).

309 – Over to 3/22/16

14. Res. that the replat transmitted herewith entitled ADAMS PARK REPLAT 1, located South of the 36th Court and Maple Street intersection, is hereby approved, and concurrently a portion of the existing plat entitled Adams Park, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016.

CCID # 310 – Over two weeks to March 22, 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 ADAMS PARK REPLAT 1, located South of the 36th Court and Maple Street intersection – Inside City – [see attached](#).

310 – Over to 3/22/16

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**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 15 THROUGH 19
SHALL BE LAID OVER FOR TWO WEEKS”**

15. Res. that the revised preliminary plat entitled ANCHOR POINTE (formerly PRAIRIE RIDGE), located Northwest of 168th and Ida Streets, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#).

CCID # 313 – Over two weeks to March 22, 2016 pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Revised Preliminary Plat of ANCHOR POINTE (formerly PRAIRIE RIDGE), located Northwest of 168th and Ida Streets – Outside City – [see attached](#).

313 – Over to 3/22/16

16. Res. that the plat entitled ANCHOR POINTE (formerly PRAIRIE RIDGE)(Lots 1-83, Outlots A-F), located Northwest of 168th and Ida Streets, is hereby approved and accepted – Outside City – [see attached](#).

CCID # 314 – Over two weeks to March 22, 2016 pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ANCHOR POINTE (formerly PRAIRIE RIDGE)(Lots 1-83, Outlots A-F), located Northwest of 168th and Ida Streets – Outside City – [see attached](#).

314 – Over to 3/22/16

17. Res. that the replat transmitted herewith entitled THE WOODLANDS REPLAT TWO, located Northwest of 192nd and “Q” Streets, is hereby approved, and concurrently a portion of the existing plat entitled The Woodlands, and described on said replat, is hereby vacated – Outside City – [see attached](#).

CCID # 319 – Over two weeks to March 22, 2016 pursuant to City Council Rule VII E.

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

319 – Over to 3/22/16

18. Res. that, the Subdivision Agreement among the City of Omaha, Anchor Pointe Development LLC, a Nebraska limited liability company, The Anchor Pointe Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 567 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, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Anchor Pointe (Lots 1-83 and Outlots A-F) and is located northwest of 168th and Ida Streets – [see attached](#).

CCID # 315 – Over two weeks to March 22, 2016 pursuant to City Council Rule VII E.

19. Res. that, the Subdivision Agreement among the City of Omaha, Nichols Seemann Investments, Inc., a Nebraska Corporation, and The Woodlands Landowners Association, Inc., a Nebraska non-profit corporation, as recommended by the Mayor, providing for the Watershed Management fees, Interceptor Sewer fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as The Woodlands Replat Two (Lots 1-7 and Outlots A-C) and is located northwest of 192nd and “Q” Streets – [see attached](#).

CCID # 320 – Over two weeks to March 22, 2016 pursuant to City Council Rule VII E.

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**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 20 SHALL BE LAID OVER TWO
WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMIT – SCRAP AND SALVAGE SERVICES

20. Res. that the Special Use Permit application submitted by Kyle Kellner, for a Special Use Permit to allow Scrap and salvage services in a GI-General Industrial District, located at 2625 Deer Park Boulevard, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#).

Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016.

CCID # 284 – Over two weeks to March 22, 2016 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Scrap and salvage services in a GI District located at 2625 Deer Park Boulevard – [see attached](#).

284 – Over to 3/22/16

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LIQUOR

- 21. CLASS “C” – Via Farina, LLC, dba “Via Farina”, 1108 South 10th Street. New application, New location. Property posted: 02-22-16; Notification sent: 02-26-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Paul Kulik, representing Via Farina, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 289 – ADOPTED 7-0

- 22. CLASS “I” – White Elephant, LLC, dba “Mai Thai II”, 2279 South 67th Street, Suite B. New application, Old location. Property posted: 02-22-16; Notification sent: 02-26-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Cynthia Epstein, 11516 Nicholas Street, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 290 – ADOPTED 7-0

23. PACKAGE – Aldi, Inc. (Kansas), dba “Aldi #46”, 17240 Evans Street. New application, New location. Property posted: 02-22-16; Notification sent: 02-26-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Kim Johnson, representing Aldi Inc., appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 291 – ADOPTED 7-0

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 24 through 25 were held on March 1, 2016.)

CONSENT AGENDA – ORDINANCES

24. 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](#).

(See Doc. #227 – February 23 and March 1 Meetings)

Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #227 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40660 - PASSED 7-0

25. 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](#).
(See Doc. #231 – February 23 and March 1 Meetings)
Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #231 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen
ROLL CALL:

Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
ORDINANCE # 40661 - 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. 26 through 42 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

26. Res. that, as recommended by the Mayor, the reimbursement for a part of OPW 51825, being the 32nd Avenue Widening & Shared Use Path, made by Our Lady of Lourdes Catholic Church, is hereby approved; and that the Finance Department is authorized to accept this reimbursement in the amount of \$60,000.00 to the 2010 Transportation Fund 13183, Transportation Bonds Organization 117117 – [see attached](#).

Motion by Festersen that the Resolution be adopted
Seconded by Jerram
ROLL CALL:

Yeas: Pahls, Thompson, Festersen, Gernandt, Jerram, Melton, Mr. President
RESOLUTION # 293 - ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the Professional Services Agreement with Ehrhart Griffin and Associates for professional design services on OPW 52938, being the Florence Streetscape Improvements Project, is hereby approved; and that the Finance Department is authorized to pay a fee not to exceed \$42,896.00 for these professional design services from the 2010 Transportation Fund 13183, and Transportation Bonds Organization 117117 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 294 - ADOPTED 7-0

28. Res. that, as recommended by the Mayor, the Professional Services Agreement with Alfred Benesch & Company, for professional engineering services associated with OPW 50157, being 156th Street Improvements: Pacific Street to West Dodge Road, is hereby approved; and that, the Finance Department is authorized to pay Alfred Benesch & Company \$53,343.25 for these professional engineering services from the Street and Highway Allocation Fund 12131, Engineering Organization 116132, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 295 - ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the Supplemental Agreement No. 5 between the City of Omaha and Felsburg, Holt & Ullevig (FHU) for additional engineering services on the reconstruction of the bridge and the intersection at 42nd Street and “Q” Street, known as Federal Aid Project MAPA-5057(9), State Control No. 22279, 2015-2020 Capital Improvements Program Project No. 106 and OPW 50079, with a cost to the City of \$15,040.00 to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 296 - ADOPTED 7-0

30. Res. that, as recommended by the Mayor, the Supplemental Agreement No. 2 with Lamp Rynearson & Associates for Westbrook SRTS Infrastructure Project, located on Robertson Drive between Western Avenue and Charles Street, known as Federal Aid Project SRTS-28(96), State Control No. 22410, with Federal Funds to pay for 100% of the additional project costs of \$5,964.85, as a part of the Safe Routes to School program, 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 Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 297 - ADOPTED 7-0

31. Res. that, as recommended by the Mayor, the contract with Choppers Lawn Service for Grounds Maintenance at the Papillion Creek Wastewater Treatment Plant, in the amount of \$1,150.00 per mowing, not to exceed \$30,000.00 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, and the Papio Creek Wastewater Treatment Plant Organization 116611 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 298 - ADOPTED 7-0

32. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Sid Dillon Ford for the purchase of two (2) Ford F550 Regular Cab Dual Rear Wheel 19,000 GVW Truck Chassis to be utilized by the Street Maintenance Division at a cost of \$83,668.00; and that the Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2016 funding – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 299 - ADOPTED 7-0

33. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Logan Contractor's Supply for an Electric Clutch Husqvarna FS5000 D26 Concrete Saw to be utilized by the Traffic Maintenance Division at a cost of \$23,590.00; and that the Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Traffic Signals & Computer System Organization 116187, year 2016 funding – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 300 - ADOPTED 7-0

34. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Municipal Pipe Tool Company LLC, in the amount of \$88,750.00 to retrofit the televising and sewer inspection equipment, recording equipment, and software on an existing televising van; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Fund 21121, Sewer Maintenance Organization 116511, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 301 - ADOPTED 7-0

35. Res. that, as recommended by the Mayor, the Fiscal Sponsorship Agreement with Omaha by Design in the amount of \$60,000.00 for the 2016 IN Neighborhood and 2017 NUSA Conference Projects, is hereby approved. Funds shall be payable from the Miscellaneous Trust Fund, Fund No. 12117, Organization No. 124047 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 324 - ADOPTED 7-0

36. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$33,500.00 for the rehabilitation and lead reduction work to the property located at 7710 N. 30 Street, Omaha, NE 68112, owned by Michael S. Royce, Sr. and Elaine M. Royce, husband and wife, 15707 S. 234 Street, Gretna, NE 68028, is hereby approved. Funds in the amount of \$33,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 302 - ADOPTED 7-0

37. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$33,500.00 for the rehabilitation and lead reduction work to the property located at 4627 Saratoga Street, Omaha, NE 68104, owned by Michael S. Royce, Sr. and Elaine M. Royce, husband and wife, 15707 S. 234 Street, Gretna, NE 68028, is hereby approved. Funds in the amount of \$33,500.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 303 - ADOPTED 7-0

38. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Bill Carmichael, owner of 1912 Benson at 6201 Maple Street, to be a member of the Benson Business Improvement Area Board to serve a term from his reappointment until such term shall expire on March 10, 2021, is hereby confirmed by the City Council – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 326 - ADOPTED 7-0

39. Res. that the appointment by the Honorable Mayor Jean Stothert of Dr. Kurt A. Davey, the President of Red Brick Development which owns property at 5018 Underwood Avenue, to be a member of the Dundee Business Improvement District Area Board to serve a five year term running from March 11, 2016 and expiring on March 10, 2021, is hereby confirmed by the City Council – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 327 - ADOPTED 7-0

40. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Molly M. Romero, the co-owner of Marks Bistro, to be a member of the Dundee Business Improvement District Area Board to serve a five year term running through March 14, 2021, is hereby confirmed by the City Council – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 328 - ADOPTED 7-0

41. Res. that, the reappointment by the Honorable Mayor Jean Stothert of Brian Magee to be a member of the Downtown Business Improvement Area Board to serve until his term shall expire on March 28, 2021, is hereby confirmed by the City Council – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 329 - ADOPTED 7-0

42. Res. that Resolution No. 273, adopted March 1, 2016, is hereby rescinded, and the appointment by the Honorable Mayor Jean Stothert of Royal D. Carleton (FKA Royal D. Bush) as a member of the Human Rights and Relations Board, to serve a two-year term commencing on March 7, 2016, and expiring March 6, 2018, be and hereby is confirmed and approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 330 - ADOPTED 7-0

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

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ORDINANCES ON FINAL READING

43. 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](#). ((PUBLIC HEARING HELD 3/1/16 – CAN BE PASSED TODAY))
(See Doc. #239 – February 23 and March 1 Meetings)

Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Special Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #239 – Special Ordinance read

Motion by Jerram that the Special Ordinance be PASSED AS AMENDED

Seconded by Gray

ROLL CALL:

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

SPECIAL ORDINANCE # 10191 - PASSED AS AMENDED 7-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

#239 – Motion by Jerram that the Amendment be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

44. 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](#). ((PUBLIC HEARING HELD 3/1/16 – CAN BE PASSED TODAY))

(See Doc. #240 – February 23 and March 1 Meetings)

Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Special Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #240 – Special Ordinance read

Motion by Jerram that the Special Ordinance be PASSED AS AMENDED

Seconded by Gray

ROLL CALL:

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

SPECIAL ORDINANCE # 10192 - PASSED AS AMENDED 7-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

#240 – Motion by Jerram that the Amendment be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

45. 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](#). ((PUBLIC HEARING HELD 3/1/16 – CAN BE PASSED TODAY))

(See Doc. #241 – February 23 and March 1 Meetings)

Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Special Ordinance passed on March 8, 2016 published in the Daily Record on March 16, 2016.

CCID #241 – Special Ordinance read

Motion by Jerram that the Special Ordinance be PASSED AS AMENDED

Seconded by Gray

ROLL CALL:

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

SPECIAL ORDINANCE # 10193 - PASSED AS AMENDED 7-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

#241 – Motion by Jerram that the Amendment be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 46
THROUGH 49 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

46. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Midtown Crossing to allow for temporary signage that exceeds the 32 square foot sign maximum, located Southeast of 33rd and Farnam Streets between the City of Omaha and East Campus Realty, providing site development standards; and to provide for an effective date – [see attached](#).

(See Doc. # 264 – March 1 Meeting)

CCID #264 – ORDINANCE ON SECOND READING – Final reading to be held March 15, 2016 as per City Charter requirements.

47. Ord. to repeal the ACI-1(50)-Area of Civic Importance Overlay District for the property located at 2505 Oak Street, originally enacted under City Council Ordinance No. 39242, dated February 28, 2012; and to provide for an effective date – [see attached](#).

(See Doc. # 265 – March 1 Meeting)

CCID #265 – ORDINANCE ON SECOND READING – Final reading to be held March 15, 2016 as per City Charter requirements.

- 48. Ord. to rezone the property located at 2023 North 83rd Street from R2-Single-Family Residential District (Low Density) to R3-Single-Family Residential District (Medium Density).
(See Doc. # 266 – March 1 Meeting)

CCID #266 – ORDINANCE ON SECOND READING – Final reading to be held March 15, 2016 as per City Charter requirements.

- 49. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Roanoke Business Park, to allow an Assisted living facility, located Southeast of 120th and Fort Streets between the City of Omaha and Lamb Real Estate, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 267 – March 1 Meeting)

CCID #267 – ORDINANCE ON SECOND READING – Final reading to be held March 15, 2016 as per City Charter requirements.

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ORDINANCES ON SECOND READING

- 50. Ord. to amend Section 23 - 177 of the Omaha Municipal Code concerning class specifications by changing the title of Cashier to Cashier Collection Clerk with a salary range of \$13.98 to \$17.35; and to delete the employment classification entitled Collection Clerk; to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 269 – March 1 Meeting)

CCID #269 – Public hearing was held today – Final reading set for March 15, 2016 as per City Charter requirements.

51. Ord. to authorize the acceptance of the bid from Jones Automotive, Inc., involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide police cruiser video and digital camera system service at an hourly rate of \$95.00 against a purchase order; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 268 – March 1 Meeting)

CCID #268 – Public hearing was held today – Final reading set for March 15, 2016 as per City Charter requirements.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 52
THROUGH 62 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

52. Ord. to rezone the property located at 1017 South 10th Street from HI-Heavy Industrial District to CBD-Central Business District (property is also located within an existing ACI-1 (PL)-Area of Civic Importance Overlay District).

CCID # 304 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1017 South 10th Street from HI to CBD (property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).

#304 – Over to 3/22/16

53. Ord. to rezone the property located at 4971 South 36th Avenue from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density).

CCID # 305 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 4971 South 36th Avenue from HI to R4 – [see attached](#).

#305 – Over to 3/22/16

54. Ord. to rezone the properties located at 3909, 3913 and 3921 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).

CCID # 306 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 3909, 3913 and 3921 Farnam Street from GC to NBD (property is also located within an ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).

#306 – Over to 3/22/16

55. Ord. to rezone the property located South of the 36th Court and Maple Street intersection from R6-Low-Density Multiple Family Residential District to R4-Single-Family Residential District.

CCID # 307 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

56. Ord. to rezone the property located South of the 36th Court and Maple Street intersection from R6-Low-Density Multiple Family Residential District to R6-Low-Density Multiple Family Residential District.

CCID # 308 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located South of the 36th Court and Maple Street intersection from R6 to R4 and R6 – [see attached](#).

#308 – Over to 3/22/16

57. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to DR-Development Reserve District.

CCID # 311 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

58. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density).

CCID # 312 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 168th and Ida Streets from AG to DR and R4 – [see attached](#).

#312 – Over to 3/22/16

59. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to DR-Development Reserve District.

CCID # 316 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

60. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to MU-Mixed Use District.

CCID # 317 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 192nd and “Q” Streets from MU to DR and MU – [see attached](#).

#317 – Over to 3/22/16

61. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for The Woodlands, located Northwest of 192nd and “Q” Streets, between the City of Omaha and Nichols Seeman Investments, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 318 – Publication to be made and public hearing and third reading to be held on March 22, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Mixed Use District Development Agreement for The Woodlands, located Northwest of 192nd and “Q” Streets – [see attached](#).

#318 – Over to 3/22/16

ORDINANCES ON FIRST READING

- 62. Ord. to create Road Maintenance Improvement District No. 745-26, in the City of Omaha, for the purpose of improving South 113th Street, from Pacific Street north to its terminus south of Leavenworth Street, by asphalt overlay; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project; and to provide for an effective date hereof – [see attached](#).

CCID # 323 – Publication to be made and public hearing and third reading to be held on March 22, 2016 pursuant to City Council Rule VII D.

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 63
THROUGH 65 SHALL BE HELD ON THE SECOND READING”**

- 63. Ord. to amend Section 23 - 177 of the Omaha Municipal Code by changing the title of the class specification entitled Crime Analysis Supervisor to Crime Analysis Manager and reassigning the salary range for the classification from 16.1 MC (\$58,155 - \$69,770) to 20.1 MC (\$69,176 - \$81,693); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

CCID # 288 – Publication to be made and public hearing to be held on March 15, 2016 as per City Charter requirements.

- 64. Ord. to approve the Ninth Amendment to the Redevelopment Agreement between the CITY OF OMAHA and DURHAM WESTERN HERITAGE MUSEUM, a Nebraska nonprofit corporation, formerly known as WESTERN HERITAGE SOCIETY, INC. which extends the Redevelopment Agreement approved in January, 1995, for an additional period of three years for 2016, 2017, and 2018; for the term of the Amendment, the City agrees to provide the interest, dividends and other income derived from the excess funds, not to exceed the amount of One Hundred Thousand dollars (\$100,000), generated by the partial sale of the Byron Reed Collection to DURHAM WESTERN HERITAGE MUSEUM for maintenance of the remaining part of the Byron Reed Collection; the Finance Department will pay such funds from Fund 15112, Org. 126038; and to provide an effective date thereof – [see attached](#).

CCID # 321 – Publication to be made and public hearing to be held on March 15, 2016 as per City Charter requirements.

65. Ord. to approve the acceptance of and authorize disbursement from the Nebraska Crime Commission, FY 2015 Edward Byrne Memorial Justice Assistance Grant, Award #2015-DJ-BX-0748, in the amount of one hundred thousand dollars (\$100,000), a match of thirty three thousand three hundred and thirty three dollars (\$33,333), and total program amount of one hundred and thirty three thousand three hundred and thirty three dollars (\$133,333) during the project period of October 1, 2015 to September 30, 2016; to fund the operation of the Metro Drug Task Force; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached.](#)

CCID # 322 – Publication to be made and public hearing to be held on March 15, 2016 as per City Charter requirements.

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CHAIRMAN OF THE BOARD OF EQUALIZATION

66. Chairman of the Board of Equalization reports approval of Plans of Assessment with adjustments made at their regular meeting held March 1, 2016 – [see attached.](#) ((MOTION NEEDED TO APPROVE))

CCID # 325 – Motion by Gernandt that the report be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

EXECUTIVE SESSION

67. 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 Gray

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 2:20 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 March 8, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 10TH DAY OF MARCH, 2016.