

8TH REGULAR CITY COUNCIL MEETING

MARCH 15, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, March 15, 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 #332 – Present: Thompson, Gernandt, Jerram, Melton, Pahls, Mr. President
Absent: Festersen

2. Pledge of Allegiance.
3. Invocation by Councilmember Franklin T. Thompson of District No. 6.

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 11, 2016, notice re: Pre-Council and Regular City Council Meetings, March 15, 2016.

CCID #333 – 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.

RECONSIDERATION

5. Motion by Councilmember Gernandt to reconsider Special Ordinance No. 10192, passed as amended March 8, 2016, being 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, with roll call on March 22, 2016.

CCID #240 – Motion by Gernandt to reconsider Special Ordinance No. 10192, passed as amended on March 8, 2016, with Roll Call on March 22, 2016

Seconded by Thompson

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

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

(See Doc. #264 – March 1 and March 8 Meetings)

Notice of public hearing on March 15, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

CCID #264 – Motion by Jerram that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40662 - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of 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 – [see attached](#).
(See Doc. # 264 – March 1 Meeting)

#264 – From Chair on File

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

(See Doc. #265 – March 1 and March 8 Meetings)

Notice of public hearing on March 15, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

CCID #265 – Motion by Gernandt that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40663 - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of the request to repeal the ACI-1(50)-Area of Civic Importance Overlay District for property located at 2505 Oak Street – [see attached](#).

(See Doc. # 265 – March 1 Meeting)

#265 – From Chair on File

8. 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). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. #266 – March 1 and March 8 Meetings)

Notice of public hearing on March 15, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

CCID #266 – Motion by Melton that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40664 - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2023 North 83rd Street from R2 to R3 – [see attached](#).

(See Doc. # 266 – March 1 Meeting)

#266 – From Chair on File

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

(See Doc. #267 – March 1 and March 8 Meetings)

Notice of public hearing on March 15, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

Jim Buser, 10250 Regency Circle, appeared and spoke.

CCID #267 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40665 - PASSED 6-0

- (a) Planning Board and Planning Department recommends approval of a Major Amendment to the Roanoke Business Park Mixed Use District Development Agreement to allow for an Assisted living facility, located Southeast of 120th and Fort Streets – [see attached](#). (See Doc. # 267 – March 1 Meeting)

#267 – From Chair on File

RESOLUTIONS RE: PRELIMINARY PLAT AND PLATS

10. Res. that the preliminary plat entitled NORTH 90TH PLAZA REPLAT 3, located at 3809 North 90th Street, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 3/1/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY)) (See Doc. #252 – March 1 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 252 - ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of NORTH 90TH PLAZA REPLAT 3, a minor plat inside the city limits, located at 3809 North 90th Street – Inside City – over from 3/1/16 – [see attached](#).
(See Doc. # 252 – March 1 Meeting)

#252 – From Chair on File

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD MARCH 29, 2016 AGENDA ITEM NOS. 11 THROUGH 13 SHALL BE LAID OVER THREE WEEKS TO APRIL 5, 2016 FOR PUBLICATION AND PUBLIC HEARING”

- 11. Res. that the replat transmitted herewith entitled SOUTH OMAHA REPLAT 23, generally located west of Dahlman Avenue and south of “A” Street, is hereby approved, and concurrently a portion of the existing plat entitled South Omaha, and described on said replat, is hereby vacated – Inside City – [see attached](#).
Notice of public hearing on April 5, 2016 published in the Daily Record on March 18, 2016.

CCID # 340 – Over three weeks to April 5, 2016 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of SOUTH OMAHA REPLAT 23, a subdivision inside the city limits, generally located west of Dahlman Avenue and south of “A” Street – Inside City – [see attached](#).

340 – Over to 4/5/16

- 12. Res. that the preliminary plat entitled FORT DIVISION REPLAT 2, located at 5414 North 90th Street, 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 April 5, 2016 published in the Daily Record on March 18, 2016.

CCID # 345 – Over three weeks to April 5, 2016 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of FORT DIVISION REPLAT 2, located at 5414 North 90th Street – Inside City – [see attached](#).

345 – Over to 4/5/16

13. Res. that the replat transmitted herewith entitled FORT DIVISION REPLAT 2, located at 5414 North 90th Street, is hereby approved, and concurrently a portion of the existing plat entitled Fort Division, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on April 5, 2016 published in the Daily Record on March 18, 2016.

CCID # 346 – Over three weeks to April 5, 2016 for publication and public hearing pursuant to City Council Rule VII H.

(a) Planning Board and Planning Department recommend approval of the Final Plat of FORT DIVISION REPLAT 2, located at 5414 North 90th Street – Inside City – [see attached](#).

346 – Over to 4/5/16

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COUNCILMEMBER FESTERSEN ENTERS THE CHAMBERS AT 2:07 P.M.

LIQUOR AND RESOLUTIONS RE: KENO

14. CLASS “I” – MDM Acquisition, LLC, dba “Goldbergs in Dundee”, 5008 Dodge Street. New application, Old location. Present licensee is Duda & Duda, Inc., dba “Goldbergs II”, 5008 Dodge Street, who has a Class “I” Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Thomas Morello, 3714 Castelar Street, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 334 – ADOPTED 7-0

15. CLASS “I” – Sam’s Leon Mexican Supplies, LLC, dba “Sam’s Leon Mexican Foods”, 5014 South 20th Street. New application, New location. Property posted: 02-22-16; Notification sent: 03-04-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Christine Lustgarten, 1403 Farnam Street, appeared and spoke.

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 335 – ADOPTED 7-0

16. Dave & Buster's of Nebraska, Inc., dba "Dave & Buster's", 2502 South 133rd Plaza, Suite 111, requests permission to appoint Jacqueline A. Wash manager of their present Class "I" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Jacqueline Wash, 5340 S. 156th Court #114, appeared and spoke.

CCID # 336 – Motion by Jerram that the request be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

17. Immaculate Conception Church, dba "Depadua Club", 2701 South 25th Street, requests permission to appoint Steven J. Sempeck manager of their present Class "I" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Steven Sempek, 4105 S. 173rd Street, appeared and spoke.

CCID # 337 – Motion by Gernandt that the request be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

18. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 4503 Center Street, McFly's Center Street Tavern, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 285 - ADOPTED 7-0

- 19. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 13806 P Street, The Taco Mill, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 286 - ADOPTED 7-0

- 20. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 2332 S. 24th Street, Welcome Inn Tavern, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 287 - 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. 21 through 22 were held on March 8, 2016.)

CONSENT AGENDA – ORDINANCES

- 21. 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](#).
(See Doc. # 268 – March 1 and March 8 Meetings)

Notice of public hearing on March 8, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

CCID # 268 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40666 - PASSED 7-0

22. 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](#).

(See Doc. # 269 – March 1 and March 8 Meetings)

Notice of public hearing on March 8, 2016 published in the Daily Record on March 4, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

CCID # 269 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40667 - 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. 23 through 29 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

23. Res. that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of Omaha officially designates the Cinco de Mayo Parade as a special event under LB 589 and NEB. REV. STAT. §39-1359 R.R.S. 2008 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of U.S. Highway 275/NE 92 from 24th Street to 20th Street on May 7, 2016, between the hours of 9:30 am and 1:00 pm., for the entire route of the South Omaha Business Association's special event, the Cinco de Mayo Parade – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 338 – ADOPTED 7-0

24. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to the Goodyear Tire & Rubber Company, Bridgestone Americas Inc., and Michelin North America for contracts to supply and deliver new tires and tubes, repairs and rotation to be utilized by the Fleet Management Division in the estimated amount of \$300,000.00; and that the Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Mechanical Repair Organization 116172, year 2016 funding – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 339 – ADOPTED 7-0

25. Res. that, the contract between the City of Omaha and Siena/Francis House for the operation of a homeless day shelter at 1624 Nicholas Street and 1401 North 18th Street, attached hereto as Exhibit "1" and incorporated herein by this reference for the period from the date of execution through December 31, 2016, and partial funding of such project in the amount of \$100,000.00 is hereby approved; and be it further resolved that, the Finance Director is authorized to provide payment of \$100,000.00 from Keno Fund 12118, Organization 126045, in accordance with the contract terms – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 347 – ADOPTED 7-0

26. Res. that, the attached Deferred Payment Loan and Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$23,550.00 for the rehabilitation and lead reduction work to the property located at 2044 North 63rd Street, Omaha, Nebraska 68104, owned by DS, LLC, a Nebraska limited liability company, Douglas R. Schumacher, Authorized Member, 1017 North 63rd Street, Omaha, Nebraska 68132, is hereby approved. Funds in the amount of \$23,550.00 shall be paid from the HOME Program Fund, Fund No. 12179, Org. No. 128071 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 350 – ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the purchase of Sierra Annual Renewal Term upon the invoice of Innovative Interfaces, providing a unique and non-competitive service, in the amount not to exceed \$67,555, is hereby approved; and, the Finance Department is authorized to pay the \$67,555 cost thereof from the Library's General Fund 11111, Organization 117017, Account 42266, year 2016 expenditures – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 352 – ADOPTED 7-0

28. Res. that, as recommended by the Mayor, the attached bid of Fireguard, Inc. in the amount of forty-five thousand four hundred thirty-nine dollars and forty cents (\$45,439.40) for the purchase of ten (10) 50' lengths, 1¾" Key Combat Ready Orange hoses, twenty-five (25) 50' lengths, 1¾", Key Big 10, Yellow hoses, twenty-five (25) 50' lengths, 2½", Key Big 10, Yellow hoses, ten (10) 100' lengths, 5", Key Hi-Pressure LDH, Green hoses, fifty (50) 50' lengths, 5" Key Hi-Pressure LDH, Green hoses, to be utilized by the Omaha Fire Department, is hereby approved; and, the Finance Department is authorized to pay the cost of such purchase from the General Fund 11111, Organization 114581, Account 44134 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 355 – ADOPTED 7-0

29. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Building Healthy Futures in the amount of seventy-five thousand dollars (\$75,000) to operate school-based oral health services in ten (10) Omaha Public Schools (OPS) elementary schools 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 twenty-five thousand dollars (\$25,000) from 2016 Community Services, General Fund 11111 and in the amount fifty thousand dollars (\$50,000) from 2016 Keno, Fund 12118; Organization 130732, 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: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

RESOLUTION # 356 – ADOPTED 7-0

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

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ORDINANCE ON FINAL READING

30. 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, March 1 and March 8 Meetings)
Notice of public hearing on March 1, 2016 published in the Daily Record on February 26, 2016. Ordinance passed on March 15, 2016 published in the Daily Record on March 23, 2016.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Shawn Melotz, 10404 N. 132nd Street

For the City: Bernard in den Bosch, City Law Department

CCID #238 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40668 - PASSED 7-0

- (a) Documentation from Captain Adam Kyle re: ING, Clark Vargas, PE – over from 3/8/16 – [see attached](#).
(See Doc. # 238 – March 8 Meeting)

#238 – From Chair on File

- (b) Document submitted by the Police Department – over from 3/8/16 – [see attached](#).
(See Doc. # 238 – March 8 Meeting)

#238 – From Chair on File

- (c) Documentation submitted by Bernard in den Bosch, Deputy City Attorney, re: agreement on use of the outdoor gun range proposed by the City of Omaha – see attached.

#238 – From Chair on File

RESOLUTIONS

31. 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 – over from 2/23/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 210 – February 23 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: John Blumenthal, 1700 Dodge Street, Attorney representing HDR Engineering

Opponent: Spencer McGruder, 1524 Cuming Street

For the City: Bridget Hadley, City Planning Department

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 210 – ADOPTED 7-0

- (a) Documentation submitted by Spencer McGruder – see attached.

#210 – From Chair on File

32. Res. that the City Council does hereby approve the settlement of the case entitled *William Bush v. City of Omaha*, Case No. CI 16-899, filed in the District Court of Douglas County, Nebraska, in the amount of \$87,500.00 in full and complete satisfaction and settlement of his case, and further does hereby approve the settlement of the case entitled *Edward Reed v. City of Omaha*, Case No. CI 16-893, filed in the District Court of Douglas County, Nebraska, in the amount of \$37,500.00 in full and complete satisfaction and settlement of his case; and that the Law Department of the City of Omaha is hereby authorized and empowered to execute and deliver and approve and receive all appropriate settlement documents to cause the conclusion of said cases, including the Settlement Agreements and any necessary releases, and that the funds to satisfy the same shall be paid out of the Judgment Fund No. 12111, Org. No. 121101, and Acct. No. 46113 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Thompson that the Resolution be adopted
Seconded by Melton

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
RESOLUTION # 351 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NO. 33 SHALL BE LAID OVER THREE
WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

33. Res. that, the attached Aksarben Pointe Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at 6920, 6940 and 6940 1/2 Pacific Street includes the demolition of the restaurant structure and proposes the construction of a one-story, commercial structure consisting of approximately 12,000 square feet, recommending the City’s participation through the allocation of TIF in an amount up to \$272,230.00 to offset TIF eligible costs related to site work, inclusive of demolition, engineering fees, sewer relocation and other public improvements as required, but is subject to change as final costs come in, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved – [see attached](#).
Notice of public hearing on April 5, 2016 published in the Daily Record and Omaha World Herald on March 17, 2016 and March 24, 2016.

CCID # 348 – Over three weeks to April 5, 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. 34
THROUGH 44 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

34. 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).
(See Doc. # 304 – March 8 Meeting)

CCID # 304 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

35. Ord. to rezone the property located at 4971 South 36th Avenue from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density).
(See Doc. # 305 – March 8 Meeting)

CCID # 305 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

36. 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).
(See Doc. # 306 – March 8 Meeting)

CCID # 306 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

37. 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.
(See Doc. # 307 – March 8 Meeting)

CCID # 307 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

38. 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.
(See Doc. # 308 – March 8 Meeting)

CCID # 308 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

39. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to DR-Development Reserve District.
(See Doc. # 311 – March 8 Meeting)

CCID # 311 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

40. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density).
(See Doc. # 312 – March 8 Meeting)

CCID # 312 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

41. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to DR-Development Reserve District.
(See Doc. # 316 – March 8 Meeting)

CCID # 316 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

42. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to MU-Mixed Use District.
(See Doc. # 317 – March 8 Meeting)

CCID # 317 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

43. 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](#).
(See Doc. # 318 – March 8 Meeting)

CCID # 318 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

ORDINANCES ON SECOND READING

- 44. 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](#).
(See Doc. # 323 – March 8 Meeting)

CCID # 323 – ORDINANCE ON SECOND READING – Final reading to be held March 22, 2016 as per City Charter requirements.

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- 45. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 322 – March 8 Meeting)

CCID # 322 – Public hearing was held today – Final reading set for March 22, 2016 as per City Charter requirements

- 46. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 321 – March 8 Meeting)

CCID # 321 – Public hearing was held today – Final reading set for March 22, 2016 as per City Charter requirements

47. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 288 – March 8 Meeting)

CCID # 288 – Public hearing was held today – Final reading set for March 22, 2016 as per City Charter requirements.

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD MARCH 29, 2016 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 48 THROUGH 52 SHALL BE HELD ON APRIL 5, 2016”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

48. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Gallup University Riverfront Campus to allow for temporary signage that exceeds the 32 square foot sign maximum, located at 601 Riverfront Drive between the City of Omaha and the National Park Service, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 341 – Publication to be made and public hearing and third reading to be held on April 5, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Mixed Use District Development Agreement for Gallup University Riverfront Campus to allow for temporary signage that exceeds the 32 square foot sign maximum, located at 601 Riverfront Drive – [see attached](#).

341 – Over to 4/5/16

49. Ord. to rezone property located Southwest of 52nd and Center Streets from GI-General Industrial District to CC-Community Commercial District.

CCID # 342 – Publication to be made and public hearing and third reading to be held on April 5, 2016 pursuant to City Council Rule VII H.

50. Ord. to rezone property located Southwest of 52nd and Center Streets from GI-General Industrial District to GI-General Industrial District.

CCID # 343 – Publication to be made and public hearing and third reading to be held on April 5, 2016 pursuant to City Council Rule VII H.

51. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Southwest of 52nd and Center Streets; and to provide for an effective date – [see attached](#).

CCID # 344 – Publication to be made and public hearing and third reading to be held on April 5, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southwest of 52nd and Center Streets from GI to CC and GI and approval of an MCC Overlay District – [see attached](#).

344 – Over to 4/5/16

ORDINANCES ON FIRST READING

52. Ord. establishing the Olde Towne Elkhorn Business Improvement District (BID No. 6878) under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 19-4105, et seq. for the purpose of providing specified activities, work and improvements in the Olde Towne Elkhorn area generally defined as Elkhorn Drive to the west, Glenn Street to the north, North 204th Street to the east, and Blondo Street to the south; to create the Olde Towne Elkhorn Business Improvement District pursuant to the City Council's Notice of Hearing to so establish; to define the boundaries of such District; to identify that the properties benefited by the streetscape improvements will be subject to special assessment in accordance with the Olde Towne Elkhorn Business Improvement District Plan; to provide for an initial special assessment in the amount of \$43,500 to be imposed with such District based upon the benefits conferred; to provide a method of assessment to be assessed upon properties specially benefited by the District; and to provide the effective date hereof – [see attached](#).

CCID # 331 – Publication to be made and public hearing and third reading to be held on April 5, 2016 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 53
THROUGH 54 SHALL BE HELD ON THE SECOND READING”**

53. 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: 2016-07 – [see attached](#).

CCID # 353 – Publication to be made and public hearing to be held on March 22, 2016 as per City Charter requirements.

54. 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: 2016-08 – [see attached](#).

CCID # 354 – Publication to be made and public hearing to be held on March 22, 2016 as per City Charter requirements.

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EXECUTIVE SESSION

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

SUPPLEMENT TO THE CITY COUNCIL AGENDA FOR MARCH 15, 2016

**LEGISLATIVE CHAMBERS – 2:00 P.M. – PREPARED MARCH 14, 2016 AT 11:00
A.M.**

**Agenda and Link to Agenda Items
Available at <http://www.cityofomaha.org>**

**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARING ON AGENDA ITEM NO. 56
SHALL BE HELD ON THE SECOND READING”**

ADDITIONAL ORDINANCE ON FIRST READING

56. Ord. to approve a lease agreement between the City of Omaha and First National Bank of Omaha for the administrative offices of the Omaha Convention and Visitors Bureau (OCVB) located at 1620 Dodge Street, Suite 1900, Omaha NE 68102; to authorize the payments specified therein; and to provide an effective date – [see attached](#).

CCID # 357 – Publication to be made and public hearing to be held on March 22, 2016 as per City Charter requirements.

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Motion by Gernandt that the meeting be adjourned

Seconded by Gray

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 2:47 P.M.

I, BUSTER BROWN, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on March 15, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 17TH DAY OF MARCH, 2016.