

23RD REGULAR CITY COUNCIL MEETING

JULY 19, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, July 19, 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 # 999 – Present: Jerram, Pahls, Thompson, Festersen, Gernandt, Mr. President

Absent Entire Meeting: Melton

2. Pledge of Allegiance.
3. Invocation by Councilmember Pete Festersen of District No. 1.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on July 15, 2016, notice re: Pre-Council and Regular City Council Meetings, July 19, 2016.

CCID # 1000 – 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.

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD AUGUST 2, 2016 AGENDA ITEM NOS. 5 THROUGH 6 SHALL BE LAID OVER THREE WEEKS TO AUGUST 9, 2016 FOR PUBLICATION AND PUBLIC HEARING”

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

5. Res. that the preliminary plat entitled OAKDALE SCHOOL, located at 9801 West Center Road, 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 August 9, 2016 published in the Daily Record on July 22, 2016.

CCID # 1018 – Over three weeks to August 9, 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 OAKDALE SCHOOL, a minor plat inside the city limits, located at 9801 West Center Road – Inside City – [see attached](#).

1018 – Over to 8/9/16

6. Res. that the plat entitled OAKDALE SCHOOL, located at 9801 West Center Road, is hereby approved and accepted – Inside City – [see attached](#).
Notice of Public Hearing on August 9, 2016 published in the Daily Record on July 22, 2016.

CCID # 1019 – Over three weeks to August 9, 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 OAKDALE SCHOOL, a minor plat inside the city limits, located at 9801 West Center Road – Inside City – [see attached](#).

1019 – Over to 8/9/16

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO
MEETING BEING HELD AUGUST 2, 2016 AGENDA ITEM NOS. 7
THROUGH 9 SHALL BE LAID OVER THREE WEEKS TO AUGUST 9, 2016”**

7. Res. that the plat entitled BLONDO RIDGES (formerly BLONDO 186) located Northeast of 189th and Blondo Streets, is hereby approved and accepted – Outside City – [see attached](#).

CCID # 1023 – Over three weeks to August 9, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of BLONDO RIDGES (formerly BLONDO 186) located Northeast of 189th and Blondo Streets – Outside City – [see attached](#).

1023 – Over to 8/9/16

8. Res. that, the Subdivision Agreement among the City of Omaha, Blondo 186, LLC, a Nebraska corporation, The Blondo Ridges Owners Association, and Sanitary and Improvement District (S.&I.D.) 570 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 Blondo Ridges (Lots 1-347 and Outlots A-X) and is located northeast of 189th and Blondo Streets – [see attached](#).

CCID # 1024 – Over three weeks to August 9, 2016 pursuant to City Council Rule VII H.

9. Res. that, the Subdivision Agreement between the City of Omaha and Omaha School District No. 66 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, the City of Omaha’s contribution to the public improvements, Watershed Management fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The City shall pay its contribution in the amount of \$50,000.00 from the Residential Street Rehab and Surface Restoration, Organization 116160, Fund 12129. The Subdivision is to be known as Oakdale School (Lot 1) and is located at 9801 West Center Road – [see attached](#).

CCID # 1020 – Over three weeks to August 9, 2016 pursuant to City Council Rule VII H.

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LIQUOR

10. CLASS "C" – Royal Motels, Inc., dba "Holiday Inn Express – West Dodge", 8736 West Dodge Road. New application, New location. Property posted: 07-01-16; Notification sent: 07-08-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Mike Works, 8736 West Dodge Road, representing Royal Hotels, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1001 - ADOPTED 6-0

11. CLASS "C" – Wright Weir, LLC, dba "Therapy Bar & Grill", 5059 South 108th Street. New application, New location. Property posted: 07-01-16; Notification sent: 07-08-16 – [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:

PROPOSERS: Tammy Wright, 5059 S. 108th Street, Therapy Bar and Grill
Amy Weir, 5059 S. 108th Street, Therapy Bar and Grill

Motion by Thompson that the Resolution to GRANT be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1002 - ADOPTED 6-0

12. CLASS "I" – El Basha, Inc., dba "El Basha", 7503 Pacific Street. New application, New location. Property posted: 07-01-16; Notification sent: 07-08-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Ahmad Nabulski, 7503 Pacific Street, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted
Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1003 - ADOPTED 6-0

13. CLASS “I” – International Buffet, LLC, dba “International Buffet”, 4827 “L” Street. New application, New location. Property posted: 07-01-16; Notification sent: 07-08-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Song Zheng, 4827 L Street, International Buffet, appeared and spoke.

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 1004 - ADOPTED 6-0

14. PACKAGE – Abeesha, Inc., dba “Hutti”, 2430 South 24th Street. New application, Old location. Current licensee is Select Food Mart, Inc., dba “Select Food Mart”, 2430 South 24th Street, who has a Package 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))

Ahsan Mahmood, 2430 S. 24th Street, appeared and spoke.

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

RESOLUTION # 1005 - ADOPTED 6-0

15. Amerigreen, LLC, dba “The Hive Bar”, 1207 Harney Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor area approx. 10’ x 33’ to the north. Property posted: 07-01-16; Notification sent: 07-08-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Sean Kelley, Attorney, 7134 Pacific Street, on behalf of the Hive Bar, appeared and spoke.

CCID # 1006 – Motion by Pahls that the request be approved

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL CALL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 5-0-1 Pass

16. The Leprechaun League, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street, requests permission for an addition to their present Class “C/K” Liquor License location of an outdoor area approx. 10’ x 38’ to the east. Property posted: 07-01-16; Notification sent: 07-08-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Vicki Heiman, 4503 Center Street, McFly’s Center Street Tavern

Marc Baber, 4503 Center Street, McFly’s Center Street Tavern

CCID # 1007 – Motion by Jerram that the request be approved subject to the applicant obtaining a building permit for the fence surrounding the proposed outdoor area

Seconded by Festersen

ROLL CALL:

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

Motion Carried 6-0

- (a) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division re: The Leprechaun League, Inc., dba “McFly’s Center Street Tavern”, 4503 Center Street, building permit requirement – [see attached](#).

1007 – From Chair on File

17. TFL, Inc., dba “Mega Saver”, 1910 North 144th Street, requests permission for an addition to their present Package Liquor License location of an area approx. 13’ x 39’ to the north. Property posted: 07-07-16; Notification sent: 07-08-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSER: Kamol Samiev, 1910 N. 144th Street, TFL, Inc.

OPPOSER: Charlie Zelhart, 14461 Patrick Avenue

FOR THE CITY: Buster Brown, City Clerk

William Acosta-Trejo, Assistant City Attorney

CCID # 1008 – Motion by Jerram that the request be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 6-0

18. Crave Restaurant, LLC, dba “Crave”, 200 South 31st Avenue, Suite 4103, requests permission to appoint Jeannine J. Lane manager of their present Class “I/K” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Tyler McCleary, 200 S. 31st Avenue, Suite 4103, Crave, appeared and spoke.

CCID # 1009 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 6-0

19. Wal-Mart Stores, Inc., dba “Walmart Store 5141”, 16960 West Maple Road, requests permission to appoint Adam L. Pelley manager of their present Package Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Adam Pelley, 16960 West Maple Road, Walmart Store 5141, appeared and spoke.

CCID # 1010 – Motion by Festersen that the request be approved

Seconded by Gray

ROLL CALL:

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

Motion Carried 6-0

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. 20 through 25 were held on July 12, 2016.)

CONSENT AGENDA – ORDINANCES

20. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Citywide Lift Station Upgrades (Phase III) Project, identified as City Project OPW 52801, providing that the City negotiate with the property owner for partial land acquisition, permanent easement, temporary easement and/or right of entry; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and providing for the effective date hereof – [see attached](#).

(See Doc. # 931 – June 28 and July 12 Meetings)

Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 931 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40816 - PASSED 6-0

21. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Missouri Avenue/ Spring Lake Sewer Separation Phase II (CSO), identified as City Project No. OPW 51997b providing that the City negotiate with the property owners for partial land acquisitions, permanent easements, temporary easements and right of entries; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and providing for the effective date hereof – [see attached](#).

(See Doc. # 932 – June 28 and July 12 Meetings)

Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 932 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40817 - PASSED 6-0

22. Ord. requested by the Parks, Recreation and Public Property Department to allow Metropolitan Utilities District (M.U.D.) to overlay a 10' Water Easement in an existing M.U.D. 10' Gas Easement, passed by Ordinance 38546 on October 20, 2009, upon City owned property along 48th Street on the west edge of Fontenelle Park, a/k/a 4405 Fontenelle Blvd., Omaha, Nebraska; and providing for the effective date hereof – [see attached](#).
(See Doc. # 933 – June 28 and July 12 Meetings)
Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 933 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40818 - PASSED 6-0

23. Ord. (1) to approve an agreement between the City of Omaha and the Douglas County Board of Commissioners, Douglas County Administrative Office in the amount of one hundred eighty thousand, seven hundred ninety-one dollars (\$180,791); and (2) to authorize funding for such agreement from the City of Omaha's FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2015-DJ-BX-0270, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for law enforcement equipment, corrections crisis intervention team training, prosecutor programs, and technology improvements and training; 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](#).
(See Doc. # 934 – June 28 and July 12 Meetings)
Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 934 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40819 - PASSED 6-0

24. Ord. (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of seventy-five thousand, three hundred forty-two dollars (\$75,342); and (2) to authorize funding for such agreement from the City of Omaha's FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2015-DJ-BX-0270, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; 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](#).

(See Doc. # 935 – June 28 and July 12 Meetings)

Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 935 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40820 - PASSED 6-0

25. Ord. (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of seventy-four thousand, one hundred twenty-five dollars (\$74,125); and (2) to authorize funding for such agreement from the City of Omaha's FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2014-DJ-BX-0891, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; 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](#).

(See Doc. # 936 – June 28 and July 12 Meetings)

Notice of public hearing on July 12, 2016 published in the Daily Record on July 1, 2016. Ordinance passed on July 19, 2016 published in the Daily Record on July 27, 2016.

CCID # 936 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40821 - PASSED 6-0

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

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(The public hearings on Agenda Item Nos. 26 through 34 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, Councilmembers Pete Festersen, Chris Jerram, and Aimee Melton shall assess damages, if any, to owners and parties affected by the vacation of 27th Avenue from the north right-of-way line of Farnam Street to the south right-of-way line of Douglas Street. Said committee shall give reasonable notice to the owners and parties interested in the property affected by such vacation – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1011 - ADOPTED 6-0

27. Res. that, Councilmembers Pete Festersen, Chris Jerram, and Aimee Melton shall assess damages, if any, to owners and parties affected by the vacation of the east/west alley between 38th Avenue and 38th Street abutting 221 South 38th Avenue and 3814 and 3824 Farnam Street. Said committee shall give reasonable notice to the owners and parties interested in the property affected by such vacation – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1012 - ADOPTED 6-0

28. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project STR 275-7(1045), State Control No. 22631, being the improvements to a portion of the South Omaha Veterans Memorial Bridge located at State Highway U.S. 275, which consists of repairing, painting, and applying epoxy polymer overlay to Structure S275 19041 over the Burlington Northern Santa Fe Railroad, Gibson Road, South 10th Street, and the Missouri River, with the City's share of the project cost, estimated to be \$122,613.13, to be paid from the Nebraska Department of Roads Grant Fund 17116, Capital Grants Transportation Organization 132044, 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 Gray

ROLL CALL:

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

RESOLUTION # 1013 - ADOPTED 6-0

29. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for the 32nd Avenue Bridge Over Interstate 80 Emergency Repair, being emergency repair work, known as M2080G, OPW 52994-SP; with the City's share of the project cost, estimated to be \$175,000.00, to be paid from the Nebraska Department of Roads Grant Fund 17116, Capital Grants Transportation Organization 132044, 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 Gray

ROLL CALL:

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

RESOLUTION # 1014 - ADOPTED 6-0

30. Res. that, as recommended by the Mayor, the attached agreement with Pacific Renaissance, LLC and the reimbursement for the widening of Pacific Street to a three lane section, made by Pacific Renaissance, LLC, is hereby approved; and that, the Finance Department is authorized to accept this reimbursement in the amount of \$239,804.63 to the 2010 Transportation Fund 13183, Transportation Bonds Organization 117117 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1038 - ADOPTED 6-0

31. 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 Omaha North High Homecoming 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 75 from Redick Avenue to Bondesson Street on October 21, 2016, between the hours of 1:00 p.m. and 2:45 p.m., for the entire route of the Omaha North High School's event, the Omaha North High Homecoming Parade – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1015 - ADOPTED 6-0

32. Res. that the application of Sol Construction c/o Lino Onate for a lease of City property adjacent to 1263 and 1265 South 15th Street, Omaha, Nebraska for purposes of existing covered front porches, as described on the application, be and hereby is approved, contingent upon continued compliance with all requirements made and provided by law; and the Finance Department is directed to issue a billing statement and a lease form to the applicant for execution and return – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1016 - ADOPTED 6-0

33. Res. that, the attached extension to Maintenance and Support Agreement with Motorola Solutions, Inc. to extend the maintenance on PremierCAD and PremierMDC for an additional year from August 1, 2016 through July 31, 2017 for the total amount of sixty-seven thousand, ninety-six dollars (\$67,096.00) which sum is to be paid from the Omaha Fire Department's 2016 budget; Fund 11111, Organization 114515, Expense Code 42411; and, that the attached Agreement between the City of Omaha and Douglas County and Sarpy County in which Sarpy County agrees to reimburse the City of Omaha five thousand, forty-eight dollars and twelve cents (\$5,048.12) and Douglas County agrees to reimburse the City of Omaha fifty percent (50%) of the remaining costs incurred under the maintenance agreement with Motorola Solutions, Inc. is hereby approved – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1039 - ADOPTED 6-0

34. Res. that, as recommended by the Mayor, in accordance with Section 5.16 of the Omaha Home Rule Charter, the Omaha Public Library is hereby authorized to purchase unique and non-competitive library books, publications, and materials from WT Cox in an amount not to exceed \$73,511.56 during the period of January 1, 2016 through December 31, 2016; and, the Finance Department is authorized to pay the \$73,511.56 cost thereof from the Library's General Fund 11111, Organization 117016, Account 43414, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted
Seconded by Gray

ROLL CALL:

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

RESOLUTION # 1026 - ADOPTED 6-0

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

* * * * *

RESOLUTION

35. Res. that, as recommended by the Mayor, the City Council supports a temporary moratorium on the reclamation of substandard residential streets within the corporate limits of the City of Omaha, and encourages the Public Works Department to develop a cost effective, fair, and equitable policy for substandard residential street improvement – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPONENT: Gus Dworak, 624 Beverly Drive

FOR THE CITY: Cassie Paben, Mayor’s Office
Bob Stubbe, Public Works Director
Paul Kratz, City Attorney
Todd Pfitzer, Public Works Department

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 1029 - ADOPTED 6-0

- (a) Photos submitted by Councilmember Chris Jerram re: temporary moratorium on the reclamation of substandard residential streets within the City of Omaha – [see attached](#).

1029 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 36
THROUGH 47 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

36. Ord. to rezone the property located at 1016 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. # 985 - July 12 Meeting)

CCID # 985 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

37. Ord. to rezone property located at 601 South 13th Street from DS-Downtown Service District to CBD-Central Business District (property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District).
(See Doc. # 986 - July 12 Meeting)

CCID # 986 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

38. Ord. to rezone the property located at 2503 Arbor Street from GI-General Industrial District to R4-Single-Family Residential District (high density).
(See Doc. # 987 - July 12 Meeting)

CCID # 987 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

39. Ord. to rezone the properties located at 3022 and 3024 South 20th Street from GC-General Commercial District to NBD-Neighborhood Business District.
(See Doc. # 988 - July 12 Meeting)

CCID # 988 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

40. Ord. to amend the boundaries of the NCE-C Neighborhood Conservation & Enhancement Overlay District, to incorporate into that district the properties located at 3022 and 3024 South 20th Street; and to provide for an effective date – [see attached](#).
(See Doc. # 989 - July 12 Meeting)

CCID # 989 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

41. Ord. to rezone the property located east of the 32nd and Webster Street intersection from R7-Medium-Density Multiple-Family Residential District and GO-General Office District to GO-General Office District.
(See Doc. # 990 - July 12 Meeting)

CCID # 990 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

42. Ord. to amend an existing PK-Parking Overlay District in a R5-Urban Family Residential District located Northeast of 40th and Pacific Streets, to approve the amended Parking Plan, and to provide for an effective date – [see attached](#).
(See Doc. # 991 - July 12 Meeting)

CCID # 991 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

43. Ord. to rezone the property located northeast of 40th and Pacific Streets from R5-Urban Family Residential District to GO-General Office District.
(See Doc. # 992 - July 12 Meeting)

CCID # 992 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

44. Ord. to amend the boundaries of the ACI-2(50)-Area of Civic Importance Overlay District, to incorporate into that district the property located at 7400 Western Avenue; and to provide for an effective date – [see attached](#).
(See Doc. # 993 - July 12 Meeting)

CCID # 993 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

45. Ord. to rezone property located east of 204th Street and north of Blondo Parkway from R4-Single-Family Residential District (high density) to DR-Development Reserve District.
(See Doc. # 994 - July 12 Meeting)

CCID # 994 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

46. Ord. to rezone property located east of 204th Street and north of Blondo Parkway from R4-Single-Family Residential District (high density) to R4-Single-Family Residential District (high density).
(See Doc. # 995 - July 12 Meeting)

CCID # 995 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

47. Ord. to repeal the MCC-Major Commercial Corridor Overlay District for property located at 3603 North 222nd Street, and to provide for an effective date – [see attached](#).
(See Doc. # 998 - July 12 Meeting)

CCID # 998 – ORDINANCE ON SECOND READING – Final reading to be held July 26, 2016 as per City Charter requirements.

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ORDINANCES ON SECOND READING

48. Ord. (1) to approve an agreement between the City of Omaha and Douglas County Board of Commissioners, Douglas County Administrative Office in the amount of eight thousand, five hundred dollars (\$8,500); and (2) to authorize funding for such agreement from the City of Omaha’s FY 2015 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods): Category 3, grant award #2015-GP-BX-0005, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to provide partial funding for one (1) part-time Gang and Gun Prosecutor in the Douglas County Attorney’s Office’s Violent Crime Gang/Gun Prosecution Unit; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 960 - July 12 Meeting)

Maurice Jones, 6105 N. 36th Street, appeared and spoke.

CCID # 960 – Public hearing was held today – Final reading set for July 26, 2016 as per City Charter requirements.

49. Ord. to amend Omaha Municipal Code Chapter 19 to provide for the applicability of the restaurant occupation tax to certain food vendors; to clarify the enforcement of the restaurant occupation tax; to repeal Omaha Municipal Code Sections 19-800 and 19-802 as heretofore existing; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 961 - July 12 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

- PROPONENTS:** Kelley Kegan, 4655 Hickory Street, President, Omaha Food Truck Association
Allen Williams, 13330 California Street, representing the Omaha Food Truck Association
- OPPONENTS:** Maurice Jones, 6105 N. 36th Street
Luis Jimenez, 3126 Chicago Street
Ted Boecker, 11225 Davenport Street, Suite #100
- FOR THE CITY:** Paul Kratz, City Attorney

CCID # 961 – Public hearing was held today – Final reading set for July 26, 2016 as per City Charter requirements.

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD AUGUST 2, 2016 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 50 THROUGH 52 SHALL BE HELD ON AUGUST 9, 2016”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

50. Ord. to rezone property located at 9801 West Center Road from DR-Development Reserve District to R4-Single-Family Residential District (high density).

CCID # 1017 – Publication to be made and public hearing and third reading to be held on August 9, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 9801 West Center Road from DR-Development Reserve District to R4-Single-Family Residential District (high density) – [see attached](#).

1017 – Over to 8/9/16

51. Ord. to rezone property located Northeast of 189th and Blondo Streets from AG-Agricultural District to DR-Development Reserve District.

CCID # 1021 – Publication to be made and public hearing and third reading to be held on August 9, 2016 pursuant to City Council Rule VII H.

52. Ord. to rezone property located Northeast of 189th and Blondo Streets from AG-Agricultural District to R4-Single-Family Residential District (high density).

CCID # 1022 – Publication to be made and public hearing and third reading to be held on August 9, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northeast of 189th and Blondo Streets from AG to DR and R4 – [see attached](#).

1022 – Over to 8/9/16

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

ORDINANCES ON FIRST READING and Planning Board Attachments

53. Ord. vacating a portion of the east/west alley beginning at the west right-of-way line of South 38th Street extending approximately 155 feet to the west, abutting Lots 10, 12, 13, and 14, Block 9, Jerome Park, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, containing 2,557.50 square feet, and providing the effective date hereof – [see attached](#).

CCID # 1025 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of the east/west alley abutting 3804, 3810, 3812 and a portion of 3814 Farnam Street and 140 South 38th Street – Inside City – [see attached](#).

1025 – Over to 7/26/16

54. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Southwest of 156th and "Q" Streets, Autumn Grove and Adjacent Areas (SID 431) – [see attached](#).

CCID # 1031 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

55. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Southeast of 180th and "F" Streets, Dickenson's Landing/Wood Creek (SID 385) – [see attached](#).

CCID # 1032 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

56. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Southeast of 204th and Dodge Streets, Elk Valley (SID 458) – [see attached](#).

CCID # 1033 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

57. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Northwest of 180th and Harrison Streets, Falcon Ridge (SID 434) – [see attached](#).

CCID # 1034 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

58. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Northeast of 204th Street and Cumberland Drive, High Point and Adjacent Areas (SID 293) – [see attached](#).

CCID # 1035 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

59. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Northwest of 180th and Pacific Streets, Pacific Ridge (SID 486) – [see attached](#).

CCID # 1036 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

60. Ord. extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located Northwest of 160th and Harrison Streets, Western Oaks and adjacent areas (SID 389) – [see attached](#).

CCID # 1037 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the 2016 Annexation Package – [see attached](#).

1037 – Over to 7/26/16

ORDINANCE ON FIRST READING

- 61. Ord. to approve the acceptance of the City of Omaha and Douglas County joint application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2016 Edward Byrne Memorial Justice Assistance Grant Program, Application #2016-H2857-NE-DJ, in the amount of four hundred four thousand, five hundred forty-nine dollars (\$404,549) for law enforcement programs, crime prevention and education programs, prosecution and court programs, and planning, evaluation and technology improvement programs during the period of October 1, 2015 to September 30, 2019; to provide the Council an opportunity for review and public comment for such application; and upon award of such grant 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, to provide for the effective date hereof – [see attached](#).

CCID # 1027 – Publication to be made and public hearing to be held on July 26, 2016 as per City Charter requirements.

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CHAIRMAN OF THE BOARD OF EQUALIZATION

- 62. Chairman of the Board of Equalization reports approval of Plans of Assessment with adjustments and corrections made at their regular meeting held July 12, 2016 – [see attached](#). ((MOTION NEEDED TO APPROVE))

CCID # 1030 – Motion by Jerram that the report be approved
Seconded by Gray

ROLL CALL:

Yeas: Jerram, Pahls, Thompson, Festersen, Gernandt, Mr. President
Motion Carried 6-0

EXECUTIVE SESSION

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

SUPPLEMENT TO THE CITY COUNCIL AGENDA FOR JULY 19, 2016

LEGISLATIVE CHAMBERS – 2:00 P.M. – PREPARED JULY 15, 2016 AT 8:00 A.M.

MAYOR’S BUDGET MESSAGE AND PRESENTATION FOR YEAR 2017

64. Mayor Jean Stothert’s Budget Message and Presentation of the recommended budget for year 2017 – see attached. ((MOTION NEEDED TO SET THE PUBLIC HEARING ON AUGUST 9, 2016 AT 7:00 P.M.))

Jean Stothert, Mayor, appeared and spoke.

CCID # 1073 - Motion by Jerram to set the public hearing on August 9, 2016 at 7:00 P.M.

Seconded by Thompson

ROLL CALL:

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

Motion Carried 6-0

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Motion by Jerram that the meeting be adjourned

Seconded by Gray

ROLL CALL:

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

Motion Carried 6-0

ADJOURNED: 4:16 P.M.

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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 July 19, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 21ST DAY OF JULY, 2016.