

## 32<sup>ND</sup> REGULAR CITY COUNCIL MEETING

OCTOBER 4, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, October 4, 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 # 1366** – Roll Call: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Chris Jerram of District No. 3.

### 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 September 30, 2016, notice re: Pre-Council and Regular City Council Meetings, October 4, 2016.

**CCID # 1367** – 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.

**ORDINANCES ON FINAL READING AND RESOLUTION RE: BONDS**

5. Ord. supplementing and amending Ordinance No. 37507, which authorizes the City of Omaha to issue Sanitary Sewerage System Revenue Bonds for the purpose of providing funds for the improvements to the City's sanitary sewerage system; and, providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 09/27/16 – CAN BE PASSED TODAY))  
(See Doc. # 1328 – September 20 and September 27 Meetings)  
**Notice of public hearing on September 27, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on October 4, 2016 published in the Daily Record on October 12, 2016.**

**CCID # 1328** – Ordinance read

- (a) Amendment of the Whole requested by the Finance Department – [see attached](#).

**CCID # 1328** – Motion by Festersen that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40892** - PASSED AS AMENDED 7-0

6. Ord. supplemental to Ordinance No. 37507 authorizing and directing an issue as Additional Bonds in one or more series of not to exceed an aggregate principal amount of Forty-Three Million Five Hundred Thousand Dollars (\$43,500,000) Sanitary Sewerage System Revenue Refunding Bonds, of the City of Omaha, Nebraska, to be termed for identification purposes “Sanitary Sewerage System Revenue Refunding Bonds, Series of 2016”, for the purpose of providing funds for the prepayment and redemption of certain outstanding obligations of the City of Omaha with respect to the City of Omaha’s sanitary sewerage system; prescribing the form of the bonds; covenanting to maintain and collect rates and charges for the use and services of the system; pledging the revenue derived from the operation of the system, including all extensions and improvements thereto and equipping thereof, to the payment of the cost of operating and maintaining the system, to the deposits required by Ordinance No. 35840, as supplemented, by Ordinance No. 37507, as previously supplemented, and by this ordinance, to the payment of the principal of and interest on the bonds as the same fall due; covenanting to carry out all other covenants and agreements of this ordinance; limiting the payment of the bonds solely to the system revenues; creating and establishing funds and accounts; authorizing the sale of the bonds by negotiation; providing for continuing disclosure, making other covenants and agreements in connection with the foregoing; and appointing a Paying Agent and Registrar; and providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING HELD 09/27/16 – CAN BE PASSED TODAY))  
(See Doc. # 1329 – September 20 and September 27 Meetings)  
**Notice of public hearing on September 27, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on October 4, 2016 published in the Daily Record on October 12, 2016.**

**CCID # 1329** – Ordinance read

- (a) Amendment of the Whole requested by the Finance Department – [see attached](#).

**CCID # 1329** – Motion by Festersen that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40893** - PASSED AS AMENDED 7-0

7. Res. that the Preliminary Official Statement pertaining to the issuance and sale of the Sanitary Sewerage System Revenue Refunding Bonds, Series of 2016 in the aggregate principal amount of not to exceed \$43,500,000 by the City of Omaha, Nebraska is hereby approved in substantially the form attached hereto; the Preliminary Official Statement is hereby deemed final as of its date, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (except for certain omissions permitted by said Rule 15c2-12); the Finance Director is hereby authorized to deliver the Preliminary Official Statement on behalf of the City, and the distribution of the Preliminary Official Statement by the prospective underwriter of the Bonds is hereby approved; that the Bond Purchase Agreement pertaining to the issuance and sale of the Bonds is hereby approved in substantially the form attached hereto – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

**RESOLUTION # 1383** - ADOPTED 7-0

### **ZONING ORDINANCE ON FINAL READING and Planning Board Attachment**

8. Ord to rezone the property located at 6404 North 70th Plaza from R5-Urban Family Residential District and R7-Medium-Density Multiple-Family Residential District to R7-Medium-Density Multiple-Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 1322 – September 20 and September 27 Meetings)  
**Notice of public hearing on October 4, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on October 4, 2016 published in the Daily Record on October 12, 2016.**

**CCID # 1322** – Motion by Festersen that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40894** - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 6404 North 70th Plaza from R5 and R7 to R7 – [see attached](#).  
(See Doc. # 1322 – September 20 Meeting)

**# 1322** – From Chair on File

**RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS**

9. Res. that the preliminary plat entitled KOUNTZE COMMONS, located Southwest of 26th Avenue and Douglas Street, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 9/20/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1305 – September 20 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, Suite #100  
Tim Holland, Holland Basham Architects, 119 S. 49<sup>th</sup> Avenue

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 1305 - ADOPTED 7-0**

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of KOUNTZE COMMONS, located Southwest of 26th Avenue and Douglas Street – Inside City – over from 9/20/16 – [see attached](#).  
(See Doc. # 1305 – September 20 Meeting)

**# 1305 – From Chair on File**

10. Res. that the replat transmitted herewith entitled KOUNTZE COMMONS, located Southwest of 26th Avenue and Douglas Street, is hereby approved, and concurrently a portion of the existing plats entitled Perkins Subdivision Capitol Addition and Boggs and Hills Addition, and described on said replat, are hereby vacated – Inside City – over from 9/20/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1306 – September 20 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPONENTS: Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, Suite #100  
Tim Holland, Holland Basham Architects, 119 S. 49<sup>th</sup> Avenue

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 1306 - ADOPTED 7-0**

- (a) Planning Board and Planning Department recommend approval of the Final Plat of KOUNTZE COMMONS, located Southwest of 26th Avenue and Douglas Street – Inside City - over from 9/20/16 – [see attached](#).  
(See Doc. # 1306 – September 20 Meeting)

**# 1306 – From Chair on File**

11. Res. that, the Subdivision Agreement among the City of Omaha, Kountze Endowment True Vision, LLC, a Nebraska Non-for-Profit Corporation, and Kountze Memorial Evangelical Lutheran Church of Omaha, Nebraska, Inc., a Nebraska Non-for-Profit Corporation, as recommended by the Mayor, providing for public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Kountze Commons (Lots 1-2) and is located Southwest of 26<sup>th</sup> Avenue and Douglas Street – over from 9/20/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1307 – September 20 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Jason Thiellen, E & A Consulting Group, 10909 Mill Valley Road, Suite #100  
Tim Holland, Holland Basham Architects, 119 S. 49<sup>th</sup> Avenue

Motion by Jerram that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 1307** - ADOPTED 7-0

12. Res. that the preliminary plat entitled MEIER ACRES, located Northeast of 132nd Street and Rainwood Road, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – over from 9/20/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1308 – September 20 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 1308** - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of MEIER ACRES, located Northeast of 132nd Street and Rainwood Road – Outside City – over from 9/20/16 – [see attached](#).  
(See Doc. # 1308 – September 20 Meeting)

**# 1308** – From Chair on File

13. Res. that the plat entitled MEIER ACRES, located Northeast of 132nd Street and Rainwood Road, is hereby approved and accepted – Outside City - over from 9/20/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1309 – September 20 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 1309** - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of MEIER ACRES, located Northeast of 132nd Street and Rainwood Road – Outside City - over from 9/20/16 – [see attached](#).  
(See Doc. # 1309 – September 20 Meeting)

**# 1309** – From Chair on File

14. Res. that, the Subdivision Agreement between the City of Omaha and Vesta Properties, L.L.C., a Nebraska Limited Liability Company, as recommended by the Mayor, providing for the Watershed Management fees, and the waiver of the right to protest the creation of a future sidewalk improvement district, is hereby approved. The Subdivision is to be known as Meier Acres (Lot 1 and Outlot A) and is located northeast of 132<sup>nd</sup> Street and Rainwood Road – over from 9/20/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1310 – September 20 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 1310** - ADOPTED 7-0



15. Res. that the preliminary plat entitled WOOD VALLEY WEST, located Southwest of 144th Street and Potter Parkway, 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))

John Fullenkamp, Attorney, 11440 West Center Road, on behalf of Celebrity Homes, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

**RESOLUTION # 1370** - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of WOOD VALLEY WEST, located Southwest of 144th Street and Potter Parkway – Outside City – [see attached](#).

**# 1370** – From Chair on File

## **SPECIAL USE PERMIT – CUSTOM MANUFACTURING**

16. Res. that the Special Use Permit application submitted by Paul Janky for a Special Use Permit to allow Custom manufacturing in a CC-Community Commercial District (property is also located within the flood fringe overlay district), located at 4835 South 136th Street, 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 – over from 9/20/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1311 – September 20 Meeting)

Paul Janky, 20805 U Circle, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1311 - ADOPTED 7-0**

- (a) Planning Board and Planning Department recommend approval of the request of Paul Janky for a Special Use Permit to allow Custom manufacturing in a CC District (property is also located within the flood fringe overlay district), located at 4835 South 136th Street – over from 9/20/16 – [see attached](#).  
(See Doc. # 1311 – September 20 Meeting)

**# 1311 – From Chair on File**

## **LIQUOR AND RESOLUTION RE: KENO**

17. LD1 NE Omaha SBS, LLC, dba “Staybridge Suites Omaha”, 7825 Davenport Street, requests permission to appoint David R. Jorgensen manager of their present Class “C” Liquor License – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

David R. Jorgensen, Staybridge Suites Omaha, 7825 Davenport Street, appeared and spoke.

**CCID # 1368** - Motion by Festersen 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 1203 S. 180<sup>th</sup> Street, The Good Life Sports Bar & Grill, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

**RESOLUTION # 1369** - 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. 19 through 21 were held on September 27, 2016.)

### **CONSENT AGENDA – ORDINANCES**

19. Ord. to approve an Administrative Services Agreement between the City of Omaha and Blue Cross and Blue Shield of Nebraska (BCBSNE) for the provision of administrative services for the City's self-insured health program in accordance with the lowest and best proposal submitted, for a period of three years commencing on January 1, 2017 and ending on December 31, 2019, with an option for two one-year extensions; to authorize the execution of such Agreement; to authorize payments in accordance therewith from General Fund 11111, Health Care Expense Account 41331, Organizations 118014, 118015, and 118018; and to provide an effective date – [see attached](#).

(See Doc. # 1327 – September 20 and September 27 Meetings)

**Notice of public hearing on September 27, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on October 4, 2016 published in the Daily Record on October 12, 2016.**

**CCID # 1327** – Motion by Festersen that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40895** - PASSED 7-0

20. Ord. to approve the acceptance of and authorize disbursement over more than one fiscal year from the Nebraska Crime Commission, FY 2015 Federal Title II Grant, Award #15-JJ-0004, in the amount of nine thousand, nine hundred dollars (\$9,900), during the project period extending from July 1, 2016 to June 30, 2017; to provide funding for the Omaha Fire Department (OFD) Youth Firesetters Program, focusing on youth fire safety education, arson prevention, and increased information sharing with juvenile justice service providers as detailed in the attached grant application; 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. # 1330 – September 20 and September 27 Meetings)

**Notice of public hearing on September 27, 2016 published in the Daily Record on September 23, 2016. Ordinance passed on October 4, 2016 published in the Daily Record on October 12, 2016.**

**CCID # 1330** – Motion by Festersen that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40896 - PASSED 7-0**

**AGENDA ITEM NO. 21 REMOVED FROM CONSENT AGENDA AT THE REQUEST OF THE CITY CLERK**

21. Ord. to change City Council District boundaries, pursuant to Nebraska Revised Statute Sections 14-201.03 (Reissue 2012) and 32-553 (Reissue 2008); to repeal the City Council District boundaries as heretofore existing; and, to provide the effective date thereof – [see attached](#).

(See Doc. # 1331 – September 20 and September 27 Meetings)

**CCID # 1331** – Motion by Jerram that the Ordinance be laid over two weeks to October 18, 2016

Seconded by Melton

ROLL CALL:

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

Motion Carried 7-0

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

\* \* \* \* \*

(The public hearings on Agenda Item Nos. 22 through 27 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

## **CONSENT AGENDA – RESOLUTIONS**

22. Res. that, as recommended by the Mayor, the contract with Valley Corporation for OPW 52723, being the North Main Street Drainage Improvements Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$776,472.67 for OPW 52723 from the 2014 Environment Fund 13124, Environmental Bonds Organization 117217 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1371 - ADOPTED 7-0**

23. Res. that, as recommended by the Mayor, the contract with McKinnis Roofing and Sheet Metal, LLC for OPW 53015, being the Southeast Police Precinct Reroof Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$61,580.00 for OPW 53015 from the 2010 Public Facilities Fund 13245, Police Capital Organization 131592 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1372 - ADOPTED 7-0**

24. Res. that, as recommended by the Mayor, the Professional Services Agreement with HUB Parking Technology USA, Incorporated for professional services associated with the removal of existing parking equipment and the installation of new parking equipment, being the Parking Access Revenue Control System (PARCS) Project, is hereby approved; and that, the Finance Department is authorized to pay HUB Parking Technology USA, Incorporated a fee not to exceed \$1,146,251.84 for these professional services from the Parking Revenue Fund 21116, Interstate Parking Organization 116241, year 2016 expenditure – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1373 - ADOPTED 7-0**

25. Res. that, as recommended by the Mayor, the Agreement between the City of Omaha and the Omaha Public Power District for the construction of the street light facility, payment, and transfer of ownership, as a part of OPW 52938, being the Florence Streetscape Improvements, is hereby approved; and that, the Finance Department is authorized to accept reimbursement in conjunction with OPW 52938 to be passed through the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1374** - ADOPTED 7-0

26. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Henke Manufacturing in the total amount of \$53,757.00 for nine (9) Hydraulic Reversible 10' Lower Trip Edge Snow Plows to be utilized by the Street Maintenance Division; and that, the Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1375** - ADOPTED 7-0

27. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Building Healthy Futures in the amount of fifty thousand dollars (\$50,000.00) to operate school-based oral health services in ten (10) Omaha Public Schools (OPS) elementary schools from January 1, 2017 to December 31, 2017, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of fifty thousand dollars (\$50,000.00) from 2017 Community Services, General Fund 11111, Organization 130732; and, in accordance with the contract terms – [see attached](#).

Jeanee Weiss, Building Healthy Futures, 115 S. 49<sup>th</sup> Avenue, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

**RESOLUTION # 1379 - ADOPTED 7-0**

- (a) Documentation submitted by Jeanee Weiss of Building Healthy Futures – [see attached](#).

**# 1379 – From Chair on File**

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

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## **RESOLUTION**

28. Res. that, the attached Uptown Gifford Park District Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 3320-3326 Davenport Street and 3127-3129 California Street which proposes to construct a total of eleven (11) attached row house residential units in two phases. The first phase will consist of four (4) attached row house units located at 3320-3326 Davenport Street and the second phase will be seven (7) attached row house units located at 3127-3129 California Street, recommending the City's participation through the allocation of TIF in an amount up to \$470,000.00 to offset TIF eligible expenses such as acquisition, site preparation and grading expenses, architectural and engineering fees, environmental costs and 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 – over from 9/13/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 1272 – September 13 Meeting)

### THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Steven Held, Uptown Properties, 11506 Nicholas Street  
Chris Foster, 3413 California Street  
Luis Jimenez, 3126 Chicago Street  
FOR THE CITY: Bridget Hadley, 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 # 1272 - ADOPTED 7-0**

**“PURSUANT TO THE CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 11, 2016 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 29 THROUGH 30 SHALL BE HELD ON OCTOBER 18, 2016”**

## **ZONING ORDINANCES ON SECOND READING**

29. Ord. to rezone the property located at 151 North 46th Street from GI-General Industrial District to R8-High-Density Multiple-Family Residential District.  
(See Doc. # 1342 – September 27 Meeting)

**CCID # 1342 - ORDINANCE ON SECOND READING – Final reading to be held October 18, 2016 pursuant to City Council Rule VII H.**



30. Ord. to approve a PUR-Planned Unit Redevelopment Overlay District in a R8-High-Density Multiple-Family Residential District located at 151 North 46th Street, to approve the Development Plan, and, to provide for an effective date – [see attached](#).  
(See Doc. # 1343 – September 27 Meeting)

**CCID # 1343** - ORDINANCE ON SECOND READING – Final reading to be held October 18, 2016 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 11, 2016 THE THIRD READING ON AGENDA ITEM NOS. 31 THROUGH 34 SHALL BE HELD ON OCTOBER 18, 2016”  
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

**ORDINANCES ON SECOND READING and Planning Board Attachments**

31. Ord. vacating South 40th Street from the north right-of-way line of Leavenworth Street to the south right-of-way line of Jones Street, and providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 1344 – September 27 Meeting)

**CCID # 1344** – Public hearing was held today – Final reading set for October 18, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the vacation of 40<sup>th</sup> Street from the north right-of-way line of Leavenworth Street to the south right-of-way line of Jones Street – Inside City – [see attached](#).  
(See Doc. # 1344 – September 27 Meeting)

**# 1344** – Over to 10/18/16

32. Ord. vacating Emile Street from the east right-of way line of Saddle Creek Road to the west right-of-way line of 42nd Street; 45th Street from the north right-of-way line of Emile Street to the north right-of-way line of Dewey Avenue, including the traffic circle; Dewey Avenue from the west right-of-way line of 45th Street to the east right-of-way line of 44th Street; and 44th Street from the south right-of-way line of Dewey Avenue to the south right-of-way line of Farnam Street; and providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 1345 – September 27 Meeting)

**CCID # 1345** – Public hearing was held today – Final reading set for October 18, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the vacation of Emile Street from the east right-of-way line of Saddle Creek Road to the west right-of-way line of 42<sup>nd</sup> Street; 45<sup>th</sup> Street from the north right-of-way line of Emile Street to the north right-of-way line of Dewey Avenue, including the traffic circle; Dewey Avenue from the west right-of-way line of 45<sup>th</sup> Street to the east right-of-way line of 44<sup>th</sup> Street; and 44<sup>th</sup> Street from the south right-of-way line of Dewey Avenue to the south right-of-way line of Farnam Street – Inside City – [see attached](#).  
(See Doc. # 1345 – September 27 Meeting)

**# 1345** – Over to 10/18/16

### **ORDINANCES ON SECOND READING**

33. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant and improved properties located in the Clifton Hill South Redevelopment Plan Area, an area generally defined by the alley between Lake and Ohio Streets on the north, 42<sup>nd</sup> Street on the east, Military Avenue/45<sup>th</sup> Street on the west, and Patrick Avenue on the south, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as sites for implementing the Clifton Hill South Redevelopment Plan by the construction of new single-family houses; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; project costs will be paid from FY 2015 Community Development Block Grant, Fund 12186, Organization No. 128072, Award 100276, Project 4793, and Task 10.1497; and, to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 1346 – September 27 Meeting)

**CCID # 1346** – Public hearing was held today – Final reading set for October 18, 2016 pursuant to City Council Rule VII H.

34. Ord. to amend Section 32-213 of the Omaha Municipal Code dealing with watershed management fees; to provide for watershed management fee charges for the period of July 1, 2013 and ongoing until such time as the fee schedule is further amended by the Omaha City Council; to repeal Section 32-213 of the Omaha Municipal Code as heretofore existing; and, to provide for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 1347 – September 27 Meeting)

**CCID # 1347** – Public hearing was held today – Final reading set for October 18, 2016 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 11, 2016 THE SECOND READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 35 THROUGH 40 SHALL BE HELD ON OCTOBER 18, 2016”**

**ORDINANCES ON FIRST READING**

35. Ord. approving an Interlocal Cooperation Act Agreement between the City of Omaha, City of Bellevue, Sarpy County, and Papio-Missouri River Natural Resource District involving the disbursement of money involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Omaha is to cooperate with these parties to participate in the maintenance of units of the Missouri River Levee System and avoid the loss of Federal Emergency Management Agency accreditation in a project known as OPW 53042, being the Missouri River Levee System Protection Project – Offutt AFB; to authorize the Finance Department to disburse a cost share not to exceed \$750,000.00 annually according to the schedule contained within the Agreement; and, to provide an effective date hereof – [see attached](#).

**CCID # 1376** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

36. Ord. approving a Professional Services Agreement between the City of Omaha and PassportParking, Inc. for the implementation of an on-street Parking Management System, effective for a term concluding June 1, 2017 and renewable for an additional four separate one-year periods; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments according to actual usage, at an estimated first term cost of \$348,486.00 from a specific account; and, to provide an effective date hereof - [see attached](#).

**CCID # 1377** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

37. Ord. to grant a permanent easement for property near 144th Street and Eagle Run Drive to Metropolitan Utilities District of Omaha for purposes of installing water pipelines and all appurtenances thereto; to authorize the Mayor to execute the attached Non-Exclusive Permanent Easement; and, to provide an effective date thereof – [see attached](#).

**CCID # 1378** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

38. Ord. to approve the acceptance of and authorize the disbursement from the FY 2016 State Homeland Security Grant (SHSG) Award #EMW-2016-SS-APP-00084-S01, and budget in the amount of five hundred ninety-one thousand, fifty dollars (\$591,050.00) from the Nebraska Emergency Management Agency (NEMA) during the project period of September 1, 2016 through August 31, 2019, to provide first responder and emergency response communities in Douglas, Sarpy, and Washington Counties with enhanced capabilities to prevent, protect against, mitigate, respond to, and recover from potential threats of manmade and natural disasters; 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 # 1380** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

39. Ord. to approve a three-year agreement between the City of Omaha and the Nebraska Humane Society for animal control services for the years 2017-2019; to authorize payments of \$714,000.00 for 2017, \$728,280.00 for 2018, and \$742,845.60 for 2019 as specified therein from Omaha Keno/Lottery Fund 12118, Organization 126021; and, to provide an effective date – [see attached](#).

**CCID # 1381** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

40. Ord. to amend Section 6-105 of the Omaha Municipal Code to increase the annual fee to license dogs and cats by one dollar (\$1.00); and, to provide the effective date hereof – [see attached](#).

**CCID # 1382** - Publication to be made and public hearing to be held on October 18, 2016 pursuant to City Council Rule VII H.

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**EXECUTIVE SESSION**

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

Motion by Jerram that the meeting be adjourned

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

**ADJOURNED: 2:32 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 October 4, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown  
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 6TH DAY OF OCTOBER, 2016.